Agenda
City Commission Business Meeting
City of Kalamazoo

Wednesday, July 5, 2023 7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: Pastor Jake Lehman, Trinity Lutheran Church

2. Pledge of Allegiance

3. Introduction of Guests

4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

E. PUBLIC COMMENTS

F. PUBLIC HEARINGS

G. CONSENT AGENDA

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

1. Approval of a professional service agreement with Wightman & Associates in the amount of $386,500 to cover the remaining engineering design costs for the Kalamazoo Avenue two-way street conversion project.

2. Approval of the purchase of one bucket truck from Altec Industries Inc. in the amount of $189,643.

3. Approve a contract with Davis Construction, Inc. for the replacement and reconstruction of Schippers Lane Culvert in the amount of $138,872.50.

4. Approval of a professional service agreement with OHM Advisors for construction engineering services related to the Inkster Bridge construction work through MDOT Contract Number 23-5150, for a not to exceed cost of $278,000.

5. Approval of a contract with Pipeline Management Company for the 2023 Catch Basin Cleaning Program in the amount of $112,500.

6. Acceptance of a grant from Region 5 Homeland Security in the amount of $34,440 for the purchase of a Gemini Chemical Identification Analyzer.

7. Approval of the sole source purchase of a Gemini Chemical Identification Analyzer from Thermo Scientific for the Kalamazoo County Hazardous Materials Response Team in the amount of $120,255.

8. Adoption of a RESOLUTION approving an Act 381 Brownfield Plan for the redevelopment project at 215 E. Michigan Avenue.

9. Acceptance of a grant in the amount of $204,500 from The Recycling Partnership, Inc. to improve educational materials and participation in the City's residential recycling program.

10. Approval of KDPS Deputy Chief Matt Huber's election to enter the Deferred Retirement Option Plan (DROP).

11. Approval and acceptance of an easement agreement with the City of Parchment for the continued installation and operation of Water Pressure Reducing Station 44.

12. Approval and acceptance of an easement agreement with Valley Vision Construction and Development for water main that will be installed as part of the 2023 Drinking Water State Revolving Fund Water System Upgrades Project.

13. Approval of an agreement for the sale of 710 N Edwards Street to Hazel L Cook, owner of 714 N Edwards Street, for the sale price of $150.

14. Approval of minutes from the City Commission meetings on August 29, September 6, September 19, October 3, October 17, November 7, November 21, November 28, December 1, December 5, and December 19, 2022.

H. REGULAR AGENDA

1. Approval of a new contract with the United Way of South Central Michigan (formerly the United Way of the Battle Creek and Kalamazoo Region) to adjust funding sources for the final year of the original three-year Business Development Agreement.

2. Approval of a contract with SWT Excavating, Inc. for FY 23 DWRF Contract 1 - Water System Improvements, in the amount of $8,995,875.38

3. Approval of a contract with SWT Excavating for FY 23 DWRF Contract 2 – Northside Non-Copper Service Line Replacements, in the amount of $5,310,449.76

I. REPORTS AND LEGISLATION

1. City Manager’s Report

J. UNFINISHED BUSINESS

K. POLICY ITEMS

L. NEW BUSINESS

M. COMMISSIONER COMMENTS

N. CLOSED SESSION

O. ADJOURNMENT

ADDITIONAL INFORMATION

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Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047. Persons who wish to contact members of the City Commission prior to the meeting to provide input about items on the meeting agenda may do so via email to CityCommission@kalamazoocity.org.

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

The Kalamazoo City Commission's 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). Committee of the Whole meetings are held immediately prior to business meetings at 5:00 p.m. Both meetings are also streamed live on the City's Facebook page and YouTube Channel.

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.

Community members have the option to provide public comments over the phone for City Commission meetings. Members of the public who wish to provide comments by phone can call 888-382-9556 during the public comment period. They will enter a queue and will be prompted to offer their comments in turn. Callers will be commenting to the City Commission live and will no longer be able to leave a recorded message.

Date: **7/5/2023**
Item: **G.1.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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: George Waring, Public Works Senior Civil Engineer

DATE: July 5, 2023

SUBJECT: Approve a professional service agreement Wightman Engineering for Kalamazoo 2-Way Design (Bid Ref#92549-001.0.11)

RECOMMENDATION:

It is recommended that City Commission approve a professional service agreement with Wightman & Associates in the amount of $386,500 to cover the remaining engineering design costs for the Kalamazoo Avenue 2-Way Design effort and authorize the City Manager to sign all documents.

BACKGROUND:

The City of Kalamazoo competitively selected Wightman as the engineering design firm for the Kalamazoo Avenue 2-Way Project. They have been a welcome partner and have performed the engineering with great flexibility, willingness, and responsiveness to City input and the needs of the project.

During the public and internal engagement processes for the design, it became apparent that to convert Kalamazoo Avenue to two-way traffic successfully, the desired route would need to include the roads of Michikal and Main Street in addition to those in the original scope. Due to the change in scope (directly from engagement process), there is required additional engineering services. These services will design the portions of Michikal and Main Street associated with the two-way project.

The following additional Scope of Services (attached), applies to following project limits: Douglas Avenue – Kalamazoo Avenue to W. Main Street; W. Main Street – Douglas Avenue through and including the intersection of Michikal and W. Michigan Avenue; Michikal – 400' south of W. Main Street to Kalamazoo Avenue. Services provided would allow for a successful two-way conversion and major step towards a connected and welcoming City.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Shared Prosperity - Abundant opportunities for all people to prosper
Safe Community- Creating a safe environment for living, working, and playing
Connected City - A City networked for walking, biking, riding, and driving
Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.
Complete Neighborhoods - residential areas that support the full range of people's daily needs
Strength Through Diversity- an inclusive city where everyone feels at home
Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.
Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion:
Ongoing, continuous, very involved engagement through public meetings, input sessions, and plan displays have been done and will continue to be done through the final design and construction process.

Engagement/Communication Tools
Every form: written, verbal, media, news, social, etc.

FISCAL IMPACT:

The funds required for this contract are $386,500. The funding available and estimated costs are detailed below. We are requesting the approval of this purchase using the funds below.

Description	Account	Project #	Dollar Amount
Water Capital Improvement		WAT0500424	$139,850.00
Major Streets Capital		MST0100288	$146,650.00
Major Streets Capital		MST0100314	$100,000.00

Date: **7/5/2023** Item: **G.2.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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: Tom Quigley, Fleet Manager

DATE: July 5, 2023

SUBJECT: Approve a cooperative MiDeal purchase from Altec Industries Inc. for a Bucket Truck (Bid Ref# 00000-019.34)

RECOMMENDATION:

It is recommended that City Commission approve the purchase of one Bucket Truck from Altec Industries Inc. for a total expenditure of $189,643.00.

BACKGROUND:

If this purchase is approved, the Public Works Division will use this as the primary bucket truck for traffic signal maintenance and repair. Once replaced, the existing 2-394 truck will be used as a redundant bucket truck or spare for use within allied vocational assignments.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Environmental Responsibility - A green and healthy City.
Connected City - A City networked for walking, biking, riding, and driving

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.
Discussion:
Engagement/Communication Tools

FISCAL IMPACT:

The funds required for this equipment purchase are $189,643.00. The funding available and estimated costs are detailed below. We are requesting the approval of this purchase using the funds below.

Description	Account	Project #	Dollar Amount
Capital Improvement Budget		CIP0600039	$189,643.00

Date: **7/5/2023**
Item: **G.3.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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: Sohil Manjiyani, Sr. Civil Engineer City Engineer - Wastewater

DATE: July 5, 2023

SUBJECT: Approve a contract with Davis Construction, Inc. for the Schippers Lane Culvert Replacement Project (Bid Ref# 91339-002.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with Davis Construction, Inc. for the replacement and reconstruction of Schippers lane Culvert in the amount of $138,872.50.

BACKGROUND:

The City of Kalamazoo identified the Schippers Lane Culvert project as a priority project. Replacement of a failed culvert with a larger culvert (72-inch diameter), with wingwalls and water elevation control weir at inlet and precast concrete end section and riprap at outlet. The project is needed to restore the natural hydrology of the wetland that has been inundated by flooding due to culvert failure under Schippers Lane. The culvert needs to be replaced to maintain access to city property. For security of the property the city desires to have only one access point, with a locked gate, at the end of Schippers Lane. The original infrastructure failed between the late 1980's and early 1990's.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.
Safe Community- Creating a safe environment for living, working, and playing
Environmental Responsibility - A green and healthy City.
Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.
Connected City - A City networked for walking, biking, riding, and driving
Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.

COMMUNITY ENGAGEMENT:

<u>Appropriate Depth of Engagement</u>
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.
Collaborate (two-way conversation) - the communtiy will have a chance to shape the project by providing feedback.

Discussion:
During the Design Phase, meetings were held to update the Community Stakeholders of the design as well as afford said Stakeholders opportunities to provide suggestions and feedback for incorporation consideration into the final construction design.

FISCAL IMPACT:

The funds required for this contract are $138,872.50. The funding available and estimated costs are detailed below. We are requesting the approval of this purchase using the funds below.

Description	Account	Project #	Dollar Amount
Wastewater Capital Improvement		WWR0100220	$138,872.50

Date: **7/5/2023**
Item: **G.4.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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: George Waring, Public Works Senior Civil Engineer

DATE: July 5, 2023

SUBJECT: Approve a Professional Service Agreement with OHM Advisors for Construction Engineering Services for Inkster Bridge (Bid Ref# 92549-001.0.8)

RECOMMENDATION:

It is recommended that City Commission approve a professional service agreement with OHM Advisors for construction engineering services related to the bridge construction work through MDOT, Contract Number 23-5150, for structure #4684 (Inkster Bridge), and authorize the City Manager to sign all documents.

BACKGROUND:

Inkster Bridge, over Bronson Boulevard, has been in a state of disrepair and impassable by vehicular traffic the past several years. The bridge was constructed as a wooden pier system bridge approximately 30 years ago. Since then the bridge has begun to show structural issues to include bowing, sag, and cracking of wooden structural elements. These signs cause Public Works to close the bridge to vehicular traffic as a precautionary measure and do monthly inspection of the bridge to ensure no change in conditions is experienced.

This project to replace Inkster Bridge will involve the removal and replacement of the structure #4684 (Inkster Bridge) with precast concrete box beams, which carries Inkster Avenue over Bronson Boulevard, Section 28, T02S, R11W, City of Kalamazoo, Kalamazoo County, Michigan; including earthwork, sheet piling, concrete bridge approach, bridge railing, approximately 275 feet of hot mix asphalt reconstruction, aggregate base, concrete curb and gutter, sidewalk, curb ramps, guardrail, street lighting, storm sewer, permanent signing and pavement markings; and all together with necessary related work.

In order to ensure this work is carried out to meet MDOT standards, industry best practices, technical specification, and meeting all codes and requirements, the City sought a proposal from OHM Advisors to inspect and manage the construction effort. They proposed on the job for Construction Engineering (CE) services to cover all related tasks. CE services will span the 2023 and 2024 budget year. The majority of CE services will occur in 2024, with some minor pre-construction services being rendered in 2023. In the funding portion of this memorandum the effort and associated costs is broken out as indicated.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Safe Community- Creating a safe environment for living, working, and playing
Connected City - A City networked for walking, biking, riding, and driving
Complete Neighborhoods - residential areas that support the full range of people's daily needs
Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.
Earlier stages of design included community input into aesthetics of the design and usages of the available bridge deck width.

Engagement/Communication Tools
Social media, fliers, door hangers, website, and news outlets.

FISCAL IMPACT:

The 2023 funds required for this contract are $19,625. The funding available and estimated costs are detailed below. The 2024 portion of this contract will be $258,375. We are requesting the approval of this purchase using the funds below.

Description	Account	Project #	Dollar Amount
2023 Portion Local Street Capital Improvement		LST0100279	$19,625.
2024 Portion Local Street Capital Improvement		LST0100279	$258,375.00

Date: **7/5/2023**
Item: **G.5.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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: Tom Palumbo, PE, Public Works Senior Civil Engineer

DATE: July 5, 2023

SUBJECT: Approve a contract with Pipeline Management Company for 2023 Catch Basin Cleaning Program (Bid Ref#91381-001.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with Pipeline Management Company for the 2023 Catch Basin Cleaning Program in the amount of $112,500.00.

BACKGROUND:

The City of Kalamazoo owns and maintains about 3,000 stormwater catch basins as part of a system of over 33,000 pipes and structures citywide to prevent ponding and flooding. The system constantly accumulates sand, oil, and other debris that collects in gutters and low areas near roadways.

These inlet structures are typically cleaned on an as-needed basis by a City crew. However, Public Services is planning a more proactive and sustainable approach, creating a rotation to clean every catch basin over several years. It is anticipated that State law may require periodic cleaning similar to this in the near future.

This cleaning will result in less pollutants being washed downstream into waterways, less ponding and flooding of roadways and private property, and cleaner aquifers and drinking water for Kalamazoo residents.

This program will include the jetting and vacuuming of catch basins to remove material and dispose in a specialized landfill per state law. Also included in the contract is the recording of information of each catch basin worked on. This information will assist the City in scoping out future projects.

Bids were opened for the project on June 6. Five bids were received, with Pipeline Management Company being the lowest bidder.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Environmental Responsibility - A green and healthy City.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The funds required for this contract are $112,500. The funding available and estimated costs are detailed below. We are requesting the approval of this purchase using the funds below.

Description	Account	Project #	Dollar Amount
ARPA Catch Basin Funds		GRT5100027	$112,500.00

Date: **7/5/2023**
Item: **G.6.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: David Boysen, Public Safety Chief
Prepared by: Ryan Tibbets, Chief of Staff

DATE: July 5, 2023

SUBJECT: Kalamazoo County Hazardous Materials Response Team Grant Acceptance

RECOMMENDATION:

It is recommended that the City Commission accept a grant from Region 5 Homeland Security in the amount of $34,440.00 which will be applied to the purchase of a Gemini Chemical Identification Analyzer and authorize the City Manager to sign all documents.

BACKGROUND:

The City of Kalamazoo assumed the role of fiduciary for the Kalamazoo County Hazardous Materials Response Team (KCHMT) on September 6, 2022. Previously, Kalamazoo County was the fiduciary for the KCHMT. The KCHMT Executive Board voted to approve the sole source purchase of a Gemini Chemical Identification Analyzer. If approved, the grant funding will be applied to the purchase of a Gemini Chemical Identification Analyzer.

The Gemini Analyzer is the first and only integrated Raman and Fourier Transform Infrared (FTIR) handheld instrument in the world, providing complementary and confirmatory testing in a single, field-portable device.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made

aware of the project.

FISCAL IMPACT:

If approved, grant funding in the amount of $34,440.00 from Region 5 Homeland Security will be applied to the $120,255.00 purchase of the Gemini Analyzer (separate agenda item). The remaining $85,815.00 will be paid by existing KCHMT funds. There is no fiscal impact to the City of Kalamazoo general fund.

Description	Account	Project #	Dollar Amount
Region 5 Homeland Security Grant			$34,440.00

Date: **7/5/2023**
Item: **G.7.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: David Boysen, Public Safety Chief
Prepared by: Ryan Tibbets, Chief of Staff

DATE: July 5, 2023

SUBJECT: Approve a sole source purchase of a Gemini Chemical Identification Analyzer with Thermo Scientific for Kalamazoo County Hazardous Materials Response Team (Bid Ref#00000-023.79)

RECOMMENDATION:

It is recommended that the City Commission approve the sole source purchase of a Gemini Chemical Identification Analyzer from Thermo Scientific Portable Analytical Instruments Inc., 2 Radcliff Road, Tewksbury, MA 01876, in the amount of $120,225.00.

BACKGROUND:

The City of Kalamazoo assumed the role of fiduciary for the Kalamazoo County Hazardous Materials Response Team (KCHMT) on September 6, 2022. Previously, Kalamazoo County was the fiduciary for the KCHMT. The KCHMT Executive Board voted to approve the sole source purchase of a Gemini Chemical Identification Analyzer. If approved for purchase, the new analyzer will replace obsolete field-testing equipment.

The Gemini Analyzer is the first and only integrated Raman and Fourier Transform Infrared (FTIR) handheld instrument in the world, providing complementary and confirmatory testing in a single, field-portable device.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The cost for the Gemini Chemical Identification Analyzer is $120,255.00. Grant funding in the amount of $34,440.00 will be provided by Region 5 Homeland Security (separate agenda item). The grant will be assigned a grant project number once the grant has been accepted.. The remaining $85,815.00 will be paid by existing KCHMT funds. There is no fiscal impact to the City of Kalamazoo general fund.

Description	Account	Project #	Dollar Amount
Gemini Chemical Identification Analyzer	756-208-06.000-975.000		$85,815.00
Gemini Chemical Identification Analyzer	Region 5 Homeland Security Grant		$34,440.00

Date: **7/5/2023**
Item: **G.8.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: Antonio Mitchell, Director of Community Planning and Economic Development
Prepared by: Jamie McCarthy, BRA Staff Liaison

DATE: July 5, 2023

SUBJECT: Adoption of a Resolution approving an Act 381 Brownfield Plan for the redevelopment project at 215 E. Michigan Avenue

RECOMMENDATION:

It is recommended the City Commission adopt the Resolution approving an Act 381 Brownfield Plan for a redevelopment project at 215 E. Michigan Avenue.

BACKGROUND:

On June 15, 2023 duing a regular meeting of the BRA board of directors, the board voted unanimously to implement the Act 381 Brownfield Plan for 215 E. Michigan Avenue. Board members spoke in favor of the plan because it will activate an important stretch along the downtown commercial corridor that has been vacant for over a decade. The developer has demonstrated that the project is not financially possible without the support of various public entities, including the BRA's Tax Increment Financing (TIF) and the Michigan Economic Development Corporation's (MEDC) TIF and grant funding.

The redevelopment project is located on eligible property consisting of a single parcel which is 0.153 acres in size and is located at 215 E. Michigan in the City of Kalamazoo, Kalamazoo County (Parcel Identification Number 06-15-378-098). The City of Kalamazoo Assessor, Aaron P. Powers, has determined that the property can no longer function the way it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super adequacies in design. The functionally obsolete nature of the property qualifies the site as eligible property under Act 381.

The building is a former bank space that has been vacant for more than 10 years. The redevelopment project proposes to rehabilitate the building for use as a new restaurant space on the first floor and prepare the second floor, to the extent possible, for a future unidentified use. The project will connect to new outdoor amenities like the Haymarket Plaza and other redevelopment projects planned along this important downtown commercial corridor.

PLAN SUMMARY:
The Brownfield Plan includes both local and State school tax capture (62% local, 38% State). The Downtown Economic Growth Authority (DEGA) agreed to support the project by allowing the BRA to capture and provide TIF to the project. The plan includes the following:

- Eligible Activities: Developer eligible activities include EGLE-eligible site assessments and hazardous materials survey ($21,100), MSF-eligible demolition ($54,000), lead & asbestos abatement ($78,000), infrastructure improvements ($5,000), site preparation ($19,500), as well as, contingence ($23,475), interest ($42,848), and work plans ($20,000).

- Capture Period: 17 years plus additional 5 years for LBRF; estimated capture and reimbursement periods include:
    - First 11 years school tax capture only (due to OPRA tax abatement) to developer
    - Next six years of capture of state and local taxes to developer (total $263,923)
    - Final five years of capture to the LBRF (total $115,771)
    - BRA will receive up to 10% administrative fee during the entire capture period (total $21,847)

- Jobs: The project is estimated to create 20 new FTE and employ up to 50 construction jobs/contractors.

- Activation and Public Use: The project will bring the functionally obsolete building into compliance with all modern health and safety codes and activate an unoccupied commercial building into a vibrant public dining space at street level with outdoor amenities along the Michigan Avenue commercial corridor in the urban core of Kalamazoo.

STRATEGIC VISION ALIGNMENT:

Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.
With City Commission approval, the BRA will support the project rehabilitation by reimbursing costs for interior demolition and abatement and improvements to public utilities and infrastructure in the Right-of-Way.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

The BRA provided public notice and letters to all impacted taxing jurisdictions, as required under Act 381. A public hearing was held by BRA on Thursday, June 15. There were no public comments giving during the hearing.

FISCAL IMPACT:

The cost to administer the Brownfield Plan will be paid for by generation of new Tax Increment Revenues (TIR). BRA is projected to receive up to $21,847 in administrative fees, reimburse developer for eligible activities and partial interest costs for an amount not-to-exceed $263,923, and capture an estimated $115,771 into the Local Brownfield Revolving Fund, which the BRA can reinvest into future brownfield property and projects to benefit the City and public.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. ___________________

A RESOLUTION APPROVING THE ACT 381 BROWNFIELD PLAN FOR 215 E MICHIGAN AVENUE

Minutes of a regular meeting of the City Commission of the City held on July 5, 2023 at 7:00 p.m., local time, at 241 W. South Street, Kalamazoo, Michigan.

PRESENT:

ABSENT:

The following resolution was offered by Commissioner ___________________ and seconded by Commissioner ____________________.

RECITALS

A. On May 5, 1997 the City of Kalamazoo ("City") created the City of Kalamazoo Brownfield Redevelopment Authority ("Authority"), under the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381").

B. Following the establishment of the Authority, the City has implemented Brownfield Plans, as required under Act 381, for the purposes of identifying real estate parcels for revitalization, redevelopment and reuse.

C. The Authority has implemented the Brownfield Plan for the redevelopment project at 215 E. Michigan Avenue under Act 381.

D. Under Resolution No. 08-16, the City Commission delegated to the Authority the public hearing process regarding any future proposed Act 381 Brownfield Plan, including the Brownfield Plan for 215 E. Michigan Avenue.

E. On June 15, 2023 the Authority held a public hearing as required under Act 381 and approved the implementation of the Brownfield Plan for 215 E. Michigan Avenue.

F. Following the public hearing, the Authority adopted a resolution recommending that the City Commission approve the Brownfield Plan for 215 E. Michigan Avenue.

G. The City Commission has reviewed Authority's resolution and the Brownfield Plan for 215 E. Michigan Avenue, and finds that this Plan constitutes a public purpose in that:

a. Notice of the public hearing was given to all taxing authorities levying ad valorem or specific taxes against any property affected by the Brownfield Plan for 215 E. Michigan Avenue.

b. It meets all requirements of Section 13 of Act 381.

c. The proposed method of financing the costs of eligible activities of the Brownfield Plan for 215 E. Michigan Avenue is feasible, and the Authority has the authority to arrange the necessary financing.

d. The costs of the eligible activities proposed by the Brownfield Plan for 215 E. Michigan Avenue are reasonable and necessary to carry out the purposes of Act 381 and,

e. The amount of captured taxable value estimated to result from the Brownfield Plan for 215 E. Michigan Avenue is reasonable.

THEREFORE, IT IS RESOLVED:

The Brownfield Plan for 215 E. Michigan Avenue, as implemented by the City of Kalamazoo Brownfield Redevelopment Authority, is adopted and approved.

AYES:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by at a regular meeting held on July 5, 2023. 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 Act 381.

____

Scott A. Borling
City Clerk

CITY OF KALAMAZOO
BROWNFIELD REDEVELOPMENT AUTHORITY

A RESOLUTION APPROVING THE IMPLEMENTATION OF AN ACT 381 BROWNFIELD PLAN FOR 215 E. MICHIGAN AVENUE AND RECOMMENDING ADOPTION BY THE CITY COMMISSION

Minutes of a regular meeting of the City of Kalamazoo Brownfield Redevelopment Authority ("BRA") held on June 15, 2023 at 7:45 a.m., local time at 245 N. Rose Street, Ste. 100 in Kalamazoo, Michigan.

PRESENT: Directors Ferraro, Gurnee, Novotny, Middleton, Bair, and Commissioner Decker

ABSENT: Directors Schipper, Bolton, Hess, Greeley, and Gulau

The following resolution was offered by Member Ferraro and seconded by Member Bair.

RECITALS:

A. The City has created the City of Kalamazoo Brownfield Redevelopment Authority (the "Authority"), under the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381").

B. Under Resolution No. 08-16, the City Commission delegated the public hearing process to the Authority regarding any future proposed Act 381 Brownfield Plan, including proposed Act 381 Brownfield Plan for 215 E. Michigan Avenue.

C. A public hearing was held by the Authority on June 15, 2023, on the Brownfield Plan for 215 E. Michigan Avenue, Kalamazoo; notice of the public hearing was given to all taxing authorities levying ad valorem or specific taxes against any parcels within the Brownfield Plan, as required by Act 381.

D. Following the public hearing on the 215 E. Michigan Avenue Brownfield Plan, the Authority, in consideration of any comments heard at the public hearing or written communications received at or prior to the public hearing, determines that the Brownfield Plan constitutes a public purpose in that:

a. It meets all requirements of Section 13 of Act 381.

b. The proposed method of financing the costs of eligible activities of the 215 E. Michigan Avenue Brownfield Plan is feasible, and the Authority has the authority to arrange the necessary financing.

c. The description of eligible activities and their estimated costs are reasonable and necessary to carry out the purposes of Act 381, and

d. The amount of captured taxable value estimated to result from the 215 E. Michigan Avenue Brownfield Plan is reasonable.

THEREFORE, IT IS RESOLVED THAT:

The City of Kalamazoo Brownfield Redevelopment Authority approves the implementation of the Act 381 Brownfield Plan for 215 E. Michigan Avenue in Kalamazoo and recommends the City Commission adopt a resolution approving this Brownfield Plan.

AYES: Directors Ferraro, Gurnee, Novotny, Middleton, Bair, and Commissioner Decker

NAYS: None

RESOLUTION DECLARED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the Brownfield Redevelopment Authority at a regular meeting held on May 15, 2023. 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.

Beth Cheeseman

Elizabeth Cheeseman
Recording Secretary

ACT 381 BROWNFIELD PLAN

215 E. Michigan
Kalamazoo County, City of Kalamazoo
City of Kalamazoo Brownfield Redevelopment Authority

May 23, 2023

Prepared by
Michigan Growth Advisors
100 W. Michigan Avenue, Suite 200
Kalamazoo, MI 49008
269.226.2950

Approved by the Brownfield Redevelopment Authority on ____________________________

Approved by the Kalamazoo City Council on ___________________________________

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EXHIBITS

ACT 381 BROWNFIELD PLAN

1.0 INTRODUCTION

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The proposed redevelopment consists of a single vacant parcel totaling 0.153 acres in the City of Kalamazoo which is a qualified local governmental unit ("QLGU"). This project will involve redeveloping a functionally obsolete property at 215 E Michigan Avenue and renovating the property into a commercial space occupied by a casual taco restaurant and taqueria, Barrio Taco. A proposed site plan is included as Attachment D to this brownfield plan.

Following the completion of the mixed-use project at 180 E Water Street and a revitalized downtown consumer market following COVID-19, this project will help serve the growing demand for additional dining downtown Kalamazoo and attract pedestrians to the Haymarket Plaza. The project is expected to create 20 new full-time equivalent positions paying an average wage of $15 per hour.

The total capital investment on the project is expected to be approximately $4 million. Construction on the project is planned to begin in 2023 and will be completed by 4th quarter 2023.

1.2 Eligible Property Information

Basis of Eligibility

The City of Kalamazoo Assessor, Aaron P. Powers, has determined that the property can no longer function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super adequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property. The functionally obsolete nature of the property qualifies the site as eligible property under Act 381.

An Affidavit of Functional obsolescence is included as Attachment C.

Location and Legal Description

215 E. Michigan	Parcel ID: 06-15-378-098	0.153 Acres
Kalamazoo, MI 49008	Parcel ID: 06-83-022-029 (OPRA)	
	Parcel ID: 06-84-022-029 (OPRA)	

Legal Description:

276 ORIGINAL PLAT OF THE TOWN (NOW CITY) OF KALAMAZOO, Liber 6 of Plats Page 8; Commencing on the north line of East Michigan Avenue at a point South 60 degrees West 264.81 feet from the west line of North Edwards Street; thence North 30 degrees West 100 feet parallel with the west line of North Edwards Street; thence

South 60 degrees West 66.83 feet parallel with the north line of East Michigan Avenue; thence South 30 degrees East 100 feet parallel with the west line of North Edwards Street to the north line of East Michigan Avenue; thence North 60 degrees East 66.83 feet along the north line of East Michigan Avenue to the point of beginning.

2.0 Information Required by Section 13(2) of the Statute

2.1 Description of Costs to Be Paid for With Tax Increment Revenues

Tax increment revenues will be used to reimburse 215 EM Partners LLC ("Developer:") for the cost of eligible activities as authorized by the Brownfield Redevelopment Financing Act ("Act 381"). It is anticipated that an Act 381 Work Plan will be pursued and upon approval by the Michigan Strategic Fund (MSF), non-environmental eligible activities and statutorily approved EGLE environmental eligible activities will be reimbursed with local and school tax increment revenues ("TIR"). The remaining eligible activities will be reimbursed with local TIR only.

The total cost of eligible activities including contingency are anticipated to be $263,923. Authority administrative costs are anticipated to be $21,847. Funding to the State Brownfield Redevelopment Fund is anticipated to be $31,682. Capitalization of the Local Brownfield Revolving Fund is estimated to be $115,771. The estimated cost of all eligible activities under this plan are summarized in Table 1.

<u>Environmental Activities</u>
Department specific activities considered under this plan include a Phase I & Phase II Environmental Site Assessment ("ESA") and a Hazardous Materials Survey.

<u>Non-Environmental Activities</u>
Because the City of Kalamazoo is a QLGU, additional non-environmental costs ("Michigan Strategic Fund ("MSF") Eligible Activities") can be reimbursed through a brownfield plan. This plan will provide for reimbursement of eligible demolition; lead, asbestos & mold abatement, site preparation and/or infrastructure improvements.

<u>Authority Expenses</u>
Actual eligible costs incurred by the City of Kalamazoo Brownfield Redevelopment Authority (KBRA) are included in this plan as an eligible expense. These expenses will be reimbursed with local tax increment revenues only.

2.2 Summary of Eligible Activities

2.2..1 <u>Phase I & Phase II ESA, BEA and Due Care Plan</u>
A Phase I and limited Phase II ESA was completed when the properties were acquired. The total cost for these services was $21,100. This is a cost statutorily approved for reimbursement with school taxes.

2.2..2 Demolition

Demolition activities will include selective interior demolition and limited site demolition. Demolition planning & design is also included as an eligible activity. The total cost of demolition activities is anticipated to be $54,000.

2.2..3 Lead, Asbestos & Mold Abatement

The building contains know lead and asbestos which will be abated as part of the project at anticipated cost of $78,000.

2.2..4 Infrastructure Improvements

Infrastructure improvement activities will include the construction and repair of curbs and gutters on the site. The cost of infrastructure improvement activities is estimated to be $5,000.

2.2..5 Site Preparation

Site Preparation activities are expected to include Survey and Staking, temporary traffic, site and access control, and temporary facilities. Engineering and design of these activities are also included as eligible activities. The cost of site preparation activities is estimated to be $19,500.

2.2..6 Contingency

A 15% contingency is included to account for any unanticipated costs that may be encountered while conducting the eligible activities. The contingency is $23,475.

2.2..7 Interest

Financing costs associated with the developer's eligible activities are included as an eligible activity. Interest will be capped at 20% of the non-interest eligible activities. The financing costs associated with eligible activities are anticipated to be $42,848.

2.2..8 Brownfield Plan and Act 381 Work Preparation

The cost to prepare the Brownfield Plan and Act 381 Work Plan is anticipated to be $20,000.

2.2..9 Local Brownfield Revolving Fund

The Authority intends to capture school and non-school tax increments for deposit in the local brownfield revolving fund for five years. This capture is estimated to be $115,771.

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues

An estimate of the captured taxable value for this redevelopment by year is depicted in Table 2. This plan captures all available TIR, including real and personal property TIR. The Kalamazoo Downtown Economic Growth Authority ("DEGA") is waiving their capture on this parcel.

2.4 Method of Financing and Description of Advances Made by the Municipality

The cost of the Eligible Activities included in the Plan will initially be paid for by the Talbot and they will seek reimbursement through local and school property tax increment during the term of the Plan Amendment.

2.5 Maximum Amount of Note or Bonded Indebtedness

No bonds or notes will be issued by the Authority for the Project.

2.6 Duration of Brownfield Plan

The duration of this plan is estimated to be 17 years, plus an additional five years of capture to the Local Brownfield Revolving Fund. It is estimated that the redevelopment of the property will be completed in 2023 and that full recapture of eligible costs and eligible administrative costs of the authority will continue until at least 2045, assuming an Act 381 Work plan is approved by the MSF. Capture of TIR is expected to begin in 2024. In no event shall capture extend beyond 30 year as required by Act 381. An analysis showing the reimbursement schedule is attached as Table 3.

2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions is illustrated in detail within Table 2.

2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The property consists of a single parcel which is 0.153 acres in size and is located at 215 E. Michigan in the City of Kalamazoo, Kalamazoo County (Parcel Identification Number 06-15-378-098). A legal description of the property along with a scaled map showing eligible property dimensions, is attached as Figure 1.

The City of Kalamazoo Assessor, Aaron P. Powers, has determined that the property can no longer function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super adequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property. The functionally obsolete nature of the property qualifies the site as eligible property under Act 381.

Taxable personal property, if any, is included in this plan.

2.9 Estimates of Residents and Displacement of Individuals/Families

No persons reside at the property therefore this section is not applicable.

2.10 Plan for Relocation of Displaced Persons

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.11 Provisions for Relocation Costs

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.12 Strategy for Compliance with Michigan's Relocation Assistance Law

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.13 Other Material that the Authority or Governing Body Considers Pertinent

None.

Figure 1

Legal Description and Eligible Property Map

Legal Description:
276 ORIGINAL PLAT OF THE TOWN (NOW CITY) OF KALAMAZOO, Liber 6 of Plats Page 8; Commencing on the north line of East Michigan Avenue at a point South 60 degrees West 264.81 feet from the west line of North Edwards Street; thence North 30 degrees West 100 feet parallel with the west line of North Edwards Street; thence South 60 degrees West 66.83 feet parallel with the north line of East Michigan Avenue; thence South 30 degrees East 100 feet parallel with the west line of North Edwards Street to the north line of East Michigan Avenue; thence North 60 degrees East 66.83 feet along the north line of East Michigan Avenue to the point of beginning.

Table 1

Eligible Activity Costs

EGLE Eligible Activities Costs and Schedule		
EGLE Eligible Activities	**Cost**	**Completion Season/Year**
Department Specific Activities Sub-Total	**$ 21,100**	**Winter 2023**
Phase I & Phase II Environmental Site Assessment	$ 15,000	
Hazardous Material Survey	$ 6,100	
EGLE Eligible Activities Sub-Total	**$ 21,100**	
MSF Eligible Activities Costs and Schedule		
MSF Eligible Activities	**Cost**	**Completion Season/Year**
Demolition Sub-Total	**$ 54,000**	**Summer 2023**
Site Demolition	$ 2,000	
Building Demolition	$ 40,000	
Demolition Planning	$ 12,000	
Lead, Asbestos, Mold Abatement Sub-Total	**$ 78,000**	**Summer 2023**
Lead, Asbestos, Mold Abatement Sub-Total	$ 78,000	
Infrastructure Improvements Sub-Total	**$ 5,000**	**Summer 2023**
Curbs and Gutters	$ 5,000	
Site Preparation Sub-Total	**$ 19,500**	**Summer 2023**
Geotechnical Engineering	$ 5,000	
Survey and Staking	$ 5,000	
Temporary traffic, site and access control	$ 2,000	
Temporary facility	$ 7,500	
MSF Eligible Activities Sub-Total	**$ 156,500**	
Interest- State and Local (5%)	**$ 42,848**	
Contingency (15%)	**$ 23,475**	
Brownfield Plan & Act 381 Work Plan Preparation	**$ 20,000**	**Winter 2023**
Total Brownfield Eligible Activities	**$ 263,923**	

Table 2

Tax Capture Schedule

Tax Increment Revenue Capture Estimates
215 E. Michigan Avenue
Kalamazoo, Michigan
March 2023

OPRA Period

1%

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Year of Plan		**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15**	**16**	**17**
Year		2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
Initial Taxabl Value		$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736
Future Taxable Value		$ 616,500	$ 622,665	$ 628,892	$ 635,181	$ 641,532	$ 647,948	$ 654,427	$ 660,971	$ 667,581	$ 674,257	$ 681,000	$ 687,810	$ 694,688	$ 701,635	$ 708,651	$ 715,737	$ 722,895
Increment Available for Capture		**$ 410,764**	**$ 416,929**	**$ 423,156**	**$ 429,445**	**$ 435,796**	**$ 442,212**	**$ 448,691**	**$ 455,235**	**$ 461,845**	**$ 468,521**	**$ 475,264**	**$ 482,074**	**$ 488,952**	**$ 495,899**	**$ 502,915**	**$ 510,001**	**$ 517,159**
School Capture	Millage Rate																	
State Education Tax (SET)	6.0000	$ 2,465	$ 2,502	$ 2,539	$ 2,577	$ 2,615	$ 2,653	$ 2,692	$ 2,731	$ 2,771	$ 2,811	$ 2,852	$ 2,892	$ 2,934	$ 2,975	$ 3,017	$ 3,060	$ 3,103
School Operating Tax	17.6757	$ 7,261	$ 7,370	$ 7,480	$ 7,591	$ 7,703	$ 7,816	$ 7,931	$ 8,047	$ 8,163	$ 8,281	$ 8,401	$ 8,521	$ 8,643	$ 8,765	$ 8,889	$ 9,015	$ 9,141
School Total	**23.6757**	**$ 9,725**	**$ 9,871**	**$ 10,019**	**$ 10,167**	**$ 10,318**	**$ 10,470**	**$ 10,623**	**$ 10,778**	**$ 10,935**	**$ 11,093**	**$ 11,252**	**$ 11,413**	**$ 11,576**	**$ 11,741**	**$ 11,907**	**$ 12,075**	**$ 12,244**
Local Capture	Millage Rate																	
County Public Safety	1.4380												$ 693	$ 703	$ 713	$ 723	$ 733	$ 744
County 911	0.6487												$ 313	$ 317	$ 322	$ 326	$ 331	$ 335
County Housing	0.7485												$ 361	$ 366	$ 371	$ 376	$ 382	$ 387
County Seniors	0.3477												$ 168	$ 170	$ 172	$ 175	$ 177	$ 180
KRESA CTE	0.9942												$ 479	$ 486	$ 493	$ 500	$ 507	$ 514
KRESA Operating	3.0210												$ 1,456	$ 1,477	$ 1,498	$ 1,519	$ 1,541	$ 1,562
KRESA Enhancement	1.4977												$ 722	$ 732	$ 743	$ 753	$ 764	$ 775
KRESA Special Ed	1.5000												$ 723	$ 733	$ 744	$ 754	$ 765	$ 776
Kal Public Library	3.9117												$ 1,886	$ 1,913	$ 1,940	$ 1,967	$ 1,995	$ 2,023
City Operating	12.0000												$ 5,785	$ 5,867	$ 5,951	$ 6,035	$ 6,120	$ 6,206
City Solid Waste	1.8000												$ 868	$ 880	$ 893	$ 905	$ 918	$ 931
Cen Cnty Transit	0.7500												$ 362	$ 367	$ 372	$ 377	$ 383	$ 388
County Operating	4.6514												$ 2,242	$ 2,274	$ 2,307	$ 2,339	$ 2,372	$ 2,406
County Transit	0.3124												$ 151	$ 153	$ 155	$ 157	$ 159	$ 162
KVCC	2.7918												$ 1,346	$ 1,365	$ 1,384	$ 1,404	$ 1,424	$ 1,444
Kalamazoo DDA	1.9638												$ 947	$ 960	$ 974	$ 988	$ 1,002	$ 1,016
Local Total	**38.37690**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 18,500**	**$ 18,764**	**$ 19,031**	**$ 19,300**	**$ 19,572**	**$ 19,847**
Non-Capturable Millages	Millage Rate																	
County Debt	0.1685												$ 81	$ 82	$ 84	$ 85	$ 86	$ 87
School Debt	8.2000												$ 3,953	$ 4,009	$ 4,066	$ 4,124	$ 4,182	$ 4,241
Total Non-Capturable Taxes	**8.2000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 4,034**	**$ 4,092**	**$ 4,150**	**$ 4,209**	**$ 4,268**	**$ 4,328**
TIR Available for Capture		$ 9,725	$ 9,871	$ 10,019	$ 10,167	$ 10,318	$ 10,470	$ 10,623	$ 10,778	$ 10,935	$ 11,093	$ 11,252	$ 29,914	$ 30,341	$ 30,772	$ 31,207	$ 31,647	$ 32,091

Footnotes:
12 Year OPRA tax abatement expires 12/31/2034

Tax Increment Revenue Capture Estimates
215 E. Michigan Avenue
Kalamazoo, Michigan
March 2023

		18	19	20	21	22	TOTAL
		2041	2042	2043	2044	2045	
		$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ 205,736	$ -
	Fu	$ 730,124	$ 737,425	$ 744,799	$ 752,247	$ 759,770	$ -
	Increment Av:	**$ 524,388**	**$ 531,689**	**$ 539,063**	**$ 546,511**	**$ 554,034**	$ -
School Capture	Millage Rate						
State Education Tax (SET)	6.0000	$ 3,146	$ 3,190	$ 3,234	$ 3,279	$ 3,324	$ 63,363
School Operating Tax	17.6757	$ 9,269	$ 9,398	$ 9,528	$ 9,660	$ 9,793	$ 186,665
School Total	**23.6757**	**$ 12,415**	**$ 12,588**	**$ 12,763**	**$ 12,939**	**$ 13,117**	**$ 250,028**
Local Capture	Millage Rate						
County Public Safety	1.4380	$ 754	$ 765	$ 775	$ 786	$ 797	$ 8,186
County 911	0.6487	$ 340	$ 345	$ 350	$ 355	$ 359	$ 3,693
County Housing	0.7485	$ 393	$ 398	$ 403	$ 409	$ 415	$ 4,261
County Seniors	0.3477	$ 182	$ 185	$ 187	$ 190	$ 193	$ 1,979
KRESA CTE	0.9942	$ 521	$ 529	$ 536	$ 543	$ 551	$ 5,660
KRESA Operating	3.0210	$ 1,584	$ 1,606	$ 1,629	$ 1,651	$ 1,674	$ 17,198
KRESA Enhancement	1.4977	$ 785	$ 796	$ 807	$ 819	$ 830	$ 8,526
KRESA Special Ed	1.5000	$ 787	$ 798	$ 809	$ 820	$ 831	$ 8,539
Kal Public Library	3.9117	$ 2,051	$ 2,080	$ 2,109	$ 2,138	$ 2,167	$ 22,268
City Operating	12.0000	$ 6,293	$ 6,380	$ 6,469	$ 6,558	$ 6,648	$ 68,312
City Solid Waste	1.8000	$ 944	$ 957	$ 970	$ 984	$ 997	$ 10,247
Cen Cnty Transit	0.7500	$ 393	$ 399	$ 404	$ 410	$ 416	$ 4,270
County Operating	4.6514	$ 2,439	$ 2,473	$ 2,507	$ 2,542	$ 2,577	$ 26,479
County Transit	0.3124	$ 164	$ 166	$ 168	$ 171	$ 173	$ 1,778
KVCC	2.7918	$ 1,464	$ 1,484	$ 1,505	$ 1,526	$ 1,547	$ 15,893
Kalamazoo DDA	1.9638	$ 1,030	$ 1,044	$ 1,059	$ 1,073	$ 1,088	$ 11,179
Local Total	**38.37690**	**$ 20,124**	**$ 20,405**	**$ 20,688**	**$ 20,973**	**$ 21,262**	$ 218,468
Non-Capturable Millages	Millage Rate						
County Debt	0.1685	$ 88	$ 90	$ 91	$ 92	$ 93	$ 959
School Debt	8.2000	$ 4,300	$ 4,360	$ 4,420	$ 4,481	$ 4,543	$ 46,680
Total Non-Capturable Taxes	**8.2000**	**$ 4,388**	**$ 4,449**	**$ 4,511**	**$ 4,573**	**$ 4,636**	$ 47,639
	TIR Available for Ca	$ 32,540	$ 32,993	$ 33,450	$ 33,912	$ 34,379	$ 468,496

