Agenda
City Commission Business Meeting

City of Kalamazoo

Tuesday, September 2, 2025 7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: Rev. Mary Austin, First Congregational Church
2. Pledge of Allegiance
3. Introduction of Guests
4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

E. PUBLIC COMMENTS

F. PUBLIC HEARINGS

1. Public hearing to receive comments on a RESOLUTION establishing a Commercial Redevelopment District at 227 W. Michigan Avenue. **(Action: Motion to adopt the Resolution)**
2. Public hearing to receive comments on a RESOLUTION establishing a Commercial Rehabilitation District at 261 E. Kalamazoo Avenue. **(Action: Motion to adopt the Resolution)**

G. CONSENT AGENDA

(Action: Motion to approve items “1-7” and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a contract supplemental and change order with Kent Communications Inc. for utility bill printing, mailing services, and postage in the amount of $105,000.

2. Approval of a contract with All Things Diverse for a Diversity, Equity, and Inclusion (DEI) assessment in the amount of $129,800.

3. Approval of a contract extension with High Grade Materials for miscellaneous aggregates and road gravel (Group 1 only) in the amount of $154,150.

4. Approval of a Support Services Agreement with the Central County Transportation Authority for a three-year period beginning October 1, 2025 and ending on September 30, 2028 in the amount of $640,000 for the first year, and increasing each subsequent year.

5. Approval of a temporary access easement with Consumers Energy Company at Water Treatment Plant No. 12 located at 3100 Stadium Drive.

6. Approval of the acquisition of easements at the following properties for the 2025 Pedestrian Safety Project #1 for the combined price of $1,207:

   - 3414 Lovers Lane from Van Laan Holdings, LLC for $603.00 (parcel 06-35-111-001)

   - 4740 Campus Drive from the Western Michigan University Board of Trustees by donation (parcel 06-31-124-001)

   - 3601 Arboretum Parkway from Walden Woods Association for $604.00 (parcel 06-19-245-001)

7. Approval of the minutes from the City Commission meetings on August 11 and August 18, 2025.

H. REGULAR AGENDA

1. Approval of the purchase of 808 Simpson Street from the Kalamazoo County Treasurer for the amount of $1,469.26. **(Action: Motion to approve)**

2. Approval of a contract with Balkema Excavating, Inc. for the F Avenue & 28th St Transmission Watermain Project in the amount of $1,788,116.70. (Bid Ref# 91244-046.0) **(Action: Motion to approve)**

3. Approval of a contract with Arq Purification LLC to provide CarbPure WW Powder Activated Carbon for wastewater treatment, in the amount of $2,360,000.00. **(Action: Motion to approve)**

4. Approval of a contract with Hunter-Prell Company for the ML Avenue and 35th Street Transmission Water Main Project in the amount of $2,734,899.43. **(Action: Motion to approve)**

5. Adoption of an ORDINANCE authorizing Water Supply System Revenue Bonds, Series 2025 in an amount not to exceed $22,100,000; and adoption of a Notice of Sale RESOLUTION. **(Action: Motion to adopt)**

6. Adoption of an ORDINANCE authorizing the issuance of Wastewater Supply System Revenue Bonds, Series 2025 for an amount not to exceed $11,440,000; and adoption of a Notice of Sale RESOLUTION. **(Action: Motion to adopt)**

I. REPORTS AND LEGISLATION

1. City Manager’s Report

J. UNFINISHED BUSINESS

1. Update on the City Manager Search Process

K. POLICY ITEMS

L. NEW BUSINESS

M. COMMISSIONER COMMENTS

N. CLOSED SESSION

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

O. ADJOURNMENT

ADDITIONAL INFORMATION

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

Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047. Persons 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. You may also use the QR Code below to access agendas and agenda packets.

QR Code to Access the Agenda & Agenda Packet
Use the camera on your phone or mobile device to scan the QR Code and then follow the instructions that appear on your screen.

The link will take you to https://kalamazoomi.portal.civicclerk.com/ where you can view the meeting agendas and agenda packets.

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.

Date: **9/2/2025**
Item: **F.1.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Christina Anderson, Deputy Director and City Planner, Community Planning & Economic Development Department
Prepared by: Jamie McCarthy, Development Manager

DATE: September 2, 2025

SUBJECT: Public Hearing to receive comments on a RESOLUTION establishing a Commercial Redevelopment District at 227 W. Michigan Avenue. (Action: Motion to adopt the Resolution)

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION establishing a Commercial Redevelopment District located at 227 W. Michigan Avenue.

BACKGROUND:

On July 29, 2025, staff received a written request from ACW 3, LLC for the City of Kalamazoo to consider the creation of a Commercial Redevelopment District. This is a form of tax exemption certificate (tax abatement) where half of the normal tax rate is levied on the building for the life of the certificate. The proposed rehabilitated building will be a hotel conversion, which is called out in the Michigan Public Act 255 as a specific commercial property that is eligible for this type of tax exemption.

City staff and the developers presented this project at the Committee of the Whole meeting on June 2, 2025 as part of a $100 million Transformation Brownfield Plan.