Footnotes:
12 Year OPRA tax abatement expires 12/31/2034

Table 3

Reimbursement Schedule

Tax Increment Revenue Reimbursement Allocation Table
215 E. Michigan Avenue
Kalamazoo, Michigan
March 2023

Developer Maximum Reimbursement	Proportionality	School & Local Taxes	Local-Only Taxes	Total
State		**38.2%**		
Local		**61.8%**		
TOTAL				
EGLE	8.0%			
MSF	92.0%			

Estimated Total Years of Plan:	22

Estimated Capture	$ 468,496
Administrative Fees	$ 21,847
State Brownfield Redevelopment Fund	$ 31,682
Local Brownfield Revolving Fund	$ 115,771

	Beginning Balance	2024	2025	2026	2027	2028	2029	2030	2031	2032
Total State Incremental Revenue		$ 9,725	$ 9,871	$ 10,019	$ 10,167	$ 10,318	$ 10,470	$ 10,623	$ 10,778	$ 10,935
State Brownfield Redevelopment Fund (50% of SET)		$ (1,232)	$ (1,251)	$ (1,269)	$ (1,288)	$ (1,307)	$ (1,327)	$ (1,346)	$ (1,366)	$ (1,386)
State TIR Available for Reimbursement		**$ 8,493**	**$ 8,620**	**$ 8,749**	**$ 8,879**	**$ 9,010**	**$ 9,143**	**$ 9,277**	**$ 9,412**	**$ 9,549**
Total Local Incremental Revenue		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
BRA Administrative Fee (10%)		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Local TIR Available for Reimbursement		**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Total State & Local TIR Available		**$ 8,493**	**$ 8,620**	**$ 8,749**	**$ 8,879**	**$ 9,010**	**$ 9,143**	**$ 9,277**	**$ 9,412**	**$ 9,549**
DEVELOPER	Beginning Balance									
DEVELOPER Reimbursement Balance	***$ 263,923***	***$ 255,430***	***$ 246,810***	***$ 238,061***	***$ 229,182***	***$ 220,171***	***$ 211,028***	***$ 201,751***	***$ 192,339***	***$ 182,790***
MSF Non-Environmental Costs	*$ 242,823*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
State Tax Reimbursement		$ 7,814	$ 7,931	$ 8,050	$ 8,169	$ 8,290	$ 8,412	$ 8,535	$ 8,660	$ 8,786
Local Tax Reimbursement		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total MSF Reimbursement Balance		*$ 235,009*	*$ 227,078*	*$ 219,028*	*$ 210,859*	*$ 202,569*	*$ 194,157*	*$ 185,622*	*$ 176,962*	*$ 168,176*
EGLE Environmental Costs	*$ 21,100*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*		
State Tax Reimbursement		$ 679	$ 689	$ 699	$ 710	$ 720	$ 731	$ 742	$ 752	$ 763
Local Tax Reimbursement		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total EGLE Reimbursement Balance		*$ 20,421*	*$ 19,732*	*$ 19,032*	*$ 18,323*	*$ 17,602*	*$ 16,871*	*$ 16,130*	*$ 15,377*	*$ 14,614*
Accrued Interest	*5%*	*$ 13,196*	*$ 12,772*	*$ 12,340*	*$ 11,903*	*$ 11,459*	*$ 11,009*	*$ 10,551*	*$ 10,088*	*$ 9,617*
Interest Reimbursement										
Outstanding Interest Balance		*$ 13,196*	*$ 25,968*	*$ 38,308*	*$ 50,211*	*$ 61,670*	*$ 72,679*	*$ 83,230*	*$ 93,318*	*$ 102,935*
Total Annual Developer Reimbursement		*$ 8,493*	*$ 8,620*	*$ 8,749*	*$ 8,879*	*$ 9,010*	*$ 9,143*	*$ 9,277*	*$ 9,412*	*$ 9,549*
LOCAL BROWNFIELD REVOLVING FUND										
LBRF Deposits *		**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
State Tax Capture	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
Local Tax Capture	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
Total LBRF Capture										

	2033	2034	2035	2036	2037	2038	2039	2040
Total State Incremental Revenue	$ 11,093	$ 11,252	$ 11,413	$ 11,576	$ 11,741	$ 11,907	$ 12,075	$ 12,244
State Brownfield Redevelopment Fund (50% of SET)	$ (1,406)	$ (1,426)	$ (1,446)	$ (1,467)	$ (1,488)	$ (1,509)	$ (1,530)	$ (1,551)
State TIR Available for Reimbursement	**$ 9,687**	**$ 9,826**	**$ 9,967**	**$ 10,109**	**$ 10,253**	**$ 10,398**	**$ 10,545**	**$ 10,693**
Total Local Incremental Revenue	$ -	$ -	$ 18,500	$ 18,764	$ 19,031	$ 19,300	$ 19,572	$ 19,847
BRA Administrative Fee (10%)	$ -	$ -	$ (1,850)	$ (1,876)	$ (1,903)	$ (1,930)	$ (1,957)	$ (1,985)
Local TIR Available for Reimbursement	**$ -**	**$ -**	**$ 16,650**	**$ 16,888**	**$ 17,128**	**$ 17,370**	**$ 17,615**	**$ 17,862**
Total State & Local TIR Available	**$ 9,687**	**$ 9,826**	**$ 26,618**	**$ 26,997**	**$ 27,381**	**$ 27,768**	**$ 28,160**	**$ 28,555**
DEVELOPER Reimbursement Balance	***$ 173,103***	***$ 163,277***	***$ 136,659***	***$ 109,662***	***$ 82,281***	***$ 54,512***	***$ 26,353***	***$ -***
MSF Non-Environmental Costs	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*		
State Tax Reimbursement	$ 8,913	$ 9,041	$ 9,170	$ 9,301	$ 9,433	$ 9,567	$ 9,702	$ 9,251
Local Tax Reimbursement	$ -	$ -	$ 15,319	$ 15,538	$ 15,759	$ 15,982	$ 16,207	$ 14,995
Total MSF Reimbursement Balance	*$ 159,264*	*$ 150,223*	*$ 125,733*	*$ 100,894*	*$ 75,702*	*$ 50,154*	*$ 24,246*	*$ -*
EGLE Environmental Costs								
State Tax Reimbursement	$ 774	$ 786	$ 797	$ 808	$ 820	$ 831	$ 843	$ 804
Local Tax Reimbursement	$ -	$ -	$ 1,331	$ 1,350	$ 1,369	$ 1,389	$ 1,408	$ 1,303
Total EGLE Reimbursement Balance	*$ 13,839*	*$ 13,054*	*$ 10,926*	*$ 8,767*	*$ 6,578*	*$ 4,358*	*$ 2,107*	*$ -*
Accrued Interest	*$ 9,140*	*$ 8,655*	*$ 8,164*	*$ 6,833*	*$ 5,483*	*$ 4,114*	*$ 2,726*	*$ 1,318*
Interest Reimbursement								
Outstanding Interest Balance	*$ 112,074*	*$ 120,729*	*$ 128,893*	*$ 135,726*	*$ 141,209*	*$ 145,323*	*$ 148,049*	*$ 149,367*
Total Annual Developer Reimbursement	*$ 9,687*	*$ 9,826*	*$ 26,618*	*$ 26,997*	*$ 27,381*	*$ 27,768*	*$ 28,160*	*$ 26,353*
LBRF Deposits *	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**		
State Tax Capture	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*		*$ 638*
Local Tax Capture	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*		*$ 1,564*
Total LBRF Capture								*$ 2,202*

* Up to five years of capture for LBRF Deposits after eligible activities are reimbursed. May be taken from EGLE & Local TIR only.

Footnotes:
MSF Authorized School tax capture for DEGA expires in 2034
OPRA Tax abatment Expires in 2034
Existing DEGA TIF plan expires in 2048

Tax Increment Revenue Reimbursement Allocation Table
215 E. Michigan Avenue
Kalamazoo, Michigan
March 2023

	2041	2042	2043	2044	2045	TOTAL
Total State Incremental Revenue	$ 12,415	$ 12,588	$ 12,763	$ 12,939	$ 13,117	$ 250,028
State Brownfield Redevelopment Fund (50% of S	$ (1,573)	$ (1,595)	$ (1,617)	$ (1,640)	$ (1,662)	$ (31,682)
State TIR Available for Reimbursement	**$ 10,842**	**$ 10,993**	**$ 11,146**	**$ 11,300**	**$ 11,455**	$ 218,347
Total Local Incremental Revenue	$ 20,124	$ 20,405	$ 20,688	$ 20,973	$ 21,262	$ 218,468
BRA Administrative Fee (10%)	$ (2,012)	$ (2,040)	$ (2,069)	$ (2,097)	$ (2,126)	$ (21,847)
Local TIR Available for Reimbursement	**$ 18,112**	**$ 18,364**	**$ 18,619**	**$ 18,876**	**$ 19,136**	$ 196,621
						$ -
Total State & Local TIR Available	**$ 28,954**	**$ 29,357**	**$ 29,764**	**$ 30,176**	**$ 30,591**	$ 414,967
						$ -
DEVELOPER						$ -
DEVELOPER Reimbursement Balance	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	$ 2,723,408
						$ -
						$ -
						$ -
						$ -
						$ -
MSF Non-Environmental Costs						$ -
State Tax Reimbursement						$ 149,024
Local Tax Reimbursement						$ 93,799
Total MSF Reimbursement Balance					$ -	$ 242,823
						$ -
EGLE Environmental Costs						$ -
State Tax Reimbursement						$ 12,949
Local Tax Reimbursement						$ 8,151
Total EGLE Reimbursement Balance	$ -	$ -	$ -	$ -	$ -	*$ 21,100*
Accrued Interest	$ -					*$ 149,367*
Interest Reimbursement						$ -
Outstanding Interest Balance	*$ 149,367*	*$ 149,367*	*$ 149,367*	*$ 149,367*	*$ 149,367*	
Total Annual Developer Reimbursement	$ -	$ -	$ -	$ -	$ -	*$ 263,923*
LOCAL BROWNFIELD REVOLVING FUND						
LBRF Deposits *						$ -
State Tax Capture	*$ 10,842*	*$ 9,620*				*$ 21,100*
Local Tax Capture	*$ 18,112*	*$ 18,364*	*$ 18,619*	*$ 18,876*	*$ 19,136*	*$ 94,671*
Total LBRF Capture	*$ 28,954*	*$ 27,984*	*$ 18,619*	*$ 18,876*	*$ 19,136*	*$ 115,771*

* Up to five years of capture for LBRF Deposits a

Footnotes:
MSF Authorized School tax capture for DEGA exp
OPRA Tax abatment Expires in 2034
Existing DEGA TIF plan expires in 2048

Attachment A

Brownfield Plan Resolutions

Attachment B

Reimbursement Agreement

Attachment C

Affidavit of Functinal Obsolescence

AFFIDAVIT OF CITY OF KALAMAZOO ASSESSOR

I, Aaron P. Powers, being duly sworn, states that if called upon will testify to the following facts:

1. I am employed by the City of Kalamazoo in the Management Services Department as the City Assessor.
2. I am a certified Michigan Master Assessing Officer (4).
3. I am familiar with the property located at 215 East Michigan Avenue, in the City of Kalamazoo
4. This affidavit is given in accordance with MCL 125.2663(1) (h) and is made to confirm this property qualifies as 'Functionally Obsolete Property' as that term is defined under MCL 125.2652(r). The following facts, without limitation, form the basis for my expert opinion:
5. The property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super adequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property.

Aaron P. Powers, City Assessor

Subscribed and sworn to before me by Aaron Powers on September 13, 2022.

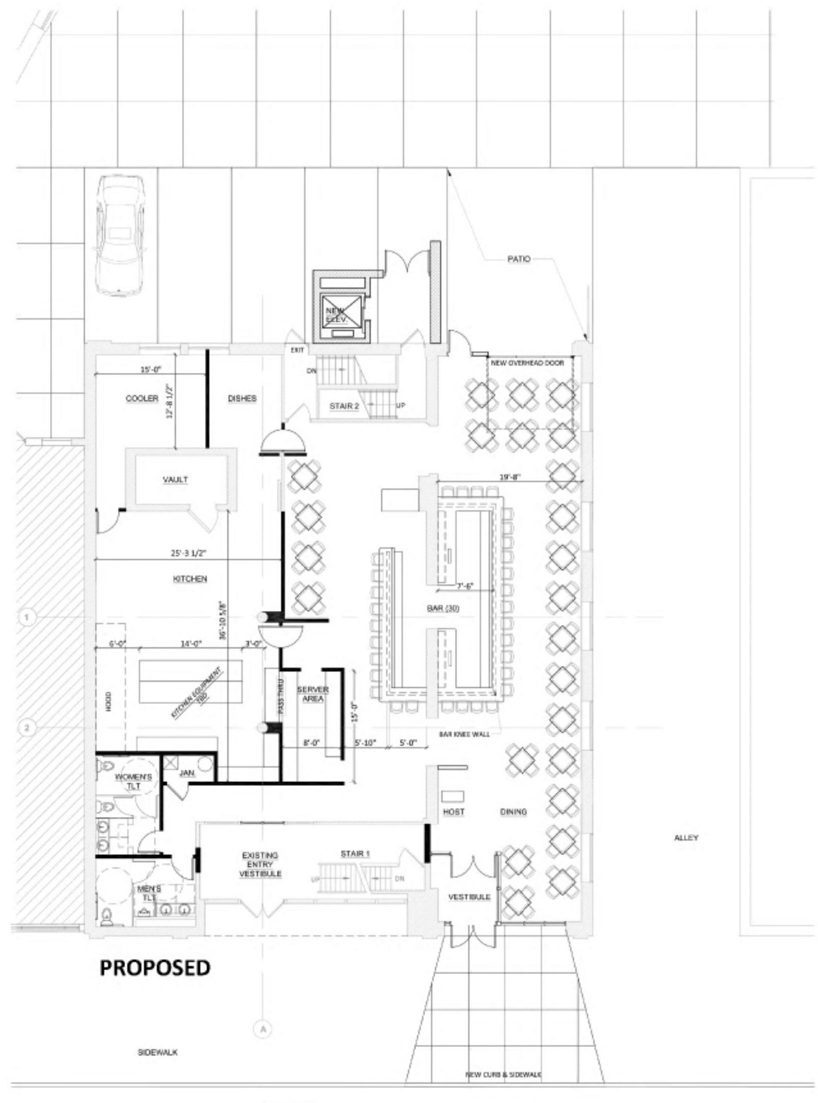
Priscilla K Dibble ,Notary Public
Kalamazoo County, Michigan
Commission Expires: 01-18-2025
Acting in Kalamazoo County

PRISCILLA K. DIBBLE
Notary Public, State of Michigan
County of Kalamazoo
My Commission Expires Jan. 18, 2025
Acting in the County of Kalamazoo

Prepared by:
Aaron P. Powers (R-6684)
City Assessor
241 West South Street
Kalamazoo, MI 49008
(269) 337-8011

Attachment D

Site Plan



FIRST FLOOR PLAN - TEST FIT

215 EAST MICHIGAN AVE., KALAMAZOO

REYSTAR ECKERT WORDELL barrie

© ECKERT WORDELL LLC
5 APRIL 2022

Date: **7/5/2023**
Item: **G.9.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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: Wendy Burlingham, Administrative Support Manager

DATE: July 5, 2023

SUBJECT: Approval of a Grant for $204,500.00 from the Recycling Partnership

RECOMMENDATION:

It is recommended that the City Commission accept this grant for $204,500 from the Recycling Partnership and authorize the City Manager to sign all related documents.

BACKGROUND:

In March 2023, staff applied for and were awarded grant funding for the implementation of the recycling quality improvement initiative with additional focus on the City's multi-family program. The funds will be used for educational and informational mailers, baseline data gathering and in home recycle kits to change resident behavior for overall improvement to the City's recycling program.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Environmental Responsibility - A green and healthy City.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Engagement/Communication Tools
Media release, meetings with neighborhood associations and community partners.

FISCAL IMPACT:

This grant will bring an additional $204,500 of resources to support specific targeted messaging and improvements to the quality of the City's current recycling program. No additional resources will be required.

Description	Account	Project #	Dollar Amount
Recycling Partnership Grant			$204,500.00

THE RECYCLING PARTNERSHIP

125 Rowell Court
Falls Church, VA 22046
864.760.8828

RECYCLINGPARTNERSHIP.ORG

RECYCLING PARTNERSHIP GRANT AGREEMENT

This Grant Agreement is hereby made and entered into on the last date of execution below ("Effective Date"), by and between The Recycling Partnership, Inc. ("The Partnership") and City of Kalamazoo, MI ("Grantee"), which are referred to collectively herein as the "Parties" and individually as a "Party."

1. **Grant Agreement Documents; Entire Agreement**: This Grant Agreement consists of this document and its attachments: Terms and Conditions Attachment A, and Grantee's Work Plans Attachment B and C. This Grant Agreement comprises the entire agreement between the Parties and supersedes any and all previous and contemporaneous agreements and representations, whether oral or written.

2. **Term**: The Grant Agreement shall be effective during the Grant Period, which begins on the Effective Date and ends on October 31, 2024, unless the Parties agree to amend the Grant Agreement as provided in Paragraph 8.

3. **Grantee's Duties**: Subject to Paragraph 10 hereof, the Grantee shall take reasonable and appropriate steps to substantially complete the Grantee's Work Plans as set out in Attachment B and C and under the conditions set forth in Attachment A.

4. **Duties of Partnership and Grantee**: The Partnership shall make cash grants to the Grantee in an amount not to exceed TWO HUNDRED FOUR THOUSAND FIVE HUNDRED DOLLARS ($204,500) to support the improvement of recycling program materials quality, resident engagement, and materials recovery from Grantee's residential recycling program ("Cash Grants"). The details of the Cash Grants and the anticipated costs and expenditures associated with this grant project are detailed in section g, Project Budget and Grant Funding, of Attachments B and C.

In addition to the Cash Grants, during the Grant Period The Partnership shall also provide the Grantee with access to resources, Partnership staff time, and other in-kind services with an estimated value of ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS ($125,000). The purpose of these in-kind services is to support the Grantee's public recycling program through the provision of technical support for strategic planning, program assessment, and recycling education and outreach including recycling program outreach collateral. The amounts set forth below represent The Partnership's intended distribution of in-kind resources to the Grantee.

Description of In-Kind Resources from The Recycling Partnership	Projected Value
Access to The Recycling Partnership educational campaign materials	Up to $100,000
Dedicated technical assistance and outreach campaign design support from Partnership staff	Up to $25,000
Total projected value of in-kind assistance and support	**Up to $125,000**

In exchange for the Cash Grants and in-kind resources from The Partnership, the Grantee will commit staff time and resources for the planning and implementation of the project that is the subject of this Grant Agreement, in the Grantee's Workplan as set out in Attachment B and C, and under the conditions set forth in Attachment A.

Subject to Paragraph 10 hereof the Grantee will take reasonable and appropriate steps to substantially complete the Grantee's Work Plan in accordance with the timeline described in section f, Anticipated Implementation Timeline, of Attachment B and C.

5. **Distribution Provisions**: The Partnership shall distribute Cash Grant funds to the Grantee to support actual allowable expenditures the Grantee has made or otherwise will incur during the Grant Period. An allowable expenditure is one associated with work performed or goods or services acquired to complete the Grantee's Work Plan as outlined in Attachment B and C hereto determined by The Partnership in its sole and absolute discretion. As provided in section s of Attachment A, The Partnership may also make payments to the vendors hired to execute grant functions that could include, but are not limited to, measurement activities and/or providing the technology used for the grant program as described in section c of Attachment B and C. Grant funds other than those paid to vendors as described above, excluding the final payment of grant funds, shall be distributed to reimburse Grantee for actual allowable expenditures, and The Partnership shall make such distributions to the Grantee within thirty (30) days of receiving from the Grantee invoices prepared as described in Paragraph 6 below documenting allowable expenditures. Total distributions from The Partnership will not exceed ninety percent (90%) of reimbursable costs until the submittal of a final project report; the remaining ten percent (10%) of reimbursable expenses shall be paid upon final report submittal including proof of matching funds being expended. Grant proceeds may be distributed to the Grantee by check or direct deposit, as the Grantee and The Partnership shall mutually agree prior to the distribution of Grant funds.

6. **Invoices**: As described in section r of Attachment A captioned "Reimbursement," the Grantee shall submit reimbursement requests to The Partnership, which shall include copies of invoices for allowable expenditures for which the Grantee is seeking reimbursement. The Grantee's final invoices must be received by The Partnership with the Grantee's Final Report, as described in the "Reporting and Additional Post Award Requirements" section q of Attachment A. Except for invoices related to the vendors hired by The Partnership on behalf of the Grantee to perform measurement activities and technology supporting the grant program as provided in section s of Attachment A, all invoices submitted to The Partnership by the Grantee shall provide reasonable and appropriate evidence for The

Partnership to determine the actual amounts paid by Grantee for work and services associated with allowable expenditures, and documentation that provides evidence of payment by the Grantee for all allowable expenditures submitted. In addition to supporting documentation, the Grantee shall provide a summary of the expenses paid by the Grantee in a table or spreadsheet outlining the expense, vendor, and the purpose of the expense. Upon presentation of herein described invoices and documentation, the Grantee will then be eligible for reimbursement of up to ninety percent (90%) of the amount of grant funds to be provided by The Partnership for allowable expenditures and with the final ten percent (10%) becoming available as detailed in Paragraph 5 above.

7. Grant Contacts: Contacts for purposes of this Grant Agreement are set forth below.

Partnership Director of Community Programs:	**Partnership Project Manager:**	**Grantee Project Manager:**
Jill Martin Telephone: (920) 540-0179 Email: jmartin@recyclingpartnership.org	Samantha Longshore Community Program Manager Telephone: (414) 439-3950 Email: slongshore@recyclingpartnership.org	Wendy Burlingham Administrative Support Manager, DPW– City of Kalamazoo Telephone: 269-337-8742 Email: burlinghamw@kalamazoocity.org

8. Changes and Amendments: Any change to this Grant Agreement that increases or decreases the amount of the Cash Grants is not effective until approved in writing by the Director of Community Programs of The Partnership. This Grant Agreement may be amended in writing signed by the Parties, subject to the approval of the City Council of the Grantee by resolution.

9. Signature Warranty: Each of the undersigned represents and warrants that they are authorized to execute this Grant Agreement.

10. Appropriations Limitation: All expenditures and other performance by the Grantee under this Grant Agreement are subject to appropriations by the City Council/Board of Directors of the Grantee. Consequently, this Grant Agreement shall bind the Grantee only to the extent the Grantee appropriates sufficient funds for the Grantee to perform its obligations hereunder.

[The balance of this page is intentionally left blank.]

The parties have executed this Grant Agreement as of the date last below written.

The Recycling Partnership, Inc.

By: ________________________________

Jill Martin, Director of Community Programs

DATE: ______________________

City of Kalamazoo

By: ________________________________

Wendy Burlingham, Administrative Support Manager - DPW

DATE: ______________________

Attachment A: Terms and Conditions

a. Termination: Either Party may terminate the Grant Agreement in writing with thirty (30) days' notice to the other Party. If the Grantee fails to substantially fulfill its obligations under this Grant Agreement in a timely and proper manner, The Partnership may provide written notice to the Grantee of its intent to terminate the Grant Agreement. Such notice shall specify the reasons for termination and allow the Grantee thirty (30) days to mitigate any specified reasons. If the Grantee fails to cure, as determined by The Partnership in its sole discretion, The Partnership may terminate this Grant Agreement by giving written notice to the Grantee of such termination and the effective date of such termination. In such event, the Grantee may receive Cash Grants equal to the total amount of actual allowable expenditures paid or entered into in good faith and subject to the other terms and conditions of this Grant Agreement that were incurred by the Grantee prior to receipt of a notice of termination from The Partnership and submitted for reimbursement within thirty (30) days of such receipt date in accordance with Paragraphs 5 and 6 of this Grant Agreement.

b. Notices: All notices required by the terms of this Grant Agreement to be sent to The Partnership must be delivered by email with a read receipt requested to jmartin@recyclingpartnership.org with a copy to slongshore@recyclingpartnership.org.

All notices required by the terms of this Grant Agreement to be sent to the Grantee must be delivered by email with a read receipt requested to the Grantee's Project Manager, Wendy Burlingham, at burlinghamw@kalamazoocity.org.

c. Recycled Paper: The Partnership encourages the Grantee, if cost effective, to have all publications produced as a result of this Grant Agreement be printed double-sided on recycled-content paper with minimal thirty percent (30%) post-consumer recycled content.

d. Lobbying: The Grantee shall not use or appropriate any Cash Grant to carry on propaganda or otherwise attempt to influence legislation.

e. Compliance with Work Plan: The Grantee shall substantially adhere to the timeline and objectives detailed in the Grantee's Work Plan as set out in Attachment B and C and strive to make sufficient progress toward fulfilling such timeline and objectives.

f. Extensions: The Partnership may grant extensions of time for the Grantee to perform its obligations hereunder, but such extensions are not guaranteed. If the Grantee desires an extension, the Grantee shall submit a written request to the Director of Community Programs of The Partnership at least sixty (60) days prior to the end of the Grant Period.

g. **Retroactive Costs**: Costs incurred before the Grant Period are not eligible for reimbursement unless approved in writing by the Director of Community Programs of The Partnership.

h. **Travel Expenses**: Cash Grants from The Partnership may not be used for travel expenses without prior written approval from the Director of Community Programs of The Partnership.

i. **Technical Assistance:** The Grantee agrees to work with The Partnership during the design, implementation, and monitoring of the program improvements, both educational and operational, during the Grant Period.

j. **Material Collection and Management of Recyclable Materials:** The Grantee shall provide a listing of the materials currently accepted for recycling. After a review by The Partnership of recycling materials already accepted by the Grantee, the Grantee shall work with its Materials Recovery Facility ("MRF"), hauler (if applicable), and The Partnership and/or a contractor hired at The Partnership's expense to evaluate the current mix of recycling materials collected residentially and consider the inclusion of other recyclable materials as appropriate in the recycling stream.

The Parties agree that recyclable materials meeting reasonable contamination standards established by the Grantee and Grantee's MRF operator that are collected for recycling by the program benefitted by Cash Grants made pursuant to this Grant Agreement will be delivered to a reputable processor for recycling and recovery. The Grantee shall work in good faith with The Partnership to address any issues related to the recycling and/or recovery of such materials with the goal that properly prepared recyclable materials collected by the Grantee's program will be managed responsibly.

k. **Educational Best Practices:** The Partnership utilizes a behavior change approach to recycling education and outreach. Our best practices consist of a direct mailer to all residents with information about acceptable materials and informational handouts that address recycling contamination, while providing direct feedback to residents. At a minimum, the Partnership requires that grant funds allocated for education and outreach be used toward the procurement of direct-to-resident communications. The Partnership further requires that Grantee cooperate with The Partnership in support of the design and implementation of the education and outreach campaign. Finally, the Partnership requires that the Grantee update its website(s) with updated messaging and information about the public recycling services in its jurisdiction based on recent work with the Partnership to include at a minimum a listing of acceptable materials, how to gain additional information about recycling collection schedule, requirements about recycling containers, and how residents may obtain city-issued recycling containers.

l. **Media Coverage:** The Grantee agrees to participate in local press events related to The Partnership, which may include, but are not limited to, press releases, interviews, ribbon cutting ceremonies, etc. The Partnership agrees to give reasonable notice to the Grantee's Grant Contacts regarding any such press events.

m. Graphic Design Edits: The Partnership will work with the Grantee to customize educational materials to fit the needs of the Grantee's campaign in accordance with the timeline established by the Parties. The Grantee must give at least seven (7) days' notice for any edits or changes to educational materials that are to be conducted by The Partnership. If the Grantee uses a third-party service provider for the design of education and outreach materials, The Partnership will cooperate with the third-party service provider by providing access to Partnership tools, artwork, and images for use by such third-party provider. The Partnership will not, however, provide customized design services to such a third-party service provider. The Partnership will work with the Grantee on campaign materials and will provide two (2) rounds of edits to the graphic design of these materials. Additional rounds of editing on graphic design materials may be provided by mutual agreement between the Parties. The project timeline may be delayed if there are approval delays during the two rounds of edits. It is a best practice to have one Grantee staff member serve as the point of contact for the Grantee and collect all approvals and edits to educational materials to give back to The Partnership for graphic design completion. Print buying and approvals are the sole responsibility of the Grantee.

n. Logo Usage: The Grantee shall use The Partnership logo with the phrase "Funded in part by" on all education materials associated with the project that is the subject of this Grant Agreement. When a Partnership project is funded by one or more other funders, then, in addition to The Partnership logo, such funders may also need to be acknowledged by the Grantee in communications materials with the "Funded in part by" language, and the use of one or more funder logos may be requested, with the final acknowledgment to be developed by mutual agreement between the Parties. Prior to finalization, The Partnership requires proof review of any campaign materials developed by the Grantee or a third party that uses campaign images, graphics, or logos of The Partnership and any other funders. Upon presentation of materials for review, The Partnership agrees to review proofs and provide feedback within five (5) business days, or it shall lose the right to require the use of The Partnership logo and the logos of any additional funders and associated use of the "Funded in part by" phrasing. The Grantor understands that under no circumstances may the Grantee appear to be endorsing or advertising on behalf of a private business.

o. Compliance with Patent, Trademark, and Copyright Laws: The Parties agree that all work performed under this Grant Agreement, shall comply with all applicable patent, trademark, and copyright laws, rules, regulations, and codes. The Parties further agree that neither will use any protected patent, trademark, or copyright in performance of their respective work unless a Party has obtained proper permission and all releases and other necessary documents. The Parties agree to release, indemnify, and save one another harmless from any and all claims, damages, suits, costs, expenses, liabilities, actions, or proceedings of any kind or nature whatsoever, of or by anyone whomsoever, in any way resulting from, or arising out of, directly or indirectly, the performance or work under this Grant Agreement which infringes upon any patent, trademark, or copyright protected by law.

p. Electronic Signatures and Electronic Records: The Partnership consents to the use of electronic signatures by the Grantee. The Grant Agreement, and any other documents requiring a signature under the Grant Agreement, may be signed electronically by the Grantee in the manner specified by the Grantee. The Parties agree not to deny the legal effect or enforceability of the Grant Agreement solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Grant Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

q. Reporting and Additional Post-Award Requirements: The Grantee shall comply with reporting requirements, including the following:

- In order to establish a baseline for measurement of project success, the Grantee shall provide The Partnership with monthly waste and recycling tonnage data for at least the twelve (12) month period immediately before the project that is the subject of this Grant Agreement is initiated.
- The Grantee shall deliver to The Partnership monthly waste and recycling data reports on a quarterly basis during the duration of quality improvement project and Grantee shall further provide a final tonnage report with monthly waste and recycling data for one full year (twelve (12) months) beyond the date of the completion of the quality improvement project that is the subject of this Grant Agreement.
- The Grantee shall establish an account with the Municipal Measurement Program ("MMP") system for annual reporting. Reporting in the MMP system is free and involves entering annual tonnage data and answering questions about waste and recycling programs and services through a web-based analytical tool. To aid in the tracking of the long-term impacts of the work conducted, the Grantee commits to reporting annually in the MMP system for five (5) years following the term of this Grant Agreement.
- The Grantee shall submit to The Partnership for review a draft Final Report at least thirty (30) days prior to the end of the Grant Period. The Partnership will provide the required format for the Final Report and feedback to the Grantee about the draft Final Report, including necessary changes and points of clarification, within fourteen (14) business days of receipt of the draft Final Report, and a fully reviewed and finalized Final Report is required to be submitted by the end of the Grant Period.
- Additional reporting requirements may be included in Grantee's Work Plan set out in Attachment B and C.

r. Reimbursement: Other than grant funds for the measurement activities and technology supporting the grant program paid directly to the vendors hired by The Partnership on behalf of the Grantee as provided for in section s of Attachment A, as stipulated in Paragraph 5 of the Grant Agreement, grant funds will be distributed by The Partnership on a reimbursement basis. When seeking reimbursement for grant related expenditures, Grantee must utilize the format provided by The Partnership. When submitting reimbursement requests, the Grantee must include a copy of any invoices or receipts for which the Grantee seeks reimbursement from The Partnership. All invoices should be accompanied by associated proof that Grantee has made payment for the invoices in question. Acceptable proof of payment can include copies of canceled checks or Grantee finance system reports showing that the payment has been made.

The Partnership shall reimburse Grantee for actual allowable expenditures with The Partnership retaining a minimum of ten percent (10%) of the grant funds until all grant related activities are completed, and all reports are received and accepted. The remaining ten percent (10%) of reimbursable expenses shall be paid upon completion of a satisfactory Final Report as described above in section q titled "Reporting and Additional Post-Award Requirements."

The Partnership may withhold making Cash Grants if the Grantee does not meet its reporting obligations as set out in section q, Reporting and Additional Post-Award Requirements. It is acknowledged by both Parties that select reporting requirements including the requirement to provide one full year of post-implementation monthly waste and recycling data and the requirement to perform five (5) years of annual reporting in the MMP system may be scheduled to take place after the project is complete and all eligible grant proceeds have been distributed to the Grantee. Grantee commits in good faith to meet these future reporting obligations and to work with The Partnership to resolve any questions about the data submitted in these reports even though this may take place after the Grant Agreement has expired.

S. Vendors Hired on Behalf of Grantee: The Partnership may, in its sole discretion, hire vendors on behalf of the Grantee for the performing activities in support of the project described in Attachment B and C, Grantee's Workplan. Such vendors shall be hired on behalf of the Grantee to provide various services including, but not limited to measurement activities and technology supporting the grant program. No vendor hired on behalf of the Grantee may be an employee of the Grantee or an entity controlled by an employee of the Grantee or members of their family. The Partnership shall notify the Grantee in writing of its intent to hire vendors and shall include the Grantee in the process to integrate the services to be provided by such vendors into the Grantee's Work Plan as outlined in Attachment B and C. Such vendors shall (i) provide evidence of commercially reasonable insurance for the services provided and (ii) indemnify and hold harmless The Partnership and the Grantee for third party and other claims related to the services provided, each under such terms and conditions as determined by The Partnership in its sole discretion.

Attachment B: Grantee's Workplan (Quality Improvement)

a. Project Objective: With the support of grant funding from Michigan Department of Environment, Great Lakes and Energy (EGLE) and grant funding and technical assistance from The Partnership, the Grantee will improve curbside recycling and implement tactics that increase awareness of the need to recycle, reduce contamination, change resident behavior, sustain an efficient and effective recycling program, provide good customer service and divert clean recyclable material from landfills to viable end markets.

b. Background: EGLE and The Partnership have entered into an agreement to work together to provide Michigan recycling communities, counties and/or regional authorities grant funding to improve the quality of the residential recycling stream and improve recycling participation. This statewide effort began in the fall of 2019 with Phase I of grant funding for projects that focused on improving the quality of the recycling stream and participation for both drop-off and curbside recycling programs throughout the state of Michigan through the implementation of an educational campaign and direct to consumer feedback. Phase II and now Phase III of grant funding has been awarded to The Partnership to expand and build on previous successes during Phase I with the inclusion of multifamily recycling programs. The Partnership will continue to support the Grantee in its effort to reduce contamination and improve participation in its recycling program by providing financial and technical assistance for its operational and educational quality improvement program.

This workplan has been developed in response to the Grantee's Application Submittal. The details of the Grantee's recycling quality improvement (QI) program are as follows:

Grantee: City of Kalamazoo, MI
Number of households served in proposed project area for QI: 20,900

Collection container: 96-gallon residential curbside recycling carts
Frequency of collection: Every other week
MRF: Republic Services
Hauler: Republic Services

Set Out Rate: 26%
Participation Rate: 33%
Annual program tonnage: 1,255.80 tons
In-bound contamination rate: 15.91%
Residual contamination rate: unknown
How contamination rate was derived: QI grant MRF contamination audit

Other Background Information: This project is the second round of quality improvement granting for Kalamazoo and will use previous data to drive capture and participation.

c. Project Description: With the support of grant funding and technical assistance from The Partnership, the Grantee will conduct a recycling quality improvement campaign including educational and auditing strategies that will target 20,900 households (12,940 households currently have carts). This program may use a combination of existing data from Kalamazoo's Phase 2 grant as well as new measurement processes to determine participation, set out, and inbound-contamination rates of the project area prior to grant intervention implementation. Once the baseline data is confirmed the Grantee and The Partnership will collaboratively develop a workplan, design and produce communication media and informational mailers, and the Grantee will perform field engagement that may include delivery of in-home recycling kit delivery to provide direct feedback to the residents. The engagement may be accomplished with third party labor. The educational campaign will focus on improving participation in the recycling program and capture of good quality materials. This comprehensive education strategy and campaign will be developed between the Grantee and The Recycling Partnership using an existing library of materials, incorporating various proven tools and best management strategies. It is anticipated the project will be flexible and iterative with the intent to measure project performance and adjust the project workplan as needed. The collaborative increase participation, set-out, capture and quality of materials. After the inspections and targeted education campaign concludes, the measurement process used prior to grant intervention will be conducted again to measure the impacts after the quality improvement work. As with any good program, measurement will be a key component of this project.

As part of the quality improvement effort and as provided for in Attachment A section s, The Partnership may secure an outside vendor to provide technology and/or labor for engagement.

d. Measurement Plan: Measurement and metrics tracking is very important to The Recycling Partnership and to the success of this project. Key metrics include in-bound contamination rate, participation, set out, tagging, and tonnage.

- In-bound contamination rates
  - The Recycling Partnership will work with Grantee and MRF to determine the most effective and cost-efficient method of measuring contamination both before and after the quality improvement program.

- Participation rates
  - The Grantee will document and report out the participation rates of the proposed project area throughout the duration of the project.

- Set out rates:
  - The Grantee will document and report out the set-out rates of the proposed project area throughout the duration of the project.

- Tagging rates
  - The Grantee will document and report weekly tagging occurrences within the proposed project area throughout the duration of the program.

- Tonnage
  - The Grantee will provide the following:
    - Waste and recycling tonnage data for the 12 months prior to program implementation,
    - Waste and recycling monthly tonnage data during the program implementation, and
    - Waste and recycling tonnage data for 12 months after program implementation.

Reports documenting measurement efforts will be provided to The Partnership as outlined in section q, Reporting and Additional Post-Award Requirements, of Attachment A.

e. Public Outreach Plan: The Grantee will work with The Recycling Partnership to localize educational materials from the current library of educational pieces. Various educational strategies will be agreed upon including cart tags, mailers, direct engagement, digital, and other strategies within the identified budget.

The Grantee will work closely with The Partnership to develop and implement an effective education and outreach campaign in support of the Grantee's recycling program utilizing the approach outlined in section k, Educational Best Practices, of Attachment A. Technical support will be provided by The Partnership as set out in this Grant Agreement. The Grantee will partner closely with The Partnership to maximize the educational efforts and materials developed during this campaign.

This educational effort will focus on educating residents to increase participation in the recycling program and improve the quality of the recycling stream. The education campaign will target all households in the service area during the quality improvement program using direct mail pieces, as well as concentrated tagging efforts that address contamination paired with an incentive competition.

f. Anticipated Implementation Timeline: The Parties agree to develop and maintain a detailed Project Timeline providing milestones in the implementation of the project. The anticipated key dates in the project are as follows:

Date	Milestone
May 2023	Grant Agreement between The Partnership and the Grantee fully executed

June-July 2023	Review existing baseline measurements and establish new pre-project measurements as necessary.
June-July 2023	Communication collateral developed
July 2023	Inspection training
July 2023	Communication collateral printed and mailed
August-Sept 2023	Engagement team deployed in field
November 2023	Conduct post-project measurement
December 2023	Grantee submits reimbursements and final report

The Parties acknowledge the difficulty of predicting the exact dates of implementation for the various elements of this project. With this in mind, the above dates are intended as milestones with the understanding that if unanticipated changes or delays in the above schedule occur, then the Parties agree to revisit the timeline and adjust as necessary to pursue the successful implementation of the project as described in section c, Project Description, above.

g. Project Budget and Grant Funding: The amounts set forth in the table below represents The Partnership's intended distribution of grant funding to the Grantee.

Grant Element	MI EGLE Grant Funding	Local Funding	Total
Participation mailers **	$49,000.00	$ -	$49,000.00
In-home kits **	$35,000.00	$ -	$35,000.00
Staff for engagement **	$20,000.00	$ -	$20,000.00
Social media boosting/website **	$500.00	$ -	$500.00
Total	**$104,500.00**	**$0.00**	**$104,500.00**

**required element of grant program

All costs associated with project implementation beyond the direct grant funding from The Partnership will be the responsibility of the Grantee. It is understood that actual expenses may vary depending on a variety of factors. Upon mutual agreement of the Parties, the final allocation of grant funding may be adjusted between expense categories as necessary, as long as the budget does not exceed the maximum allocation of FOUR DOLLARS ($4) per household for quality improvement and ONE DOLLAR ($1) per household for app to action or the total amount of grant funding. The actual amount of grant funding will be based on actual reimbursable expenditures as outlined in section r of Attachment A, and the total amount of grant funding shall not exceed the amount specified in Paragraph 4 of this Grant Agreement. Any Cash Grants to the Grantee are subject to the requirements set out in Paragraph 10 of this Grant Agreement. The Grantee shall only invoice and receive reimbursement for actual allowable expenditures incurred.

Attachment C: Grantee's Workplan (Multi-Family)

a. Project Objective: With the support of grant funding from Michigan Department of Environment, Great Lakes and Energy (EGLE) and grant funding and technical assistance from The Partnership, the Grantee will improve recycling and implement tactics that increase awareness of the need to recycle, reduce contamination, change resident behavior, sustain an efficient and effective recycling program, provide good customer service and divert clean recyclable material from landfills to viable end markets.

b. Background: EGLE and The Partnership have entered into an agreement to work together to provide Michigan recycling communities, counties and/or regional authorities grant funding to improve the quality of the residential recycling stream and improve recycling participation. This statewide effort began in the fall of 2019 with Phase I of grant funding for projects that focused on improving the quality of the recycling stream and participation for both drop-off and curbside recycling programs throughout the state of Michigan through the implementation of an educational campaign and direct to consumer feedback. Phase II and now Phase III of grant funding has been awarded to The Partnership to expand and build on previous successes during Phase I with the inclusion of multifamily recycling programs. The Partnership will continue to support the Grantee in its effort to reduce contamination and improve participation in its recycling program by providing financial and technical assistance for its operational and educational quality improvement program.