Public Act 255 of 1978, as amended, encourages the replacement, restoration and new construction of commercial property by abating the property taxes generated from new investment for a period of time. As defined, commercial property means land improvements, whether completed or in the process of construction, the primary purpose and use of which is the operation of a commercial business enterprise, including office, engineering, research and development, warehousing parts distribution, retail sales, hotel or motel development, and other commercial facilities. Mixed-use developments may be eligible, but the abatement will only apply to the commercial portion of the property. Land and personal property are not eligible for abatement under this act.

In order for a project to take advantage of this tax incentive tool, the boundary of the Commercial Redevelopment District must first be established by the City Commission. The creation of the district, to be located at 227 W. Michigan Avenue is the action under review at this meeting. Once the Commercial Redevelopment boundary is approved, individual projects may then seek approval for the tax incentive. ACW 3, LLC has approached the City about creating the district, which is located in the center of downtown.

Staff has determined that the properties are eligible per the Commercial Redevelopment Act 255 of 1978, in that it is an obsolete commercial property or cleared or vacant land which is part of an existing, developed commercial or industrial zone which has been zoned commercial or industrial for 3 years before June 21, 1978, and the area is or was characterized by obsolete commercial property and a decline in commercial activity.

STRATEGIC VISION ALIGNMENT:

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

Create an incentive district to encourage investment in commercial redevelopment to increase jobs and retail in downtown

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.

Consult (two-way conversation) – the community will have a chance to react to the project through two-way conversation.

The community is made aware of the project by the public hearing by the City Commission and the property owners who would be impacted were sent notice of the public hearing and consideration for the NEZ in letters sent on August 22, 2025. At the June 2nd, 2025 Committee of the Whole meeting, CPED staff and PlazaCorp provided an introduction and overview of the steps to come for the local incentive support and upcoming agenda items, including this district. The community will have an opportunity at the public hearing to voice any comments on the district boundary.

FISCAL IMPACT:

Projects within a Kalamazoo Commercial Redevelopment District No. 300 with approved certificates will receive a tax abatement of approximately half of their full tax obligation for a period of between 1-12 years, based on what the project is bringing forward.

The impact on the city in terms of staff time is:

i. Staff time will be needed for additional assessing and treasury paperwork associated with the certificates and applications. The proposed project would require annual reporting to State Department of Treasury for up to 12 years.

ii. Staff time will be needed for housing and building inspections. Each inspection and application process has application and cost recovery fees which will offset the impact on the city's budget.

iii. This proposed district will be accomplished with existing staffing.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 25-

A RESOLUTION DESIGNATING KALAMAZOO COMMERCIAL REDEVELOPMENT DISTRICT NO. 201

Minutes of a regular meeting of the City Commission of the City held on September 2, 2025, at 7:00 o'clock p.m., local time.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, the City Commission has met in public hearing as heretofore resolved and noticed for the purpose of reviewing the request of ACW 3, LLC, that a certain described area be established as a Commercial Redevelopment District; and

WHEREAS, during said public hearing the City Commission heard all persons desiring to be heard either orally or in writing with respect to the designation of the subject property and Commercial Redevelopment District, pursuant to 1978 PA 255, MCLA Sec. 207.651, et seq.; and

WHEREAS, such application and designation meet all the pre-requisites of the cited Act;

NOW, THEREFORE, BE IT RESOLVED, that the following described property is designated Kalamazoo Commercial Redevelopment District No. 201:

277 W MICHIGAN AVENUE

Land situated in the southwest ¼ of the southwest ¼ of Section 15, Town 2 South Range 11 West, in the City of Kalamazoo, County of Kalamazoo, and the State of Michigan, and described as follows: The Original Plat of the Town (now City) of Kalamazoo, as recorded in Liber 6 of Plats on Page 8; The Block known as COURT HOUSE SQUARE or PUBLIC SQUARE. This area is also described as a parcel of land bounded on the north by Michigan Avenue; on the east by Rose Street; on the south by Academy Street; and on the west by Church Street.

Also known as City of Kalamazoo property tax parcel number: 06-15-359-001

Commonly known as: 277 W. Michigan Ave.
Kalamazoo, MI 49007

The above resolution was offered by ____________________ and seconded by _________________.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