This workplan has been developed in response to the Grantee's Application Submittal. The details of the Grantee's recycling multi-family (MF) program are as follows:

Grantee: City of Kalamazoo, MI
Number of multi-family properties in proposed project area: 17,878
Number of housing units represented by the properties in proposed project area: 380

Collection container: TBD
Frequency of collection: TBD
MRF: Republic Services
Hauler: Republic Services

Participation Rate: unknown
Annual program tonnage: unknown
In-bound contamination rate: unknown
Residual contamination rate: unknown
How contamination rate was derived: NA

c. Project Description: With the support of grant funding and technical assistance from The Partnership, the Grantee will conduct a recycling quality improvement campaign including educational strategies that will target multifamily households. This Quality Improvement Program ("Program") will involve a process to confirm or establish the current inbound-contamination rate of the identified project area prior to program implementation, as well as establish new recycling infrastructure in some multifamily properties where it doesn't currently exist. Once the baseline in-bound contamination rate is established, the Grantee and The Partnership will collaboratively develop a work plan, design, and produce communication media and informational mailers, and the Grantee will perform field engagement that may include delivery of in-home recycling kit delivery to provide direct feedback to the residents. The. An educational campaign will be developed, which will focus on the top contaminants identified. This comprehensive education strategy and campaign will be developed between the Grantee and The Partnership using an existing library of materials, incorporating various proven tools and best management strategies. It is anticipated the project will be flexible and iterative with the intention of measuring project performance and adjusting the project workplan as needed. The collaborative development and implementation of the targeted and customized communication campaign is intended to reduce contamination and increase participation. After the education campaign concludes, the sort or process used before the Program started will be conducted again to measure the inbound contamination rate at the end of the quality improvement work. As with any good program, measurement will be a key component of this work.

d. Measurement Plan: Measurement and metrics tracking is very important to The Partnership. Key metrics in this project include in-bound contamination rate, tonnage, and participation rate.

Contamination rates:

- The Partnership will work with the Grantee and MRF to determine the most effective and cost-efficient method of measuring contamination both before, during and after the quality improvement program.

Participation rates:

- The Grantee will document and report the participation rates of the proposed project area throughout the duration of the project.

Property Contamination rates:

- The Grantee will document and report weekly contamination occurrences within the proposed project area throughout the duration of the program.

Tonnage:

- The Grantee will provide:
  - Tonnage data for the twelve (12) months prior to program implementation,
  - Monthly tonnage data during the program implementation, and
  - Tonnage data for the twelve (12) months after program implementation.

The Grantee and The Partnership will collaboratively determine the best way to measure the results of the quality improvement program based on the strategies listed above. This determination will be based on the AI technology used and educational strategies employed.

Reports documenting measurement efforts will be provided to The Partnership as outlined in section q of Attachment A.

e. Public Outreach Plan: The Grantee will work with The Partnership to localize educational materials from the current library of educational pieces. Various educational strategies will be agreed upon, including mailers, bill stuffers, digital, direct engagement, cart tags, and other strategies within the identified budget.

The Grantee will work closely with The Partnership to develop and implement an effective education and outreach campaign in support of the Grantee's recycling program utilizing the approach outlined in section k of Attachment A. Technical support will be provided by The Partnership as set out in this Grant Agreement. The Grantee will partner closely with The Partnership to maximize the educational efforts and materials developed during this campaign.

This educational effort will focus on educating residents to increase participation in the multifamily recycling program and improve the quality of the recycling stream. The education campaign will target multifamily households that have infrastructure, but did not receive education, as well as households in facilities that are receiving infrastructure for the first time using in-home kits and door hangers.

f. Anticipated Implementation Timeline: The Parties agree to develop and maintain a detailed Project Timeline providing milestones in the implementation of the project. The anticipated key dates in the project are as follows:

Date	**Milestone**
May 2023	Grant Agreement between The Partnership and the Grantee fully executed
Sept. 2023	Conduct pre-project baseline measurement
Sept. – Oct. 2023	Communication collateral developed
Oct. 2023	Communication collateral printed and mailed
Nov. 2023	Door-to-door engagement
December 2023	Conduct post-project measurement
January 2023	Grantee submits reimbursements and final report

The Parties acknowledge the difficulty of predicting the exact dates for implementation of the various elements of this project. With this in mind, the above dates are intended as milestones, and with the understanding that if unanticipated changes or delays in the above schedule occur, then the Parties agree to revisit the timeline and adjust as necessary to pursue the successful implementation of the project as described in section c hereof.

g. Project Budget and Grant Funding: The amounts set forth in the table below represents The Partnership's intended distribution of grant funding to the Grantee.

Grant Element	MI EGLE Grant Funding	Local Funding	Total
Staff for engagement **	$30,000.00	$ -	$30,000.00
In-home kits w/ education **	$58,500.00	$ -	$58,500.00
Door hangers **	$6,500.00	$ -	$6,500.00
Signage (e.g. containers, trucks, bus stops, buses, public spaces)	$5,000.00	$ -	$5,000.00
Site infrastructure	$0.00	$ -	$0.00
Total	**$100,000.00**	**$0.00**	**$100,000.00**

**required element of grant program

All costs associated with project implementation beyond the direct grant funding from The Partnership will be the responsibility of the Grantee. It is understood that actual expenses may vary depending on a variety of factors. Upon mutual agreement of the Parties, the final allocation of grant funding may be adjusted between expense categories as necessary, as long as the budget does not exceed the maximum allocation of ONE HUNDRED THOUSAND DOLLARS ($100,000) for quality improvement or the total amount of grant funding. The actual amount of grant funding will be based on actual reimbursable expenditures as outlined in section r of Attachment A, and the total amount of grant funding shall not exceed the amount specified in Paragraph 4 of this Grant Agreement. Any Cash Grants to the Grantee are subject to the requirements set out in Paragraph 10 of this Grant Agreement. The Grantee shall only invoice and receive reimbursement for actual allowable expenditures incurred.

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Prepared by: Steve Vicenzi, Management Services Director, CFO

DATE: July 5, 2023

SUBJECT: Approval of Election into the Deferred Retirement Option Program (DROP)

RECOMMENDATION:

It is recommended that the City Commission approve Matt Huber's election to enter the Deferred Retirement Option Plan (DROP).

BACKGROUND:

In 2018, the City Commission instituted the Deferred Retirement Option Program (DROP) as a way to retain Public Safety administrators. This plan allows these administrators to defer their retirement allowance for a specific period of time not to exceed 8 years. It allows the City to retain valuable, skilled employee's and aid with succession planning. The election to enter the DROP for non-union KDPS staff is required to be approved by the City Manager and City Commission.

Public Safety members are eligible to retire with an unreduced pension at any age after 25 years of credited or age 50 with 10 years of credited service. Public Safety administrators often reach these milestones at the peak of their careers, and retire when eligibility is reached, taking considerable skill, knowledge, and experience with them.

Deputy Chief Huber has served the City of Kalamazoo since 1998 and meets all of the eligibility requirements to enter the DROP. The requested effective date of the election is July 10, 2023.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The impact to City finances is minimal as all alternatives would require paying the employee retirement benefits and filling the position or the employee continuing to increase retirement benefits if he chose to continue employment.

Date: **7/5/2023**
Item: **G.11.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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: Eric T. Sajtar. PE, Senior Civil Engineer – Water Resources

DATE: July 5, 2023

SUBJECT: Station 44 Utility Easement

RECOMMENDATION:

It is recommended that the City Commission approve and accept the easement with the City of Parchment for the continued installation and operation of Water Pressure Reducing Station 44; and authorize the City Manager to sign all related and necessary documents regarding the acquisition of the easement.

BACKGROUND:

Water Pressure Reducing Station 44 was installed in 2018 in response to the Parchment PFAS response. As all public water mains and sanitary sewer are required to be in a dedicated easement or public right of way, the City of Parchment in collaboration with the City of Kalamazoo Attorney has drafted this easement for approval.

STRATEGIC VISION ALIGNMENT:

<u>Strategic Goal Impact:</u>
Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

<u>Appropriate Depth of Engagement</u>
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

The funds required for this easement is $1.00. The City of Kalamazoo will incur the cost of recording the easement with the Clerk-Register.

PUBLIC UTILITY EASEMENT

THIS AGREEMENT dated May 18, 2023 between the City of Parchment, whose mailing address is 650 South Riverview Drive, Parchment, MI 49004, ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City" or "Grantee").

Recitals:

A. Grantor owns a certain parcel of real estate at Land – Park Avenue and Orient Avenue, MI 49004, in the City and County of Kalamazoo, which is more specifically described on the attached Exhibit A ("Property"), tax ID # 06-02-181-480.

B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Water Pressure Reducing Station #44.

C. Grantor agrees to grant to the City a utility easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

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

1. Grant of Easement. In consideration of less than One Hundred Dollars ($100.00), Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through that portion of the Property as described in Exhibit B. ("Easement Area")

2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing the pipelines, connections, leads and all other components of the city's water supply system or sanitary sewer system or storm water system and other public utilities systems placed within the Easement Area. ("Utility Activities")

3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary, through the Property, in order to carry out the Utility Activities, subject to the following conditions:

   a) Perform the Utility Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
   b) Restore the Easement Area without cost to Grantor after completion of the Utility Activities to the same condition as existed before any such utility activity was

performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.

c) Exercise reasonable care to protect any fixed structures, landscaping, and other improvements on the Property during the performance of Utility Activities.

d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area unless prior written approval is given by the City for a particular building or structure.

4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.

5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.

6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.

7. Indemnification. Grantee agrees to defend, indemnify, and save Grantor harmless from any loss, damage, or expense in the nature of a legal liability which the Grantor may suffer, incur or sustain, or for which the Grantor may become liable, arising or growing out of any injury or damage to persons or to real or personal property arising by reason of the existence, use, operation, installation, maintenance, repair, removal, replacement or inspection of the Easement or caused by the act, acts and/or negligence of Grantee, or its contractors, subcontractors, agents or representatives, or any of them, in the prosecution of work performed in the Easement or in connection therewith.

8. Hold Harmless The Grantee hereby agrees to save and hold the Grantor harmless from any and all claims, debts, causes of action, or judgments for any damage to property and/or injury to any person which may arise out of any construction within or use of the Easement by the Grantee, its agents, employees, representatives, contractors, successors, or assigns. Neither this or the preceding paragraph shall be construed as a waiver by the City of any available defenses to any claim of loss, damage, or legal liability, including but not limited to, the defense of governmental immunity.

9. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.

10. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

11. Exemption from Transfer Tax. This easement is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a). [*If consideration is actually paid, transfer taxes will be assessed based on the amount paid under both MCL 207.505 &*

City of Parchment:

Nancy Stoddard

By: Nancy Stoddard, City Manager

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

The foregoing instrument was acknowledged before me on May 18, 2023, by Nancy Stoddard, City Manager, on behalf of the Grantors, City of Parchment.

Kara Smith

Kara Smith Notary Public
Kalamazoo County, Michigan
My commission expires: March 16, 2028
Acting in Kalamazoo County

CITY OF KALAMAZOO:

____
James K. Ritsema
Its: City Manager

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

The foregoing instrument was acknowledged before me on ____________________, 2023 by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its City Manager.

____

______________________________Notary Public

Kalamazoo County, Michigan
My commission expires: ____________________
Acting in Kalamazoo County

Prepared By & After Recording Return To:
Gail Morton
Metro Consulting Associates
809 Drury Lane, Portage, MI 49002
269-350-1574

EXHIBIT "A"

PROPOSED EASEMENT FOR WATER PRESSURE REDUCING STATION 44 DESCRIPTION:

THAT PART OF LOT 192, PARCH-GLEN NO. 1, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF PARCHMENT, KALAMAZOO COUNTY, MICHIGAN, RECORDED IN LIBER 12 OF PLATS, PAGE 07, KALAMAZOO COUNTY RECORDS, DESCRIBED AS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 192 THAT IS 13.39 FEET SOUTH 00° 57' 51" WEST OF THE NORTHEAST CORNER OF SAID LOT 192; THENCE SOUTH 00° 57' 51" WEST ON SAID EAST LINE 35.00 FEET; THENCE NORTH 89° 02' 09" WEST PERPENDICULAR TO SAID EAST LINE 25.00 FEET; THENCE NORTH 00° 57' 51" EAST PARALLEL WITH SAID EAST LINE 35.00 FEET; THENCE SOUTH 89° 02' 09" EAST PERPENDICULAR TO SAID EAST LINE 25.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

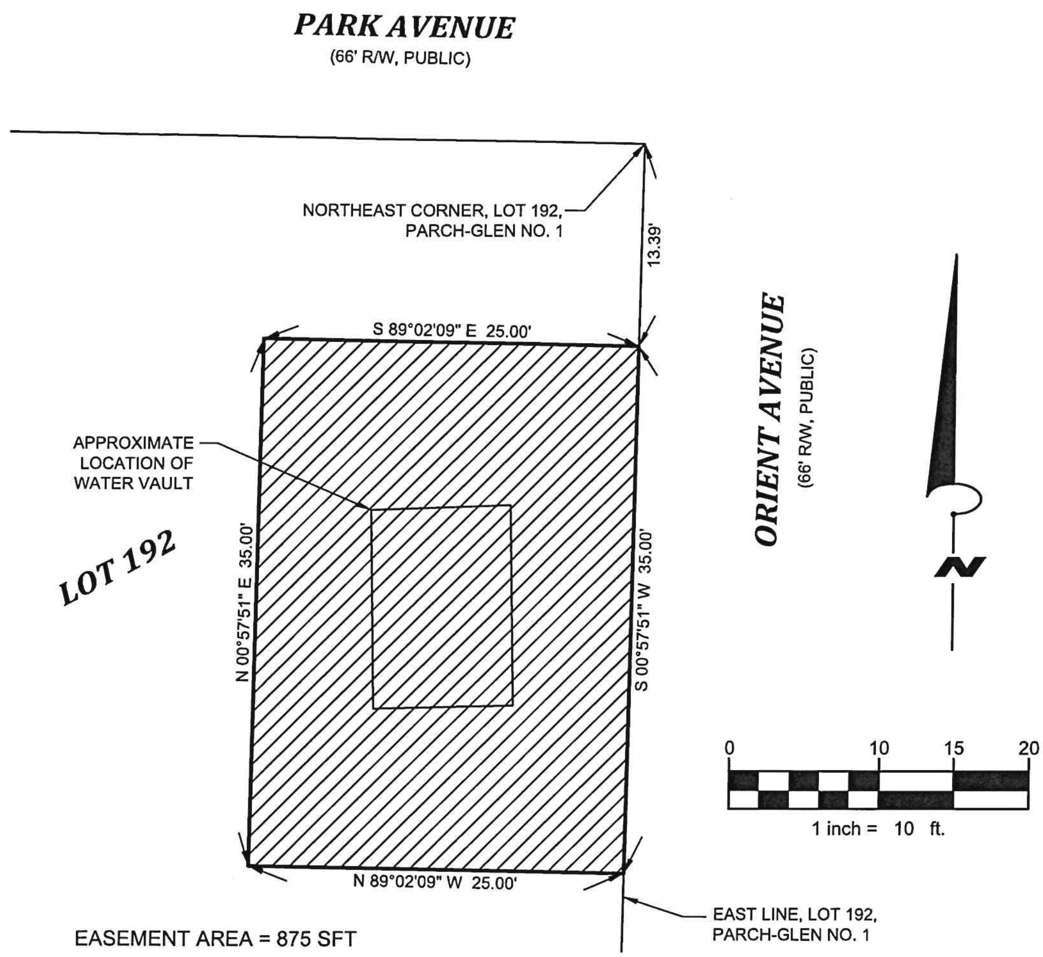
SUBJECT TO ANY FACTS THAT MIGHT BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

Property Address: Not Applicable

Property Tax ID Number: 06-02-181-480

EXHIBIT "B"



PROPOSED EASEMENT FOR WATER PRESSURE REDUCING STATION 44 DESCRIPTION:

THAT PART OF LOT 192, PARCH-GLEN NO. 1, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF PARCHMENT, KALAMAZOO COUNTY, MICHIGAN, RECORDED IN LIBER 12 OF PLATS, PAGE 07, KALAMAZOO COUNTY RECORDS, DESCRIBED AS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 192 THAT IS 13.39 FEET SOUTH 00° 57' 51" WEST OF THE NORTHEAST CORNER OF SAID LOT 192; THENCE SOUTH 00° 57' 51" WEST ON SAID EAST LINE 35.00 FEET; THENCE NORTH 89° 02' 09" WEST PERPENDICULAR TO SAID EAST LINE 25.00 FEET; THENCE NORTH 00° 57' 51" EAST PARALLEL WITH SAID EAST LINE 35.00 FEET; THENCE SOUTH 89° 02' 09" EAST PERPENDICULAR TO SAID EAST LINE 25.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MIGHT BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

Property Address: Not Applicable

Property Tax ID Number: 06-02-181-480

W+ WIGHTMAN

2303 Pipestone Road, Benton Harbor, MI 49022 269.927.0100
9835 Portage Road, Portage, MI 49002 269.327.3532
1670 Lincoln Road, Allegan, MI 49010 269.673.8465
www.gowightman.com

CLIENT: CITY OF KALAMAZOO
JOB No: 184286
DATE: OCTOBER 8, 2018
SCALE: 1" = 10'
DRAWN BY: JDC
CHECKED BY: GDH

WATER PRESSURE REDUCING STATION EASEMENT

Date: **7/5/2023**
Item: **G.12.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, Public Services Director and City Engineer
Prepared by: Anna C. Crandall, PE, Assistant City Engineer – Water Resources

DATE: July 5, 2023

SUBJECT: 1625 Krom Avenue Utility Easement

RECOMMENDATION:

It is recommended that the City Commission approve and accept the easement with Valley Vision Construction and Development for water main that is going to be installed as part of the FY 23 Drinking Water State Revolving Fund (DWRF) Water System Upgrades Project; and authorize the City Manager to sign all related and necessary documents regarding the acquisition of the easement.

BACKGROUND:

Construction of new water main is planned for the Martin Street from North Burdick Street to Krom Avenue as part of the FY2023 DWRF Water System Upgrades Project. As all public water mains and sanitary sewer are required to be in a dedicated easement or public right of way, Valley Vision Construction and Development in collaboration with the City of Kalamazoo Attorney has drafted this agreement for approval.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The funds required for this easement are $100.00. The City of Kalamazoo will incur the cost of recording the easement with the Clerk-Register and $100 for consideration for the grant of the easement as this project was solely contribution in aid.

Description	Account	Project #	Dollar Amount
Water Capital Improvement		wat0500412	$100.00

PUBLIC UTILITY EASEMENT

THIS AGREEMENT dated ________________, 2023 between Valley Vision Construction and Development, a Michigan (limited liability company), whose address is 1214 Paterson Street, Kalamazoo, Michigan, 49007 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

A. Grantor owns a certain parcel of real estate at 1625 Krom Avenue, Kalamazoo, Michigan, 49007 in the City and County of Kalamazoo, which is more specifically described on the attached Exhibit A ("Property").

B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with water main construction between the east end of Martin Street and Krom Avenue.

C. Grantor agrees to grant to the City a utility easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

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

1. Grant of Easement. In consideration of less than One Hundred Dollars ($100.00) plus other valuable consideration, Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through that portion of the Property as described in Exhibit A. ("Easement Area")

2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing the pipelines, connections, leads and all other components of the city's water supply system and other public utilities systems placed within the Easement Area. ("Utility Activities")

3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary through the

Property, in order to carry out the Utility Activities, subject to the following conditions:

a) Perform the Utility Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
b) Restore the Easement Area without cost to Grantor after completion of the Utility Activities to the same condition as existed before any such utility activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Utility Activities.
d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.

4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.

5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.

6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.

7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.

8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

9. Exemption from Transfer Tax. This easement is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a). [*If consideration is actually paid, transfer taxes will be assessed based on the amount paid under both MCL 207.505 & 526*]

Valley Vision Construction and Development

By: ______________________

Its: owner

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on June 5, 2023, by Erika Dowdell, on behalf of the Grantor.

____
Notary Public
Kalamazoo County, Michigan
My commission expires: 12/18/2028

ERIKA DOWDELL
NOTARY PUBLIC
STATE OF MICHIGAN
COUNTY OF KALAMAZOO
My Commission Expires December 18, 2028
Acting in the County of Calhoun

CITY OF KALAMAZOO

By: ______________________
James K. Ritsema
Its: City Manager

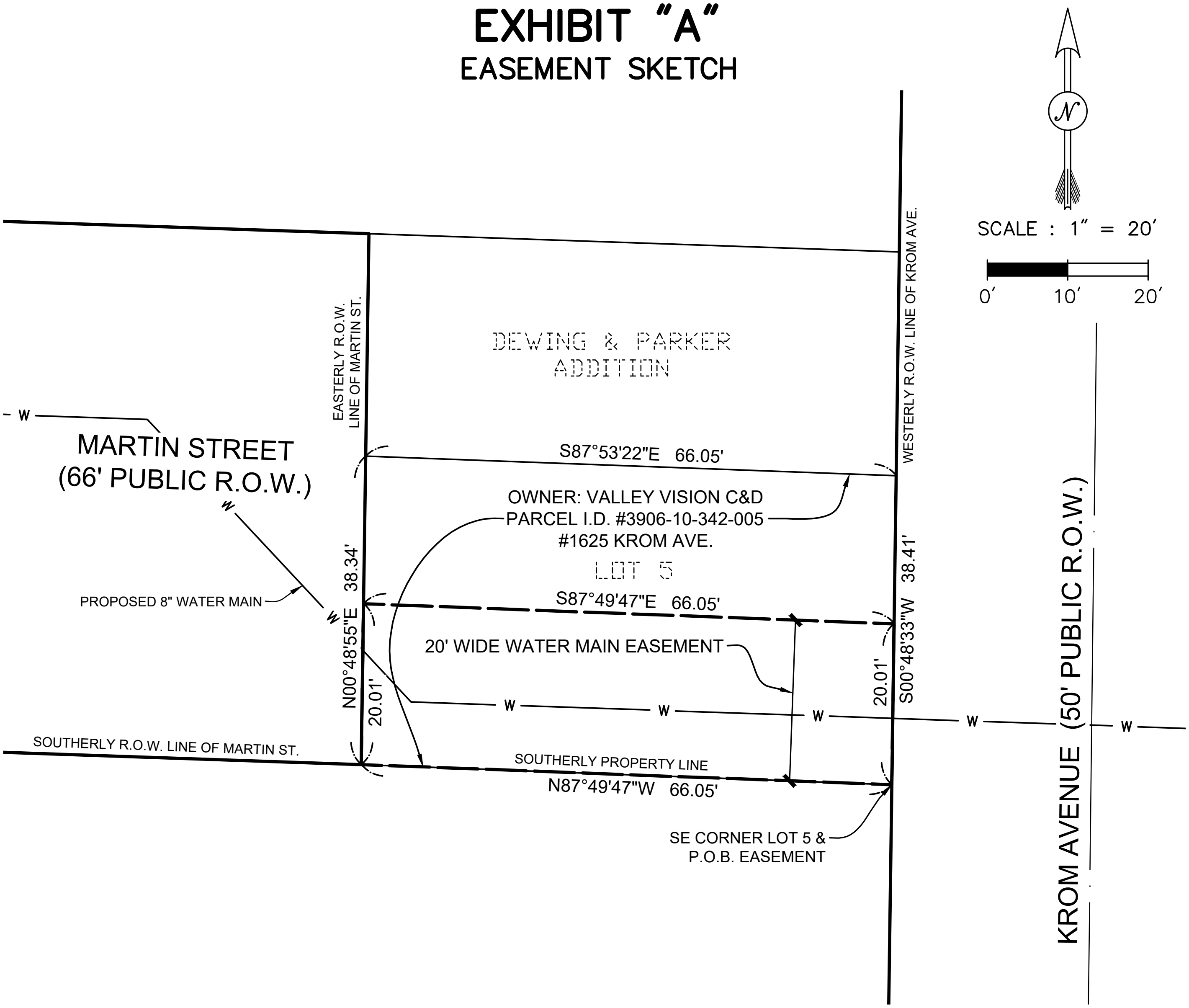
STATE OF MICHIGAN }
} ss.
COUNTY OF KALAMAZOO }

The foregoing instrument was acknowledged before me on ______________, 20__ by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its City Manager.

____
Notary Public
Kalamazoo County, Michigan
My commission expires: __________

Prepared By & After Recording Return To:
The Office of City Attorney
241 W. South St.
Kalamazoo, MI 49007
(269) 337-8185

EXHIBIT "A"
EASEMENT SKETCH



Parcel 39-06-10-342-005 Description:
The South 38 and $\frac{1}{3}$ feet of Lot 5 of Block C of the Addition of Dewing and Parker

20.00 foot Water Main Easement over Parcel 39-06-10-342-005:

Beginning at the Southeast corner of Lot 5, Dewing & Parker Addition to the City of Kalamazoo, as recorded in Liber 3 of Plats on Page 41, Kalamazoo County Records; thence North 87°-49'-47" West along the South line of said Lot, 66.05 feet to the West line of said Lot and the Easterly Right-of-Way line of Martin Street; thence North 00°-48'-55" East thereon, 20.01 feet; thence South 87°-49'-47" East, 66.05 feet to the East line of said Lot and the Westerly Right-of-Way line of Krom Ave; thence South 00°-48'-33" West thereon, 20.01 feet to the place of beginning.

Prein&Newhof
Engineers•Surveyors•Environmental•Laboratory
1707 South Park St. Suite 200 t. (269) 372-1158
Kalamazoo, MI 49001 f. (616) 364-6955
www.preinnewhof.com info@preinnewhof.com

LOCATED IN : SECTION 10
TOWN 2 SOUTH, RANGE 11 WEST
CITY OF KALAMAZOO,
KALAMAZOO COUNTY, MICHIGAN

Date : 6/2/2023
Project No. 2220555

PAGE
1 OF 1

BVLMONT - 2220555_10-342-005 Water Esmt.dwg - EASEMENT SKETCH - Jun, 06 2023 - 03:37pm

Date: **7/5/2023**
Item: **G.13.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Antonio Mitchell, Community Planning & Economic Development Director
Prepared by: Paul Thuringer, Economic Development Supervisor

DATE: July 5, 2023

SUBJECT: Sidelot Sale of Property at 710 N Edwards Street

RECOMMENDATION:

It is recommended that the City Commission approve a purchase agreement for the sale of 710 N Edwards Street to Hazel L Cook, owner of 714 N Edwards Street, for the sale price of $150, and authorize the City Manager to sign all related documents.

BACKGROUND:

This is a very small, 6" by 66' vacant strip of land that is adjacent to Hazel Cook's property at 714 N. Edwards St. The other adjacent land owner, at 708 N. Edwards St. is the Kalamazoo County Land Bank. This parcel will be combined with Ms. Cook's property at 714 N Edwards.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

$150 is the assessed total value of the parcel, which will be paid to the City by Hazel Cook.

The property has a carrying value of $505 for this property in the Governmental Capital Assets. The $150 proceeds will be deposited into General Fund revenues and the $355 loss on sale will be recognized in the City's Government-Wide Full Accrual financial statements.

REAL ESTATE PURCHASE AGREEMENT

This Agreement is entered between **CITY OF KALAMAZOO**, a Michigan municipal corporation whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("the City"), and **HAZEL L. COOK**, whose address is 717 N. Edwards Street, Kalamazoo, Michigan 49007 ("the Buyer").

NOW, THEREFORE, the parties agree as follows:

Recitals:

A. The City is interested in selling the vacant strip of property located at 710 N. Edwards Street, Kalamazoo, parcel number 06-15-183-212, more fully described in Exhibit A to this Agreement (the "Parcel"), to allow the Buyer to maintain and have control over property adjacent to her residential yard.

B. The City and the Buyer desire to enter into this Purchase Agreement ("Agreement") for the mutual benefit of both parties, subject to the following terms and conditions.

1. Consideration

The City agrees to convey the Parcel by quit claim deed to the Buyer. In return, the Buyer will pay to the City the purchase price of ONE HUNDRED AND FIFTY DOLLARS ($150.00).

2. Reasonable Access

After this Agreement has been signed but before the closing, the Buyer will be entitled to have reasonable access to the Parcel for the purpose of inspecting and investigating all aspects and conditions of the Parcel, restoring any damage caused by such inspection or investigation. All testing, inspection, and investigation, if any, shall be conducted at the Buyer's sole cost and expense.

3. Closing & Possession

The date of closing on this matter shall be on such date as is mutually agreeable by the parties, but in no event later than 90 days after the City Commission has approved this transaction. At closing, the City agrees to execute a quit claim deed for the Parcel in exchange for receipt of cash, bank check, or title company check in the amount of the purchase price. Upon closing, the Buyer shall be entitled to possession upon payment of the purchase price and receipt of the quit claim deed to the Parcel. The parties are responsible for their own closing costs.

4. Environmental

The City states that it is not aware of the existence of any environmental contaminants or pollutants on the Parcel.

The Buyer reserves the right, before closing, to conduct or cause to be conducted an environmental assessment of the Parcel. If that assessment reveals a significant environmental problem, the Buyer reserves the right to declare this agreement void, in which case the parties shall have no further obligation to each other or to cause the transfer of title to occur.

5. Authority

The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. If such approval is not made within 90 days after the City has signed this Agreement, it shall be deemed null and void and of no force and effect.

6. Notices

Any notice or other communication under this Agreement by one party to the other shall be in writing, signed by an authorized representative and delivered in personor by certified mail, postage prepaid with return receipt requested to the following:

Buyer:

Hazel L. Cook
717 N. Edwards Street
Kalamazoo, MI 49007

City:

City of Kalamazoo
Attn: City Manager
241 West South Street
Kalamazoo, Ml 49007

w/copies to the City Attorney at above address

Each party shall notify the other of any changes in the address for the receipt of notices.

7. Real Estate Brokers

Both the City and the Buyer represent and warrant to the other that there has been no involvement of a real estate broker or salesperson in this transaction. Each party shall indemnify and hold the other party harmless with respect to the claims of any real estate broker or salesperson who may have dealt with such party in connection with this transaction.

8. Taxes

The Property is currently exempt from the payment of taxes. Beginning with December 31 of the year in which the Buyer acquired the Parcel, the Buyer shall be responsible for the taxes, if any, levied against the Parcel and any improvements located within or on the Parcel.

9. Miscellaneous

A. This Agreement shall bind and benefit the City, the Buyer, and their respective successors or assigns.

B. This Agreement may not be amended, altered or modified unless done in writing and signed by representatives of the parties who are so authorized.

C. This Agreement may be signed in counterparts, which together shall comprise a single agreement.

D. This Agreement constitutes the entire agreement between the parties and there are no other representations, warranties, promises, guarantees or agreements, oral or written, expressed or implied, between the parties hereto with respect to this Agreement. This Agreement shall not be merged into any instrument or document executed and delivered at the Closing, but shall survive the Closing and the representations, warranties, covenants, and obligations herein shall remain in full force and effect.

E. Each party agrees to execute any additional documents reasonably requested by the other party to carry out the intent of this Agreement, provided that no requested document shall create any liability of the City or increase any liability of the City.

F. This Agreement shall be construed in all respects in accordance with the laws of the State of Michigan.

G. Nothing in this Agreement, expressed or implied, is intended to confer upon any person, other than the parties hereto and their respective successors and permitted assigns, any rights or remedies whatsoever.

H. The captions or headings of this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provision or section of this Agreement.

I. All exhibits hereto are incorporated herein as though fully stated herein.

J. No waiver of any of the provisions of this Agreement shall be deemed or constitute a waiver of any other provision, whether or not similar, nor shall any waiver be a continuing waiver. No waiver shall be binding unless executed in writing by the party giving the waiver.

[Signatures on following page]

CITY OF KALAMAZOO

Date: _________________, 2023 By: ________________________________
James K. Ritsema
Its: City Manager

Date: 5-9-, 2023 By: Hazel L. Cook
Hazel L. Cook

EXHIBIT A

Legal Description of Parcel

T.C. Sheldon's Addition Block Forty-Three (43) South Five Tenths (0.5) Feet of North Fifty-One (51) Feet of Lot Twelve (12).

Permanent Parcel No. 06-15-183-212

The Kalamazoo City Commission met in special session as a Committee of the Whole on Monday, August 29, 2022 at 5:00 p.m. in the City Commission Chambers at City Hall. The purpose of the meeting was to discuss 2022-2023 utility rates

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Don Cooney Qianna Decker Jeanne Hess Chris Praedel
COMMISSIONERS ABSENT:	Stephanie Hoffman Esteven Juarez*

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

Commissioners Excused

Commissioner Hess, seconded by Vice Mayor Cooney, moved to excuse the absences of Commissioners Hoffman and Juarez. With a voice vote the motion passed.

Public Comments

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

2022-0288
Presentation: FY2023 Proposed Utility Rates

Tom Wheat from the Utility Policy Committee (UPC) reported the Committee had studied the proposed utility rate increases at their meeting on August 11th and was recommending the City Commission approve the increases.

*Commissioner Juarez arrived at 6:05 p.m.

Public Services Director James Baker delivered a presentation entitled *FY2023 Proposed Utility Rates*. At the end of the presentation, Director Baker indicated rate consultant Bart Foster from The Foster Group was available via telephone if there were any questions for him. A copy of the slides from this presentation was filed with the papers for the meeting.

In response to questions and comments from City Commissioners, Director Baker and Mr. Foster provided the following information:

- Stantec was a consulting firm engaged by the UPC to make recommendations regarding water rates. The UPC selected Stantec after a qualifications-based selection process, and their contract would be presented to the City Commission for approval on September 6th. The City had selected The Foster Group as its consultant for water and wastewater rates earlier in the year. Both Stantec and The Foster Group provided analysis for the water rates, and they were in agreement regarding the rate recommendations. Beginning in 2023, Stantec would provide consulting services for water rates, and The Foster Group would provide consulting services for wastewater rates.

- both rate ordinances (water and wastewater) would be offered for first reading on September 6th with final adoption scheduled for September 19th. From a process standpoint the only difference between the two ordinances was the effective date.

2022-0288
Presentation: FY2023 Proposed Utility Rates (cont'd)

- a "smart meter" was a water meter that communicated usage data over radio frequencies, eliminating the need for on-site meter reading. The current implementation strategy was replacement through attrition. It would cost approximately $16 million to get all water system users on smart meters. The replacement process would accelerate once all the lead service lines were replaced.

- all utility systems were facing cost pressures. It was not known whether other systems were planning rate increases, but all rate payers will be facing increases eventually. Kalamazoo was trying to get ahead of the issue and face problems head-on.

- the proposed rate increases would be in place through the end of 2023, with no additional increases proposed during that time.

- drivers of the overall cost increase included rising costs for fuel and chemicals, cost increases because of material shortages, and increases in construction contract bids (15-30%).

- the City was trying to keep construction costs down by giving contractors extra time to complete projects and by procuring commodities like water main in to have on hand for projects rather than putting the uncertainly of procuring those supplies on the contractor.

- the City Manager's Office, Chief Financial Officer, and City Commission have been willing to make investments in the utility, which resulted in an upgrade in the City's bond rating The upgrade meant the City would pay less to borrow money. It was important for the utility to be able to have positive financial metrics.

- if the City Commission did not approve the proposed rate increases, the City's ability to continue with planned investment in the system would be impacted.

- the water and wastewater systems were supported mainly by user rates. Legally, the revenue from utility rates could be used only for utility related expenses.

- Public Services staff would meet with customer stakeholder groups to explain the rate increases. Staff would work on ideas for communicating the increases to the public and would bring ideas back to the City Commission.

Commissioner Decker expressed appreciation for the assistance programs and thanked Director Baker for the door-to-door canvas with information on lead testing services and filters. Commissioner Decker expressed support for good communication and outreach about the proposed increases.

Vice Mayor Cooney remarked that the proposed improvements were needed; people needed to know that their drinking water was safe.

Commissioner Juarez thanked Director Baker and his staff for their work. Commissioner Juarez commented that most people did not understand everything that went into getting water out of a faucet.

2022-0288 Presentation: FY2023 Proposed Utility Rates (cont'd)	Mayor Anderson thanked Commissioners for their comments and questions and for working together. Mayor Anderson stated this item would come before the City Commission at least two more times, and people should assume comments made by Commissioners at this meeting were not the last ones on the topic. Mayor Anderson noted the City would still have low utility rates, even with the proposed increases. Mayor Anderson remarked on the importance of having clean water, which people often took for granted. Mayor Anderson explained the utility was a public system and, as such, was not operated as for-profit enterprise. Mayor Anderson expressed gratitude that the City Commission had the opportunity to work with people who could be trusted as subject matter experts. City Manager Ritsema recognized the utility leadership team: Deputy City Manager Jeff Chamberlain, Director Baker, Assistant Public Services Director Anthony Ladd, Support Services Division Manager Valetta Sellers-Evans, and Deputy Public Services Director Teresa Johnson.
Commissioner Comments	An opportunity was given for comments from City Commissioners, but no comments were offered.
Adjournment	The meeting adjourned at 6:20 p.m. Scott A. Borling City Clerk Approved by the City Commission on: ____________________________

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The Kalamazoo City Commission met as a Committee of the Whole on Tuesday, September 6, 2022 at 5:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Qianna Decker Jeanne Hess Stephanie Hoffman Chris Praedel
COMMISSIONERS ABSENT:	Vice Mayor Don Cooney Esteven Juarez

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

Commissioners Excused

Commissioner Hess, seconded by Commissioner Decker, moved to excuse the absences of Commissioner Juarez and Vice Mayor Cooney. With a voice vote the motion passed.

Public Comments

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

In-Person Comments

Jack Urban, City resident, encouraged the City Commission to seek a City Attorney who would give advice that was less conservative and more "on the edge." Mr. Urban encouraged Commissioners to ask the City Attorney for opinions that analyzed risks and rewards rather than ways to protect the City.

Shardae Chambers, City resident, spoke about the lack of transparency and respect with regard to the on-going investigation of Public Safety Chief Vernon Coakley.

Call-In Comments

None

2022-0289
Discussion re: the City Attorney Search Process

Human Resources and Labor Relations Director Shelly Dusek introduced Jeff Mueller, Executive Recruiter from the Michigan Municipal League, who reviewed the recruitment and hiring process for the City Attorney position and facilitated Commissioner discussion about the job description and job posting. Commissioners offered the following comments in response to Mr. Meuller's questions:

Do you feel Kalamazoo is a safe community?

- in general, Kalamazoo is safe, but it could be safer. There are areas where it is not safe, and ages that are not safe.
- Kalamazoo's growth will increase exponentially once certain safety milestones were hit.
- we need to document safety with data.
- crime often followed poverty; some crimes were more prevalent than others.
- Kalamazoo was not immune from the challenges of urban life and national trends.

2022-0289
Discussion re: the City Attorney Search Process (cont'd)

- some neighborhoods did not feel safe, and some neighborhoods do not even think about safety.
- community surveys show that safety is the top priority for residents.
- within the past year the City Commission has allocated $1 million each to address gun violence and youth development.

How do you feel about the schools?

- Kalamazoo Public Schools (KPS) is always evolving. We need to put more pride and hope into the school system. We need to support teachers and staff.
- The Kalamazoo Promise is a great opportunity. No other school district has The Promise.
- the new KPS Superintendent is dynamic and cares about the kids.
- Kalamazoo is the "Education City" with The Promise, Western Michigan, Kalamazoo College, and Kalamazoo Community College.
- KPS is partner and not under the City's purview.
- the community is devoted to supporting KPS.
- the City flag features representations of Industry, Progress, and Education

What change is the community experiencing?

- the community is becoming more aware of who we are and who we want to become regarding issues like racism, violence, and youth issues.
- the City's resident population is changing.
- there has been a shift from being creative in how we cut budgets and services to being creative in our dreaming. Examples include the Foundation for Excellence, The Kalamazoo Promise, KRESA's $100 million career readiness center, and community philanthropy.
- our intent to be an inclusive community is part of the change.
- change is being driven by a great community engagement process, community vision, and master plan.
- barriers to healthcare for the community's most vulnerable residents were removed in 2020, but COVID programs and benefits were going away. The barriers need to be removed.

What are the opportunities in Kalamazoo?

- Kalamazoo has a great arts community and is family oriented.
- we have a great location, between Detroit and Chicago.
- Kalamazoo is one of the most affordable places to live in the Midwest.
- in 5-10 years, Kalamazoo will be one of the most cool and vibrant cities in the state.
- there are great projects in the works. Kalamazoo is growing; we need to make sure to bring everyone along.
- we have a Fair Housing Ordinance, and Kalamazoo County has a millage for affordable housing.
- the Attorney General said recently that Kalamazoo "is doing it right."

What challenges are facing the community?

- poverty; racism; disparities of income and opportunity
- accountability and transparency for the City organization; building and rebuilding trust with the community.
- a lack of housing across all income ranges.

2022-0289
Discussion re: the City Attorney Search Process (cont'd)

- Attracting people who care about the community to be Public Safety Officers.
- the City has old housing stock that needs upkeep and repair.
- realizing all the ideals we put on paper.
- the unhoused

What skills do you want in the next City Attorney?

- knowledge of Michigan municipal law
- integrity; above reproach; unbiased
- the ability to give options within the boundaries of the law and empower decision-making
- the ability to see through an anti-racism and DEI (diversity, equity, and inclusion) lens.
- the ability to look beyond the letter of the law to what is right and just.
- an ability to educate staff and the public about legal topics.
- a good manager: the ability to manage an office
- knowledge and experience in the following areas: Freedom of Information laws and processes; Open Meetings Act; human resources and employment law.
- an even-keeled temperament; someone who does not let ego or personalities get in the way.
- the ability to work collaboratively, both with staff and people/groups outside the City organization.
- the ability to outsource and use/manage outside counsel for specialized areas of the law.

Do any changes need to be made to the job description?

- the FOIA request process needs to be efficient and sustainable.
- the ordinance decriminalization project needs to keep moving forward.
- the City Attorney needs to empower their staff.
- the City Attorney needs to be intentional in building relationships with the City Commission and City Administration.
- the City Attorney needs to be responsive to the City Commission; knowing when and how to communicate with Commissioners.

In response to questions from Commissioner Hess, Mr. Meuller stated the role of a municipal attorney varied from community to community, but things like contract review and monitoring state and federal law for local impacts were common duties. Mr. Meuller stated an applicant from out of state could potentially practice law in Michigan, but they would not be able to meet the City's position requirement of experience practicing Michigan municipal law.

In response to a question from Mayor Anderson, Mr. Meuller presented the following timeline for the recruitment/hiring process:

- notes from this meeting would be sent to Director Dusek in one or two days.

- the position would be advertised for four weeks.

- candidates would be presented to the City Commission for consideration a few weeks after the advertising closed.

2022-0289
Discussion re: the City Attorney Search Process (cont'd)

In response to questions from Commissioner Decker, Mr Meuller stated it was difficult to estimate the number of applications the City might receive. Mr. Meuller noted the City of Grand Rapids received 50 applications when they advertised for their attorney position. The City Commission would receive a matrix with scores for all applicants, and a screening report with more detailed information on all candidates who met the City's criteria.

In response to a question from Commissioner Hess, Mr. Meuller indicated he had people in mind for the position, and he would work his contacts in larger law departments across the state.

Commissioner Comments

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

Commissioner Hess thanked City Attorney Robinson for his experience and integrity.

Adjournment

The meeting adjourned at 6:21 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

A regular meeting of the Kalamazoo City Commission was held on Tuesday, September 6, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Don Cooney Qianna Decker Jeanne Hess Stephanie Hoffman Chris Praedel
COMMISSIONERS ABSENT:	Esteven Juarez*

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

Commissioners Excused

Commissioner Praedel, seconded by Commissioner Hoffman, moved to excuse the absence of Commissioner Juarez. With a voice vote this motion passed.

Invocation

The invocation, given by Pastor Daniel Cunningham, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

- Commissioner Decker requested that a discussion of vacant houses be added to the agenda under New Business.

- Commissioner Hoffman requested that Item G-4, a resolution setting a public hearing for the creation of an Obsolete Property Rehabilitation District at 215 E. Michigan Ave, be moved from the Consent Agenda to the Regular Agenda.

2022-0290
Presentation re: FFE Funded Youth Development Programs

Parks and Recreation Deputy Director Ashton Anthony, Program Coordinator Pete Aerts, Recreation Manager Chad Wendt, and Paige Daniels from the Kalamazoo Regional Education Service Agency (KRESA) delivered a presentation entitled, *Youth Development*. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to questions and comments from City Commissioners, the presenters provided the following information:

- a lack of staffing kept the summer youth programs from accepting more kids. Only 30 of 52 staff positions were filled. Low salaries were a barrier to attracting more staff.

- the MyCITY youth employment program served everyone who applied, but there were 40 applicants who chose not to participate because of low wages.

- the summer programs were promoted online, through connections with churches and schools, through El Concilio, and by word of mouth.

- the Kalamazoo Youth Advisory Council provided input on the summer programs and facilitated connections with other youth. Participant input was also gathered through surveys and feedback forms.

2022-0290
Presentation re: Youth Development Programs (cont'd)

- program participants were exposed to nature through field trips to a blueberry farm, a dairy farm, and Mount Randall/Warren Dunes. Some participants worked with local colleges on animal and plant research at the Kalamazoo Nature Center.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

In-Person Comments

2022-0291

Larry Bell, City resident, expressed concern that Kalamazoo Avenue was a designated truck route in the two-way street conversion plan, and he spoke about the detrimental impact of the unhoused on downtown business and property owners. Photographs submitted by Mr. Bell were filed with the papers for this meeting.

Wendy Fields, City resident and President of the Kalamazoo Metropolitan Branch of the NAACP, offered remarks on systemic racism in Kalamazoo and expressed opposition to the City Manager's exoneration of the Public Safety Officers involved with the case of Monica Padula. Ms. Fields stated the power of the City Manager needed to be looked at. Ms. Fields spoke about the termination of former Public Safety Chief Karianne Thomas and compared the City Manager's handling of that situation with his handling of the current investigation of Chief Vernon Coakley. Ms. Fields questioned whether any former Chiefs, Deputy Chiefs, or Assistant Chiefs had ever been suspended.

Cathy Phason, non-resident, spoke about her son being racially harassed in the City of Portage, and she offered an example of the ways Public Safety Officers treated Black/Indigenous/People of Color (BIPOC) and white people differently during police contacts. Ms. Phason noted individuals from BIPOC communities were arrested at a higher rate than white people.

Ashante Collins, City resident, spoke about the mission of the Campaign for Criminal Justice Transparency (CCJT) and referred to an email she had sent on September 2nd regarding an upcoming forum on criminal justice transparency.

John Paul, City resident, spoke about the impact of the unhoused on the downtown area and suggested the City turn on the water in the fountains and provide public bathrooms.

An anonymous speaker commented on the eviction of homeless people from the Ampersee site and asked the City to address what was happening with the recommendations from the OIR Group Report. The speaker stated the Public Safety Department was the same and had not changed.

Charlae Davis, City resident and the Executive Director of the Interfaith Strategy for Action and Advocacy in the Community (ISAAC), spoke about the hard work of being anti-racist and called the City to look at its policies and practices and hold people accountable.

Ed Genesis, City resident, spoke about the need for accountability and the need to come together as a community.

Public Comments (cont'd)

Shardae Chambers, City resident, expressed opposition to the proposed utility rate increases. Ms. Chambers stated the City needed to work on transparency, and City Commissioners needed to be more accessible and available to the public.

Samantha Cree, City resident, expressed opposition to the proposed utility rate increases and suggested the City use some of the federal grants it had received to fund projects rather than raising rates.

Patricia Hirsch, City resident and downtown business owner, asked the City to make water and bathroom facilities available downtown and suggested the City put a dog park in the downtown area.

Ryan Tovey, Director of Hospitality at Bell's Brewing, spoke about the need to address homelessness.

Becket Jones, a candidate for Circuit Court judge, stated moments of discomfort were moments of growth, and he encouraged people to engage after the meeting and not retreat.

*Commissioner Juarez arrived at 8:32 p.m.

An anonymous speaker expressed support for decriminalizing bodily functions and asked that the City put more bathrooms downtown.

Wendy Flora, City resident, thanked the City for its work on youth development but expressed concern about low wages for staff.

<u>Call-In Comments</u>

Joe Byers, City resident, expressed opposition to the proposed utility rates.

Audrey, a City resident, requested an update on the air quality study for the area around the Graphic Packaging plant.

Brandi Crawford-Johnson, non-resident, offered remarks about environmental racism and Graphic Packaging International.

Shona Espinoza, City resident, spoke about the low wages for employees of Kalamazoo Public Schools (KPS), and she asked the City to address this issue with the KPS Board.

Tina McClinton, City resident, asked the City to address flooding in the Southtown neighborhood.

Martin Clem, City resident, expressed opposition to the proposed utility rate increases and asked the City to promise that commercial utility customers would have rate increases too.

Consent Agenda

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

- approval of a professional services agreement with Jones and Henry Engineers, Ltd for the design of the John Street sanitary sewer siphon improvements in the amount of $140,000. **2022-0292**

- approval of a professional service agreement with Stantec Consulting Services, Inc. for water rate consultant services for the Kalamazoo drinking water utility in the amount of $149,575. **2022-0293**

- approval of a three-year contract with Hausch & Company, Inc. for claims adjusting services in the amount of $210,000. **2022-0294**

- adoption of a **RESOLUTION** recommending approval of a Social District and Commons Area permit for Junglebird Ventures LLC, located at 155 W Michigan Avenue, Ste 104. **2022-0295** Resolution 22-45

- adoption of two **RESOLUTIONS** granting a Payment in Lieu of Taxes to Kalrecovery II Limited Dividend Housing Association Limited Partnership for the proposed Kal-Recovery Housing project located on the City block which consists of a 1.35-acre lot consisting of six contiguous parcels along the West side of Portage Street between Crosstown Parkway and Dutton Street and a portion of the 6.64 acre lot bounded by Reed Street, Belford Street, Bryant Street, and the Portage Creek, for the proposed 4% and 9% Low Income Housing Tax Credit projects. **2022-0296** Resolution 22-46 Resolution 22-47

- approval of an Intergovernmental Fire Protection Hazardous Materials Incident Response Agreement and formally take on the role as fiduciary from the County of Kalamazoo through a memorandum of agreement. **2022-0297**

- approval of a memorandum of agreement with Kalamazoo Public Schools for the Kalamazoo Department of Public Safety to provide School Resource Officer Services for the 2022-2023 school year. **2022-0298**

- approval of a grant contract between the Brownfield Redevelopment Authority and Michigan Department of Environment, Great Lakes, and Energy for $1,000,000 to support the Rivers Edge Brownfield Redevelopment Project. **2022-0299**

- approval of the reappointment of Dr. Randy Eberts to the Employees Retirement System Board of Trustees for a term expiring on March 31, 2024; and approval of a waiver of City Commission Rules 12e and 12k regarding term limits and dual board memberships. **2022-0300**

- approval of the minutes from the City Commission meetings on August 15, 2022. **2022-0301**

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2022-0302
First Reading of an Ordinance to Change Water Rates

Public Services Director James Baker delivered a presentation entitled *FY 2023 Proposed Utility Rates*. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to questions and comments from City Commissioners, Director Baker provided the following information:

- the average cost for water was $30-36/month for low users and $48-56/month for high users. The proposed rate increases would impact all customers.

- the current utility rates were paying for work done in the past. Grants and low-interest or forgivable loans the City was applying for would help with future rate increases.

- all water systems would experience global inflationary trends, although not all systems faced the same challenges. The investments the City was making were for the future.

- a monthly payment option was being considered with the affordability program, but the options were limited because of the need for meter reading. Expanding the use of smart meters would help.

- currently, City staff were not able to help people apply for payment assistance, but in the future that would be possible.

- chemicals, fuel, and sludge hauling were examples of goods and services experiencing inflationary price increases. The cost for sludge hauling had doubled from $4.5 million/year to $9 million/year. The cost for phosphate had increased 73%.

- staff were working on long term solutions to reduce costs, but cost savings were difficult to qualify. System reliability, resiliency, and redundancy were the keys.

- if the rate increases were not approved, the system would be challenged, and there would be service impacts.

Commissioner Juarez stated he was pleading with the City to support the work that was needed to ensure clean water was available to the community. Commissioner Juarez stated he would rather make sure his children had clean water to drink and figure out how to pay the bills rather than get behind on the maintaining the water system.

Commissioner Hoffman stated she was torn about the rate increases because $20-30/month was a lot for someone with low income, and there was no dignity if people continually needed to ask for help.

Commissioner Praedel noted the final vote on the proposed utility rate ordinances was scheduled for September 19th. Commissioner Praedel clarified that the proposed rate increases were an early implementation of the increases planned for 2023; if the proposed increases were approved there would be no more increases

2022-0302
First Reading of an Ordinance to Change Water Rates (cont'd)

until 2024. Commissioner Praedel noted the Utility Policy Committee supported the proposed rate increases.

Commissioner Decker remarked the cost increases were for a purpose, and there was a lot of work being done. Commissioner Decker spoke about the need to make the City better for the future.

An opportunity was given for public comments on the first reading of an ordinance to amend Chapter 38 to change the rates charged for drinking water, but no comments were offered.

Commissioner Hess, seconded by Vice Mayor Cooney, moved to offer for first reading an ordinance to amend certain sections of chapter 38 of the Kalamazoo City Code to change the rates charged for drinking water. The ordinance amends Chapter 38 of the Kalamazoo Code of Ordinances to increase water system revenues, effective January 1, 2023.

Prior to a vote on the motion, Commissioner Praedel read several headlines about recent water system failures and their impacts, and he commented on the importance of making decisions with the future in mind.

Commissioner Hess stated her attendance at a recent meeting of the Kalamazoo River Watershed Council reminded her of the importance of water.

Commissioner Juarez urged City staff to explore all options and find solutions that would allow for system improvements without rate increases in 2024.

Commissioners Hoffman and Decker questioned whether the capital plan could be adjusted and extended to spread the cost over a longer time.

Commissioner Praedel expressed concern about extending the timeline for the plan and noted the City spent only $3 million per year on capital for decades.

In response to comments and questions from City Commissioners, Director Baker provided the following information:

- the proposed rate increases were part of a package that would fund all planned improvements. If the rate increases were spread out, some projects would not get done. Moreover, the Wastewater Fund was in a negative position and needed help. Changes to the proposed rates would result in impacts to projects currently underway.

- the rate increases were being driven by inflation and the capital investments that were not identified 10 years ago but were now considered vital, like lead service line replacement. Users of the system must bear those costs.

- the City was working with an engineering firm to benchmark contract costs on a regional basis.

Vice Mayor Cooney stated water and wastewater service were important, and he expressed support for the proposed rate increases. Vice Mayor Cooney questioned why people did not have money to pay their bills, and he suggested considering reparations.

2022-0302
First Reading of an Ordinance to Change Water Rates (cont'd)

Commissioner Hess remarked that Consumers Energy raised their rates every year, and she suggested that people be more aware of their water usage.

Mayor Anderson observed that water was a crisis issue in many parts of the country. Mayor Anderson stated the City had water and needed to make sure the system was maintained. Mayor Anderson agreed that the City needed to consider how to help people with their utility costs, but he questioned whether people had taken water for granted and asked what could be done for water conservation.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-0303
First Reading of an Ordinance to Change Wastewater Rates

An opportunity was given for Commissioner questions and public comments regarding an ordinance to amend certain sections of chapter 28 of the Kalamazoo City Code to change the rates charged for wastewater service, but no comments were offered.

Commissioner Juarez, seconded by Commissioner Decker, moved to offer for first reading an ordinance to amend certain sections of chapter 28 of the Kalamazoo City Code to change the rates charged for wastewater service. The ordinance amends Chapter 28 of the Kalamazoo Code of Ordinances to increase wastewater system revenues, effective October 1, 2022.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-0304
Resolution 22-48 Setting a Public Hearing for an OPRD at 215 E. Michigan Avenue

In response to questions and comments from City Commissioners regarding the creation of an Obsolete Property Rehabilitation District at 215 E. Michigan Ave, Assistant City Manager Rebekah Kik and Community Planning and Economic Development Director Antonio Mitchell provided the following information:

- one of the priorities for downtown was business recruitment. Obsolete Property Rehabilitation Districts (OPRD's) were one of the few tools the City had to incentivize the reuse of older buildings.

- OPRD's were intended for buildings that were not financially feasible to redevelop because they were so obsolete.

- OPRD's were like tax abatements for commercial buildings, where the taxable value of a building was frozen at the value prior to renovation, resulting in no taxes on the value of the improvements.

- staff would be creating a policy to limit use of this tool to restaurant and entertainment uses in the downtown area.

2022-0304
Resolution 22-48
Setting a Public Hearing for an OPRD at 215 E. Michigan Avenue (cont'd)

- the second floor of the 215 E. Michigan project would be either an entertainment space or a banquet space.

- the financial impact information for state, local, and school taxes would be provided to the City Commission on September 19th. The first step in the process was to create the district.

- this project was not eligible for assistance from the Brownfield Redevelopment Authority.

- currently there were downtown banquet spaces at City Center and The Radisson hotel.

Mayor Anderson recommended that Commissioners send their questions to staff prior to the September 19th meeting.

Commissioner Decker stated she want to make sure the proposal was a good project for Kalamazoo.

An opportunity was given for public comments on a resolution setting a public hearing for the creation of an Obsolete Property Rehabilitation District at 215 E. Michigan Ave, but no comments were offered.

Commissioner Hess, seconded by Commissioner Hoffman, moved to adopt a **RESOLUTION** setting a public hearing for the creation of an Obsolete Property Rehabilitation District at 215 E. Michigan Ave, as requested by Treystar on behalf of 215 EM Partners.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema reported the following position changes:

- Rebekah Kik was promoted to the position Assistant City Manager.

- Antonio Mitchell was promoted to the position of Director of Community Planning and Economic Development.

- Tanya Hewitt-Smith was promoted to the position of Director of Diversity, Equity, and Inclusion.

- Laura Lam was promoted to the position of Chief Operating Officer.

- Tinessa Patterson moved into the position of Executive Assistant in the City Manager's Office.

2022-0305
Amendment to the Employees' Retirement System Investment Policy Statement

City Manager Ritsema briefly explained a proposed change to the Retirement System Investment Policy Statement.

An opportunity was given for Commissioner questions and comments, but no comments were offered.

An opportunity was given for public comments regarding proposed amendments to the Retirement System Investment Policy Statement, but no comments were offered.

Commissioner Decker, seconded by Commissioner Juarez, moved to approve an amendment to Item 4 under the "Performance Measurement and Reviews - All Managers" section of the Employees' Retirement System Investment Policy Statement to read: "Members of the Employees' Retirement System will meet with each manager not less than one (1) time each year." and remove language referencing meeting once in Kalamazoo and once at the managers location.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

New Business

Next, an item of New Business was considered.

Commissioner Decker recommended the discussion about vacant houses be postponed and made an item on the September 19th agenda. There were no objections.

Commissioner Comments

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

Commissioner Hoffman stated the DEI issue was not going away, and she asked for volunteers from the Commission to work with DEI staff. Commissioner Hoffman stated the pictures provided by Mr. Bell were shocking but not shocking, and she urged the City to make housing a priority. Commissioner Hoffman expressed appreciation for the report on youth development and stated the City needed to focus on improving the quality of life for the community.

Commissioner Decker suggested turning on the water in the fountains downtown. Commissioner Decker thanked City Manager Ritsema for creating a committee to address downtown issues and stated CPED would have a lot more work to do with taking on downtown development. Commissioner Decker stated the City needed to consider the needs of the unhoused as winter approached, and she contrasted the City's inability to get a building for the homeless with its ability to give grants for a restaurant. Commissioner Decker expressed support for the Downtown Ambassadors program.

Commissioner Hess congratulated staff who received promotions. Commissioner Hess requested an update on the Graphic Packaging situation, both in the Friday informational email and for the public. Commissioner Hess commented on youth events that had taken place in August, and she expressed appreciation to Parks and Recreation staff. Commissioner Hess spoke about the benefits of education.

Commissioner Comments (cont'd)

Commissioner Praedel wished Commissioner Juarez "Happy Birthday." Commissioner Praedel remarked on public comments and noted staff was listening and would follow up. Commissioner Praedel expressed support for more Parks and Recreation programs.

Commissioner Juarez apologized for being late and explained he had obligations on Tuesday nights. Commissioner Juarez spoke about doing the work of healing and wholeness, and he remarked on the importance of mindset and perspective. Commissioner Juarez stated people should start doing this work by fixing themselves.

Vice Mayor Cooney requested summer program reports from Kalamazoo Youth Development Network (KYDNet) and the Police Athletic League. Vice Mayor Cooney stated the challenges presented during public comments were also opportunities, and he expressed confidence that the City could meet those challenges.

Mayor Anderson expressed appreciation for his colleagues on the Commission.

Adjournment

The meeting adjourned at 11:13 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ___________________________

The Kalamazoo City Commission met as a Committee of the Whole on Monday, September 19, 2022 at 5:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT: Qianna Decker
Esteven Juarez

Also present were Chief Operating Officer Laura Lam, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioners Excused

Commissioner Hoffman, seconded by Vice Mayor Cooney, moved to excuse the absences of Commissioners Decker and Juarez. With a voice vote, the motion passed.

Public Comments

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

In-Person Comments

Astoria Pulliam, City resident, questioned whether the City water system was safe. Ms. Pulliam indicated her service lines had been replaced, but she still wondered if there was lead in the water.

Kay thanked Commissioner Hess for responding to her email and spoke about the disconnect between City leadership, the Kalamazoo Department of Public Safety (KDPS), and the community. Kay stated the City Commission trusted KDPS, but the community did not.

Call-In Comments

Brandi Crawford-Johnson, non-resident, asked the City to stop Graphic Packaging International and the Wastewater Treatment Plant from poisoning people.

2022-00
Presentation: Economic Development

Community Planning and Economic Development (CPED) Director Antonio Mitchell, Business Development Assistant/Special Projects Coordinator Melody Daacon, and Molly Trueblood from the United Way of South Central Michigan delivered a presentation entitled *Economic Development, City of Kalamazoo*. A copy of the slides from this presentation was filed with the papers for the meeting.

In response to a request from Commissioner Hess, Joshua Grey, Co-Founder of Room 35, stated their goal for 2023 was to work with 900-1000 businesses, with three rounds of the Blueprint program, two rounds of the Core 60 program, and a pilot program focused on bookkeeping.

In response to Commissioners' questions and comments, Director Mitchell, Business Development Assistant Daacon, and Ms. Trueblood provided the following information:

2022-00
Presentation: Economic Development (cont'd)

- thanks to the Foundation for Excellence (FFE), the City was focusing on helping small businesses.

- in 2024, CPED would ask for funding for home-based startup businesses. The aim was to offer assistance to people who otherwise would not get assistance.

- The City wanted to impact the Asset Limited, Income Constrained, Employed (ALICE) population, in terms of both housing and business development.

- when the City started trying to assist local, minority owned businesses there was no data to work with – the City did not even have a list of businesses. The City has some data now, and the next step is to use the data to collaborate with local businesses, like Bronson and Borgess hospitals, to create partnerships with BIPOC (Black, Indigenous, People of Color) businesses.

- the lack of investment in an ecosystem for BIPOC businesses was one of the reasons flagship community investment programs like the Foundation for Excellence (FFE) and The Kalamazoo Promise were not having a bigger impact. Creating jobs with a living wage was a key, whether that happened through entrepreneurship or workforce development.

- the City needed to find a way to work with schools to train entrepreneurs. Some ideas included the participation of youth businesses in pop-up vending opportunities, like food truck rallies and Lunchtime Live.

- one barrier for small businesses was access to capital. The United Way loan program was one attempt to address this barrier, and the City's goal was to position businesses where they could go to banks and get funding on their own. Other ways the City was trying to reduce barriers was through information/document sharing with partners like the United Way; wrap around support for businesses and owners with food and housing instability; and programs to promote home ownership.

- CPED has limited funds to help businesses, but people were starting to figure out the City could actually help them, which was increasing the demand for assistance. CPED did not have the capacity to meet this demand and was looking to leverage funds with other organizations. The City needed to look at funding from other sources; other organizations were needed to partner with the City and close the gaps.

- barriers in the United Way loan program included financial literacy and administration, which was both a barrier and a capacity issue. Programs like Room 35 were critical for addressing these barriers.

Vice Mayor Cooney encouraged staff to look at efforts in other cities, like Ted Howard's co-op in Cleveland, which provided food to the Cleveland Clinic. Vice Mayor Cooney suggested the book, *Going Local*.

Commissioner Praedel stated small businesses and home-based businesses were a key to increasing community prosperity. Commissioner Praedel expressed appreciation for Director Mitchell's emphasis on removing barriers.

Commissioner Hoffman stated she would like to find more funding for CPED.

Commissioner Comments	An opportunity was given for general comments from City Commissioners, but no comments were offered.
Adjournment	The meeting adjourned at 6:22 p.m.
	Scott A. Borling City Clerk
	Approved by the City Commission on: ____________________________

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A regular meeting of the Kalamazoo City Commission was held on Monday, September 19, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT: Qianna Decker
Esteven Juarez*

Also present were Chief Operating Officer Laura Lam, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioners Excused

Commissioner Hoffman, seconded by Vice Mayor Cooney, moved to excuse the absences of Commissioners Decker and Juarez. With a voice vote the motion passed.

Invocation

The invocation, given by Reverend Dr. David Zomer from Bethany Reformed Church, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

Chief Operating Officer (COO) Lam noted the agenda packet as initially published included the wrong resolution for Item G-9, the scheduling of a public hearing for a PA 198 Tax Exemption Certificate for Zoetis. COO Lam indicated the packet on the City's website had been updated with the correct resolution, and hard copies of the correct resolution were placed at Commissioners seats at the dais prior to the meeting.

*Commissioner Juarez arrived at 7:04 p.m.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

In-Person Comments

Nehemiah Scudder, City resident, requested that the opportunity for public comments be moved to the end of the meeting.

Bill Reed, City resident, asked the City to restore on-street parking on Winchell Avenue near the entrance to the Asylum Lake Preserve.

John Kreuzer, City resident, expressed support for the restoration of on-street parking on Winchell Avenue near the entrance to the Asylum Lake Preserve.

2022-38-01

Jennifer Hudson-Prenkert, City resident, distributed information about a new music festival she was organizing called "Sounds of the Zoo." A copy of the information was filed with the papers for this meeting.

Public Comments (cont'd)
2022-38-02

William Kooistra, City resident, offered remarks on corruption at the Kalamazoo Department of Public Safety (KDPS). A copy of Mr. Kooistra's written remarks and attached documents was filed with the papers for this meeting.

Martin Klemm, City resident, expressed opposition to the proposed utility rate increases and suggested a lengthened timetable for the capital improvement projects to be funded by the increases, to spread the cost over time.

Christ Chadderdon, City resident, asked the City to restore on-street parking on Winchell Avenue near the entrance to the Asylum Lake Preserve.

Cathy Phason, non-resident and a representative of ISAAC, commented on how the City applied its policies inconsistently and in ways that harmed minorities.

Charlae Davis, City resident and Executive Director of ISAAC, offered remarks on Kalamazoo becoming an anti-racist city and spoke about the need for people to stay at the table, even though there would be conflict. Ms. Davis asked the following questions: How is the City Commission supporting the Diversity, Equity, and Inclusion (DEI) report? Is the current situation with Public Safety Chief Vernon Coakley being handled in a way that is consistent with similar situations in the past? Is the current investigation of the Chief being centered in anti-racism.

An anonymous speaker urged the City to address structural racism and suggested the Citizen Public Safety Review and Appeals Board (CPSRAB) and the Civil Rights Board (CRB) be made autonomous boards.

Ashante Collins, City resident and a representative of ISAAC, spoke about the City Commission's commitment to DEI and urged Commissioners to work with the community on DEI.

An anonymous speaker spoke about the failure of public schools and the need for educational choice.

Call-In Comments

Tina McClinton, City resident, asked the City to address flooding in the Southtown area and to recognize Southtown as a neighborhood. Ms. McClinton expressed opposition to the proposed utility rate increases.

Diane Winfield, City resident, asked what the City was going to do about the chemicals coming from the Graphic Packaging plant.

Brandi Crawford-Johnson, non-resident, stated toxic gasses were coming from the Graphic Packaging plant, and she stated the pollution needed to be cleaned up or area residents needed to be relocated.

An anonymous City resident stated that living across from the Graphic Packaging plant had made his asthma worse.

An anonymous City resident spoke about odors coming from the Graphic Packaging plant.

2022-38-03
Public Hearing re: an Obsolete Property Rehabilitation District at 215 E. Michigan Avenue

At 7:49 p.m. Mayor Anderson opened a public hearing to receive comments on a resolution to create an Obsolete Property Rehabilitation District at 215 E. Michigan Avenue for Treystar, on behalf of 215 EM Partners, LLC.

An opportunity was given for City Commissioners to ask questions about this item, but no questions were asked.

When an opportunity was given for public comments on this item the following people addressed the City Commission:

> Fritz Brown, non-resident and a Partner with Treystar, described the proposed development project. Mr. Brown noted the building had been vacant since 2011, and he stated the current plan was for Treystar to move its offices to the second floor of the building.

> Joe Agostinelli, non-resident and a consultant with Michigan Growth Advisors, thanked the City for its consideration of this request from Treystar, and he offered remarks on the effectiveness of Obsolete Property Rehabilitation Districts as a tool for downtown development.

At 7:55 p.m. Mayor Anderson closed the public hearing.

2022-38-03
Resolution 22-49 Approving an Obsolete Property Rehabilitation District at 215 E. Michigan Avenue

Vice Mayor Cooney, seconded by Commissioner Praedel, moved to adopt a **RESOLUTION** to create an Obsolete Property Rehabilitation District at 215 E. Michigan Avenue for Treystar, on behalf of 215 EM Partners, LLC.

In response to questions and comments from City Commissioners, Mr. Brown and Mr. Agnositelli provided the following information:

- an Obsolete Property Rehabilitation Certificate (OPRC) freezes property values prior to redevelopment to keep taxes low after redevelopment, making the project affordable. For the project at 215 E. Michigan, the reduction in property taxes is needed to offset increased supply costs, increased costs due to labor shortages, and rising interest rates.

- the choice at hand is between having a building that is obsolete and vacant, or having a building that is occupied and back in service.

- without an OPRC, the project will not be feasible from a financial perspective, even with getting market-rate rent for the renovated space.

- having a vibrant use in that location will attract people, making the area around it vibrant. This will set the stage for the return of a restaurant scene in downtown Kalamazoo. This will be an anchor location.

- the OPRC is an important tool in a recession environment because it addresses the unknown of how much taxes will increase for a renovated building.

With a roll call vote the motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Consent Agenda items were presented as follows with a recommendation to approve the items and authorize the City Manager to sign all related documents on behalf of the city:	Consent Agenda
- approval of a one-year extension of the lease of odor monitoring, weather monitoring, maintenance, and modelling software from Envirosuite in the amount of $116,790.	**2022-38-04**
- approval of a one-year contract extension for the purchase of fluorosilicic acid from Alexander Chemical Corporation in the amount of $138,740.	**2022-38-05**
- approval of a contract with County Line Nurseries for the 2022 Fall Tree Planting Project in the amount of $170,715.	**2022-38-06**
- approval of a contract with Corby Energy Services, Inc. for sanitary sewer rehabilitation by lining through Cooperative Purchase National IPA in the amount of $955,150.	**2022-38-07**
- approval of a contract with Ferguson Waterworks in the total amount of $6,080,160.17 for the advance purchase of ductile iron water main and appurtenances	**2022-38-08**
- adoption of a **RESOLUTION** from the Michigan Liquor Control Commission recommending approval of an Off-Premises Tasting Room License for Truly Kind, LLC, DBA 468 Wine, at The Grazing Table, located at 402 S Burdick St.	**2022-38-09** Resolution 22-50
- adoption of a **RESOLUTION** recommending approval of a Social District and Commons Area permit for Truly Kind LLC, dba 468 Wine, located at 402 S Burdick Street.	**2022-38-10** Resolution 22-51
- adoption of a **RESOLUTION** setting a public hearing on October 3, 2022 to consider an application from 215 EM Partners, LLC for an Obsolete Property Rehabilitation Exemption Certificate at 215 E. Michigan Avenue.	**2022-38-11** Resolution 22-52
- adoption of a **RESOLUTION** setting a public hearing on October 3, 2022, to consider a request from Zoetis, LLC for a new PA 198 Industrial Facilities Tax Exemption Certificate for property on E. Kilgore Road for a period of six (6) years with the option of extending the certificate for an additional six (6) years, for a total of 12 years, for real property valued at $57,567,482.	**2022-38-12** Resolution 22-53
- adoption of a **RESOLUTION** establishing a branch of the City Clerk's Office on the campus of Western Michigan University and additional office hours beyond the minimum required by the Michigan Constitution in support of the November 8, 2022 election.	**2022-38-13** Resolution 22-54
- approval of an agreement between the City of Kalamazoo and Can-Do Kalamazoo for a mixed-use business incubator, with the City providing Can-Do Kalamazoo $100,000 annually over a three-year period for a total investment of $300,000.	**2022-38-14**
- approval of the Mayor's appointment of Lyonel LaGrone II to the Civil Rights Board for a term expiring on March 31, 2024.	**2022-38-15**

Consent Agenda (cont'd)

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

With a roll call vote this motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2022-38-16
Ordinance 2053 re: Water Rates

Public Services Director James Baker delivered a presentation entitled *FY 2023 Proposed Utility Rates, Monday, September 19, 2022*. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to questions and comments from City Commissioners, Director Baker provided the following information:

- regarding the suggestion to spread utility capital projects over a longer time period, the City was already committed to utility work associated with street projects and to projects with the Michigan Department of Energy, Great Lakes, and the Environment (EGLE). Although there was some room to move, the City was committed to a lot of projects over the next three years.

- the proposed water rates would take effect on January 1, 2023, and the proposed wastewater rates would take effect on October 1, 2022. There were no additional rate increases planned through the end of 2023.

- examples of goods and services that had been affected by inflation included: labor; gasoline and diesel fuel; chemicals (200-300% increase); and sludge handling and disposal (over 100% increase).

- the impacts of iron in the water will continue to be a problem; the City will continue to do things like hydrant flushing to address the issue.

- if the City Commission does not approve the proposed utility rates, staff will bring forward a different proposal. Waiting until 2023 to implement rate increases will make the proposed increases around 25%.

- the City of Kalamazoo performed water sampling and testing every day. The most recent lead levels were 8 ppb, which was less than the new 12 ppb standard that would be operative in a few years. The Kalamazoo water system was compliant with all state and federal requirements; tastes, odors and visual appearances were cosmetic. Kalamazoo water was "hard" but at a low level. All new pumping stations will have the ability to treat iron, and the new Station 5 will have the ability to treat iron, magnesium, and PFAS. If a resident has concerns about water quality, they should call the 311-customer service center.

Tom Wheat, a member of the Utility Policy Committee (UPC), stated the proposed utility rates were the result of the work of two rate consultants, the UPC, and Director Baker. Mr. Wheat confirmed the UPC recommended approval of the proposed rates.

2022-38-16
Ordinance 2053 re:
Water Rates (cont'd)

When an opportunity was given for public comments on an ordinance to amend Chapter 38 to change the rates charged for drinking water, the following people addressed the City Commission:

> Wendy Fields, City resident, questioned whether the UPC members were City residents.

In response to Ms. Fields, Mayor Anderson reviewed the history of the UPC and its purpose. Mayor Anderson noted the UPC was purely advisory, and stated the current membership included three City representatives and four non-City representatives.

Vice Mayor Cooney, seconded by Commissioner Praedel, moved to adopt an **ORDINANCE** to amend certain sections of Chapter 38 of the Kalamazoo City Code to change the rates charged for drinking water. The ordinance amends Chapter 38 of the Kalamazoo Code of Ordinances to increase water system revenues, effective January 1, 2023.

Prior to a vote on the motion, Commissioner Hoffman stated Commissioners had heard the voices of the community, but the rate increases were necessary for the good of the whole county.

Commissioner Hess stated she would be voting with her grandchildren in mind.

Commissioner Praedel spoke about the responsibility of Commissioners to leave the City in a better condition than when they took office. Commissioner Praedel remarked on how the failure to act today could create problems decades from now. Commissioner Praedel stated the City needed big plans to help people pay for the rate increases. Commissioner Praedel reviewed news articles that described communities facing problems with their drinking water. Commissioner Praedel stated the City had not invested enough in the utilities over the years, and that investment needed to happen now.

Commissioner Juarez stated the question at had was one of stewardship, and he stated the community could make it through tough times if it made the hard decisions together. Commissioner Juarez indicated he was willing to be criticized in order for the Commission to not "drop the ball" on this issue.

Mayor Anderson commented that it was not fun to raise utility rates and stated the Commission had thought seriously about this action. Mayor Anderson noted there were examples of what happened when there was a failure to invest in infrastructure.

With a roll call vote the motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-38-17
Ordinance 2054 re:
Wastewater Rates

An opportunity was given for public comments regarding an ordinance to amend certain sections of Chapter 28 of the Kalamazoo City Code to change the rates charged for wastewater service, but no comments were offered.

2022-38-17
Ordinance 2054 re: Wastewater Rates (cont'd)

Commissioner Juarez, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** to amend certain sections of Chapter 28 of the Kalamazoo City Code to change the rates charged for wastewater service. The ordinance amends Chapter 28 of the Kalamazoo Code of Ordinances to increase wastewater system revenues, effective October 1, 2022.

Prior to a vote on the motion, City Attorney Robinson noted there were typographical errors in the ordinance that would be corrected prior to signing.

With a roll call vote this motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Commissioner Comments

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

Commissioner Hoffman remarked that the City Commission had heard hard words about transparency, danger in the community, gun violence, homelessness, racism, and inequity. Commissioner Hoffman stated the Commission had done nothing with the DEI report, and she urged the Commission to be bold and do the hard, necessary work to address suffering in the community. Commissioner Hoffman indicated she could not continue this for another three years.

Commissioner Juarez spoke about the dangers of becoming desensitized to violence and death and thinking that things will always be this way, that racism will always be around. Commissioner Juarez stated peoples' minds needed to be renewed before they could fight the system. Commissioner Juarez expressed confidence this could happen and stated people needed to hope harder.

Commissioner Hess commended KDPS and Public Services for keeping everyone safe at the Western Michigan University football game over the weekend. Commissioner Hess expressed support for the Sounds of the Zoo event and noted next week would be "Drive Electric Week." Commissioner Hess commented that people in Kalamazoo did help each other, and she urged everyone to be grateful for the good things happening in the community.

Commissioner Praedel stated he wanted to respond to ISAAC and was willing to discuss issues and be open and uncomfortable, but he wanted his response to be thoughtful. Commissioner Praedel expressed appreciation for parents who brought their children to public meetings. Commissioner Praedel highlighted items that were approved on the Consent Agenda. Commissioner Praedel thanked the Public Services Department for the postcard about water affordability.

Vice Mayor Cooney referenced a speech by the Reverend Martin Luther King Jr. and stated the task at hand was to fight against racism, militarism, and economic injustice. Vice Mayor Cooney encouraged everyone to keep fighting and looking for workable solutions.

Mayor Anderson stated there was a community of people who were doing the work to fight racism, militarism, and economic injustice. Mayor Anderson thanked people for attending an event sponsored by the Northside Cultural Business

Commissioner Comments (cont'd)

District Authority Board to imagine the redevelopment of Ransom Street. Mayor Anderson spoke about the Police Athletic League football games on Saturday mornings and thanked the coaches. Mayor Anderson noted Chief Coakley had been a proponent of creating this league. Mayor Anderson thanked staff from the Community Planning and Economic Development Department for their presentation at the Committee of the Whole meeting.

Adjournment

The meeting adjourned at 9:39 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

The Kalamazoo City Commission met as a Committee of the Whole on Monday, October 3, 2022 at 5:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Don Cooney Qianna Decker Jeanne Hess Stephanie Hoffman Chris Praedel
COMMISSIONERS ABSENT:	Esteven Juarez

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

Public Comments

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

<u>In-Person Comments</u>

Alphonso Harris, City resident, spoke about the effects bullying.

<u>Call-In Comments</u>

An anonymous caller thanked the Foundation for Excellence (FFE) for adding closed-captioning to its meetings and asked that "disability" be raised to the same status as "race" and "ethnicity" in the City's efforts to address Diversity, Equity, and Inclusion (DEI).

2022-39-01
Presentation: Affordable Housing

Community Planning and Economic Development (CPED) Director Antonio Mitchell and Zac Bauer, Executive Director of the Local Initiatives Support Corporation (LISC) Kalamazoo office, delivered a presentation entitled *Housing Development Fund*. A copy of the slides from this presentation was filed with the papers for the meeting.

In response to Commissioners' questions and comments, Director Mitchell, Mr. Bauer, FFE Manager Steve Brown, and Matt Milcarek, Director of Neighborhood Services and Kalamazoo Neighborhood Housing Services (KNHS), provided the following information:

- staff will share with Commissioners a map of the vacant lots in the City that can be developed.

- the model home plans with separate rental units could support an idea like the Home Share program in Ann Arbor. The City was just getting started with model home plans and would need to sell it to the community. The point of the model home plans was to create opportunities and leverage dollars for greater impact. The model home plans could also help people care for family. Whether rental units in the model homes are affordable units will depend on how the program is structured.

- the City will need to find more partners to fill the gaps created by rising interest rates and material costs.

2022-39-01
Presentation: Affordable Housing (cont'd)

- LISC receives tax credits, which it then sells to companies at reduced rates.

- the 2023 budget for the FFE was still being developed, but the amount being discussed for affordable housing was $1.5 million. The FFE had invested $12 million in affordable housing since its inception.

- it would be good if the City could build 10 in-fill houses per year; 20-25 houses per year would be great. The Kalamazoo County Land Bank has 300 properties that could be developed; it would be a good goal to have all of these properties developed over the next 5-10 years. FFE funding would be the key for developing in-fill housing, as it would enable the City to leverage other dollars.

- there are projects that are ready to go if the funding becomes available. It would be helpful to have a source of unallocated funds (a "piggy bank") so that the City could take advantage of unplanned opportunities. Having a "piggy bank" or a line of credit would allow the City to help projects like the Northside tiny homes project.

- the City works with partners like KNHS to do home repairs that keep people in their homes. KNHS had received a four-year, $4.6 million grant for lead abatement. The funding for this work is new, but so is the City's collaborative approach; the City is great to work with.

- in 2022 there was one LISC project that failed and required loan forgiveness; in 2021 that number was zero, and in 2020 there were three projects that failed. Loan forgiveness was the last option; there was a lot of negotiating and restructuring that took place so that loans would be repaid and funds could be recycled.

- the City cannot address affordable housing for the whole county; we need to define our mission; the City Commission needs to set a target number of housing units and approve the budget to fund that work. Staff will do the work, but they need a plan.

- new market rate housing increases property values, housing costs, and funding gaps; there needs to be a balance between affordable and market rate housing.

- the City is working with Mt. Zion Baptist Church on a mixed used development project. The Northside tiny homes project is in the process of assembling financing; it is hoped that groundbreaking will take place in the spring. The City is excited to start projects with churches.

- residents who need housing repair assistance should call the 311 Customer Service Center or go to the City's website.

Vice Mayor Cooney stated he was impressed with the City's vision, and he acknowledged Mayor Anderson, Commissioner Praedel, Commissioner Hoffman, and Commissioner Decker for their work on housing. Vice Mayor Cooney noted the housing crisis was a national problem, and he remarked that the budget for the US Department of Housing and Urban Development (HUD) was cut by 75% during the Regan administration and had never recovered. Vice Mayor Cooney encouraged the City to develop a comprehensive housing plan and advocate at the federal level for more funding.

2022-39-01
Presentation: Affordable Housing (cont'd)

Mayor Anderson remarked on the importance of partners like the FFE and KNHS in the work of housing development. Mayor Anderson spoke about the various resources that needed to come together to make new housing happen and noted the construction workforce shortage was becoming a bigger issue than funding. Mayor Anderson stated any new housing was good housing, as it would reduce the housing scarcity that was driving up rents. Mayor Anderson described various housing-related projects and initiatives in Kalamazoo County and emphasized that housing was being built. Mayor Anderson expressed optimism that the housing projects in the pipeline would create momentum that the City could harness.

Commissioner Comments

Finally, an opportunity was given for general comments from City Commissioners.

Commissioner Decker commended CPED for doing great work. Commissioner Decker noted budget discussions would start soon, and the City had an opportunity to use its resources, like ARPA funds, to fund housing development. Commissioner Decker highlighted Director Mitchell's request for the Commission to give staff a housing unit target. Commissioner Decker suggested the City develop a plan to assist with workforce development, and she remarked on the need to make housing units affordable for City residents who were making minimum wage.

Commissioner Praedel commented on the lack of investment in roofing and noted the importance of good roofs for preserving housing stock and supporting improvements inside a home. Commissioner Praedel highlighted the City of Detroit's initiative to fund 1,000 new roofs and described the impact of that investment.

Adjournment

The meeting adjourned at 6:30 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

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A regular meeting of the Kalamazoo City Commission was held on Monday, October 3, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT: Esteven Juarez

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

Commissioners Excused

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

Invocation

The invocation, given by Reverend Rachel Lonberg from The People's Church, was followed by the Pledge of Allegiance.

Proclamations
2022-40-01

Commissioner Decker read a proclamation *Celebrating 150 Years of the Kalamazoo Public Library*. Ryan Wieber, Director of the Kalamazoo Public Library, received the proclamation.

2022-40-02

Mayor Anderson read a proclamation *Celebrating Henrietta Lacks Day, October 4, 2022*. Earlene McMichael and Jermaine Jackson, Ms. Lacks' great-nephew, received the proclamation.

Adoption of the Agenda

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

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

In-Person Comments

Maggie Adams, City resident and a representative from ISAAC, asked the City Commission to reflect on how it used an anti-racist lens and stated the Commission needed to consider the impact of its actions rather than its intent.

Kay expressed opposition to the City's treatment of the unhoused and stated City leadership painted over systemic problems to maintain a positive, but unrealistic, image of Kalamazoo.

Julie Jensen, non-resident, introduced herself as a candidate for 9th Circuit Court Judge and presented her qualifications.

Call-In Comments

Brandi Crawford-Johnson, non-resident, asked the City to address the issue of toxic emissions from the Graphic Packaging plant and the City's Water Reclamation Plant. Ms. Crawford-Johnson expressed opposition to tax abatements for companies that polluted the environment.

2022-40-03
Public Hearing re: an Obsolete Property Rehabilitation Certificate for 215 E. Michigan Avenue

At 7:36 p.m. Mayor Anderson opened a public hearing to receive comments on a resolution approving an application from 215 EM Partners, LLC for a PA 146 Obsolete Property Rehabilitation (OPR) Exemption Certificate for a project located at 215 E. Michigan Avenue.

In response to questions and comments from City Commissioners, Community Planning and Economic Development Director Antonio Mitchell, Fritz Brown from Treystar, and Joe Agostinelli from Michigan Growth Advisors provided the following information:

- the redevelopment plan was to have restaurant space on the first floor and office space on the second floor.

- 20 years ago, the City invested in a building at the corner of Douglas Avenue and North Street (the current Cookies restaurant); that investment has enabled multiple businesses over time. The project at 215 East Michigan had the same impact potential.

- the OPR Certificate could be transferred, but a certificate transfer would require City Commission approval.

- the redevelopment project will begin soon; the developer is waiting for this decision and for the Michigan Economic Development Corporation to act on additional assistance.

- the City Commission created the OPR District at its last meeting; this action was to approve the certificate granting the exemption.

Commissioner Decker spoke about vacant buildings in the City and how the OPR tool would support the reactivation and reuse of these buildings. Commissioner Decker stated the benefits of projects like this were worth the costs and trade-offs. Commissioner Decker stated she would like to see the City develop an OPR policy, and she suggested a split timeframe for tax abatements.

An opportunity was given for public comments on this item, but no comments were offered.

2022-40-03
Resolution 22-55 Approving an Obsolete Property Rehabilitation Certificate for 215 E. Michigan Avenue

Commissioner Praedel, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** approving an application from 215 EM Partners, LLC for a PA 146 Obsolete Property Rehabilitation Exemption Certificate for a project located at 215 E. Michigan Avenue.

Prior to a vote on the motion, Commissioner Praedel stated it was exciting to see a project that would activate a vacant building and raise the tide for neighboring buildings.

Commissioner Hess expressed support for the motion.

Mayor Anderson clarified that the City was not making a direct investment in this redevelopment project but was agreeing to forego future tax increases on the property. The investment would come from a private developer.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-40-04
Resolution 22-56
Approving a Tax
Abatement for Zoetis

At 7:50 p.m. Mayor Anderson opened a public hearing to receive comments on a resolution approving a request from Zoetis, LLC for a new PA 198 Industrial Facilities Tax Exemption Certificate for property on E. Kilgore Road for a period of six (6) years with the option of extending the certificate for an additional six (6) years, for a total of 12 years, for real property valued at $57,567,482.

An opportunity was given for Commissioner questions and public comments regarding a request from Zoetis, LLC for a new PA 198 Industrial Facilities Tax Exemption Certificate for property on E. Kilgore Road, but no questions or comments were offered.

Vice Mayor Cooney, seconded by Commissioner Decker, moved to adopt a **RESOLUTION** approving a request from Zoetis, LLC for a new PA 198 Industrial Facilities Tax Exemption Certificate for property on E. Kilgore Road for a period of six (6) years with the option of extending the certificate for an additional six (6) years, for a total of 12 years, for real property valued at $57,567,482.

Prior to a vote on the motion, Commissioner Praedel expressed his support.

Mayor Anderson reported he had toured the Zoetis facility and stated it was a good facility with good jobs.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Consent Agenda

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

2022-40-05

- approval of a sole source purchase with Electric Housing, Inc. for consulting services to review and update the City's residential zoning standards in the amount of $105,000.

2022-40-06

- approval of the purchase of odor suppressant chemicals from Solterra Group, LLC in the amount of $114,348.25.

2022-40-07

- approval of a one-year contract with Student Haulers for the removal and disposal of trash, nuisances, and garbage collected pursuant to the enforcement of various city ordinances in the amount of $120,000.

2022-40-08

- approval of a one-year contract extension to purchase Powdered Activated Carbon from SNR Technologies in the amount of $908,000.

- adoption of Substantial Amendments to the 2019-2023 Consolidated Plan and 2019 Action Plan as required by the U.S. Department of Housing and Urban Development. **2022-40-09**

- approval of a recommendation to postpone until October 17, 2022 consideration of a resolution vacating Cooley Street between Eleanor and Water Streets. **2022-40-10**

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

With a roll call vote this motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda items were considered next.

Regular Agenda

2022-40-11
First Reading of an Ordinance Approving the Kalamazoo College IC Master Plan Update

Zoning Administrator Pete Eldridge provided an overview of the updated Kalamazoo College Institutional Campus (IC) Master Plan and highlighted the differences between the 2012 IC Master Plan and the proposed update. Zoning Administrator Eldridge reported the Planning Commission was recommending approval.

An opportunity was given for Commissioner questions and public comments regarding an ordinance amending Section 50-1.2, the Zoning District Map, and approving the updated Kalamazoo College Institutional Campus Master Plan Agreement, but no questions or comments were offered.

Commissioner Hess, seconded by Commissioner Decker, moved to offer for first reading an ordinance amending Section 50-1.2, the Zoning District Map, and approving the updated Kalamazoo College Institutional Campus Master Plan Agreement, with conditions; and set a public hearing for October 17, 2022.

Prior to a vote on the motion, Commissioners Praedel and Decker remarked on the number of people from the neighborhood who attended the Planning Commission meeting and expressed support for the updated Master Plan. Commissioner Praedel noted Kalamazoo College had been very responsive to its neighbors.

Commissioner Hess remarked that Kalamazoo College had grown, learned from its experiences, and cultivated relationships with the surrounding neighborhood. Commissioner Hess stated the proposed plan was the result of some amazing work.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-40-12
First Reading of an Ordinance Removing the Wellhead Protection Overlay from Chapter 3 of Appendix A

Environmental Programs Manager Jean Talanda reviewed the history of the Wellhead Protection Ordinance. Environmental Programs Manager Talanda reported the City had created a hydrogeologic map showing the wellhead capture zones. This map was approved by the state in 2021 and needed to be added to the ordinance. Environmental Programs Manager Talanda stated it was recommended that the Wellhead Protection Ordinance be moved from its current location in the Zoning Code (Appendix A of the City Code) to its own chapter (Chapter 39 of the City Code) because the ordinance was enforced by the Public Services Department, not the Zoning Administrator, and enforcement was map-based not parcel-based.

In response to a question from Commissioner Praedel, Public Services Director James Baker confirmed that the proposed ordinances would move the wellhead protection content from Chapter 3 of Appendix A of the City Code to Chapter 39 of the City Code.

An opportunity was given for public comments on an ordinance to remove the Wellhead Protection Overlay from Chapter 3 of Appendix A: the Zoning Ordinance, but no comments were offered.

Commissioner Hoffman, seconded by Vice Mayor Cooney, moved to offer for first reading of an ordinance to remove the Wellhead Protection Overlay from Chapter 3 of Appendix A: the Zoning Ordinance; and set a public hearing for October 17, 2022.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-40-13
First Reading of an Ordinance Replacing the Weights and Measures Provisions of Chapter 39 with the Wellhead Protection Provisions

An opportunity was given for Commissioner questions and public comments regarding an ordinance repealing the Weights and Measures provisions of Chapter 39 of the Code of Ordinances and replacing those provisions with the Wellhead Protection Ordinance provisions, but no questions or comments were offered.

Commissioner Decker, seconded by Commissioner Praedel, moved to offer for first reading an ordinance repealing the Weights and Measures provisions of Chapter 39 of the Code of Ordinances and replacing those provisions with the Wellhead Protection Ordinance provisions.

With a roll call vote this motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema provided the following reports and updates:

- former City Commissioner Jack Urban had a new television show on Public Media Network. Assistant City Manager Rebekah Kik would be his first guest and would be discussing the Emergency Housing Ordinance.

Commissioner Comments

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

Commissioner Decker stated the Committee of the Whole discussion about housing was good. Commissioner Decker urged the City to focus the use of its ARPA funds in a way that would be highly impactful and that would leverage other resources. Commissioner Decker remarked on need to effectively distribute information about lead abatement programs. Commissioner Decker noted the Stadium Drive improvement project was complete. Commissioner Decker requested an update on the issue of public bathrooms in the downtown area, and she asked that the City leave the fountains turned on for the public. Commissioner Decker expressed excitement that the Lodge House was open and stated the City needed more facilities like this for the unhoused.

Commissioner Praedel recognized Building Blocks of Kalamazoo for placing 60 solar light posts in the City. Commissioner Praedel related a story about his brother-in-law, who lived out of state, finding a genealogical connection to Kalamazoo through the Kalamazoo Public Library. Commissioner Praedel stated ARPA funding was a once-in-a-generation opportunity, and he urged the City to be creative in how it used these funds. Commissioner Praedel asked City Clerk Borling about the expanded office hours and satellite location for the November 8th election.

Commissioner Hess spoke about the Sounds of the Zoo events and thanked Jen Hudson-Prenkert for organizing them. Commissioner Hess noted the new Walnut and Park Diner would be opening on October 12th. Commissioner Hess thanked the Kalamazoo Department of Public Safety for hosting a Citizen Academy and stated she looked for opportunities to learn from staff because she did not know how they did their jobs. Commissioner Hess thanked City staff for being experts in their fields, passionate in their work, and caring for people. Commissioner Hess urged everyone to educate themselves continually.

Vice Mayor Cooney noted the City of Kalamazoo celebrated Indigenous Peoples' Day, not Columbus Day. Vice Mayor Cooney asked whether the City had restored the parking spaces on Winchell Avenue and expressed support for this. Vice Mayor Cooney expressed concern about the health impacts of odors from Graphic Packaging for residents of the Northside Neighborhood, and he expressed support for hiring a health expert to look into those impacts. Vice Mayor Cooney offered remarks on the challenges faced by boys and men and stated they were not succeeding. Vice Mayor Cooney cited a book by Richard Reeves and statistics from The Kalamazoo Promise and stated the community needed to do more to help young men.

Mayor Anderson offered remarks on various development projects and new businesses.

Closed Session

Commissioner Hess, seconded by Commissioner Decker, moved that the City Commission go into closed session to discuss labor negotiations.

Prior to a vote on the motion, Mayor Anderson announced the Commission would not return to open session.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Adjournment

The meeting adjourned at 8:45 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ______________________________

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The Kalamazoo City Commission met as a Committee of the Whole on Monday, October 17, 2022 at 5:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT: Esteven Juarez

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

Commissioner Excused

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

Public Comments

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

In-Person Comments

Mitch Mulholland, City resident, expressed concern about speeding traffic at the Cork Street/Portage Road/Lovers Lane intersection. Mr. Mulholland requested a pedestrian crossing signal and speed limit signs at the intersection.

Call-In Comments

Rachel Frasier expressed concern about speeding traffic at the Lovers Lane/Foley Street intersection, which made it difficult for kids to get to school safely. Ms. Frasier noted the speed limit signs at this intersection were missing.

2022-41-01
Presentation: Infrastructure and Neighborhoods

Assistant Public Services Director Anthony Ladd and Senior Civil Engineer George Waring delivered a presentation entitled *FFE Infrastructure*. A copy of the slides from this presentation was filed with the papers for the meeting.

In response to Commissioners' questions and comments, Assistant Director Ladd and Senior Engineer Waring provided the following information:

- a "road diet" is a narrowing of lanes, usually from four lanes to three. A road diet does not hurt traffic flow but reduces the number of head-on crashes and allows for the installation of bike lanes.

- each street project is different when it comes to public outreach, but typically there is a meeting with residents and follow-up to answer their questions. Each project has its own webpage with drawings, detour instructions, and staff contact information. There is also education for the general public through media releases and social media posts.

- $500,000 will pay for 0.5 – 1.0 miles of new sidewalk; the same amount will pay for 2 – 4 miles of sidewalk repairs.

2022-41-01
Presentation: Infrastructure and Neighborhoods (cont'd)

- the 2023 sidewalk program will focus on Fraternity Village Drive, and the Milwood and Westnedge Hill Neighborhoods.

- for traffic calming, the City gives priority to spaces that are within one-quarter mile of high traffic areas and areas with vulnerable populations, like schools. The City has addressed these spaces, but schools can reach out to the City and report problem areas. Comments submitted through social media and the 311 Customer Service Center are also included in the prioritization process.

- the 311 Customer Service Center is the best way for people to report sidewalks that need to be repaired.

- engineers look at proposed street changes through computer modelling to ensure the changes will work. In addition, staff keep an open mind to the needs of stakeholders.

- the key to educating people about traffic calming is to talk about it constantly. Public Services did a lot of the installation work in 2022; in 2023 there needs to be a focus on communication.

- there has not been a traffic accident at South Street and Westnedge Avenue since the completion of the traffic signal upgrade project.

Commissioner Hess spoke about the need for people to change their driving habits. Commissioner Hess urged neighborhoods to work on their neighborhood plans, as it would take time to implement the projects coming out of these plans.

Commissioner Praedel offered comments on the challenges of prioritizing neighborhood projects, given that the needs are greater than the available resources. Commissioner Praedel thanked staff for clear signage and for adapting to resident feedback.

Commissioner Decker noted the City would maintain the new bike and parking lanes that had been installed.

Mayor Anderson remarked that the City had no budget for sidewalk repairs and replacement prior to the creation of the Foundation for Excellence.

2022-41-02
Presentation: Two-Way Street Conversion

Assistant Director Ladd and City Planner Christina Anderson delivered a presentation entitled *Convert Kalamazoo Avenue: A Streets for All Project Update!* A copy of the slides from this presentation was filed with the papers for the meeting.

Commissioner Hess noted the intersection of West Main Street and Douglas Avenue was important to Kalamazoo College.

2022-41-03
Presentation on the FY2023 Proposed FFE Budget

Foundation for Excellence (FFE) Manager Steve Brown delivered a presentation on the FY2023 Proposed Budget for the FFE. Mr. Brown used the FFE website to highlight the history, purpose and work of the Foundation. Mr. Brown reviewed the budget transmittal letter and reported $400 million would be donated to the FFE over a ten-year period to fund the endowment.

2022-41-03
Presentation on the FY2023 Proposed FFE Budget (cont'd)

In response to Commissioner comments and questions, Mr. Brown and City Manager Ritsema provided the following information:

- the total proposed disbursement to the City was $23.8 million; $14 million was designated to support the tax reduction to City taxpayers; $4.5 million was designated for budget stabilization.

- the FFE had given $2,744,000 from 2017-2022 to the Shared Prosperity Kalamazoo (SPK) High Impact Fund; no SPK funds were requested for 2023, as SPK was in a planning phase.

- the FFE was the only source of funding for the Summer Youth Employment Program ($825,000). Staff will check on whether young people were turned away this past summer due to lack of funding.

- the proposed 2023 budget included a 40% decrease in funding for aspirational projects, from $8.6 million to $5.4 million. Some of the aspirational projects that had been funded historically by the FFE were proposed to be funded with ARPA dollars in 2023 in order to preserve the FFE endowment.

Commissioner Praedel expressed reservations about using ARPA funds to replace FFE funds for existing programs. Commissioner Praedel stated the point of ARPA was action: to inject funds into the community as quickly as possible. Commissioner Praedel stated the City would lose its FFE advantage if it reduced that funding by 40%. Commissioner Praedel stated the City should be doubling down on community investment, not saving for the future. Commissioner Praedel acknowledged the FFE endowment had lost money and that taking the full amount for aspirational projects would potentially mean less available funding in the future. Commissioner Praedel stated there was no more pressing time than the present to address needs in the community.

In response to Commissioner Praedel, Mr. Brown stated part of accepting ARPA funds was an acknowledgement that existential damage had been done to the economy, including damage to investments and investment income. Mr. Brown explained that maintaining the current level of FFE funding for aspirational projects would pose a threat to the endowment, as it would reduce the endowment's capacity to generate interest income. Mr. Brown noted the FFE Board was responsible for choosing the amount of the disbursement for aspirational projects, and they did that based on the sustainable level of the endowment. Mr. Brown indicated the endowment was in a building phase where it would receive major, structured gifts through 2030; this was an additional challenge to thinking about the appropriate funding levels. Mr. Brown pointed out the City was doing much more for the community than it could have done without the FFE, and he stated the question at hand was about scaling the level of community investment today so that the City could do more for the community permanently. Mr. Brown expressed confidence that the 2023 funding proposal struck that balance, and he clarified that this balance was something that would need to be considered during the remaining years of ARPA funding. Mr. Brown cautioned that digging into the FFE endowment when it was losing money was gambling on an uncertain market upturn; the City could lose the FFE.

Commissioner Praedel stated investing in the community now could create a snowball-type impact for the future. Commissioner Praedel urged the City to stop sitting on its ARPA funding and to get those dollars into the community.

2022-41-03
Presentation on the FY2023 Proposed FFE Budget (cont'd)

Vice Mayor Cooney expressed agreement with Commissioner Praedel and stated he was disappointed there were no FFE funds for SPK. Vice Mayor Cooney stated investments in people today would give returns in the long term.

Commissioner Decker expressed agreement with Commissioner Praedel and Vice Mayor Cooney. Commissioner Decker stated ARPA was a once-in-a-lifetime opportunity, and these funds needed to get into the community to help people who were struggling. Commissioner Decker stated there were areas, like housing, that should be getting more funding from the FFE.

Commissioner Hoffman spoke about the role of non-profit organizations in doing the work of community investment. Commissioner Hoffman observed these organizations had limited capacity, and she suggested the City find out what the community wanted and whether the non-profit organizations had the capacity.

Mayor Anderson reminded Commissioners that this was a presentation on the FFE budget, not the ARPA allocations. Mayor Anderson stated the City Manager and his staff were present for this conversation and would be able to consider Commissioners' remarks when developing ARPA funding recommendations.

In response to a question from Mayor Anderson, City Attorney Robinson stated the FFE was a separate entity from the City, and the FFE Board was the fiduciary for the endowment. City Attorney Robinson noted funding for the aspirational projects was discretionary, and the goal of the FFE was to preserve funds for the long-term. City Attorney Robinson referenced a presentation by Mr. Brown in July and stated the decision was made to reduce aspirational project funding for 2023 and use ARPA funds for some projects, in order to protect the endowment. City Attorney Robinson cautioned Commissioners that once the FFE funds were given to the City, they became public monies and needed to be used for public purposes (i.e., a public benefit).

City Manager Ritsema stated there would be more discussions on the budget in the coming months. City Manager Ritsema observed that this discussion captured the crux of the decisions that would need to be made during the budget process. City Manager Ritsema reported staff were using a scoring rubric based on the City Commission priorities and Imagine Kalamazoo to determine the activities that could, or could not, be funded. City Manager Ritsema indicated staff and the Commission would need to work together closely on this process.

Commissioner Praedel stated Commissioners had been sharing their priorities and thoughts on the budget, and he encouraged the Commission and staff to have discussions about the budget early, while changes could be made.

Commissioner Comments

Finally, an opportunity was given for general comments from City Commissioners, but no comments were offered.

Adjournment

The meeting adjourned at 6:48 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

CC-2022-41

A regular meeting of the Kalamazoo City Commission was held on Monday, October 17, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Don Cooney Qianna Decker Jeanne Hess Stephanie Hoffman Esteven Juarez Chris Praedel
COMMISSIONERS ABSENT:	None

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

Invocation

The invocation, given by Bishop Daniel Cunningham from The Empowerment Center, was followed by the Pledge of Allegiance.

Proclamations
2022-42-01

Commissioner Hess proclaimed October 20, 2022 *Lights on After School Day – Kalamazoo*. Meg Blinkiewicz, Executive Director of the Kalamazoo Youth Development Network (KYDNet), and Jaron White, Program Development Coach for KYDNet, received the proclamation.

2022-42-02

Commissioner Praedel read a proclamation *Celebrating the 2022 Kalamazoo Growlers: Northwood League World Series Champions*. Brian Colopy, General Manager for the Growlers, received the proclamation.

2022-42-03

Mayor Anderson proclaimed October 20, 2022 *Imagine a Day Without Water*.

Adoption of the Agenda

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

Commissioner Hoffman requested that Items G-7 (change order to the contract for traffic control rental and placement), G-8 (contract extension for the purchase of liquid phosphate), and G-9 (contract extension with Everside Health for the operation of a City employee healthcare clinic) be moved from the Consent Agenda to the Regular Agenda.

Commissioner Decker requested that Item G-18 (resolution vacating Cooley Street between Eleanor and Water Streets) be moved from the Consent Agenda to the Regular Agenda.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

<u>In-Person Comments</u>

Sadie Paul, City resident, stated she was homeless and requested hand sanitizer for the Portland Loo. Ms. Paul spoke about wealth disparity and asked the City to address the issue of homelessness.

Bo Snyder, City resident, spoke in support of statewide Proposal 2 on the November 8th ballot.

Public Comments (cont'd)

Nancy Apple, City resident, announced the Earth Care Team at First Presbyterian Church would be presenting the documentary *Before the Flood* on Wednesday evening to raise awareness about climate change.

2022-42-04

Phil Georgeau, City resident, asked the City Commission commit resources to its climate emergency declaration and create a green energy platform on the Cork Street Landfill site. Written materials submitted by Mr. Georgeau were filed with the papers for this meeting.

Becket Jones, non-resident, introduced himself a candidate for Circuit Court Judge and spoke about the importance of specialty courts.

Charlae Davis, City resident and Executive Director of ISAAC, invited City Commissioners to attend the ISAAC Public Meeting on October 25th. Ms. Davis asked that the City Commission commit to hiring a health officer to investigate and mitigate the effects of long-term environmental pollution in the Northside and Eastside Neighborhoods. Ms. Davis asked the following questions: How is the City Commission supporting the Diversity, Equity, and Inclusion (DEI) report? Is the current situation with Public Safety Chief Vernon Coakley being handled in a way that is consistent with similar situations in the past? Is the current investigation of the Chief being centered in anti-racism and equity?

Larry Bell spoke about on-going issues with the homeless population downtown and an encampment near his property. Mr. Bell stated the City was not enforcing the law, and he indicated he would take the City to court to compel officers to enforce the law.

Wendy Fields, City resident, offered remarks on a biblical view of leadership and community service. Ms. Fields urged the City to stop operating under racist policies.

Call-In Comments

Tina McClinton, City resident, asked the City to fix the storm sewers in the Southtown area.

Kay spoke about homelessness and the City breaking up homeless encampments.

2022-42-05
Public Hearing re: the Kalamazoo College IC Master Plan Update

At 7:50 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance amending Section 50-1.2, the Zoning District Map, and approving the updated Kalamazoo College Institutional Campus Master Plan Agreement, with conditions.

An opportunity was given for Commissioner questions, but no questions were offered.

When an opportunity was given for public comments on the updated Kalamazoo College Institutional Campus Master Plan Agreement, the following people addressed the City Commission:

Lisa Presley, City resident and Treasurer of the West Main Hill Neighborhood Association, expressed support for the proposed Master Plan.

At 7:52 p.m. Mayor Anderson closed the public hearing.

2022-42-05
Ordinance 2055
Approving the Kalamazoo College IC Master Plan Update

Commissioner Hess, seconded by Commissioner Decker, moved to adopt an **ORDINANCE** amending Section 50-1.2, the Zoning District Map, and approving the updated Kalamazoo College Institutional Campus Master Plan Agreement, with conditions.

Prior to a vote on the motion and in response to a request from Commissioner Hess, Susan Lindemann, Associate Vice President for Facilities Management and Chief Sustainability Officer at Kalamazoo College, spoke about the college's recently approved 5-Year Climate Action Plan.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-42-06
Public Hearing re: an Ordinance to Remove the Wellhead Protection Ordinance from Chapter 3 of Appendix A

At 7:55 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance to remove the Wellhead Protection Overlay from Chapter 3 of Appendix A: the Zoning Ordinance.

An opportunity was given for Commissioner questions and public comments regarding an ordinance to remove the Wellhead Protection Overlay from Chapter 3 of Appendix A: the Zoning Ordinance, but no questions or comments were offered.

At 7:56 p.m. Mayor Anderson closed the public hearing.

2022-42-06
Ordinance 2056
Removing the Wellhead Protection Ordinance from Chapter 3 of Appendix A

Vice Mayor Cooney, seconded by Commissioner Decker, moved to adopt an **ORDINANCE** to remove the Wellhead Protection Overlay from Chapter 3 of Appendix A: the Zoning Ordinance.

Prior to a vote on the motion, City Attorney Robinson stated the date in Section 3 of the proposed ordinance should read "October 31, 2022" not "October 3, 2022." City Attorney Robinson stated the error would be corrected in the final version.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Consent Agenda

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

2022-42-07

- approval of a contract supplemental and change order with Carrier & Gable for traffic maintenance supplies in the amount of $100,000.

2022-42-08

- approval of a contract and purchase order with Peters Construction for the station hydrants project in the amount of $103,647.50.

- approval of a contract extension for materials testing with SME in the amount of $106,810.	**2022-42-09**
- approval of a contract to purchase 100 dry tons of ferric chloride from PVS Technologies in the amount of $110,200.	**2022-42-10**
- approval of a one-year contract with High Grade Materials for the purchase of miscellaneous aggregates and road gravel, Group I, in the amount of $138,350.	**2022-42-11**
- approval of a contract with Severance Electric Co., Inc. for the Stadium Drive signal improvements project in the amount of $174,910.	**2022-42-12**
- approval of the Kalamazoo Valley Intergovernmental Ambulance Agreement renewal with Life EMS for advanced life support for the period November 1, 2022 – October 31, 2024.	**2022-42-13**
- approval of the following amendments to the FY2022 budget: increases in the General Fund ($405,062), the Cemeteries Fund ($16,500), the Solid Waste Fund ($200,000) and Cost Recovery Grants ($12,000); and a decrease in the Major Streets Fund (-$29,863), for a net budget increase of $603,699.	**2022-42-14**
- acceptance of a 2022 Bulletproof Vest Program Grant award in the amount of $28,171.88 from the United States Department of Justice - Office of Justice Programs.	**2022-42-15**
- acceptance of a grant in the amount of $62,500 from the Irving S Gilmore Foundation in support of the Downtown Ambassadors program.	**2022-42-16**
- acceptance of a grant in the amount of $80,000 from the Irving S Gilmore Foundation to support the 2022 holiday events.	**2022-42-17**
- approval of an amended grant agreement with the Kalamazoo Eastside Neighborhood Association for $275,000 to be used to purchase and rehabilitate a previously vacant and blighted property that will further the goals of the neighborhood listed in the Imagine Eastside Neighborhood Plan.	**2022-42-18**
- approval of a special permit for a miniature pig to be kept at 1524 Humphrey Street, subject to compliance with applicable statutes, ordinances and health codes.	**2022-42-19**
- authorization for the Mayor and City Manager to execute an extension of the lease for Bronson Park with Kalamazoo County.	**2022-42-20**

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2022-42-21
Ordinance 2057 Replacing Chapter 39, Weights and Measures, with the Wellhead Protection Ordinance

An opportunity was given for Commissioner questions and public comments regarding an ordinance repealing the Weights and Measures provisions of Chapter 39 of the Code of Ordinances and replacing those provisions with the Wellhead Protection Ordinance provisions, but no questions or comments were offered.

Vice Mayor Cooney, seconded by Commissioner Praedel, moved to adopt an **ORDINANCE** repealing the Weights and Measures provisions of Chapter 39 of the Code of Ordinances and replacing those provisions with the Wellhead Protection Ordinance provisions.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-42-22
Change Order to the Contract for Traffic Control Rental and Placement

In response to a question from Commissioner Hoffman regarding a change order to the contract for traffic control rental and placement, Public Services Director James Baker stated the dollar amount on the agenda was wrong: the additional need was \$350,000, as indicated in the Fiscal Impact section of the Agenda Report; not \$325,000 as indicated in the Recommendation section and on the agenda.

City Attorney Robinson recommended approving the change order for \$325,000 as presented and then bringing another change order to the Commission in the future if additional funds were needed.

Commissioner Hess, seconded by Commissioner Hoffman, moved to approve a supplemental change order to the contract and purchase order with Rathco Safety and Supply, Inc. for traffic control rental and placement in the amount of \$325,000.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-42-23
Contract Extension for the Purchase of Liquid Phosphate

In response to comments and questions from City Commissioners regarding a contract extension for the purchase of liquid phosphate, Director Baker provided the following information:

- the price increase for this chemical is similar to increases we are seeing across the chemical industries.

- liquid phosphate is very important: it protects water lines from lead corrosion and helps with iron sequestration.

- the City described the chemical blend it needs in the bid specification. Any company could provide this chemical; this company won the bid.

2022-42-23
Contract Extension for the Purchase of Liquid Phosphate (cont'd)

An opportunity was given for public comments regarding a contract extension for the purchase of liquid phosphate, but no comments were offered.

Commissioner Hess, seconded by Commissioner Praedel, moved to approve a one-year contract extension for the purchase of Carus 8400 Liquid Phosphate from Elhorn Engineering Company in the amount of $493,308.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-42-24
Employee Health Clinic Contract Extension

In response to questions and comments from Commissioners about a two-year contract extension with Everside Health LLC for the staffing and operation of the employee healthcare clinic, CFO Steve Vicenzi provided the following information:

- there are 3-5 team members who staff the health clinic.
- both City employees and City retirees can use the clinic.
- the clinic helps the City save money on employee healthcare costs.

Commissioner Hoffman remarked that the clinic was a great benefit for employees.

In response to a question from Commissioner Decker, City Manager Ritsema stated he could provide information to Commissioners on the number of employees who used the clinic.

An opportunity was given for public comments on a two-year contract extension with Everside Health LLC for the staffing and operation of the employee healthcare clinic, but no comments were offered.

Vice Mayor Cooney, seconded by Commissioner Hoffman, moved to approve a two-year contract extension with Everside Health LLC for the staffing and operation of the City employee healthcare clinic in the amount of $1,583,969.

Prior to a vote on the motion, Commissioner Hess noted City Commissioners were able to get vaccines through the health clinic.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-42-25
Resolution 22-57
Vacating Cooley Street Between Eleanor and Water Streets

In response to questions and comments from Commissioner Decker regarding the vacation of Cooley Street between Eleanor and Water Streets, Planner I Bobby Durkee provided the following information:

- vacating a street is the process of transferring land designated as a public right-of-way to private property owners. The adjacent property owner(s) typically have the first option to acquire the property.

- there will be an easement for the pedestrian pathway; the pathway itself will be maintained by PlazaCorp.

- if vacated, this section of Cooley Street will become a private street with an easement granted to the City for access to utilities. The pedestrian pathway will continue to be open to the public by virtue of the easements in place.

- the timing of the property transfer was not known, so it was not clear when the right of way would be closed to the public.

Commissioner Decker stated she wanted everyone to know that this section of Cooley Street, once vacated, would no longer be a public street.

An opportunity was given for public comments on a resolution vacating Cooley Street between Eleanor and Water Streets, but no comments were offered.

Commissioner Hess, seconded by Commissioner Praedel, moved to adopt a **RESOLUTION** vacating Cooley Street between Eleanor and Water Streets.

Prior to a vote on the motion, Commissioner Praedel noted the Planning Commission had unanimously approved this item for consideration by the City Commission. Commissioner Praedel remarked that there were opportunities to grow and develop the downtown, but the City would need to find creative uses for land and use different growth strategies. Commissioner Praedel stated this development project was an example of creativity and a public-private partnership.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-42-26
Odor Task Force Quarterly Update

City Manager Ritsema introduced Director Baker, who presented the 2022-Q2 Odor Task Force Report. Director Baker demonstrated Envirosuite online public portal where people could access data from the City's hydrogen sulfide sensors.

In response to comments and questions from Commissioners, Director Baker provided the following information:

- determinations of health risk need to be made by health professionals; the City's goal is to see year-over-year reductions in the readings.

- the air quality report from the Michigan Department of Health and Human Services is scheduled to be released in the first quarter of 2023.

2022-42-26
Odor Task Force Quarterly Update (cont'd)

- the sensors in place at the Water Reclamation Plant and in the community are process control sensors, not lab-grade sensors. If there are high readings, City staff try to determine the cause and make changes. The easiest data to use was data from the sensors at the Water Reclamation Plant; the most difficult data to use was data from the community sensors.

- the City does not have the capacity to use lab grade sensors, which would require getting air samples and sending them to a lab for analysis. With the Envirosuite sensors the City receives real-time data and can see trends; the Envirosuite system makes the data usable.

- currently the City's sensors only track hydrogen sulfide, and those levels are trending down. The state has released one study and had said there is no short-term or intermediate risk with hydrogen sulfide. The City is planning to get sensors that measure Volatile Organic Compounds (VOC's) so that staff can start tracking those trends. There are other community-level air quality studies being done.

- there is a difference between "stack emissions," which are measured and regulated, and fugitive emissions" which are not.

- four carbon scrubbers are in place at the Water Reclamation Plant and have been operational since 2021.

- the biofilter project was stopped because the bids came in $9 million over budget, and the engineering changed because of Graphic Packaging. The flow re-routing project is still in process.

- based on observations, it appears that three agencies are working together on the second-level air quality study.

Mayor Anderson thanked Director Baker and noted skilled professionals were working on this issue. Mayor Anderson stated the City was waiting to see the report from the state and the resources that report might bring to bear on the situation.

Commissioner Comments

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

Vice Mayor Cooney noted The Lodge was finished and open to serve the unhoused. Vice Mayor Cooney commended Mayor Anderson for his work on this project. Vice Mayor Cooney remarked on events taking place over the next week. Vice Mayor Cooney stated the community could reach its goals if people worked together for a collective response to community challenges.

Commissioner Hess remarked on upcoming events and spoke about the funeral of Public Safety Officer Christian Smith.

Commissioner Hoffman stated the new sidewalks on Lulu Street were great. Commissioner Hoffman stated she was not hearing about what the City was doing, specifically, to improve residents' lives. Commissioner Hoffman stated she did not know what the City was spending on housing, and she questioned why the City was not addressing temporary housing needs. Commissioner Hoffman commented that her health had suffered since moving into the Northside Neighborhood. Commissioner Hoffman stated people and housing should be the City's priority.

Commissioner Comments (cont'd)

Commissioner Juarez commented that Kalamazoo governed according to core values and was at the top of the list of local governments in Michigan. Commissioner Juarez stated there were a lot of expectations of government – to solve homelessness, to solve racism, to solve poverty – and these expectations needed to change. Commissioner Juarez stated the City could convene and bring people together, but there were a lot of problems that could be solved by the community. Commissioner Juarez suggested the community come together and develop solutions, and then the City would need to react to that work. Commissioner Juarez observed there was a disconnect between sectors of the community, and he stated people needed to love others more that themselves.

Commissioner Decker thanked staff who gave presentations for featuring resources that were available on the City's website. Commissioner Decker announced there would be a sustainability event in Bronson Park on Sunday and noted the City had received a sustainability award from the Michigan Municipal League. Commissioner Decker reported the City was mapping potential spots for public bathrooms downtown. Commissioner Decker stated she was excited about the Downtown Ambassadors program and indicated she would be attending the upcoming ISAAC and NAACP events.

Commissioner Praedel encouraged people to slow down on the roads and stated speeding traffic was the number one resident concern, across all neighborhoods and demographics. Commissioner Praedel noted there were 20.4 miles of roads with traffic calming in the City and 10 miles of bike paths. Commissioner Praedel remarked on the funeral of PSO Christian Smith. Commissioner Praedel recognized the partners and families of City Commissioners and the sacrifices they made.

Mayor Anderson spoke about upcoming community events. Mayor Anderson stated community was built by individuals with the little decisions they made every day; these decisions were the foundation of the community. Mayor Anderson recognized the Eastside Boxing Club, the funeral for Albert "Jim" Pierson, and a recent organ donor/recipient reunion and stated they were community building events.

Adjournment

The meeting adjourned at 9:28 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

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The Kalamazoo City Commission met as a Committee of the Whole on Monday, November 7, 2022 at 5:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Don Cooney Qianna Decker Jeanne Hess Stephanie Hoffman Chris Praedel
COMMISSIONERS ABSENT:	Esteven Juarez

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

Commissioner Not Excused

Vice Mayor Cooney moved to excuse the absence of Commissioner Juarez. The motion failed for lack of support.

Public Comments

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

In-Person Comments

Jim Ratliff, City resident, asked the City to continue supporting safe streets for all – vehicles, bicycles, and pedestrians. Mr. Ratliff expressed support for new bike lanes, the designation of Kalamazoo as a "bird friendly treaty area," and no-mow areas.

Call-In Comments

None

2022-43-01
Presentation: IK Road Map 2023-2025

Assistant City Manager Rebekah Kik and Chief Operating Officer Laura Lam delivered a presentation entitled *IK Road Map 2023 to 2025*. A copy of the slides from this presentation was filed with the papers for the meeting.

In response to a question from Commissioner Hess, COO Lam stated Assistant City Manager Kik was assessing whether the City should continue pressing forward with IK 2025 projects that were stuck, or whether those projects should go away. COO Lam stated the City should document when it determines an activity is irrelevant.

Mayor Anderson encouraged Commissioners to keep thinking about the Strategic Vision and Master Plan, as this was an on-going conversation.

Commissioner Comments

An opportunity was given for general comments from City Commissioners, but no comments were offered.

Adjournment

The meeting adjourned at 5:39 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

A regular meeting of the Kalamazoo City Commission was held on Monday, November 7, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT: Esteven Juarez

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

Vote to Excuse Commissioner

Vice Mayor Cooney moved to excuse the absence of Commissioner Juarez. The motion failed for the lack of a second.

Invocation

The invocation, given by Michelle Scheidt of The Fetzer Institute, was followed by the Pledge of Allegiance.

Proclamation **2022-00**

Mayor Anderson proclaimed November 20, 2022 *Transgender Day of Remembrance* in the City of Kalamazoo. Michael Cleggs, Director of Programs, and Regan Hanley, Board Member, for OutFront Kalamazoo, received the proclamation.

Adoption of the Agenda

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

2022-00 Presentation re: A Gun Violence Prevention Plan

Jennifer Heymoss, Vice President of Initiatives and Public Policy for the Kalamazoo Community Foundation, delivered a presentation entitled, *Update: Kalamazoo County Collective Input for a Gun Violence Prevention Plan*. A copy of the slides from this presentation was filed with the papers for this meeting.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

In-Person Comments

Ray Sweaney, City resident, expressed support for a Payment in Lieu of Taxes (PILOT) for The Lodge House project and the Urban Bird Treaty resolution. Mr. Sweaney thanked Commissioners for attending the ISAAC Public Meeting. Mr. Sweaney asked the City Commission to hold the City Manager accountable for enforcing the Housing Equity Ordinance, and he requested that the Commission hire a City Attorney who would support this ordinance.

Olivia Scheinker, non-resident, expressed support for the Urban Bird Treaty resolution.

Nehemiah Scudder, City resident, expressed concern about the City's focus on gun violence rather than violence in general.

Public Comments (cont'd)

Reniya Fance, representing Our Day, a youth climate coalition, expressed support for the Urban Bird Treaty resolution. Ms. Fance spoke about the lack of open green space in the Edison Neighborhood.

Mia Breznau, a youth climate activist, expressed support for the Urban Bird Treaty resolution.

Elliot Spoelstra, member of the Youth Climate Coalition, expressed support for the Urban Bird Treaty resolution.

Pam Jackson, representing the Kalamazoo Audubon Society Board of Trustees, expressed support for the Urban Bird Treaty resolution.

2022-00

Toni Kennedy, a non-resident, distributed information regarding the 2022 Kalamazoo County Veterans Day Ceremony and invited Commissioners to attend the event. A copy of the informational flyer provided by Ms. Kennedy was filed with the papers for the meeting.

Bill Reeves, City resident, spoke about the lack of hearing assistance for people attending meetings in the City Commission Chambers.

Ashante Collins, City resident, urged people to vote for candidates who supported the community vision regarding transparency, equity, and accountability. Ms. Collins thanked City Commissioners for attending the ISAAC public meeting. Ms. Colling asked Commissioners to attend upcoming ISAAC trainings and to commit to hiring a public health officer who would investigate environmental injustice in the Northside and Eastside Neighborhoods.

Cathy Phason, non-resident, thanked Commissioners for attending the ISAAC public meeting and made the following requests on behalf of ISAAC: that the City Commission would hold the City Manager accountable for enforcing the Housing Equity Ordinance; that the Commission would hire a City Attorney who would supports the Housing Equity Ordinance; and that the Commission would support temporary housing that gives people dignity and equity. Ms. Phason asked that City Commissioners answer these questions during their comment time. Ms. Phason inquired about changing the meeting procedures so that Commissioners could respond to people during public comments, like the Portage City Council.

Charlae Davis, City resident and Executive Director of ISAAC, urged Commissioners to make public commitments to ISAAC's requests. Ms. Davis read comments from Commissioner Hoffman and Vice Mayor Cooney regarding environmental justice. Ms. Davis asked for confirmation that the investigation of Public Safety Chief Vernon Coakley was being handled in a manner consistent with similar situations in the past and in a manner centered on anti-racism and equity. Ms. Davis asked whether the City Manager could report on the timeframe for concluding the investigation.

Becket Jones, a candidate for 8th District Court judge, thanked City Commissioners for their work and urged people to vote.

Wendy Fields, President of the Kalamazoo Metropolitan Branch of the NAACP, expressed support for the comments made by Charlae Davis and

Public Comments (cont'd)	asked for an update on the investigation of Public Safety Chief Vernon Coakley. Ms. Fields noted she had requested records about the investigation but not received them, and she stated the City Manager needed to be held accountable.
	Call-In Comments
	Tina, a City resident, asked when the City would recognize the Southtown Neighborhood and fix the storm drains and sewers in Southtown.
	An anonymous called spoke about her hearing before the Citizen Public Safety Review and Appeals Board on November 1st and stated racism was rampant at the Kalamazoo Department of Public Safety (KDPS). The speaker stated the community was not safe and questioned when the City's issues were going to be solved at a fundamental level.
	Joe Bowers, City resident, expressed support for the Urban Bird Treaty and remarked that the City had destroyed a bird garden planted by Tom and Nancy Small. Mr. Bowers commented on the situation with Graphic Packaging.
Consent Agenda	Consent Agenda items were presented as follows with a recommendation to approve the items and authorize the City Manager to sign all related documents on behalf of the city:
2022-00	- approval of a supplemental change order to the contract with SWT Excavating, Inc. for the Hotop water main replacement project in the amount of $131,199.22.
2022-00	- approval of a 3-year contract with Mission North for downtown parking and mobility services in the amount of $184,434.
2022-00	- approval of a contract supplemental with Kalamazoo Oil, Inc. for gasoline and diesel fuel in the amount of $150,563.02.
2022-00 Resolution 22-58	- adoption of a **RESOLUTION** approving a Payment in Lieu of Taxes for 1211 S. Westnedge Avenue, LodgeHouse LLC, a Michigan limited liability company that was formed with the sole purpose of owning the property at 1211 S. Westnedge Avenue, Kalamazoo, MI 49008 and whose sole member is the LIFT Foundation. For 1211 S. Westnedge Avenue (Parcel No. 06-22-310-007), pursuant to Section 35-4 of the Kalamazoo City Code.
2022-00	- approval of a request from the Downtown Development Authority to approve a Parking Agreement with MA KZOO THEATER LLC for discounted parking rates at the Kalamazoo Mall Ramp and the Epic Center Ramp.
2022-00	- approval of an agreement with The National Fish and Wildlife Foundation for a grant in the amount of $34,700 for the Reed Court floodplain and stormwater improvement planning project.
2022-00	- approval of amendments to the Foundation for Excellence Bylaws and Articles of Incorporation.

Consent Agenda (cont'd)

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson*

NAYS: None

*At the time of the vote, Mayor Anderson abstained from voting on Item G-4, a resolution approving a Payment in Lieu of Taxes for 1211 S. Westnedge Avenue, due to a conflict of interest as he was a volunteer member of the LIFT Foundation Board.

Regular Agenda

Regular Agenda items were considered next.

2022-00
Appointment of Steve Brown as the FFE Executive Director

An opportunity was given for public comments on the appointment of Steve Brown to the position of Executive Director of the Foundation for Excellence (FFE), but no comments were offered.

Commissioner Hoffman, seconded by Commissioner Praedel, moved to approve the creation of an allocation and the Foundation for Excellence Board of Directors' appointment of Steve Brown to the position of Executive Director of the Foundation for Excellence.

Prior to a vote on the motion, Commissioner Praedel remarked that Mr. Brown had been with the FFE from its inception.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema reported he was not able to discuss in detail the investigation of Chief Coakley, as it was a personnel matter. City Manager Ritsema noted this was a complex investigation and he expressed frustration with the amount of time that had elapsed. City Manager Ritsema acknowledged that time was of the essence, and he committed to having a report to the City Commission in the near future.

New Business

Items of new business were considered next.

2022-00
Resolution 22-59 Supporting the Designation of Kalamazoo County as an Urban Bird Treaty Area

Sustainable Development Coordinator Jamie McCarthy presented a staff recommendation regarding a countywide initiative to get the Federal Fish and Wildlife Service to designate Kalamazoo County as an Urban Bird Treaty Area. Working with multiple partners to protect bird habitats. Ms. McCarthy stated this designation had points of intersection with the Natural Features Protection Ordinance, the Tree Ordinance, and the Sustainability Plan. Ms. McCarthy indicated the Urban Bird Treaty Area designation would involve City resources in the following ways: staff would track bird-positive outcomes, staff would offer

2022-00
Resolution 22-59
Supporting the Designation of Kalamazoo County as an Urban Bird Treaty Area (cont'd)

educational resources on how people could be bird-positive; and the City would celebrate bird holidays. Ms. McCarthy indicated the designation would benefit the Kalamazoo by allowing the City to get preferential consideration for some federal grants.

In response to questions from City Commissioners, Sustainable Development Coordinator McCarthy and Gail Walters provided the following information:

- a lot of the activities that protect bird habitats also protect people (reductions in pesticides, for example).

- the City did not have the capacity to commit to being core participants. Although the Urban Bird Treaty Area designation aligns with Sustainability Plan, the City's would play a collaborative, supporting role for many of the bird-related activities specified under the treaty.

- intergovernmental collaboration was one of the goals of the Urban Bird Treaty program. There were several partners already collaborating on bird issues in the Kalamazoo area.

- there were 30-35 other Urban Bird Treaty Areas in the United States.

- birds were an environmental justice multiplier; birds and people both needed clean air, clean water, and a healthy environment.

Commissioner Hess thanked Gail Walter for writing the Urban Bird Treaty application.

An opportunity was given for public comments on a resolution supporting the designation of the greater Kalamazoo County area as an "Urban Bird Treaty Area," but no comments were offered.

Commissioner Hess, seconded by Commissioner Hoffman, moved to adopt a **RESOLUTION** supporting the designation of the greater Kalamazoo County area as an "Urban Bird Treaty Area."

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Commissioner Comments

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

Commissioner Hoffman stated she had met with group of residents who expressed concern about the number of liquor licenses in the Northside Neighborhood. Commissioner Hoffman stated the City needed to do something and suggested that revoking licenses could be linked to addressing gun violence.

Commissioner Praedel thanked City Clerk Borling and his staff for their work on the election. Commissioner Praedel recognized Assistant Public Services Director Anthony Ladd for being selected as one of 50 delegates attending the Local

Commissioner Comments (cont'd)

Government 2030 convening in Omaha, Nebraska to think about how to address challenges in public administration. Commissioner Praedel explained he did not respond to the questions posed to public officials at the ISAAC Public Meeting because a quorum of City Commissioners was present, and for them to have publicly taken positions on policy items in that setting would have violated the Open Meetings Act. Commissioner Praedel offered the following answers to the questions posed by ISAAC: Will you hold the City Manager accountable for enforcing the Fair Housing Ordinance? Yes; Will you hire a City Attorney who supports the Fair Housing Ordinance? Yes; Will you strengthen the Fair Housing Ordinance? That's a matter of opinion – I will work to strengthen housing; Will you hire a health inspector who can investigate and solve environmental justice issues? Multiple specialists are needed to address environmental health issues; Will you commit to participating in upcoming trainings? Yes.

Commissioner Decker thanked Ms. Heymoss for her presentation and the ISAAC representatives for their comments. Commissioner Decker state she had signed up for the EERACE training, she was committed to reducing racial disparities, and she supported changes to the Civil Rights Board ordinance. Commissioner Decker reported a representative from the Michigan Municipal League had commended Kalamazoo at a recent conference for the City's work on affordable housing. Commissioner Decker urged people to vote and asked the City Manager to keep the Commission informed about the Chief Coakley investigation.

Commissioner Hess expressed gratitude for City workers doing leaf pick-up, the City Clerk's Office, and Wendy Fields. Commissioner Hess explained that Southtown was a district, not a neighborhood, and staff had given Ms. McClinton and others information on how to get City recognition for a neighborhood. Commissioner Hess stated a solution to flooding in this area would be involved and expensive. Commissioner Hess thanked ISAAC and noted the City Attorney had investigated or sent to the state 44 cases of housing discrimination. Commissioner Hess inidicated she would ask City Attorney candidates about the housing ordinance and agreed with Commissioner Praedel about a health officer.

Vice Mayor Cooney remarked on the integrity and competence of the City Clerk. Vice Mayor Cooney highlighted recent events sponsored by ISAAC, the Northside Ministerial Alliance, and the NAACP. Vice Mayor Cooney stated there was no greater work than the work of justice, and City Commissioners were willing partners in this work.

Mayor Anderson commended City Clerk Borling for his work on the election. Mayor Anderson offered remarks about a trunk-or-treat event on Krom Avenue organized by Charles Parker and the oath of office ceremony for Judge Parker-LaGrone. Mayor Anderson observed that most people agreed the community would not be successful if people did not work together to solve its problems.

The meeting adjourned at 9:04 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

The Kalamazoo City Commission met as a Committee of the Whole on Monday, November 21, 2022 at 5:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Jeanne Hess
Stephanie Hoffman
Esteven Juarez
Chris Praedel

COMMISSIONERS ABSENT: Vice Mayor Don Cooney*
Qianna Decker

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

Commissioners Excused

Commissioner Hoffman, seconded by Commissioner Hess, moved to excuse the absences of Vice Mayor Cooney and Commissioner Decker. With a voice vote the motion passed.

Public Comments

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

*Vice Mayor Cooney arrived at 5:05 p.m.

2022-45-01
Presentation re:
ARPA Funding
Recommendations

The following staff members delivered a presentation entitled *2023 ARPA Recommendations*: City Manager Ritsema; CFO Steve Vicenzi; Community Planning and Economic Development (CPED) Director Antonio Mitchell; Public Services Director James Baker; Acting Public Safety Chief Dave Boysen; and Parks and Recreation Director Patrick McVerry. A copy of the slides from this presentation was filed with the papers for the meeting.

In response to questions and comments from Commissioners, staff provided the following information:

- the process for making ARPA funding recommendations started with departments submitting projects, which were then scored by a cross-departmental team based on alignment with the Strategic Vision and City Commission priorities. Other scoring factors included program attributes, such as population served and the level of mandate for the program/service.

- the $500,000 allocated for Downtown Placemaking would fund planning work for public restrooms.

- businesses could potentially receive both a Façade Grant and Whitebox Buildout Assistance. These are both grants, not loans; they are an investment in the community. Businesses on the waiting list for one of these programs can get additional support from the City, but those other opportunities are loan programs.

- home-based businesses are not eligible for the Business Development Fund (BDF) programs. Over the next two years the BDF will shift its focus to home-based businesses. The Downtown Development Authority and Downtown Economic Growth Authority will be able to fund assistance programs for downtown businesses.

2022-45-01
Presentation re:
ARPA Funding
Recommendations
(cont'd)

- CPED had other funding sources; ARPA funding was extra and would help close the gaps. CPED staff needed to hear from the City Commission regarding targets for affordable housing. If ARPA funds were not available, the priorities would be the same, but the City would not be able to do the same amount of work.

- "Lead Support" under the Housing category was for lead remediation inside homes.

- the stormwater system was not funded by the water or wastewater utilities; it used up funds quickly and competed with major and local streets for funding.

- the Bridging Opportunities program was for young people who were 14-16 years old. Eight youth were involved in the program, which now ran all year long. Participants come to the program through a recommendation from the courts.

- law enforcement agencies across the country were struggling to retain officers and attract applicants; the proposed retention bonuses were in the median range compared to other agencies.

- gun violence was decreasing due to a balanced approach of outreach and enforcement, in collaboration with the community.

- the Public Safety "Training Center" dollars were for a new gun range and driving track.

- the Imagine Kalamazoo Engagement and Outreach funds would be used for community meetings and a "barriers to housing" study.

- the ARPA funding proposals for 2023 would not exhaust all of the ARPA funds, but the slides included projects proposed for funding in the outyears, which would use all of the ARPA funds.

Commissioner Juarez remarked that the City needed to decide whether ARPA funding was the best funding source for the various activities.

Commissioner Praedel expressed appreciation for Public Safety's proactive responses to group violence and their efforts to provide wrap around services. Commissioner Praedel expressed a sense of pride regarding the number of youth who were involved with the City's summer programs.

Vice Mayor Cooney and Commissioner Hoffman expressed reservations about using ARPA funds for a multi-purposed building at the Farmers Market, and they questioned whether the Parks and Recreation Department could use school buildings for their afterschool programs.

Mayor Anderson noted the presentations on the FFE budget and ARPA funding fed into the proposed budget, which would be transmitted to the City Commission on December 1st. Mayor Anderson commented that budgeting involved hard decisions, and those hard decisions started with City staff as they prepared the list of proposed projects for ARPA funding. Mayor Anderson noted these decisions were informed by long-term plans and the City Commission priorities.

City Manager Ritsema stated the budget discussions might begin at the Committee of the Whole meeting on December 5th.

Commissioner Comments

An opportunity was given for general comments from City Commissioners, but no comments were offered.

Adjournment

The meeting adjourned at 6:28 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

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A regular meeting of the Kalamazoo City Commission was held on Monday, November 21, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Esteven Juarez
Chris Praedel

COMMISSIONERS ABSENT: None

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

Invocation

The invocation, given by Bishop Daniel S. Cunningham from the Empowerment Center, was followed by the Pledge of Allegiance.

Introduction of Guests

Mayor Anderson recognized Jim Hess, Kevan Hess, and Dwight Quinn, Principal of King Westwood Elementary School, who lead and supported the Breakfast of Champions mentoring program for 5th grade boys at King Westwood. Mayor Anderson recognized the following participants in the program:

Lavelle Guess
Max Mehne
Miles Solis
Isaac Mitchell
Zahir LaBarre
Amos Hayner
Reid Reffet
Joaquin Fischer
Jordan Nabors
Tanner Tarnutzer
Zeke Johnson
Kayden Lillard

Mr. Mitchell thanked Mayor Anderson for speaking to the group and presented a signed picture of the group to him.

Adoption of the Agenda

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

Communications

City Manager Ritsema reported the ad hoc committee for the City Attorney search had met with Jeff Mueller from the Michigan Municipal League on November 9th to review the top three candidates. City Manager Ritsema announced there would be a public meet-and-greet on November 30th from 4-6 p.m. and public interviews on December 1st at 9:45 a.m., 11:15 a.m., and 1:00 p.m.

City Manager Ritsema stated he had no new information on the investigation of Public Safety Chief Vernon Coakley, and he emphasized the importance of conducting an investigation that was thorough and fair to everyone involved. City Manager Ritsema stated he would share the findings of the investigation as soon as they were available.

Next, when an opportunity was given for general public comments, the following people addressed the City Commission: Public Comments

In-Person Comments

The following people expressed concerns and/or opposition regarding the proposed redesign of Bronson Boulevard and requested that the City solicit more input from residents:

John Allen, City resident (A copy of Mr. Allen's written remarks was filed with the papers for this meeting) **2022-46-01**
John Bartels, City resident
Kyle Keiser, City resident
Mike Nave, City resident
Melissa Brown, City resident,
Mary Kay Norman, City resident

Call-In Comments

A City resident expressed opposition to poles and green grass in the streets.

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

- approval of a contract with Morgan Composting for professional compost site removal & maintenance in the amount of $136,500. **2022-46-02**

- approval of a three-year agreement with Zhang Financial LLC for investment consulting services in the amount of $558,000. **2022-46-03**

- approval of a lease agreement with S&K Properties for 248 North Kalamazoo Mall which will be used by the Kalamazoo Department of Public Safety for the period of December 1, 2022 - November 30, 2025, in the amount of $55,800. **2022-46-04**

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

City Manager Ritsema introduced Public Services Director James Baker who provided an update on the status of the City's leaf pick-up service after delays caused by recent snowstorms. Director Baker demonstrated an interactive map on the City's website showing the areas where leaf pick-up had already occurred and where it would be taking place in the coming weeks. City Manager's Report

City Manager's Report (cont'd)

Commissioner Praedel suggested the leaf pick-up schedule be rotated so the same areas did not get picked up last every year.

In response to a question from Mayor Anderson, Director Baker stated City crews might be back to doing leaf pick-up as early as Wednesday.

Commissioner Comments

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

Commissioner Juarez apologized for his recent absences and stated he had been going through a lot. Commissioner Juarez thanked community organizations for giving out food baskets for Thanksgiving. Commissioner Juarez stated Kalamazoo would be a great community if people took better care of each other.

Commissioner Decker stated she was glad to see young people attending the recent National League of Cities conference. Commissioner Decker asked City Clerk Borling to send Mr. Allen's remarks to Neighborhood Activator Jae Slaby. Commissioner Decker highlighted the Westnedge Hill Neighborhood Association and stated they were looking for board members. Commissioner Decker urged neighborhood associations to contact Neighborhood Activator Slaby about creating neighborhood plans.

Commissioner Praedel thanked Jim Hess and noted people did not need credentials or wealth to build into the lives of young people. Commissioner Praedel remarked on the investment and impact of the summer youth programs. Commissioner Praedel wished his son "Happy Birthday." Commissioner Praedel made comments about the lease for the downtown Public Safety substation. Commissioner Praedel recognized and thanked people who would be working through the Thanksgiving holiday.

Commissioner Hess expressed gratitude to Public Safety officers for working through the holiday and to Public Services employees who were dealing with early winter storms and leaf pick-up. Commissioner Hess stated the Michigan Department of Health and Human Services was in the final stages of preparing its air quality report, and she noted any enforcement action would come from the Michigan Department of Energy, Great Lakes and the Environment. Commissioner Hess announced there would be a community Thanksgiving service on Wednesday, November 23rd at Mount Zion Baptist Church. Commissioner Hess remarked that she, Deputy City Manager Jeff Chamberlain, and CFO Steve Vicenzi had met with elected officials from South Africa to talk about public finance. Commissioner Hess thanked Cindy Hunter from First Congregational Church for bringing the Jason Max Ferdinand Singers to Kalamazoo for a Bach Festival concert.

Vice Mayor Cooney offered comments about a TED Talk on the subject of identity featuring Brian Stevenson. Vice Mayor Cooney stated people talked about the importance of liberty and justice for all, but they did not act accordingly.

Mayor Anderson recognized the presence of his daughter Erica. Mayor Anderson thanked Maple Hill Auto Group for sponsoring the Kalamazoo Holiday Parade and announced the annual tree lighting ceremony would take place this coming Friday. Mayor Anderson noted the Transgender Day of Remembrance was yesterday, and he expressed condolences to victims of LGBTQ shootings in Colorado Springs.

The meeting adjourned at 8:00 p.m.

Adjournment

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

A special meeting of the Kalamazoo City Commission was held on Monday, November 28, 2022 at 5:30 p.m. in the City Commission Chambers at City Hall. The purpose of the meeting was to consider the recommendation from the City Attorney Recruitment Subcommittee regarding the finalists for the City Attorney position and the next steps in the process.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT: Esteven Juarez *

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

Commissioner Excused

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

Adoption of the Agenda

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

Communications

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

Public Comments

Next, an opportunity was given for general public comments, but no comments were offered.

2022-00
Discussion of City Attorney Finalists and Scheduling of Interviews

Jeff Mueller, Search Facilitator from the Michigan Municipal League, provided an overview of the recruitment process for the City Attorney position. Mr. Mueller stated the proposed next steps were a meet-and-greet event on Wednesday, November 30th to introduce candidates to the community and formal interviews with the City Commission on Thursday, December 1st. Mr. Mueller stated the December 1st meeting would start at 8:30 a.m., with the first interview scheduled to begin at 9:00.

*Commissioner Juarez arrived at 5:37 p.m.

In response to questions from City Commissioners, Mr. Mueller provided the following information:

- recruiting candidates is difficult right now; people do not want to move because of high mortgage rates.

- all three applicants submitted their applications during the last week the position was open.

- the three applicants are good candidates. Each applicant went through a one-hour screening call and an in-depth background search.

2022-00
Discussion of City Attorney Finalists and Scheduling of Interviews (cont'd)

- across the board it has been hard to find good municipal attorney candidates. As a result, some jurisdictions were choosing to hire legal counsel on a contractual basis.

In response to a question from Mayor Anderson, City Manager Ritsema pointed out the recommended action language was to hold the meet-and-greet at "City Hall," which would allow flexibility regarding the specific room used for that event.

Commissioner Hess, seconded by Commissioner Juarez, moved to approve a recommendation from the City Attorney Recruitment Subcommittee to schedule interviews with three finalists for the City Attorney position: William Kim, Julianne Pastula, and James Porter; and to schedule a public meet and greet session with the candidates on Wednesday, November 30, 2022 at 4:00 pm in City Hall; and to schedule a special City Commission meeting on Thursday, December 1, 2022 at 8:30 am in the City Commission Chambers of City Hall for the purpose of conducting the interviews and to take such other actions as the Commission deems appropriate.

Prior to a vote on the motion, Mayor Anderson thanked Human Resources and Labor Relations Director Shelly Dusek for her work with the recruitment process.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Closed Session

Vice Mayor Cooney, seconded by Commissioner Decker, moved that the City Commission go into closed session to consider attorney-client privileged material exempt from disclosure by state or federal statute.

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Adjournment

The meeting adjourned at 5:48 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

A special meeting of the Kalamazoo City Commission was held on Thursday, December 1, 2022 at 8:33 a.m. in the City Commission Chambers at City Hall. The purpose of the meeting was to interview candidates for the City Attorney position.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Esteven Juarez
Chris Praedel

COMMISSIONERS ABSENT: Stephanie Hoffman*

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

Commissioners Excused

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

Communications

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

Public Comments

Next, an opportunity was given for general public comments, but no comments were offered.

2022-00
Interview of City Attorney Candidates

Jeff Mueller, Search Facilitator from the Michigan Municipal League, distributed packets to Commissioners with information on the interview process, candidate screening report, candidate cover letters and resumes, interview questions, and evaluation forms for each candidate. Mr. Muller suggested the Mayor open each interview, with questions asked by Commissioners in rotation. Mr. Muller recommended that Commissioners ask the prepared questions and noted there were suggested follow-up questions if needed. Mr. Muller stated all candidates should be asked the same questions if Commissioners wanted to add their own questions.

*Commissioner Hoffman arrived at 8:39 a.m.

In response to a question from Vice Mayor Cooney, Mr. Mueller stated he could ask a custom question as long as he asked the same question of all candidates.

Human Resources Director Shelly Dusek provided instructions for completing the *Interviewer's Evaluation of Candidate* form.

In response to a question from Commission Praedel, Mr. Muller stated the evaluation sheets would be public documents. Mr. Muller noted all discussion of the candidates should take place in the open meeting.

Discussion took place regarding the division of interview questions among Commissioners.

The City Commission interviewed candidates for the City Attorney position, with Commissioners asking the following questions in turn:

2022-00
Interview of City Attorney Candidates (cont'd)

- Please give us a brief summary of your experience, particularly in regard to municipal law. Tell us why you applied to Kalamazoo and how you think your style and expertise will be the right fit for us.

- I would like to know a little bit more about you as an individual. What occupies your time outside of work?

- From your resume, it appears you have a career filled with accomplishments. Tell us about two you are most proud of.

- If offered the position in Kalamazoo, what do you intend to do to be sure you are a part of the community?

- When we call on the individuals who have worked with you over the years, what will they tell us about you?

- What do your first three months look like in Kalamazoo? What are the most important things you will try to learn?

- What do you see in Kalamazoo that sets us apart from other places you have worked? What particular skills, talents, or experience do you have that will make your tenure here successful?

- From what you have learned about us, what do you think our two biggest challenges will be in the next three years? How would you tackle them and what processes will you follow?

- As an attorney, has there ever been a time when you made a recommendation that you wish you could have changed? Tell us about how you handled it and what you would do differently now, if anything?

- What do you believe is the most important skill a City Attorney can have when it comes to City Attorney/Commission relationship success? Tell us about a time you had to rely on that talent to build or improve relationships.

- What is the most important role the Commission plays in the success of a community's future, and what will you do to assure we are effective in that task? What tools or techniques do you use to insure the Commission is always well-prepared to make the best possible decisions? Do you find it best to provide the Commission with recommendations for actions or merely options from which they choose?

- Are you more of a manager or a leader? Can you describe how you exemplify the best of that quality?

- When hiring a new employee to join your team, what skills and characteristics would they need to possess any why?

- What will be your secret to prioritizing, organizing, managing time and evaluating how effectively we are using our resources?

- How many people have you directly supervised and how would you describe your management style?

2022-00
Interview of City Attorney Candidates (cont'd)

- What is the most important, long-lasting initiative you developed regarding employee growth and development? How did you know you were successful?

- Getting to a collaborative agreement on contentious or difficult issues can be difficult. Walk us through a time when you faced a particularly divisive problem and tell us how you approached getting the parties to a win-win decision.

- What is your understanding of Diversity, Equity, and Inclusion and how will you incorporate this into the department's mission?

- Where do you see yourself in three years? And, if you were looking back at your time in Kalamazoo, what do you hope we have accomplished together?

- We have a housing ordinance that says a landlord can't base a lease on source of income. Do you think this ordinance is enforceable?

James Porter Interview

James Porter presented his qualifications for the City Attorney position and answered the questions asked by City Commissioners.

When provided an opportunity to make final remarks, Mr. Porter thanked Commissioners for the opportunity to interview and asked the following questions:

- would the City Attorney have the authority to arrange or rearrange how the City Attorney's Office operates?

- does the City Attorney sit with all the City's boards, commissions, and committees? Would I be able to choose which boards I get involved with?

In response to Mr. Porter's questions, Mayor Anderson stated he would be able to manage the City Attorney's Office as he saw fit, and he would have the latitude to make decisions about his involvement with the City's boards, commissions, and committees.

City Attorney Robinson added that the City Charter designated the City Attorney head of the Department of Law. City Attorney Robinson stated his office currently provided staff support to the Zoning Board of Appeals, the Planning Commission, the Building Board of Appeals, the Civil Rights, Board, and to other boards upon request. City Attorney Robinson noted his office had provided support in the past to the Foundation for Excellence, Downtown Development Authority, Economic Development Corporation, and Brownfield Redevelopment Authority Boards, but these board had either hired their own legal counsel or were in the process of hiring their own counsel.

Mayor Anderson thanked Mr. Porter for interviewing and stated the City Commission would be discussing and determining the next steps in the process.

Commissioner Hoffman, seconded by Commissioner Hess, moved that the meeting go into recess. With a voice vote the motion passed. Mayor Anderson announced the recess would last approximately 30 minutes.

Recess

The meeting recessed at 10:00 a.m.
The meeting reconvened at 10:31 a.m.

2022-00
Interview of City Attorney Candidates (cont'd)

William Kim Interview

William Kim presented his qualifications for the City Attorney position and answered the questions asked by City Commissioners.

When provided an opportunity to make final remarks, Mr. Kim stated his perception from the meet-and-greet event was that Commissioners were concerned about housing issues and Diversity, Equity, and Inclusion (DEI). Mr. Kim asked Commissioners to indicate any additional priorities for the current term and beyond.

In response to Mr. Kim, Commissioners offered the following priorities:

> Mayor Anderson: 1) the negotiation of a regional wastewater service contract; 2) zoning issues related to temporary housing; and 3) the work of providing, as broadly as possible, opportunities to all residents.
>
> Vice Mayor Cooney: 1) dramatically impacting inequality in the City; 2) helping young people succeed, and 3) cleaning up the environment in certain parts of the City.
>
> Commissioner Juarez: addressing gun violence and homelessness
>
> Commissioner Hoffman: looking at ordinances, policies, and procedures with the goal of becoming an anti-racist institution.
>
> Commissioner Praedel: the City Commission's five priorities that were established earlier in the year (housing, youth, safety, infrastructure, and economic development); and addressing the impacts of the COVID-19 pandemic, especially among young people.

Mr. Kim thanked Commissioners for the opportunity to interview.

Mayor Anderson thanked Mr. Kim for interviewing.

Commissioner Juarez, seconded by Commissioner Hess, moved that the meeting go into recess. With a voice vote the motion passed. Mayor Anderson announced the City Commission would reconvene at 1:00 p.m.

Recess

The meeting recessed at 11:30 a.m.
The meeting resumed at 1:00 p.m.

Julianne Pastula Interview

Julianne Pastula presented her qualifications for the City Attorney position and answered the questions asked by City Commissioners.

When provided an opportunity to make final remarks, Ms. Pastula asked that each Commissioner offer one word that captured their vision for the best that Kalamazoo could be.

In response to Ms. Pastula's question, Commissioners provided the following answers:

> Mayor Anderson – "opportunityland"
>
> Commissioner Juarez – "extravagant"

2022-00
Interview of City Attorney Candidates (cont'd)

Commissioner Praedel – "opportunity"

Commissioner Hess – "unified"

Vice Mayor Cooney – "abundant"

Commissioner Decker – "equity"

Commissioner Hoffman – "just-for-all"

Ms. Pastula stated she had done her due diligence on the City of Kalamazoo, and she thanked Commissioners for the opportunity to interview.

Discussion of Next Steps

Discussion of Next Steps

Mayor Anderson reviewed the documents in Commissioners' possession and the options for moving forward with the process.

Commissioner Praedel requested that the City Commission wait until Monday, December 5th to make a decision on the candidates, as he wanted an opportunity to process the information Commissioners had received. Commissioner Praedel suggested that Commissioners use this time to share their initial thoughts on the candidates.

Commissioners Decker expressed support for Commissioner Praedel's request.

City Attorney Robinson noted the staff from his office had met with each of the candidates following their interviews. City Attorney Robinson cited his own interview and appointment as precedent for postponing a decision to a future meeting.

Commissioner Hoffman expressed support for waiting, and stated she wanted to get community feedback and input.

By consensus, the City Commission postponed consideration of candidates for the City Attorney position until its Regular Business Meeting on Monday, December 5th.

Discussion of Candidates

Discussion about candidates:

Mayor Anderson thanked Director Dusek, Mr. Mueller and the Michigan Municipal League for their assistance. Mayor Anderson remarked on the candidates' qualifications and breadth of experience. Mayor Anderson stated it would not be an easy decision.

Vice Mayor Cooney requested feedback from the City Attorney's Office staff.

Mr. Muller indicated Deputy City Manager Jeff Chamberlain was compiling the comments from staff and would be able to distribute them.

Commissioner Decker stated there was good information in the initial screening report.

Discussion of Candidates (cont'd)

In response to questions from Mayor Anderson and Commissioner Decker, Deputy City Manager Chamberlain stated the initial screening report was not in the agenda packet. City Attorney Robison indicated the report was available to the public through the freedom of information request process.

Commissioner Juarez stated each candidate had qualities that could benefit Kalamazoo. Commissioner Juarez remarked on Mr. Porter being a local candidate and Mr. Kim's experience with the Flint water case and his emphasis on trust.

Commissioner Decker expressed concern that two candidates did not have much experience, and Mr. Porter's experience was with a township, not a city. Commissioner Decker stated she liked that all three candidates were leaders and wanted to collaborate. Commissioner Decker observed that Mr. Porter was from the Kalamazoo area, but that fact did not mean someone could not come from the outside and get the job done.

Commissioner Hess noted all the candidates addressed the issue of housing, some more deeply than others. Commissioner Hess stated the City needed someone who deeply understood DEI and was a team player.

Commissioner Praedel offered the following observations about the candidates:

- Ms. Pastula was the most polished, with confident and concise answers. She identified issues that mattered and showed connections between Detroit and Kalamazoo. However, it was difficult to tell if the turbulence surrounding the Michigan Independent Citizens' Redistricting Committee (MICRC) was caused by her, or if she was holding things together for them. It was odd that she did not highlight her work with the MICRC more than she did.
- Mr. Kim did not display as much passion during his interview as during the meet-and-greet event, but he was authentic. His responses were candid and concise, and he identified the key issues for City. He was good at making complex issues understandable.
- Mr. Porter was more impressive during his interview than during the meet-and-greet event. He had a servant-leader mindset and had fought for the residents of the township. However, the negotiation of a water service contract with the townships was not a collaborative process, as he made it out to be, and on multiple occasions he remarked that the township did not have the resources for DEI.

Vice Mayor Cooney stated Mr. Kim's work on the Flint water crisis was important; Mr. Porter had great passion; and Ms. Pastula's homework, communication, and values were impressive.

Commissioner Hoffman cautioned that the City Commission was not going to find the perfect person, and the new City Attorney would need grace to move and grow into the position. Commissioner Hoffman stated she wanted to hear from the City Attorney's Office staff and the community.

Commissioner Hess asked for the community's trust and stated the City Commission was taking this work seriously.

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

Adjournment	The meeting adjourned at 2:15 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

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The Kalamazoo City Commission met as a Committee of the Whole on Monday, December 5, 2022 at 5:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT: Esteven Juarez

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

Commissioner Excused

Vice Mayor Cooney, seconded by Commissioner Hess, moved to excuse the absence Commissioner Juarez. With a voice vote the motion passed.

Public Comments

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

In-Person

None

Call-In

Audrey asked the City Commission to make a public response to State Representative Julie Roger's remarks at a recent public hearing on air quality issues and Graphic Packaging.

2022-49-01
Presentation: FY2023 Budget Overview

CFO Steve Vicenzi delivered a presentation entitled *2023 Proposed Budget: Monday, December 5, 2022*. A copy of the slides from this presentation was filed with the papers for the meeting.

In response to questions and comments from Commissioners, CFO Vicenzi provided the following information:

- the budget for the Public Safety Department has always been high, although it has decreased in recent years. Looking at other cities, it is common for 50-60% of a city budget to be spent on police/fire/EMS services.

- the City was seeing a much-needed influx of funds for capital investment in the utilities.

- much of the Good Governance ARPA spending was the 10% administrative fee allowed by the ARPA program rules. Also included in the ARPA/Good Governance spending were upgrades to the Community Room to allow for hybrid meetings and the purchase of election security equipment.

- tax revenue was predicted to increase 3-4% annually, even though the real estate market was expected to cool off. Staff would be watching property

2022-49-01
Presentation: FY2023 Budget Overview (cont'd)

values for early warning signs of an economic slow-down that would impact tax revenues. Currently the City's fund balance was above the target level, so there was some capacity to absorb revenue declines.

- the City looked to organizations like the International City Manager's Association and the National League of Cities for guidance on setting an appropriate fund balance target. Cities and counties can be very different in terms of an appropriate fund balance.

- the City tracks its bond amount on a rolling basis and tries to reduce its bonding levels when possible. The City also tracks interest rates so as to bond and refinance at opportune times. Bonds can be refinanced after seven years.

- the City's pension system is 135% funded, on a valuation basis; because of its overfunded status the City does not need to budget for contributions to the pension system. Other Post-Employment Benefits (OPEB – i.e. retiree healthcare) are 80% funded.

CFO Vicenzi reviewed the next steps in the budget process.

City Manager Ritsema stated the work session on December 12th would focus on budget details, and he indicated the January 3rd Committee of the Whole meeting could be used for additional budget discussion, if needed. City Manager Ritsema stated the potential times for the December 12th work session were 5-8 p.m. or 6-9 p.m.

Finally, an opportunity was given for general comments from City Commissioners.

In response to a question from Commissioner Decker, Mayor Anderson suggested Commissioners wait until the business meeting to discuss the City Attorney candidates, given the absence of Commissioner Juarez at this meeting.

Commissioner Praedel stated the City Commission should start working on appointee evaluations soon.

The meeting adjourned at 5:41 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

A regular meeting of the Kalamazoo City Commission was held on Monday, December 5, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Don Cooney Qianna Decker Jeanne Hess Stephanie Hoffman Esteven Juarez Chris Praedel
COMMISSIONERS ABSENT:	None

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

Invocation

The invocation, given by Pradip Sagdeo, was followed by the Pledge of Allegiance.

Proclamation
2022-50-01

Vice Mayor Cooney proclaimed December 5, 2022 *World Turkish Coffee Culture Day* the City of Kalamazoo. Onur Arugaslan, a professor at Western Michigan University, received the proclamation.

Adoption of the Agenda

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

> Commissioner Decker requested that Item G-6, approval of a grant from the City's ARPA funds to Kalamazoo Neighborhood Housing Services, be moved to the Regular Agenda.

Communications

City Manager Ritsema announced the City Commission would meet in special session on Monday, December 12th at 5:00 p.m. in the City Commission Chambers to discuss the Proposed FY2023 Budget for the City of Kalamazoo.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

<u>In-Person Comments</u>

Wendy Fields, City resident and President of the Kalamazoo Metropolitan Branch of the NAACP, reviewed the purpose of the NAACP and demanded an update on the situation with Public Safety Chief Vernon Coakley. Ms. Fields indicated she would be bringing forward comments from others about racism in the City organization. Ms. Fields expressed support for James Porter to be the next City Attorney.

Pam Roland, City resident, requested an update on the status of the investigation of Chief Coakley. Ms. Roland stated she faced discrimination when she worked for the City and indicated discrimination was still happening. Ms. Roland urged the Commission to look deeply into the Human Resources Department and stated the Michigan Civil Rights Commission needed to come to Kalamazoo and investigate.

Public Comments (cont'd)

Wil Roland, City resident, offered remarks about the Kalamazoo African American Employees Association, which was formed in the early 1990's; the Karus Report, which addressed issues within the organizational culture of the City, including discrimination; and a report produced by the NAAPC in 1997 dealing with the same topics. Mr. Roland stated many of the issues discussed in these reports still existed. Mr. Roland indicated the "Conclusions and Recommendations" section was missing from the copy of the Karus Report he received from the City. Mr. Roland remarked that City Commissioners did not know about these historical reports, and he questioned who was responsible for making sure the City honored its past commitments.

Call-In Comments

Audrey, a City resident, asked if the City budget included funds to address air quality or to hire a public health officer, and she suggested the City offer an alternate plan for dealing with Graphic Packaging.

Rochelle Habeck, City resident, remarked that references for the City Attorney candidates were not included with the information available on the City's website. Ms. Habeck observed that none of the candidates spoke meaningfully about leading with an anti-racist lens, and she urged the City Commission to make that a requirement for whoever was chosen to be the next City Attorney.

Consent Agenda

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

- adoption of the schedule of regular City Commission meetings for the 2023 calendar year. **2022-50-02**

- adoption of a **RESOLUTION** setting a public hearing on January 3, 2023 to consider the proposed Fiscal Year 2023 Budget for the City of Kalamazoo. **2022-50-03** Resolution 22-60

- adoption of a revised **RESOLUTION** approving a Payment in Lieu of Taxes for 1211 S. Westnedge Avenue, LLC, ("LodgeHouse") a Michigan limited liability company, that was formed with the sole purpose of owning the property at 1211 S. Westnedge Avenue, Kalamazoo MI 49008 and whose sole member is LIFT Foundation, for 1211 S. Westnedge Avenue (Parcel No. 06-22-310-007), pursuant to Section 35-4 of the Kalamazoo City Code. **2022-50-04** Resolution 22-61

- adoption of **RESOLUTIONS** #1-3, for the purpose of approving the 2021 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of $13.570. Adoption of Resolution #3 schedules a public hearing for January 3, 2023. **2022-50-05** Resolutions 22-62, 22-63, and 22-64

- adoption of a **RESOLUTION** authorizing the City to submit a SPARK grant application to the Michigan Department of Natural Resources for approximately $815,000 to make recreation improvements to Emerald Park, with a City commitment of $200,000 in match funding. **2022-50-06** Resolution 22-65

- approval of the Mayor's appointments and reappointments to the following boards and commissions: **2022-50-07**

Consent Agenda (cont'd)

- the appointment of **Torean Greeley** to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2028.

- the appointment of **Kristi Breisach** to the Historic District Commission for a term expiring on January 1, 2026.

- the reappointment of **Erin Fuller** to the Natural Features Protection Review Board for a term expiring on March 31, 2025.

- the reappointment of **Mitchell Lettow** to the Natural Features Protection Review Board for a term expiring on March 31, 2025.

- the reappointment of **Kyle Martin** to the Natural Features Protection Review Board for a term expiring on March 31, 2025.

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

With a roll call vote this motion passed.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Juarez, Vice Mayor Cooney, Mayor Anderson*

NAYS: None

*At the time of the vote, Mayor Anderson abstained from voting on Item G-3, a resolution approving a Payment in Lieu of Taxes for 1211 S. Westnedge Avenue, due to a conflict of interest as he was a volunteer member of the LIFT Foundation Board.

Regular Agenda

Regular Agenda items were considered next.

2022-50-08
Agreement with the Upjohn Institute for a Community Data System

Val Gipper and Lee Adams from the W.E. Upjohn Institute for Employment Research delivered a presentation entitled *The Kalamazoo Community Data System*. A copy of the slides from this presentation was filed with the papers for this meeting.

Commissioner Hess noted the work up to this point had been building the database; now the task at hand was to operationalize the system.

Mayor Anderson explained the City had received a grant, which had been paying for this work, but the grant funds would be gone at the end of the proposed contract.

Commissioner Hess thanked Dr. Light for the grant funds to make this work possible, and she stated it had taken a generation to get to this point.

In response to questions and comments from City Commissioners, Ms. Gipper and Mr. Adams provided the following information:

- there were no best practices for the Community Data System to follow, as the system was unique for a city the size of Kalamazoo.

- additional funds would be needed at the end of the proposed contract to keep the system going.

2022-50-08
Agreement with the Upjohn Institute for a Community Data System (cont'd)

When an opportunity was given for public comments on a service agreement with the Upjohn Institute for Employment Research in the amount of $285,000 from the Light Grant Fund for continued support of the Community Data System, the following people addressed the City Commission:

Wendy Fields, City resident, stated the information in the Community Data System was not new information; the YWCA and Cradle Kalamazoo had this data, and had been available for years if people had wanted it. Ms. Fields stated racism was the bottom-line issue, and she urged the City to make sure the funds for this contract would be money well-spent.

Vice Mayor Cooney, seconded by Commissioner Decker, moved to approve a service agreement with the Upjohn Institute for Employment Research in the amount of $285,000 from the Light Grant Fund for continued support of the Community Data System, approval of a budget amendment, and authorize the City Manager to sign all documents related to the agreement.

Prior to a vote on the motion, Commissioner Praedel stated he was very impressed with Cradle Kalamazoo and the YWCA, and he remarked the infant mortality rate was a good indicator of community health.

Mayor Anderson noted infant mortality was just one issue; the Community Data System would allow the City to look at many issues.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-50-09
First Reading of an Ordinance to Adopt the 2021 International Fire Code

Fire Marshal Scott Brooks stated the *International Fire Code* was updated every three years, and he explained the City needed to adopt the most current version to keep up with advances in building materials and practices.

When an opportunity was given for public comments on an ordinance to adopt the 2021 edition of the *International Fire Code*, the following people addressed the City Commission:

Jeff Messer, City resident, asked how many permits the City had issued for recreational fires at multi-family dwellings.

At the request of Mayor Anderson and in response to Mr. Messer, Fire Marshal Brooks reported the City issued five or six recreational fire permits each year, and there had been two unpermitted fires that caused damage.

Commissioner Hess, seconded by Commissioner Decker, moved to offer for first reading an ordinance to amend Article III of Chapter 15 of the Kalamazoo City Code, *Fire Prevention and Protection*, to adopt the 2021 edition of the *International Fire Code*.

2022-50-09
First Reading of an Ordinance to Adopt the 2021 International Fire Code (cont'd)

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-50-10
Notice of Intent Resolution 22-66 for Water Supply System Bonds

An opportunity was given for City Commission questions and public comments on a Notice of Intent Resolution for the issuance of 2023 Water Supply System Revenue Bonds in an amount not to exceed fifteen million dollars ($15,000,000), but no comments or questions were offered.

City Manager Ritsema noted the proposed bond issuances were for projects that had been presented to the Commission and were included in the current utility rates.

Vice Mayor Cooney, seconded by Commissioner Praedel, moved to adopt a Notice of Intent RESOLUTION for the issuance of 2023 Water Supply System Revenue Bonds in an amount not to exceed fifteen million dollars ($15,000,000).

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-50-11
Notice of Intent Resolution 22-67 for Wastewater System Bonds

An opportunity was given for City Commission questions and public comments on a Notice of Intent Resolution for 2023 Wastewater System Revenue Bonds in an amount not to exceed six million two hundred fifty thousand dollars ($6,250,000), but no comments or questions were offered.

Commissioner Hoffman, seconded by Commissioner Hess, moved to adopt a Notice of Intent RESOLUTION for 2023 Wastewater System Revenue Bonds in an amount not to exceed six million two hundred fifty thousand dollars ($6,250,000)

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-50-12
Grant to KNHS for the Rehabilitation of 14 Single-Family Homes for Low-Income Households

In response to Commissioner questions and comments, Housing Development Supervisor Sharilyn Parsons and Matt Milcarek, Director of Neighborhood Services at Kalamazoo Neighborhood Housing Services (KNHS), provided the following information regarding a $1,000,000 grant to KNHS for the acquisition, rehabilitation, and resale of 14 single-family homes to low-income households:

- this opportunity came about in 2021 when a landlord with a rental portfolio that was performing poorly approached KNHS about selling the properties. KNHS will rehabilitate the properties and resell them. The post-rehab estimated value is $89,000 per home.

2022-50-12
Grant to KNHS for the Rehabilitation of 14 Single-Family Homes for Low-Income Households (cont'd)

- KNHS has a large pipeline of people who want to purchase a home.

- KNHS did not fund home loans, but they would ensure long-term affordability; buyers would need to secure market-rate mortgages.

- some of the units are vacant and some have tenants; for tenants who are following their leases, the City and KNHS are working to make them homeowner ready.

- KNHS and the City worked with people who wanted to become contractors, but due to federal requirements, this work would be put out for bid.

- KNHS had to take out loans to finance this project; proceeds from the sale of these homes will pay off those loans.

- when KNHS rehabilitates homes, the goal is for those homes not to need upgrades for at least ten years.

- there are multiple reasons for rehabilitating houses rather than building new ones: building a new house cost more than rehabilitating an existing house; rehabilitating a house preserves existing housing stock; this project in particular will convert rental properties to owner-occupied homes.

- the City is trying to rebuild and revitalize a neighborhood housing market, to preserve wealth for the existing homeowners.

Commissioner Hoffman noted the connection between housing an infant mortality. Commissioner Hoffman expressed appreciation to KNHS for the work they were doing.

Commissioner Juarez expressed appreciation for this project and stated he learned a lot from the KNHS home ownership class.

Commissioner Decker remarked on the importance of revitalizing neighborhoods and noted there were grants available for housing rehab. Commissioner Decker expressed appreciation for this project.

Commissioner Praedel pointed out that the City Commission was spending money in alignment with its priorities.

Mayor Anderson stated the City had values and a vision and was willing to be opportunistic when it made sense.

Commissioner Hoffman, seconded by Commissioner Decker, moved to approve a grant in the amount of $1,000,000 to Kalamazoo Neighborhood Housing Services from the Coronavirus State and Local Fiscal Recovery Funds received from the U.S. Department of the Treasury under the American Rescue Plan Act for the acquisition, rehabilitation, and resale of 14 single-family homes to low-income households.

When an opportunity was given for public comments on this item, the following people addressed the City Commission:

2022-50-12
Grant to KNHS for the Rehabilitation of 14 Single-Family Homes for Low-Income Households (cont'd)

Wil Roland, City resident, asked about the difference between "affordable housing" and "low-income housing." Mr. Roland encouraged Commissioners to walk the City's neighborhoods during non-election years to find out what the residents wanted.

Jeff Messer, City resident, noted the agenda report for this item indicated the income eligibility requirements were 80% (or less) of Area Median Income (AMI). Mr. Messer stated four people were being evicted from the homes KNHS would be rehabilitating with this grant.

Housing Development Supervisor Parsons explained the terms "affordable housing" and "low-income housing" were used interchangeably, but "low-income" had a negative connotation.

Mr. Milcarek stated KHNS was able to help current tenants who were not staying in the homes with funds for a security deposit and first month's rent.

Commissioner Hoffman stated she and Matt Lager had written a grant to assist tenants with the costs of moving out. Commissioner Hoffman commented on the need to hold out-of-town landlords accountable and deal with disinvestment in the City's housing stock.

Commissioner Juarez stated transformation of the community began with the City Commission. Commissioner Juarez stated all landlords needed to provide good housing for families.

Commissioner Decker remarked that someone needed to follow-up on tenant-landlord concerns, and she questioned whether the Community Planning and Economic Development Department (CPED) needed additional staff.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Unfinished Business

Items of unfinished business were considered next.

2022-50-13
Selection of a Candidate for the City Attorney Position

Mayor Anderson opened a discussion about the process for selecting the next City Attorney.

Commissioner Hoffman thanked the community for giving input and feedback on the City Attorney candidates.

Commissioner Hess spoke about the importance of the City Attorney being committed to Diversity, Equity, and Inclusion (DEI) and to addressing racism. Commissioner Hess stated all the candidates were well credentialed and had integrity. Commissioner Hess thanked the City Attorney Search Subcommittee, Jeff Mueller from the Michigan Municipal League, and Human Resources Director Shelly Dusek.

2022-50-13
Selection of a Candidate for the City Attorney Position (cont'd)

Commissioner Praedel stated the decision was tough because there was not much separation between the candidates. Commissioner Praedel observed that each candidate seemed to know what was important to the community, although he wished the candidates had been stronger in the areas of DEI and anti-racism.

Commissioner Juarez commented that he wanted a larger pool of candidates. Commissioner Juarez stated the candidates gave him the impression the City Attorney position would be nice job, but none of them really wanted to be in Kalamazoo.

Commissioner Decker stated she was torn between two of the candidates, although one stood out because of their knowledge and expertise.

Commissioner Hoffman stated she was ready to vote.

Commissioner Praedel expressed support for James Porter because he had shown the willingness to fight for the community.

Vice Mayor Cooney stated the City Commission was spoiled to have City Attorney Robinson; other people did not look so good when compared to him.

Mayor Anderson stated he considered the candidates' actual experience and what they were like as people and as team members.

City Clerk Borling distributed ballots to City Commissioners. Commissioners marked their ballots as follows:

Commissioner Decker	James Porter (only choice)
Commissioner Hess	James Porter (only choice)
Commissioner Hoffman	James Porter (1st choice)
Commissioner Juarez	James Porter (only choice)
Commissioner Praedel	James Porter (only choice)
Vice Mayor Cooney	James Porter (1st choice)
Mayor Anderson	James Porter (only choice)

Commissioner Hess, seconded by Commissioner Juarez, moved to direct the Michigan Municipal League facilitator to extend a conditional offer of employment to James Porter and to commence a background investigation.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

In response to a question from Mayor Anderson, Director Dusek indicated the background investigation would take four weeks.

Commissioner Comments

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

Commissioner Hess expressed well-wishes to her husband Jim, who was recovering from hip surgery. Commissioner Hess thanked Pam Roland for her

Commissioner Comments (cont'd)

comments and for her involvement in the community. Commissioner Hess invited people to a listening session with Commissioners at the Walnut and Park diner on December 7th. Commissioner Hess reported she had attended a Zoom meeting with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) regarding Graphic Packaging. Commissioner Hess reported EGLE would receive public comments until December 9th and encouraged people to be patient as the state performed its due diligence. Commissioner Hess stated she had visited Miss Walker's 5th grade class at Woodward School, and she read their perspectives on the challenges and opportunities of living in Kalamazoo.

Vice Mayor Cooney questioned why black poverty was not the City's biggest concern. Vice Mayor Cooney stated the City could be a catalyst or provide strategic funding to address this issue.

Commissioner Praedel congratulated Mr. Porter and thanked Mayor Anderson, Commissioner Decker, Director Dusek, Deputy City Manager Jeff Chamberlain, and Mr. Mueller for their work on the City Attorney search process. Commissioner Praedel urged the specialists at EGLE to move as quickly as possible on the air quality report. Commissioner Praedel highlighted the City's efforts to address odors coming from Graphic Packaging: the creation of the Odor Task Force; the installation of 12 air sensors in the community; the launch of a public portal for the community to report odors; and the issuance of illegal discharge penalties to Graphic Packaging. Commissioner Praedel acknowledged these actions were not enough, but they were something. Commissioner Praedel stated Graphic Packaging needed to "step up," and the City needed to invest in its young people.

Commissioner Decker stated the City needed to reform how it did business on a daily basis, and the DEI Director needed to get copies of the reports Mr. Roland referenced. Commissioner Decker requested that the agenda for the next business meeting include a discussion of putting the DEI Director and DEI Coordinator positions in the City Charter. Commissioner Decker stated people were dying from homelessness, and she remarked that the City needed to do the things it had the power to do to keep this from happening. Commissioner Decker stated change would start with the City Commission and Commission appointees and then trickle down through the organization.

Commissioner Hoffman commented on Mr. Roland's remarks and talked about the need for systemic change. Commissioner Hoffman stated the systems that created barriers needed to be dismantled. Commissioner Hoffman stated it was unacceptable that people were dying of because they did not have a place to live, especially when the City had the ability to do something. Commissioner Hoffman stated she was committed to doing something different, even if it created trouble for her. Commissioner Hoffman remarked that poverty rates were evidence that there were problems with the structures in the City. Commissioner Hoffman urged the Commission to be persistent in the hard work necessary to address these issues.

Commissioner Juarez stated people had come to tolerate death, and the community was divided. Commissioner Juarez urged people to check their hearts and seek strength in unity.

Mayor Anderson noted the next City Commission meetings were a budget work session on December 12th and the Regular Business Meeting on December 19th. Mayor Anderson stated it was an honor and privilege to serve with his colleagues.

The meeting adjourned at 9:35 p.m.

Adjournment

Scott A. Borling
City Clerk

Approved by the City Commission on: ___________________________

The Kalamazoo City Commission met as a Committee of the Whole on Monday, December 19, 2022 at 5:01 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Don Cooney Qianna Decker Jeanne Hess Chris Praedel
COMMISSIONERS ABSENT:	Stephanie Hoffman Esteven Juarez

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

Commissioners Excused

Commissioner Decker, seconded by Vice Mayor Cooney, moved to excuse the absences of Commissioners Hoffman and Juarez. With a voice vote the motion passed.

Public Comments

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

In-Person

None

Call-In

Jim Ratliff, City resident, stated he was a cyclist and thanked the City for its efforts to make the streets safer. Mr. Ratliff expressed support for bike lanes on Bronson Boulevard.

2022-52-01
Presentation: IK 2025 Year 5 Review

Assistant City Manager Rebekah Kik and Community Planning and Economic Development Deputy Director Christina Anderson delivered a presentation entitled *Kalamazoo Imagines, Kalamazoo Acts: Celebrating Five Years of Progress*. A copy of the slides from this presentation was filed with the papers for the meeting. After the presentation, Assistant City Manager Kik and Deputy Director Anderson played a video entitled *A Look Back at 2022*.

In response to questions and comments from Commissioners, Assistant City Manager Kik and Deputy Director Anderson provided the following information:

- the City is trying to expand its network of bike lanes, but it will take time. When New York City expanded its bike lanes, it took 10 years for ridership to double. The City will continue to work to make people feel safe in bike lanes. For decades cities planned for just cars; now we're planning for bikes and pedestrians too. There is a lot of work to be done around education and advocacy to change the culture and behavior around driving, to make drivers more aware of cyclists and pedestrians.

- things that stood out from the past year or that were exciting to see coming: two-way street conversion, changing zoning to allow for in-fill housing, and promoting in-fill housing.

2022-52-01
Presentation: IK 2025 Year 5 Review (cont'd)

- although past performance has set a high standard, staff will be able to meet or exceed expectations in 2023. IK 2025 was the first time all staff were involved in creating the Master Plan and Strategic Vision. The City organization is working differently now; there is a lot of teamwork. IK 2035 will build on IK 2025.

Commissioner Decker suggested the City connect with the organization Access for All, which trained developers.

Mayor Anderson stated the lookback video perfectly encapsulated the work of the City, and he suggested the video be put on Tik Tok.

City Manager Ritsema thanked Assistant City Manager Kik, Deputy Director Anderson, and their team. City Manager Ritsema stated IK 2025 and the Foundation for Excellence had put the City in a position to impact lives.

Commissioner Comments

Finally, an opportunity was given for general comments from City Commissioners, but no comments were offered.

Adjournment

The meeting adjourned at 5:57 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ____________________________

A regular meeting of the Kalamazoo City Commission was held on Monday, December 19, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Don Cooney Qianna Decker Jeanne Hess Esteven Juarez Chris Praedel
COMMISSIONERS ABSENT:	Stephanie Hoffman

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

Commissioner Excused

Commissioner Decker, seconded by Commissioner Praedel, moved to excuse the absence of Commissioner Hoffman. With a voice vote, the motion passed.

Invocation

The invocation, given by Deacon Joe Schmitt from St. Thomas More Parish, was followed by the Pledge of Allegiance.

Introduction of Guests

Commissioner Praedel introduced Boy Scout Troop 205 and welcomed them to the meeting. Commissioner Praedel offered remarks on his time as a Boy Scout.

Adoption of the Agenda

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

> Commissioner Praedel requested that Item G-7, the purchase of Zetag 8816 Polymer, be moved to the Regular Agenda.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

<u>In-Person Comments</u>

Allen, a City resident, compared Kalamazoo to countries he had visited and offered actions the City could take to improve peoples' lives.

2023-53-01

John Allen, City resident, spoke about transparency and accountability relative to the Bronson Boulevard redesign project. Mr. Allen described the environmental impact of road paint. Written materials provided by Mr. Allen were filed with the papers for this meeting.

Elizabeth Kraatz, City resident, thanked Community Planner Nolan Bergstrom for his helpful attitude and service. Ms. Kraatz requested that the City not install bollards for the proposed bike lanes on Bronson Boulevard, so as to preserve the perception of no lane restrictions. Ms. Kraatz asked the City to survey residents after the project to get their feedback.

Steve Barber, City resident, expressed concern about the situation involving Public Safety Chief Vernon Coakley.

Public Comments (cont'd)

Daniel Bair, City resident and a representative of ModeShift Kalamazoo, expressed support for the proposed redesign of Bronson Boulevard and for lower speed limits across the City. Mr. Bair thanked the City for new bike lanes.

Wilson Xu, a City resident, stated he lived a bike-centric lifestyle, but he did not always feel safe riding his bike in the City, especially with his children. Mr. Xu suggested the City create dedicated bike lanes with concrete barriers for the safety of cyclists.

Steve Glista, City resident, spoke about the need for people to live independently without a car, and he asked the City to build infrastructure that would give people that freedom.

Wil Roland, City resident, spoke about Chief Coakley and expressed hope that the City was treating him fairly. Mr. Roland asked the City to give Chief Coakley every benefit of the doubt.

Jeff Messer, City resident, stated the audio for City Commission meeting broadcasts was distorted. Mr. Messer reported another operator for a movie theater downtown had been identified. Mr. Messer stated Michigan did not have true "home rule" cities, as the law prohibited cities from setting their own minimum wages.

Call-In Comments

Ashante Collins read comments from Sharlae Davis, Executive Director of ISAAC, regarding Martin Luther King Jr.'s "beloved community" and the role of love in the work of anti-racism. Ms. Davis asked for confirmation that the investigation of Chief Coakley was being handled in a manner consistent with similar situations in the past and in a manner centered on anti-racism and equity. Ms. Davis asked whether the City Manager could report on the timeframe for concluding the investigation. Ms. Davis asked questions that encouraged Commissioners to evaluate their personal development and performance in the areas of social justice, anti-racism, and equity.

Consent Agenda

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

- approval of the purchase of two (2) Ford F-600 truck chassis from Gorno Ford through the MIDeal cooperative purchase program in the amount of $116,650. **2022-53-02**

- approval of a three-year Small Municipal and County Government Enterprise Agreement with the Environmental Systems Research Institute, Inc. through the MIDeal cooperative purchasing program in the amount of $143,100. **2022-53-03**

- approval of a two-year term contract extension with Continental Linen Services for industrial uniform rental and cleaning services for staff use within the Department of Public Services in the amount of $150,000. **2022-53-04**

- approval of a sole-source, three-year agreement with Fleet Efficiency for GPS live tracking for City vehicles, except Public Safety, in the amount of $220,752. **2022-53-05**

2022-53-06

- approval of a contract supplemental and change order with Ferguson Waterworks for the advance purchase of ductile iron pipe and appurtenances in the total amount of $280,040.50.

2022-53-07

- approval of a three-month contract extension with Alexander Chemical Corporation for the purchase of 12.5% sodium hypochlorite, by volume, in the amount of $289,948.75.

2022-53-08
Resolution 22-68

- adoption of a **RESOLUTION** approving four new Neighborhood Enterprise Zone (NEZ) Homestead Applications in the Vine Neighborhood.

2022-53-09
Resolution 22-69

- adoption of a **RESOLUTION** recommending approval of the application from Kzoo Tacos, LLC for a Development District Liquor License located at 215 E Michigan Ave, within the City's existing Downtown Development District.

2022-53-10

- approval of a five-year revocable license agreement with the Kalamazoo Nature Center for a limited portion of property near the Batts driveway at 2315 Angling Road.

2022-53-11

- approval of an agreement with the W.E. Upjohn Institute for Employment Research for a Shared Prosperity Kalamazoo High Impact Fund Grant in the amount of $250,000 to assist core neighborhood families with increased access to good jobs and employer engagement in 2023.

2022-53-12

- acceptance of an Ending Community Violence grant from the State of Michigan Department of Health and Human Services in the amount of $50,000 to support Urban Alliance's Change of Status Program in 2023.

2022-53-13

- acceptance of the 2021 Justice Assistance Grant award from the U.S. Department of Justice in the amount of $103,751.

2022-53-14

- acceptance of the 2022 Justice Assistance Grant award from the U.S. Department of Justice in the amount of $113,560.

2022-53-15

- approval of a request from New Year's Fest of Kalamazoo to publicly display fireworks from the Epic Center Parking Structure on Saturday, December 31, 2022 at midnight as part of the annual New Year's Fest event.

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

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Praedel, Juarez, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2022-53-16
FFE Support Service Agreement and Executive Director Position Allocation

An opportunity was given for Commissioner questions and public comments on a Support Service Agreement with the Foundation for Excellence (FFE) and the creation of a Full Time Equivalent position allocation for the FFE Executive Director, but no questions or comments were offered.

Commissioner Decker, seconded by Vice Mayor Cooney, moved to approve a Support Service Agreement with the Foundation for Excellence (FFE) and the creation of a Full Time Equivalent position allocation for the FFE Executive Director.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Praedel, Juarez, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-53-17
Ordinance 2058 Adopting the 2021 International Fire Code

An opportunity was given for Commissioner questions and public comments on an ordinance to adopt the 2021 edition of the *International Fire Code*, but no questions or comments were offered.

Commissioner Hess, seconded by Vice Mayor Cooney, moved to adopt an **ORDINANCE** to amend Article III of Chapter 15 of the Kalamazoo City Code, *Fire Prevention and Protection*, to adopt the 2021 edition of the *International Fire Code*.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Praedel, Juarez, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-53-18
First Reading of an Ordinance re: a Deferred Retirement Option Plan (DROP)

In response to a question from Commissioner Praedel about an ordinance to amend the Pension Ordinance regarding a Deferred Retirement Option Plan (DROP), Deputy Public Safety Chief Dave Boysen explained the DROP was an option for eligible employees to continue their employment while freezing their eligible retirement benefit. Deputy Chief Boysen stated the proposed ordinance created a three year pilot program with the goal of retaining highly trained staff instead of losing them to retirement. Deputy Chief Boysen estimated there would be 26 retirements from Public Safety over then next 3 years, and he noted the DROP would not have an adverse impact on the pension fund.

An opportunity was given for public comments on an ordinance to amend the Pension Ordinance regarding a Deferred Retirement Option Plan (DROP), but no comments were offered.

Commissioner Decker, seconded by Commissioner Hess, moved to offer for first reading an ordinance to amend the Pension Ordinance regarding a Deferred Retirement Option Plan.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Praedel, Juarez, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-53-19
First Reading of an Ordinance to Increase the Retiree Death Benefit and Update the Definition of General Member Administrator

In response to a question from Commissioner Praedel about an ordinance to amend Article X of Chapter 2 - Employee Retirement System, City Attorney Robinson explained the proposed amendment was a "housekeeping" measure to make the ordinance reflect current positions in the City Manager's Office and to raise the death benefit for retirees from $1,000 to $5,000.

Commissioner Praedel stated the proposed ordinance appeared not to include the Assistant City Manager position.

City Attorney Robinson agreed the Assistant City Manager position was missing and should be added to the proposed ordinance.

An opportunity was given for public comments on an ordinance to amend Article X of Chapter 2 - Employee Retirement System, but no comments were offered.

Commissioner Juarez, seconded by Commissioner Decker, moved to offer for first reading an ordinance to amend Article X of Chapter 2 - Employee Retirement System, with the amendment that the position "Assistant City Manager" be included in the ordinance.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-53-20
Purchasing Contract for Biosolids Dewatering Polymer

In response to a question from Commissioner Praedel about the purchase of Zetag 8816 Polymer, Public Services Director James Baker explained the function of polymers and how various polymers were tested to determine which one should be used in the City's wastewater treatment process. Director Baker stated the decision was based on the cost effectiveness of the whole process, not just the cost of the polymer.

An opportunity was given for public comments on a two-year contract for the purchase of Zetag 8816 Polymer, but no comments were offered.

Vice Mayor Cooney, seconded by Commissioner Juarez, moved to approve a two-year contract with Solenis LLC for the purchase of Zetag 8816 Polymer in the amount of $1,955,355.28.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-53-21
City Manager's Report – Odor Task Force Quarterly Report

City Manager Ritsema stated the agenda packet included the Odor Task Force Quarterly Report for the third quarter of 2022. City Manager Ritsema stated Public Services Director Baker was available for questions.

In response to questions and comments from Commissioners, Director Baker provided the following information:

- the Odor Task Force (OTF) report gives the status of work being done to address odors; staff does not give opinions about health-related issues.

- the state was working on an air quality report; anecdotal evidence seemed to indicate sulfur dioxide numbers were trending down.

- there is some connectivity between the OTF and Graphic Packaging International (GPI), but the Task Force existed before the current issues with GPI.

- there has been an issue with odor sensor failures due to power outages and vandalism; this is the first year of full implementation for the sensors.

Commissioner Praedel encouraged continued collaboration between the City and GPI.

Unfinished Business

Items of Unfinished Business were considered next.

Follow-Up to the 2023 Budget Work Session

City Manager Ritsema opened a discussion of the Proposed FY2023 Budget and asked Commissioners if there were any changes they wanted to see.

Commissioner Decker proposed that ARPA funds be used to address early childhood education/childcare issues, perhaps in the form of assistance to home daycares.

Vice Mayor Cooney, Commissioner Praedel, Commissioner Hess, and Commission Juarez expressed support for Commissioner Decker's proposal.

Commissioner Juarez noted the ARPA funds were a one-time shot and needed to be spent wisely.

Commissioner Praedel stated the City needed to figure out how to spend its ARPA funds wisely and in ways that did not lead to a "funding cliff" for the recipients. Commissioner Praedel suggested home-based business grants for daycares.

Vice Mayor Cooney stated the City could be a catalyst to address the early childhood education shortage by doing things like convening local experts.

Commissioner Decker suggested creating a system to help home based businesses and suggested the City commit $1 million to this work.

Mayor Anderson noted the City budget was a zero-sum game; if money was spent in one place it needed to be taken from another. Mayor Anderson suggested the Commission decide on a dollar amount, engage experts, and let staff come back with a proposal for how to work this proposal into the budget.

Follow-Up to the 2023 Budget Work Session (cont'd)

Commissioner Praedel remarked that Tim Bartik from the Upjohn Institute for Employment Research advised planning now for early childhood education initiatives for the fall of 2024. Commissioner Praedel suggested the City allocate a significant amount of its ARPA funds to early childhood education/childcare in each of the remaining ARPA years.

City Manager Ritsema stated there was $17 million in ARPA funds to be allocated; the dollar amounts in the outyears were for planning purposes only. City Manager Ritsema suggested the Commission focus on the FY 2023 Budget with the knowledge that additional ARPA funds could be allocated in 2023 and 2024.

Mayor Anderson suggested the City Commission set a dollar amount and let the City Manager find a source for the funds.

Commissioner Praedel asked that the City Manager not take funds for early childhood education from the current or proposed allocations for youth and gun violence.

Vice Mayor Cooney urged the Commission to allocate funds for early childhood education in 2023 and not wait until 2024.

City Attorney Robinson advised caution and stated the City could not simply give money to organizations. City Attorney Robinson recommended the Commission given general direction to staff, who would deal with the legal issues.

Commissioner Hess stated the City's best role was that of "convener," and she noted universal childcare in Kalamazoo would cost $10 million per year. Commissioner Hess encouraged Commissioners to give staff general direction and let them figure out the details.

Commissioner Praedel remarked that the City was doing a lot of things to help individuals and private organizations.

City Manager Ritsema stated this discussion had been helpful. City Manager Ritsema noted there would be tradeoffs in term of dollars and staff time.

Commissioner Decker proposed allocating $200,000 to help keep senior citizens in their homes.

In response to a question from Commissioner Juarez, City Manager Ritsema stated he would check the balance in the City Commission Initiatives line item.

Commissioner Juarez stated he thought the Commission had allocated $60,000 from this line item already, leaving a balance of $40,000. Commissioner Juarez remarked that the current conversation was about areas of urgent need that should be funded, but Commissioners had not even spent the full amount that was available for Commission priorities in the 2022 budget.

In response to a question from Commissioner Hess, City Manager Ritsema stated the $40,000 remainder in the City Commission Initiatives line item could be dealt with in the 2023 budget.

In response to a question from Mayor Anderson, City Manager Ritsema stated this discussion had been helpful for him to understand what Commissioners wanted

Follow-Up to the 2023 Budget Work Session (cont'd)

and to have a dollar amount for staff to work with so they could bring back a recommendation to the Commission.

Mayor Anderson noted the next step in the budget process was the public hearing on January 3rd, with final adoption of the budget scheduled for the second meeting in January.

New Business

Next, items of New Business were considered.

Authorization for Contract Negotiations with City Attorney Candidate James Porter

Mayor Anderson reported City Attorney candidate James Porter had successfully completed the background check. Mayor Anderson asked for a motion to authorize the negotiation of an employment agreement.

Commissioner Juarez, seconded by Vice Mayor Cooney, moved to direct the City Attorney Recruitment Subcommittee to begin contract discussions with James Porter, with the understanding that a draft contract will be submitted to the City Commission for formal approval if all due diligence investigation steps are completed satisfactorily and agreeable terms and conditions of employment can be reached.

Prior to a vote on the motion, and in response to a question from Commissioner Hess, Mayor Anderson stated he hoped to have an employment agreement in place by the end of January.

An opportunity was given for public comments on this item, but no comments were offered.

With a roll call vote the motion passed.

AYES: Commissioners Decker, Hess, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Committee Created to Consider an Ordinance or Charter Amendment for the DEI Director

Commissioner Decker suggested the City Commission add the Diversity, Equity, and Inclusion (DEI) Director position to the Kalamazoo City Charter and asked that the City Attorney review the charter amendment process.

City Attorney Robinson reviewed the charter amendment process, which culminated in voters having an opportunity to approve or reject the proposed amendment. City Attorney Robinson cautioned against putting too much detail in charter language and stated the key was figuring out what the amendment needed to do. City Attorney Robinson provided the deadlines for getting a charter amendment on the ballot. City Attorney Robinson offered the option of adding the DEI Director position to the Code of Ordinances and explained this option would give the City Commission the most flexibility. City Attorney Robinson acknowledged ordinances were easier to change than the charter, but he could not envision a City Commission repealing such an ordinance.

Discussion took place.

By consensus the City Commission agreed to form a committee to work with the City Attorney on the question of establishing the DEI Director position in City Charter or the Code of Ordinances.

Committee Created to Consider an Ordinance or Charter Amendment for the DEI Director (cont'd)	Commissioners Hess and Praedel volunteered to join Commissioner Decker on the committee. Commissioner Praedel stated he would step down if Commissioner Hoffman or another Commissioner wanted to be on the committee. Commissioner Decker questioned whether the Commission should wait until January 3rd to appoint members to the committee. Commissioner Praedel suggested the committee look at other jurisdictions for model ordinances or charter provisions. City Attorney Robinson suggested President Biden's 2021 Executive Order on DEI as a good starting point for the committee. City Manager Ritsema suggested the committee create a project charter to define the scope of their work and establish a timeline.
Commissioner Comments	Finally, an opportunity was given for miscellaneous comments from City Commissioners. Vice Mayor Cooney offered remarks on the Change of Status graduation event at Urban Alliance and the Mothers of Hope Christmas party. Commissioner Hess announced there would be an EPS foam recycling event on December 31st. Commissioner Hess remarked on a gun violence death that occurred over the weekend and urged people to take the gun violence survey on the Kalamazoo Community Foundation website. Commissioner Hess thanked Jeanette Sage in the City Clerk's Office for organizing carol singing at City Hall. Commissioner Decker stated she was proud of the City's dedicated staff. Commissioner Decker noted the City was still waiting on the air quality report from the Michigan Department of Health and Human Services regarding GPI and health impacts to the Northside Neighborhood. Commissioner Praedel noted the holidays were not happy for everyone, and he remarked on the recent shooting death of a 17-year-old in the City. Commissioner Praedel thanked City staff for a great year. Commissioner Praedel commended Communications Coordinator Neal Conway for the 2022 lookback video. Mayor Anderson remarked that he had the privilege of spending a lot of time with community organization that were doing great work. Mayor Anderson recognized a Public Safety Officer who intervened to stop an assault in progress. Mayor Anderson stated the recent shooting death needed to drive forward the City's work to eliminate gun violence. Mayor Anderson acknowledged the death of Bertha McNeal, a member of the Velvelettes and a local teacher.
Adjournment	The meeting adjourned at 9:48 p.m. Scott A. Borling City Clerk Approved by the City Commission on: ___________________________

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Date: 7/5/2023
Item: H.1.

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Assistant City Manager
Prepared by: Antonio Mitchell, Director, Community Planning and Economic Development

DATE: July 5, 2023

SUBJECT: Approve agreement with United Way of South Central Michigan for Kalamazoo Small Business Loan Fund Program (Bid Ref#00000-023.82)

RECOMMENDATION:

It is recommended the City Commission approve a new contract to adjust funding sources for the final year of the three-year agreement with the United Way of South Central Michigan (formerly named the United Way of the Battle Creek and Kalamazoo Region (UWBCKR)).

BACKGROUND:

The City Commission approved a three-year Business Development Agreement between the City of Kalamazoo and the United Way of South Central Michigan (formerly named the United Way of the Battle Creek and Kalamazoo Region) in March of 2021. This agreement was to utilize $1,038,500 each year, for three years, for a total of $3,115,500 funded from the FFE Aspirational Fund for Kalamazoo Small Business Loan Fund Program. The annual budget for the agreement was as follows:

- $450,000 for Kalamazoo Small Business Loan Fund Program (KSBLF)
- $450,000 for Kalamazoo Micro-Enterprise Grant Fund (KMEG)
- $138,500 for United Way of South Central Michigan administrative and program delivery costs

Although the three-year agreement was previously approved by the City Commission, a funding allocation was not included in the City's 2023 budget. This contract allocates $438,500 through ARPA funding to the UWBCKR for their upcoming grant round, and will be spent as shown below:

Line Item	Description	Amount
Kalamazoo Micro Enterprise Grants	At least 60 grants given to small businesses – maximum of $5,000 per business	$300,000
Program Salaries and Benefits	Associate Director of Small Business and 5% of Director of Programs	$70,000
Community Consultant Stipends	Small Business Cabinet volunteers who provide oversight and approve KMEG grant awards	$21,000
Technology Needs	Application software and electronic grant software (Docusign)	$20,000
Marketing, Communications, and Promotion of KMEG	Translation of materials, development of materials, electronic and social media, video development and production, research related to marketing (focus groups)	$13,650
TOTAL DIRECT COSTS		**$424,650**
INDIRECT or ADMINISTRATIVE COSTS		$13,850
TOTAL PROGRAM COSTS		**$438,500**

A new contract is required due to the addition of ARPA funding. The new agreement will go through June of 2024.

Kalamazoo Small Business Loan Fund (KSBLF)
The KSBLF program was created to provide a lifeline to small businesses and their workers, especially businesses with workers in the category of "Asset Limited, Income Constrained, Employed" (ALICE), and retain workforce capacity. This program also assists the United Way of South Central Michigan and the City of Kalamazoo staff in prioritizing future focus on women-owned and/or BIPOC (Black, Indigenous, People Of Color) owned businesses with secondary consideration being given to businesses located within the Shared Prosperity Kalamazoo neighborhoods (Edison, Northside and Eastside) with a focus on equity and intersectionality.

This partnership provides local leadership that aligns with the City of Kalamazoo Imagine Kalamazoo 2025 initiative. The expansion of the KSBLF program aligns with creating permanent economic development programming loans and grants to infuse economic impact in the City's SPK Neighborhoods.

Guiding Principles of KSBLF include:

- Equity. The Loan Fund is intended to support community members living below the

ALICE threshold, marginalized and disparate populations.
- Collaboration. Whenever possible, dollars from the Loan Fund will be used to leverage federal, state and other local resources.
- Flexibility. The Loan Fund is designed to be flexible in terms of how the resources are spent to meet the most critical needs of businesses and their employees.

Kalamazoo Micro-Enterprise Grant Fund (KMEG)
The KMEG is an additional business development tool to assist micro-businesses with less than 10 full-time employees. It was initially funded with $300,000 paid from the FFE-funded Business Development Fund. The KMEG is intended to provide timely financial assistance to small businesses to limit economic hardship. The KMEG offers $5,000 grants to eligible businesses.

Guiding Principles of the KMEG include:

- Equity. The Grant Fund is intended to support community members living below the ALICE threshold, with a focus on providing support to BIPOC-owned and women-owned businesses.
- Collaboration. Whenever possible, dollars from the Grant Fund will be used to leverage federal, state and other local resources.
- Short-Term Use. The Grant Fund is designed to provide immediate, short-term resources for businesses.
- Flexibility. The Grant Fund is designed to be flexible in terms of how the resources are spent to meet the most critical needs of businesses and their employees.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Complete Neighborhoods - residential areas that support the full range of people's daily needs
Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.
Shared Prosperity - Abundant opportunities for all people to prosper

All KSBLF expenditures are decided by an advisory committee of representatives from United Way of South Central Michigan, City of Kalamazoo/FFE, local banks and local economic and community development entities. All KMEG expenditures are decided by the United Way of South Central Michigan staff. The United Way of South Central Michigan is committed to partnership and its leveraging of federal, state and local resources to ensure that KSBLF dollars are deployed effectively in the community. The focus of the Small Business Loan Fund on ALICE working populations and retaining workforce capacity for small business aligns with these goals and missions.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Collaborate (two-way conversation) - the communtiy will have a chance to shape the project by providing feedback.

City staff have consulted with several community partners including the W.E. UpJohn Institute, Southwest Michigan First, Small Business Development Center and Local Initiatives Support Corporation (LISC). The programs were discussed at City Commission meetings in 2020 and 2021.

FISCAL IMPACT:

Funds will be reallocated from three existing economic development project budgets to pay for this agreement. The funding to be moved from each project is listed below. Once the new agreement is approved, new projects will be created for the updated agreement and a budget transfers between the projects will take place.

Description	Account	Project #	Dollar Amount
BDF TECHNICAL ASSISTANCE GRANTS		ffe0620004	$88,500
BDF-FACADE GRANT PROGRAM		grt5100020	$175,000
BDF-WHITEBOX BUILDOUT ASSISTANCE		grt5100016	$175,000

CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

This contract agreement ("Agreement" or "Contract Agreement") is entered into as of the ___day of **July 2023** by the City of Kalamazoo, Michigan (herein referred to as "City of Kalamazoo") and the United Way of South Central Michigan (hereinafter referred to as the "Subrecipient") in connection with a certain grant and/or loan to Subrecipient under the State and Local Fiscal Recovery Funds ("SLFRF") Program. The Subrecipient agrees to the terms and conditions of this Agreement to undertake the following**:** The City of Kalamazoo Micro Enterprise Grant Program (herein referred to as the "Program"). The Subrecipient agrees to provide services detailed in the attached scope of work, and to perform all other obligations and duties as contained in this Agreement and any/all addenda.

This Contract Agreement shall mean this agreement, any and all attached Exhibits (including but not limited to the Program budget), and any and all loan closing documents executed in connection with this Contract Agreement.

Project Number	**grt5100036**
Subrecipient:	**United Way of South Central Michigan**
Organization Type:	**Non-Profit Organization**
UEI:	**LB2MPMC4BQS4**
EIN:	**38-1359193**
Mailing Address:	**709 South Westnedge Ave, Kalamazoo MI 49007**
Email Address:	**a.stewart@uwscmi.org**
Project Location:	**City of Kalamazoo**
SLFRF (CFDA #):	**21.027**
Award Type (Grant or Loan):	**Grant**
FAIN:	**SLFRP1994**
Federal Prime Award:	**$ 38,872,877**
Federal Prime Award Date	**5/10/2021**
Final Funding Spend Down Date:	**March 31, 2024 for program grantees, June 30, 2024 for "Subrecipient"**

1. Time of Performance

The Subrecipient shall commence performance of its obligations under this Contract Agreement on July 5, 2023, **and** complete the Program no later than **June 30, 2024**, (hereinafter referred to as the "Program Expiration Date").

2. Method of Payment

Payments will be made by the City of Kalamazoo to Subrecipient in the form of a single grant payment to be spent on eligible Program costs as discussed in further detail in Section 7 of this Contract Agreement. All payments are contingent upon Subrecipient's continued compliance with the provisions set forth in this Contract Agreement and any/all SLFRF Rules and Regulations being 31 CFR Part 35, OMB Uniform Guidance 2 CFR Part 200, United States Department of Treasury Requirements, the City of Kalamazoo SLFRF Policies and Procedures, any applicable local, state, and federal laws, and any applicable USDT and/or the City of Kalamazoo policy memo, regulation, communication or guideline, as may be amended from time to time.

3. Funding

It is expressly understood that in no event will the total funding exceed **$438,500** unless otherwise mutually agreed upon in writing by amendment to this Contract Agreement. It is expressly understood that funding is contingent upon the City of Kalamazoo's receipt of full USDT federal funding and authorization from USDT to use funds in support of the Program. Any reduction in federal funding may result in reduction or elimination of funding for this Contract Agreement.

4. SLFRF Regulations

The Subrecipient shall conduct all work funded under this Contract Agreement in compliance with the following:

- SLFRF Rules and Regulations 31 CFR Part 35, as amended from time to time, and all other cited federal regulations;
- 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- All local, state, and federal laws; and
- Any subsequent USDT and/or the City of Kalamazoo Policy Memos, Regulations, Communications, and guidance.

5. Program Description, Program Schedule, and Scope of Work

The Subrecipient is responsible for completing the Program in accordance with the approved Program Description, Program Schedule, Program Budget and Scope of Work as outlined in **Exhibit 1** attached to this Contract Agreement. In any instance where the Program Description, Program Schedule and/or Scope of Work may be in conflict with other terms of this Contract Agreement, the Contract Agreement will prevail.

If the Subrecipient wishes to amend the Program Description and/or Scope of Work, the Subrecipient shall seek approval from the City of Kalamazoo in writing prior to undertaking any actions relative to such change following process laid out in Section 43 of this document. Failure to do so may result in termination of this Contract Agreement at the City of Kalamazoo's discretion.

6. Program Budget

An approved budget is incorporated and made a part of this Contract Agreement as attached in **Exhibit 1** ("Program Budget"). The City of Kalamazoo may require a more detailed Program Budget breakdown from time to time. The Subrecipient shall provide such supplementary Program Budget information as required by and on forms provided by the City of Kalamazoo upon request.

The Subrecipient shall not obligate, encumber, spend or otherwise utilize SLFRF funds for any activity or purpose not included or not in conformance with the Program Budget unless the Subrecipient has received explicit written approval from the City of Kalamazoo to undertake such actions, including but not limited to, changes between Program Budget categories as follows:

- For the purposes of this Contract Agreement, Program Budget includes cost breakdown provided in Application.
- The Subrecipient must submit Program Budget category changes in the same form as originally proposed in the approved Program Budget, accompanied by a letter of justification. Program Budget changes may occur within a Program Budget category without the need for written approval from the City of Kalamazoo so long as (i) the specific category has been approved; (ii) there is no change to the total Program Budget category amount; and (iii) the changes to the Program Budget are documented.

  The Subrecipient acknowledges that this section has no effect upon the Program Description and or Program Schedule. Any amendment to the Program Description and or Program Schedule must be in writing approved by the City of Kalamazoo as provided for elsewhere in this Contract Agreement.

7. Fund Disbursement

The Subrecipient will receive funds through single payment upon final receipt and approval of all required documents contained in this agreement as determined by the City of Kalamazoo. The City of Kalamazoo will disburse funds directly to the recipient for the amount listed at Section 3 of this Agreement. Any and all funds received shall be used solely to pay Eligible Project Costs that meet the requirements of this grant agreement and those required by 2 CFR Part 200, the City of Kalamazoo Purchasing and Accounts Payable Policies and Procedures and the State of Michigan.

The Subrecipient pledges to undertake contracts and subcontracts and manage payments using mechanisms that protect the interests of the Subrecipient and the City of Kalamazoo, such as retaining portions of contracts until completion and requiring bonds, warranties and insurance as appropriate.

The Subrecipient will obtain competitive pricing quotes or bids for all services, contracts or purchases, in compliance 2 CFR 200.317-326 – Federal Procurement Standards and the attached City of Kalamazoo Purchasing Policies (attached).

8. SLFRF Commitment

The City of Kalamazoo agrees to disburse SLFRF funds subject to the terms and conditions contained in this Contract Agreement. Such disbursements shall not, in the aggregate, exceed that amount designated for total funding listed on page two (2) of this Contract Agreement and as detailed in the Program Budget. In no instance shall the City of Kalamazoo be liable for any costs incurred in excess of this commitment (hereinafter referred to as the "SLFRF commitment"), nor for any unauthorized or ineligible costs. Expenses that are out of compliance with this Contract Agreement may be determined ineligible and may be subject to repayment and/or recapture by USDT and/or the City of Kalamazoo.

9. Commencement and Duration

The Subrecipient agrees that the Program shall not commence, nor shall any costs be incurred or obligated, prior to execution of this Contract Agreement unless approved in writing by the City of Kalamazoo.

The Subrecipient agrees that the Program shall be carried out in accordance with the Program Schedule outlined in Exhibit 1 and the Time of Performance identified on page one (1) of this Contract Agreement.

In no event shall funds be obligated or spent after the Program Expiration Date unless approved in writing by the City of Kalamazoo.

10. Drug Free Workplace

The Subrecipient shall comply with the applicable provisions of the Drug-Free Work Place Act of 1988 (Public Law 100-690, Title V, Subtitle D; 41 USC § 701 *et seq*.) and maintain a drug-free work environment; and the final rule, government-wide requirements for drug-free work place (grants), issued by the Office of Management and Budget and the Department of Defense (32 CFR part 280, subpart F) to implement the provisions of the Drug-Free Work Place Act of 1988 is incorporated by reference and the Subrecipient shall comply with the relevant provisions thereof, including any amendments to the final rule that may hereafter be issued which are made apart of this Contract Agreement.

11. Bonding

Contractors hired by the subrecipient, shall not commence work until they have obtained the bonding requirements listed below.

1. BID BOND GUARANTEE: The bid must be accompanied by a bid bond which shall not be less than five (5%) percent of the total amount of the bid. No bid will be considered unless it is accompanied by the required guarantee. The bid guarantee shall ensure the execution of the bid and award, and the furnishing of a performance bond and a labor and material bond (A and B below) by the successful bidder. (Contractors Note: A cashier's or certified check in lieu of a bid bond is NOT acceptable.)

A. PERFORMANCE BOND: A performance bond shall be furnished in the full amount of the contract ensuring the City of faithful performance of all the provisions of the contract, and the satisfactory performance of any equipment required hereunder. The bond shall also ensure the City against defective workmanship and/or materials.
B. LABOR AND MATERIAL (PAYMENT) BOND: A labor and material (payment) bond shall be furnished for the period covered by the contract, in the full amount of the contract for the protection of labor and material suppliers and sub-contractors.

Bonds shall be secured by a guaranty, or a surety company listed in the latest issue of the U.S. Treasury, circular 570, and licensed to do business in the State of Michigan and written in favor of the City of Kalamazoo. The amount of such bonds shall be within the maximum amount specified for such company in said circular 570. The bonds shall be accompanied by a power of attorney showing authority of the bonding agent to sign such bonds on behalf of the guaranty or surety company. The cost of the bonds shall be borne by the Contractor.

Failure of the Contractor to supply the required bonds within ten (10) days after Notice of Award, or within such extended period as the Purchasing Agent may agree to, shall constitute a default and the City of Kalamazoo may either award this contract to the next lowest bidder or re-advertise for bids and may charge against the Contractor for the difference between the amount of the bid and the amount for which a contract for the work is subsequently executed, irrespective of whether the amount thus due exceeds the amount of the bid bond. If a more favorable bid is received by re-advertising, the defaulting bidder shall have no claim against the City of Kalamazoo for a refund.

2. WAIVERS OF LIEN: Upon completion of all work and request for final payment, the Contractor shall furnish a 100% waiver of lien from each supplier and sub-contractor covering all items of the work. Failure to supply waivers of lien for the entire job upon completion and final payment request will be considered grounds for withholding final payment.
3. PREVAILING WAGES: The successful bidder will be required to comply with Section 2-125 of the Code of Ordinances of the City of Kalamazoo regarding prevailing wages and Exhibit 3 attached, incorporated herein by reference.

The contractor shall comply with the bonding requirements of 2 CFR 200.326, -Bonding, if applicable.

The contractor must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the non-Federal entity.

12. Insurance

Contractors hired by the subrecipient, shall not commence work until they have obtained the insurance required under this paragraph, and shall keep such insurance in force during the entire life of this contract. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan and acceptable to the City of Kalamazoo within ten (10) days of the Notice of Award. The requirements below should not be interpreted to limit the liability of the subrecipient and any contractor they hire. All deductibles and SIRs are the responsibility of the Vendor.

The contractor shall procure and maintain the following insurance coverage:

Workers' Compensation Insurance including Employers' Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than $1,000,000 per occurrence and aggregate. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent, if not already included and (E) XCU coverage if the nature of the contract requires XC or U work.

Automobile Liability in accordance with all applicable statutes of the State of Michigan, with limits of liability not less than $1,000,000 per occurrence, combined single limit for Bodily Injury, and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

Initials: _________

Additional Insured: Commercial General Liability and Automobile Liability, as described above, shall include an endorsement stating that the following shall be Additional Insureds: The City of Kalamazoo, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed that by naming the City of Kalamazoo as additional insured, coverage afforded is considered to be primary and any other insurance the City of Kalamazoo may have in effect shall be considered secondary and/or excess.

To the fullest extent permitted by law the contractor agrees to pay on behalf of, indemnify, and hold harmless the City of Kalamazoo, its elected and appointed officials, and employees against any claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City of Kalamazoo, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, caused in whole or part by any negligent act or omission by the Subrecipient, its employees, agents, or officers which arises out of, or is in any way connected or associated with, this contract.

Cancellation Notice: All policies, as described above, shall include an endorsement stating that it is understood and agreed that thirty (30) days, or ten (10) days for non-payment of premium, Advance Written Notice of Cancellation, Non-Renewal, Reduction, and/or Material Change shall be sent to: City of Kalamazoo, Purchasing Division, 241 W. South Street, Kalamazoo, MI 49007.

Proof of Insurance Coverage: The Subrecipient shall provide the City of Kalamazoo at the time that the contracts are returned by him/her for execution, or within 10 days of Notice of Award, whichever is earlier, a Certificate of Insurance as well as the required endorsements. In lieu of required endorsements, if applicable, a copy of the policy sections where coverage is provided for additional insured and cancellation notice would be acceptable. Copies or certified copies of all policies mentioned above shall be furnished, if so requested.
If any of the above coverages expire during the term of this contract, the Subrecipient shall deliver renewal certificates and/or policies to City of Kalamazoo at least ten (10) days prior to the expiration date.

Scope of Coverage: The above requirements and conditions shall not be interpreted to limit the liability of the Subrecipient, or contractor under this agreement, but shall be interpreted to provide the greatest benefit to the City and its officers and employees. The above listed coverages shall protect the contractor, subrecipient, its employees, agents, representatives and subcontractors against claims arising out of the work performed. It shall be the Subrecipient's responsibility to provide similar insurance for each subcontractor or to provide evidence that each subcontractor carries such insurance in like amount prior to the time such subcontractor proceeds to perform under the contract.

The Subrecipient shall comply with the bonding and insurance requirements of 2 CFR 200.310- Insurance, if applicable.

13. The City of Kalamazoo and USDT Recognition

The Subrecipient agrees to recognize the role of Executive Order 11246, the City of Kalamazoo and USDT in providing assistance pursuant to this Contract Agreement by referencing the support provided in all publications and media efforts that relate to this Program. All activities, facilities and items utilized pursuant to this Contract Agreement shall be prominently labeled as to this funding source and for the City of Kalamazoo's role in distributing these funds.

14. Program Income

All subrecipients agree to not impose additional fees or charges upon their customers for the portion of work funded through this grant agreement through the end of the SLFRF period of performance (December 31, 2026). The Subrecipient shall comply with The Uniform Guidance requirements that pertain to program income at 2 CFR 200.307.

 Initials: _________

15. Equal Employment Opportunity

During the performance of this Contract Agreement, the Subrecipient must ensure that no otherwise qualified person shall be excluded from participation or employment, denied program benefits, or be subject to discrimination based on race, color, national origin, sex, age, handicap, religion, or religious preference, under any program or activity funded under this Contract Agreement, as required by Title VI of the Civil Rights Act of 1964, the Fair Housing Act (42 USC §§ 3601-29) and all implementing regulations, and the Age Discrimination Act of 1975, and all implementing regulations. The Subrecipient shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include but not be limited to: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Subrecipient shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the government setting forth the provisions of this non-discrimination clause. The Subrecipient shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

16. Contractors and Subcontractors

All work supported under this Contract Agreement must be in compliance with the following regulations:

a. The Copeland Anti-Kickback Act (40 USC, Chapter 3, Section 276c and 18 USC, Part 1, Chapter 41, Section 874; and 29 CFR part 3) requires that workers be paid weekly, that deductions from workers' pay be permissible, and that contractors maintain and submit weekly payrolls.

b. The Contract Work Hours and Safety Standards Act (40 USC, Chapter 5, Sections 326-332; and 29 CFR Part 4, 5, 6 and 8; 29 CFR parts 70 to 240) applies to contracts over $100,000 and requires that workers receive overtime compensation (time and one-half pay) for hours they have worked in excess of 40 hours in one week. Violations under this Act carry a liquidated damages penalty ($10 per day per violation).

c. Executive Order 11246 - Subrecipients hereby agree to place in every contract and subcontract for construction exceeding $10,000 the Notice of Requirement for Affirmative Action to ensure Equal Employment Opportunity. The Subrecipient furthermore agrees to insert the appropriate Goals and Timetables issued by the Department of Labor in such contracts and subcontracts. The Executive Order also requires contractors with 51 or more employees and contracts of $50,000 or more to implement affirmative action plans to increase the participation of minorities and women in the workplace if a workforce analysis demonstrates their under-representation, meaning that there are fewer minorities and women than would be expected given the numbers of minorities and women qualified to hold the positions available.

d. Domestic Preference - As appropriate and to the extent consistent with law, the subrecipient should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, as defined by 2 CFR § 200.322(b).

e. Debarred and Suspended Contractors - Subrecipients shall not enter into any agreement, written or oral, with any contractor without the prior determination by the City of Kalamazoo of the contractor's eligibility. A contractor or subcontractor is not eligible to receive funds if the contractor is listed on the Federal Consolidated List of Debarred, Suspended, and Ineligible Contractors. Subrecipient must also verify all contractors are not excluded through SAM.GOV federal contract exclusion search.

The Subrecipient will obtain competitive pricing quotes or bids for all contracts or purchases, in compliance with 2 CFR 200.319.

Initials: _________

17. Right to Monitor

The City of Kalamazoo shall have the right to monitor Subrecipient's compliance with all applicable SLFRF Program requirements, as well as all applicable Contract requirements by whatever means the City of Kalamazoo deems appropriate. This right shall continue throughout and until the City of Kalamazoo's grant closeout with USDT or for a 10-year period following the execution of this Contract Agreement, whichever period is longer in duration.

18. Right to Inspect

The City of Kalamazoo, its agents and designees, shall have the right, from time to time, to inspect the Program site for purposes of ensuring compliance with the terms and conditions of this Contract Agreement and SLFRF's Rules and Regulations.

Subrecipient agrees to permit the City of Kalamazoo, its agents and designees (i) to have reasonable access to the SLFRF assisted program meetings or events, and (ii) to examine its books and records, including all financial statements and records, from time to time, insofar as the same may apply to Subrecipient's use of the SLFRF funds. Subrecipient further agrees to furnish such other information to the City of Kalamazoo, as and when requested, for the purpose of determining Subrecipient's compliance with this Contract Agreement and SLFRF's Rules and Regulations.

19. Record Retention and Access to Records

Subrecipient agrees that the City of Kalamazoo, USDT, the Comptroller General of the United States or any of their authorized representatives, has the right to access the Program and any books, documents, papers or other records of Subrecipient or the Program, which are pertinent to this Contract Agreement in order to make audits, examinations, excerpts or transcripts. Subrecipient will maintain all books and records pertaining to this Contract Agreement throughout and until the City of Kalamazoo's grant closeout with USDT or for a 10-year period following the execution of this Contract Agreement, whichever period is longer in duration.

20. Limitation of Liability

Subrecipient acknowledges that the City of Kalamazoo shall not be liable to Subrecipient for the completion of, or the failure to complete, any activities, which are a part of the Program contemplated by this Contract Agreement. Subrecipient acknowledges that should the City of Kalamazoo find a material default or noncompliance with this Contract Agreement, as determined by the terms dictated and agreed in this Contract Agreement, as a result thereof, cease disbursement of SLFRF funds, the City of Kalamazoo shall incur no liability to Subrecipient.

21. Subrecipient Responsibilities and Indemnification for Non-compliance

Subrecipient is responsible for performing each and every activity comprising the Program in a manner that complies with all aspects of the SLFRF program and the guidance provided. Subrecipient represents that it has accurately and completely described the Program in its Application and, except as otherwise agreed in writing, is responsible for bearing the full cost and expense of execution thereof and of continued compliance with the SLFRF program. In the event USDT disallows any Program cost paid in whole or in part with SLFRF funds, Subrecipient shall indemnify, defend, and hold the City of Kalamazoo harmless against any resulting loss, including reasonable attorneys' fees.

22. Indemnification Generally

Subrecipient shall defend, hold harmless and indemnify the City of Kalamazoo, its agents and assigns, from and against any and all claims, losses, expenses, costs, and/or damages (including, without limitation, out-of-pocket expenses, reasonable attorneys' fees and costs, and other related expenses) arising out of, in connection with, or resulting from the performance contemplated by this Agreement, including but not limited to (i) any injury or damage to persons or property that may occur as a result of work performed in connection with its SLFRF Program, (ii) any third party, including without limitation, development professionals and contractors who may be engaged by Subrecipient; and (iii) any third party claiming that a third party beneficiary relationship has been established between the City of Kalamazoo and such third party, it being the intention of the parties hereto that no such relationships be created or established.

Initials: _________

Subrecipient's indemnification of the City of Kalamazoo shall survive the disbursement of any funds hereunder and the termination of this Contract Agreement.

23. No Delegation of Duties

Subrecipient shall remain fully obligated under the provisions of this Contract Agreement notwithstanding its designation of any third party or parties for the undertaking of all or any part of the Program. Any party or parties so designated shall also be obligated to perform such duties under the same restrictions and requirements as if Subrecipient were performing them.

24. Conflicts of Interest

Subrecipient must maintain a written conflict of interest policy governing the performance of all persons engaged in the award and administration of contracts that comply with 2 CFR 200.112 and 2 CFR 200.318 as applicable. No person, employee, agent, consultant, officer, director or elected official or appointed official of Subrecipient who exercises or has exercised any function or responsibilities with respect to activities assisted with SLFRF funds or who is in a position to participate in a decision-making process or to gain inside information with regard to these activities, may obtain a financial interest or benefit from a SLFRF-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one (1) year thereafter. Subrecipient must provide a copy of its written conflict of interest policy to the City of Kalamazoo upon its request.

The Subrecipient covenants that its employees have no interest and will not acquire an interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of services hereunder. The Subrecipient further covenants that in the performance of this Contract Agreement, no person having such interest will be employed.

25. Reliance Upon Information

The commitment of SLFRF funds under this Contract Agreement has been made in part on the basis of certain financial and other information furnished to the City of Kalamazoo by Subrecipient. SLFRF Funds may be withdrawn or recaptured by the City of Kalamazoo or at any time if the information furnished by Subrecipient should prove to be untrue or incorrect in any material respect, or if the City of Kalamazoo should determine that it is inadvisable to fund the Program because of a material and adverse change in the condition of Subrecipient and/or the Program as determined by the City of Kalamazoo in its sole discretion.

26. Programmatic Changes

Subrecipient will promptly notify the City of Kalamazoo in writing in the event of changes in key personnel and obtain the prior written approval from the City of Kalamazoo whenever any of the following actions is anticipated: (i) any revision in the scope or objectives of the eligible program activities, including source and use of funds, set forth in the Scope of Work and/or Application; (ii) any revision in the Program Budget between Program Budget categories for the eligible program activities; (iii) any need to extend the period of availability of SLFRF funds; or (iv) obtaining the services of a third party to perform activities which are central to the purposes of this Contract Agreement, which are material to the management or completion of the Program, or which could be construed by the City of Kalamazoo as an assignment of Subrecipient's rights and responsibilities under this Contract Agreement. Failure to so notify the City of Kalamazoo may result in termination of this Contract Agreement.

27. Subrecipient Reporting, Audit, and Record Keeping Requirements

Commented [BR1]: Adjust based on reporting requirements for the specific project

The Subrecipient must retain certain records and must submit to the City of Kalamazoo quarterly, or at such other intervals as requested, any information, documents or certifications requested by the City of Kalamazoo which it deems reasonably necessary to substantiate Subrecipient's continuing compliance with the provisions of all applicable SLFRF program rules, guidelines, criteria, and regulations. Reports must be submitted in such format as prescribed by the City of Kalamazoo. The City of Kalamazoo shall retain the right to change reporting requirements from time to time as it deems necessary.

Initials: _________

Subrecipient must maintain records for inspection by the City of Kalamazoo. These include, but are not limited to:

a. Records of all SLFRF program-related account transactions including deposits, disbursements, and balances.
b. Records supporting requests for payment and disbursement of funds.
c. Records indicating the source and amount of any repayment, interest and other return on investment of SLFRF funds.
d. Records of all written agreements and contracts pertaining to SLFRF Program.
e. Records supporting a competitive bid process of procurement.
f. Audits and resolution of audit findings.
g. Any program fees or program income collected.

Quarterly Reports on spending by the recipient must be sent to the City of Kalamazoo until the Final Fund Draw Down Date or the completed close out of this agreement following the schedule listed.

Quarterly Reports on expenditures and project status are required to be submitted to the City of Kalamazoo 4 times per year, each year, covering the timeframes listed and corresponding report by date:

January 01 – March 31: Report by April 15

April 01- June 30: Report by July 15

July 01- September 30: Report by October 15

October 01-December 31: Report by January 15 (of following year)

The following records and reports must be submitted to the subrecipient by all program selected for grant awards through this funding and be made available to the City of Kalamazoo upon request:

a. Monthly Reports on expenditures and project status with supporting documentation of program expenses
b. Final expenditure reports shall be submitted no later than 15 days following the final drawdown of SLFRF funds.
c. Financial documents, terms of agreement, and contracts upon request.
d. Records of all transactions.
e. Any other program information as requested by the City of Kalamazoo from time to time.

28. Close-outs

The Subrecipient's obligation to the City of Kalamazoo shall not end until all close-out requirements are completed. Activities during this close-out period shall include but are not limited to:

a. Making final payments;
b. Final Expenditure Report submittal
c. Determining custodianship of records.
d. Reimbursement of unused funds

Notwithstanding the foregoing, the terms of this Contract Agreement shall remain in effect during any period that the Subrecipient has control over SLFRF funds, including program income.

29. Audit Standards

Subrecipient agrees to comply with the audit standards outlined in Subpart F of 2 CFR Part 200 - Audit Requirements, and to prepare an audit within two hundred seventy (270) days after the close of any fiscal year in which Subrecipient expends federal awards of at least $750,000 (or such other amount as specified by the Director of the Office of Management and Budget). Audits must comply with the provisions of OMB Uniform Guidance 2 CFR Part 200, must be conducted by an independent certified public accountant ("CPA"), and must include a management letter and any responses thereto and CPA-prepared financial statements. Such financial statements must include a balance sheet, operating statements, source and use of funds statement, Schedule of Expenditures of Federal Awards and sufficient supporting schedules and notes as may be necessary for the City of Kalamazoo to determine the financial status of Subrecipient's activities. If such audit contains material findings, Subrecipient must provide a copy of the audit, together with any comments and plans for correction, to the City of Kalamazoo. If such audit contains no material findings, Subrecipient is not required to submit a copy to the City of Kalamazoo unless otherwise required by the terms of this Contract Agreement; provided, however, that upon request Subrecipient must provide a copy of any and all audits performed during the term of this Contract Agreement to the City of Kalamazoo, USDT, or any designee thereof. The City of Kalamazoo reserves the right, in its sole discretion, to require an audit of any Subrecipient that expends federal funds during its fiscal year, regardless of amount. Subrecipient acknowledges that, in the event the City of Kalamazoo requires an audit, SLFRF administrative funds may not be used to offset the costs associated with the audit. Subrecipient assumes full responsibility for compliance with this paragraph.

30. Financial Management System

Subrecipient will establish and maintain a financial management system pursuant to 2 CFR Part 200, Subpart D that will provide for a) accurate, current, and complete disclosure of the financial results of the functions and services performed under this Contract Agreement; and b) record and identify the source and application of funds for the activities, functions and services performed pursuant to this Contract Agreement. These records will contain information pertaining to federal and state funds received, and assets, liabilities, expenditures, and income; c) effective control over and accountability for all funds, property, and other assets. Subrecipient will safeguard all such assets and will assure that they are used solely for authorized purposes as provided in this Contract Agreement; and d) accounting records that are supported by source documentation.

31. Repayment of Investment, Time Limits for Performance,

In the event that the Program is not completed in compliance with the requirements of this Contract Agreement, whether voluntarily or otherwise, an amount equal to the SLFRF funds disbursed for the Program must be repaid to the City of Kalamazoo. Any Program assisted with SLFRF funds that does not meet the national objective as outlined on page 1 of this Contract Agreement and as outlined in the Scope of Work will require repayment in full of the SLFRF funds for that Program to the City of Kalamazoo.

32. Uniform Administrative Requirements

Subrecipients funded under the SLFRF program must comply with applicable uniform administrative requirements as described in 2 CFR Part 200.

33. Subrecipient's Covenants and Agreements

Subrecipient covenants and agrees with the City of Kalamazoo as follows:

a. To complete the program by the program expiration date;
b. To comply with the City of Kalamazoo guidance, 2 CFR 200 Uniform Guidance, and the USDT regulations pertaining to the SLFRF Program, as amended from time to time.

Initials: _________

34. Subrecipient's Representations.

Subrecipient represents to the City of Kalamazoo as follows:

a. It has no knowledge of any notices or violations of federal or state statutes or regulations or municipal ordinances or orders, or requirements of any governmental body or authority to whose jurisdiction any of the real estate making up the SLFRF Program is subject;
b. Its execution, delivery and carrying out of the terms and conditions of the Application and this Contract Agreement have been duly authorized by an officer with the ability to obligate Subrecipient to this Agreement and will not conflict with or result in a breach of its Articles of Incorporation or by-laws, or any vote of members or directors or of the terms or provisions of any existing law, regulation or order of any court or government body or authority or agreement to which it is a party or by which it is bound;
c. There has been no material adverse change in its financial condition since the filing of its Application;
d. The representations, warranties and statements of fact of Subrecipient as set forth in the Application and this Contract Agreement are true, accurate and complete in all material respects as of the date Application;
e. It has not failed to provide the City of Kalamazoo with any material information necessary to make the representations, warranties, and statements contained herein; and are not misleading, in light of the circumstances under which they were made;
f. The Subrecipient has duly authorized the officer executing this Contract Agreement to execute, in its name and on its behalf, this Contract Agreement and all such other documents and instruments as the City of Kalamazoo may request in connection with this Contract Agreement; and
g. The Subrecipient has no knowledge of any existing, threatened or pending actions by any person or governmental authority against it which would have a material adverse effect on its ability to acquire and complete any necessary construction or renovations to the proposed activity.

35. Survival of Agreements

All agreements, covenants, representations, and warranties made in the Subrecipient's Application and this Contract Agreement including Exhibits hereto shall survive the making of any loan hereunder and the termination of this Contract Agreement.

36. Termination

This Contract Agreement shall remain in effect for the period defined at Section 1 of this Contract Agreement.

In accordance with 2 CFR 200.338, the City of Kalamazoo may suspend or terminate this Contract Agreement if the Subrecipient materially fails to comply with any terms of this Contract Agreement, which include (but are not limited to) the following:

a. Failure to comply with the City of Kalamazoo guidance and any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and USDT guidelines, policies or directives as may become applicable at any time;
b. Failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this Contract Agreement;
c. Ineffective or improper use of funds provided under this Contract Agreement; or
d. Submission by the Subrecipient to the City of Kalamazoo of reports that are incorrect or incomplete in any material respect.

In accordance with 2 CFR Part 200, Appendix II, this Contract Agreement may also be terminated for convenience by either the City of Kalamazoo or the Subrecipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the City of Kalamazoo determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the City of Kalamazoo may terminate the award in its entirety.

37. No Waiver

No delay or omission by the City of Kalamazoo to exercise any of its rights hereunder shall constitute an assent or waiver by it to or of Subrecipient's breach of or noncompliance with the terms of this Contract Agreement, whether the City of Kalamazoo has knowledge of such breach or noncompliance, and no other assent or waiver, express or implied, by the City of Kalamazoo to or of any such breach or noncompliance shall be deemed as assent or waiver of any other or succeeding breach or noncompliance.

38. Benefit

This Contract Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns; provided, however, that no assignment by Subrecipient of its rights under this Contract Agreement shall be of any effect unless the prior written consent of the City of Kalamazoo to such assignment has been first obtained.

39. Severability; Survivability

If any provision of this Contract Agreement shall be deemed unenforceable or invalid, such provision shall not affect, impair or invalidate any other provision of this Contract Agreement. Any provision of this Contract Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable. The terms of this Contract Agreement shall survive the closing of any loan or grant contemplated by this Contract Agreement.

40. Governing Law

This Contract Agreement is being executed and delivered in the State of Michigan and shall in all respects be governed, construed, applied, and enforced in accordance with the laws of said State, irrespective of its conflict of laws provisions.

41. Section Headings and Subheadings

The section headings and subheadings contained in this Contract Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Contract Agreement.

42. Notices

All notices to be given pursuant to this Contract Agreement shall be in writing and shall be deemed given when mailed by First Class Mail with confirmation of receipt, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing:

To the City of Kalamazoo:	To Subrecipient:
Mailing Address (US Postal Service *only*)	
The City of Kalamazoo 241 W South Street Kalamazoo, MI 49007	United Way of South Central Michigan 709 South Westnedge Kalamazoo, MI 49007
Physical Address (FedEx, UPS)	
The City of Kalamazoo 241 W South Street Kalamazoo, MI 49007	United Way of South Central Michigan 709 South Westnedge Kalamazoo, MI 49007

43. Changes to the Agreement

The terms of the Contract Agreement may be changed by executing an amendment or new agreement at the sole discretion of the City of Kalamazoo. Certain terms of the Contract Agreement, such as the Program Budget line items or Program Schedule, may be changed by written approval by the City of Kalamazoo or as provided herein.

Amendments shall make specific reference to this Contract Agreement, will be executed in writing, and signed by duly authorized representatives of each party. Such amendments shall not invalidate this Contract Agreement, nor relieve or release the City of Kalamazoo or the Subrecipient from its obligations under this Contract Agreement.

The City of Kalamazoo may, in its discretion, amend this Contract Agreement to conform with federal, state, or local governmental guidelines, policies, and available funding amounts, or for other reasons. If such amendments result in a change in the funding, Scope of Work, or Program Schedule of the activities to be undertaken as part of this Contract Agreement, such modifications will be incorporated only by written amendment signed by both the City of Kalamazoo and the Subrecipient.

44. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall be deemed to be one and the same instrument.

45. List of Exhibits

Exhibit 1: City of Kalamazoo SLFRF Kalamazoo Micro Enterprise Grant Program Description

Exhibit 2: Federal Grant Compliance Financial Risk Assessment

Exhibit 3: Federal Contract and Purchasing Requirements

Exhibit 4: Federal Lobbying Certification

Exhibit 5: Section 2-125 of the Code of Ordinances of the City of Kalamazoo regarding prevailing wages

The City of Kalamazoo and the Subrecipient agree to the conditions in the Contract Agreement and all Exhibits hereto and sign to that effect:

In the presence of:

The City of Kalamazoo,

________________________________ ________________________________

Witness Name:

Title:

Department:

Subrecipient:

________________________________ ________________________________

Witness Name:

Title:

Approved as to form and correctness:

____

Initials: _________

Exhibit 1:

City of Kalamazoo SLFRF Kalamazoo Micro Enterprise Grant Program Description

1. **GRANT USES AND ELIGIBILITY:** These funds will be used to provide direct Assistance to Small Businesses within the City of Kalamazoo with emphasis on Qualified Census Tracts and/or documented need (per the application process) of hardship related to the pandemic. Additional grant eligibility criteria include:
    - Business has been in operation for at least one year within the City of Kalamazoo,
    - Business has 10 employees or fewer,
    - Business has annual revenue of $1,000,000 or less, and
    - Business did not receive KMEG support in 2022.

    These funds will be used to support the growth of small businesses within the limits of the City of Kalamazoo. Eligible businesses will be able to apply for and receive Kalamazoo Micro Enterprise grants of up to $5,000 to support their needs, including:
    - Operational costs including rent, mortgage, utilities, and other ordinary business expenses,
    - Payroll and benefit costs for employees, and/or
    - Costs incurred to support public health.

2. **PROGRAM MANAGEMENT AND OPERATIONS:** The United Way of South-Central Michigan will be responsible for the following program management and operation activities:
    - Outreach to encourage grant application, with emphasis on the areas/populations mentioned above,
    - Assisting organizations to complete applications as necessary,
    - Review, selection, and award of grants in a timely manner,
    - Ensuring all ARPA SLFRF requirements are incorporated in agreements with grantees,
    - Training and support grantees to ensure accurate reporting and compliance,
    - Tracking expenditures by each grantee to ensure they are eligible and appropriately documented,
    - Completion of reporting (as defined in agreement) to City of Kalamazoo quarterly,
    - Regular communication with City of Kalamazoo as needed to ensure program success, and
    - Communicating and promoting the program to the public (presentations, website, etc)

3. **TIMELINE:** Grants can only pay for expenses incurred upon execution of the grant agreement between the small business and the United Way of South-Central Michigan and through 3/31/2024.

4. **ADMINISTRATIVE COSTS:** For all subawards, any administrative costs must be charged directly; indirect costs will not be permitted.

 Initials: _________

5. **PROGRAM BUDGET:** This agreement is for $438,500.00, to be expended as detailed below:

Line Item	Description	Amount
Kalamazoo Micro Enterprise Grants	At least 60 grants given to small businesses – maximum of $5,000 per business	$300,000
Program Salaries and Benefits	Associate Director of Small Business and 5% of Director of Programs	$70,000
Community Consultant Stipends	Small Business Cabinet volunteers who provide oversight and approve KMEG grant awards	$21,000
Technology Needs	Application software and electronic grant software (Docusign)	$20,000
Marketing, Communications, and Promotion of KMEG	Translation of materials, development of materials, electronic and social media, video development and production, research related to marketing (focus groups)	$13,650
	TOTAL DIRECT COSTS	**$424,650**
	INDIRECT or ADMINISTRATIVE COSTS	$13,850
	TOTAL PROGRAM COSTS	**$438,500**

6. **MONITORING:** The City of Kalamazoo has required supporting documentation be available for all grantee purchases made with this funding. Each grantee will submit that information directly to the United Way, who will review and ensure completeness prior to grant closeout. This information will be made available to the City of Kalamazoo upon request. Also required in all agreements:
   a. Clearly identify to subrecipient that award is ARPA SLFRF funded, including the FAIN and CFDA (found on page one of this agreement)
   b. Record Retention Requirements – seven years after all funds expended per City.

7. **REPORTING:** For this project, the following must be reported to the United States Department of Treasury, with any changes reported quarterly:
   a. Subrecipient identifying and demographic information (UEI)
   b. Award date, type, amount, and payment method
   c. Primary Place of Performance
   d. Project Name, Start Date, and End Date
   e. Identification number/Project Number (created by recipient),
   f. Project Expenditure Category and Performance Indicators
   g. Project Description (between 50-250 words, "sufficient detail to provide understanding of the major activities that will occur" and include metric information based on Expenditure Category), and
   h. Project Demographic Description – Qualified Census Tracts (there are variety of ways to determine if an organization is serving economically disadvantaged communities):
      i. the program or service is provided at a physical location within the QCT (for multi-site projects, the majority of sites are in a QCT);
      ii. the program or service where primary beneficiaries live in a QCT;
      iii. the program or service for which eligibility criteria leads intended beneficiaries to earn less than 60% AMI for relevant jurisdiction, OR
      iv. the program or service for which eligibility criteria leads over 25% of intended beneficiaries to be below the federal poverty line.

      Projects may use reasonable estimates to determine if they meet one of these criteria, "including identifying intended beneficiaries…in terms of income characteristics, geographic location, or otherwise estimating the beneficiaries of a program based on its eligibility criteria." If there is not a reasonable way identified to estimate intended beneficiaries, the program cannot indicate they are serving economically disadvantaged communities.

i. Must also comply with 2 CFR Part 170, Appendix A (reporting of top five most highly compensated executives IF 80%+ of funding comes from federal contracts and info is not otherwise public).

Quarterly, the following details are also to be reported:

j. current period obligation
k. cumulative obligation
l. current period expenditure
m. cumulative expenditure
n. Status of completion – not started, completed <50%, completed >50%, completed
o. report of progress on all agreed up program performance indicators (outcomes and outputs)

8. **FEDERAL REQUIREMENTS:** Should the City of Kalamazoo need additional information as a result of changes in the SLFRF program or the Final Rule, the City will work with all partners to ensure compliance with requirements in the most flexible manner possible. Any additional requirements will be incorporated into agreements as quickly as possible to ensure compliance.

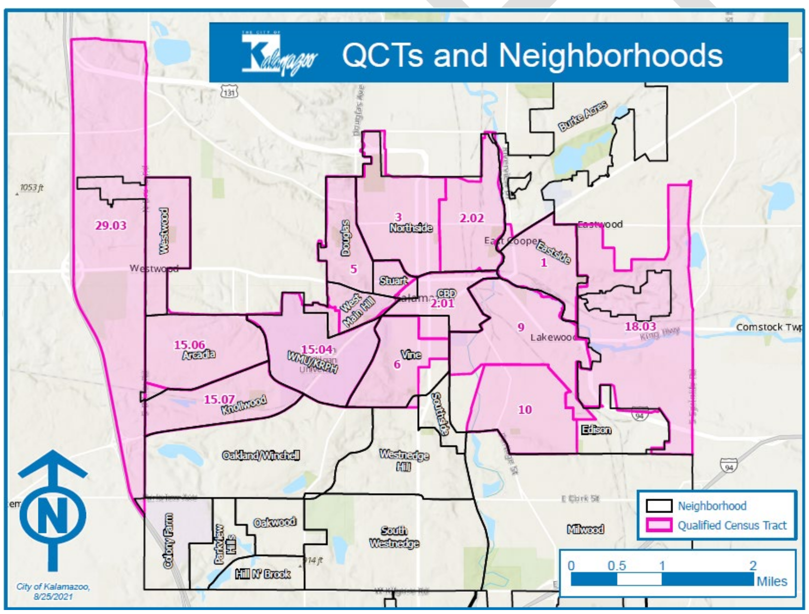

Exhibit 2:

THE CITY OF Kalamazoo

Federal Grant Compliance Financial Risk Assessment for Subrecipient

1. Do the financial statements your organization uses include at a minimum those required by generally accepted accounting principles, such as the below? YES or NO

- Balance sheet or statement of financial position
- Income statement or statement of operations
- Statement of cash flows
- Notes to the financial statements covering accounting policies, debt, capital assets, leases, pensions, etc.

2. Has your organization had a single audit in the past 3 years? Yes or NO

3. Has your organization been barred from receiving Federal Grants? YES or NO

4. Has your organization been out of compliance as a recipient or subrecipient for any grant in the past 3 years? YES or NO

5. Are current assets sufficient to cover current liabilities? YES or NO

6. Are there any other financial items of note that we should be aware of (e.g., unfunded commitments or other unrecorded liabilities; lawsuits; subsequent events)? YES or NO

If yes, please explain:

By signing this report, I certify to the best of my knowledge and belief that the answers are true. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

Name:_________________________ Position: ___________Date:_______

Exhibit 3:

 Initials: _________

Federal Contract and Purchasing Requirements

The following terms and conditions apply to subrecipients of the City of Kalamazoo, all subrecipients of subrecipients of the City of Kalamazoo and all contractors or vendors hired by the subrecipient, according to the City's Award Terms and Conditions; by ARPA and its implementing regulations; and as established by the Treasury Department.

1. **Equal Opportunity.** Contractor shall comply with Executive Order 11246, "Equal Employment Opportunity," as amended by EO 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

2. **Minority and Women Business Enterprises *(if applicable to this Contract)***
Contractor hereby agrees to comply with the following when applicable: The requirements ofExecutive Orders 11625 and 12432 (concerning Minority Business Enterprise), and 12138 (concerning Women's Business Enterprise), ***when applicable.*** Accordingly, the Contractor hereby agrees to take affirmative steps to assure that women and minority businesses are utilized when possible as sources of supplies, equipment, construction and services. Affirmative steps shall include the following:
    a) Including qualified women' s business enterprises and small and minoritybusinesses on solicitation lists;
    b) Assuring that women's enterprises and small and minority businesses aresolicited whenever they are potential sources;
    c) When economically feasible, dividing total requirements into smaller tasksor quantities so as to permit maximum participation by small and minority business, and women's business enterprises;
    d) Where the requirement permits, establishing delivery schedules which willencourage participation by women's business enterprises and small and minority business;
    e) Usingthe services and assistance of the Small Business Administration,and the U.S. Office of Minority Business Development Agency of the Department of Commerce; and
    f) If any subcontracts are to be let, requiring the prime Contractor to take theaffirmative steps in a through *e* above.

    For the purposes of these requirements, a Minority Business Enterprise (MBE) is defined as an enterprise that is at least 51 percent owned and controlled in its daily operation by members of the following groups: Black,Hispanic, Asian or Pacific Islander, American Indian, or Alaskan Natives. Women Business Enterprise (WBE) is defined as an enterprise that is atleast 51 percent owned and controlled in its daily operation by women.

3. **Suspension and Debarment. (Applies to all purchases.)** (A) This contract is a covered transaction for purposes of 2 CFR pt. 180 and 2 CFR pt. 3000. As such, the Contractoris required to verify that none of Contractor's principals (defined at 2 CFR § 180.995) or its affiliates (defined at 2 CFR § 180.905) are excluded (defined at 2 CFR § 180.940) or disqualified (defined at 2 CFR § 180.935). (B) The Contractor must comply with 2 CFR pt. 180,subpart C and 2 CFR pt. 3000, subpart C, and must include a requirement to comply with theseregulations in any lower tier covered transaction it enters into. (C)This certification is a materialrepresentation of fact relied upon by the City of KALAMAZOO. If it is later determined that the contractor did not comply with 2 CFR pt. 180, subpart C and 2 CFR pt. 3000, subpart C, in addition to remedies available to the City, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. (D) The Contractor agreesto comply with the requirements of 2 CFR pt. 180, subpart C and 2 CFR pt. 3000, subpart C whilethis offer is valid and throughout the period of any contract that may arise from this offer. The Contractor further agrees to include a provision requiring such compliance in its lower tier covered transactions.

4. **Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352, as amended. (Applies to all purchases.)** Contractor certifies that it will not and has not used Federal appropriatedfunds to pay any person or organization for influencing or attempting to influence an officeror employee of any agency, a Member of Congress, officer or employee of Congress, or anemployee of a Member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Contractor shall also disclose anylobbying with non-Federal funds that takes place in connection with obtaining any Federalaward. Such disclosures are forwarded from tier to tier

up to the recipient who in turn will forward the certification(s) to the awardingagency.

Purchases over $100,000 - Contractors must sign the certification on the last page ofthis addendum

5. **Access to Records. (Applies to all purchases.)**
   A. The Contractor agrees to provide the City of KALAMAZOO, the U.S. Department of Treasury, the Comptroller General of theUnited States, or any of their authorized representatives access to any books, documents,papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions. The Contractor agrees to permit any of the foregoing parties to reproduce by any means or to copy excerptsand transcriptions as reasonably needed and agrees to cooperate with all such requests.
   B. The Contractor agrees to provide the Treasury Department or authorized representatives access to construction or other work sites pertaining to the work beingcompleted under the contract.
   C. No language in this contract is intended to prohibit audits or internal reviews by theTreasury Department or the Comptroller General of the United States.

6. **Rights to Inventions Made Under a Contract or Agreement.**
   Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention inaccordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations andSmall Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any applicable implementing regulations.

7. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327 through 333) (applies only to purchases over $100,000, when laborers or mechanics are used.)**
   Where applicable, all contracts in excess of $100,000 that involve the employment of mechanics or laborers shall include a provision for compliance with 40 U.S.C. 3702 and 3704 of the Contract Work Hours and Safety Standards Act, as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 3702 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 11/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek. The requirements of 40 U.S.C. 3704 are applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

8. **Clean Air Act & Federal Water Pollution Control Act (applies to purchases of more than $150,000.)**
   A. The Contractor agrees to comply with all applicable standards, orders or regulations issuedpursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401et seq.
   B. The Contractor agrees to comply with all applicable standards, orders, or regulations issuedpursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251et seq.
   C. The Contractor agrees to report each violation of the Clean Air Act and the Water Pollution Control Act to the City of KALAMAZOO
   D. and understands and agrees that the City will, in turn, report each violation as requiredto assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.
   E. Contractor agrees to include these requirements in each subcontract exceeding $150,000financed in whole or in part with Federal assistance.

9. **Prohibition on certain telecommunications and video surveillanceservices or equipment (Huawei and ZTE)**
   Contractor is prohibited from obligating or expending loan or grant funds to:
   1. Procure or obtain;
   2. Extend or renew a contract to procure or obtain; or
   3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of anysystem. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by **Huawei**

Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

I. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced byHytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of suchentities).
II. Telecommunications or video surveillance services provided by such entities orusing such equipment.
III. Telecommunications or video surveillance equipment or services produced orprovided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

10. <u>Buy USA - Domestic Preference for certain procurements using federal funds.</u>
Contractor should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced inthe United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawardsincluding all contracts and purchase orders for work or products under this award. For purposes of this section:
1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application ofcoatings, occurred in the United States.
2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer- based products such as polyvinyl chloride pipe; aggregates such as concrete; glass,including optical fiber; and lumber.

11. <u>Procurement of Recovered Materials:</u> (applies only if the work involves the use of materials)
A. In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired:
   I. Competitively within a timeframe providing for compliance with the contract performance schedule;
   II. Meeting contract performance requirements; or
   III. At a reasonable price.
B. Information about this requirement, along with the list of EPA - designated items, is available at EPA's Comprehensive Procurement Guidelines web site, https://www.epa.gov/smm/comprehensive procurement-guideline-cpg-program.
C. The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

12. <u>Publications</u>.
Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole orin part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."

13. <u>Increasing Seat Belt Use in the United Stat es</u>.
Pursuant to Executive Order13043, 62 FR 19217 (Apr. 18, 1997), Contractor is encouraged to adopt and enforce on-the-job seat belt policies and programs for your employees when operating company-owned, rented or personally owned vehicles.

14. <u>Reducing Text Messaging While Driving</u>.
Pursuant to Executive Order 13513, 74FR 51225 (Oct. 6, 2009), Contractor is encouraged to adopt and enforce policies that ban text messaging while driving and establish workplace safety policies to decrease accidents caused by distracted drivers.

<u>Additional Federal Regulations Applicable to ARPA (is hereby incorporated by reference):</u>

1. **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200**, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.

 Initials: _________

2. **Universal Identifier and System for Award Management (SAM)**, 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference

3. **Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170**, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.

4. **OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement)**, 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.

5. **Recipient Integrity and Performance Matters**, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.

6. **Governmentwide Requirements for Drug-Free Workplace**, 31 C.F.R. Part 20.

7. **New Restrictions on Lobbying**, 31 C.F.R. Part 21.

8. **Uniform Relocation Assistance and Real Property Acquisitions Act of 1970** (42 U.S.C. §§ 4601-4655) and implementing regulations.

9. **Generally applicable federal environmental laws and regulations**.

Statutes and regulations prohibiting discrimination applicable to ARPA awards include, without limitation, the following:

1. **Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.)** and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

2. **The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.)**, 4 which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;

3. **Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794)**, which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;

4. **The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.)**, and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and

Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

Exhibit 4:

Federal Lobbying Certification

This form is required to be signed by all contractors of the subrecipient only for purchases of more than $100,000 -

31 CFR Part 21- New Restrictions on Lobbying - CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of their knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf ofthe undersigned, to any person for influencing or attempting to influence an officeror employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress inconnection with the awardingof any Federal contract, the making of any Federal grant, the making of any Federalloan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or anemployee of a Member of Congress in connection with this Federal contract, grant,loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL. "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in theaward documents for all subawards at all tiers (including subcontracts, subgrants, andcontracts under grants, loans, and cooperative agreements) and that all contractors shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when thistransaction was made or entered into. Submission of this certification is a prerequisite formaking or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not lessthan $10,000 and not more than $100,000 for each such failure.
The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees thatthe provisions of 31 U.S.C. Ch. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

Date: ___________________

____
Signature of Contractor's authorized official

____
(Print name and title of person signing above)

Initials: _________

Date: **7/5/2023**
Item: **H.2.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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, PE, Assistant City Engineer – Water Resources

DATE: July 5, 2023

SUBJECT: Approve a contract with SWT Excavating for 2023 DWRF Contract 1 - Water System Improvements (Bid Ref#91244-027.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with SWT Excavating, Inc. for the FY 23 DWRF Contract 1 - Water System Improvements, in the amount of $8,995,875.38

BACKGROUND:

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has recommended that all existing lead service lines be replaced. Each year, EGLE requests applications for projects to receive Drinking Water Revolving Fund (DWRF) funding, which includes low interest rate loans, with the possibility for partial or full forgiveness. Public Services applied for DWRF funding and received up to $23.705 million in grant and available loan funding. This funding is being applied to two construction contracts: Contract 1 – Water system Improvements includes replacing approximately 3.2-miles of water main and replacing approximately 150 non-copper service lines. Contract 2 – Northside Non-Copper Service Line Replacement includes replacing approximately 580 non-copper service lines.

Bids were opened for the project on June 28, 2023. Three (3) bids were received, with SWT Excavating being the low responsive bidder. SWT Excavating has performed well with other similar projects for the City of Kalamazoo, and Public Services recommends approval of this contract.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion:
Letters will be sent to customers to notify them of the upcoming project. As the contractor is getting ready to schedule with customers in specific areas, door hangers will be delivered to notify them that it is time to schedule their inspection and/or replacement.

FISCAL IMPACT:

The funds required for this contract are $$8,995,875.38. The City is receiving $23.705 million in funding via: ARP Grant ($10,298.039), DWRF Low Interest Loan ($8,555,000), DWRF LSLR Principle Forgiveness ($4,851,961). The funding available and estimated costs are detailed below. We are requesting the approval of this purchase using the funds below.

Description	Account	Project #	Dollar Amount
Water Capital Improvement		wat0500412	$8,995,875.38

Date: **7/5/2023**
Item: **H.3.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, 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, PE, Assistant City Engineer – Water Resources

DATE: July 5, 2023

SUBJECT: Approve a contract with SWT Excavating for 2023 DWRF Contract 2 – Northside Non-Copper Service Line Replacements (Bid Ref#91244-028.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with SWT Excavating, Inc. for the FY 23 DWRF Contract 2 – Northside Non-Copper Service Line Replacements, in the amount of $5,310,449.76.

BACKGROUND:

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has recommended that all existing lead service lines be replaced. Each year, EGLE requests applications for projects to receive Drinking Water Revolving Fund (DWRF) funding, which includes low interest rate loans, with the possibility for partial or full forgiveness. Public Services applied for DWRF funding and received up to $23.705 million in grant and available loan funding. This funding is being applied to two construction contracts: Contract 1 – Water system Improvements includes replacing approximately 3.2-miles of water main and replacing approximately 150 non-copper service lines. Contract 2 – Northside Non-Copper Service Line Replacement includes replacing approximately 580 non-copper service lines.

Bids were opened for the project on June 28, 2023. Two (2) bids were received, with SWT Excavating, Inc being the low responsive bidder. SWT Excavating, Inc has performed well with other similar projects for the City of Kalamazoo, and Public Services recommends approval of this contract.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion:
Letters will be sent to customers to notify them of the upcoming project. As the contractor is getting ready to schedule with customers in specific areas, door hangers will be delivered to notify them that it is time to schedule their inspection and/or replacement.

Engagement/Communication Tools

FISCAL IMPACT:

The funds required for this contract are $5,310,449.76. The City is receiving $23.705 million in funding via: ARP Grant ($10,298.039), DWRF Low Interest Loan ($8,555,000), DWRF LSLR Principle Forgiveness ($4,851,961). The funding available and estimated costs are detailed below. We are requesting the approval of this purchase using the funds below.

Description	Account	Project #	Dollar Amount
Water Capital Improvement		wat0500412	$5,310,449.76