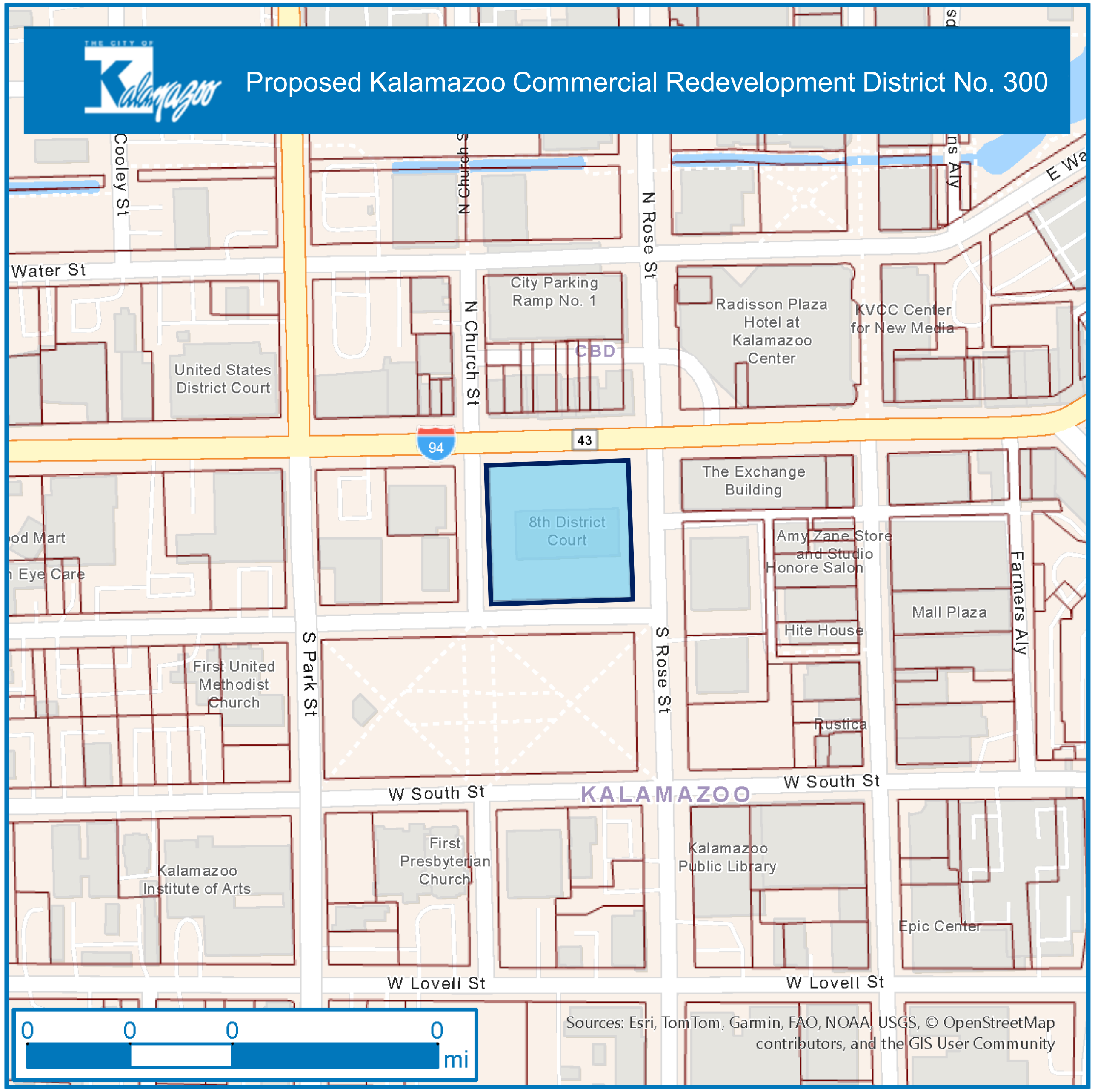
RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on September 2, 2025. Public notice was given and the meeting was conducted in compliance with the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020. Minutes of the meeting will be available as required by the Act.

____

Scott A. Borling, City Clerk



LEGEND

PARCEL MAP

Parcel

GENERAL INFORMATION

City Boundary

Proposed District Boundary

THE CITY OF Kalamazoo

City Clerk's Office
241 W. South Street
Kalamazoo, MI 49007-4796
Ph. 269.337.8792
Fx. 269.337.8494
www.kalamazoocity.org

August 22, 2025

ACW 3, LLC
c/o Trisha Kidd, Director of Project Management, Plazacorp
200 W Michigan Ave, Ste 201
Kalamazoo, MI 49007

Dear ACW 3, LLC,

On Monday, August 18, 2025, the Kalamazoo City Commission adopted Resolution 25-43 setting a public hearing to consider an application from ACW 3 LLC for a Commercial Redevelopment District to be located at 227 W Michigan Ave. This public hearing will take place on Tuesday, September 2, 2025 at or after 7:00 p.m. in the City Commission Chambers at City Hall.

A copy of the resolution is enclosed. If you have any questions, please let me know.

Best Regards,

Scott A. Borling

Scott A. Borling
City Clerk

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 25-43

A RESOLUTION SETTING A TIME FOR A HEARING ON A REQUEST TO ESTABLISH A COMMERCIAL REDEVELOPMENT DISTRICT

Minutes of a regular meeting of the City Commission of the City held on August 18, 2025, at 7:00 o'clock p.m., local time.

PRESENT, Commissioners: Cooney, Hoffman, Praedel, Wilson, Vice Mayor Hess, Mayor Anderson

ABSENT, Commissioners: Decker

WHEREAS, pursuant to 1978 PA 255, MCLA Sec. 207.651, et seq., ACW 3, LLC, has requested that certain property commonly known as 227 W. Michigan Ave., be established as a Commercial Redevelopment District;

WHEREAS, 1978 PA 255 requires that in order to establish a district, a hearing must first be held pursuant to notice;

NOW, THEREFORE, BE IT RESOLVED:

1. Said request shall remain on file in the Office of the City Clerk.

2. The City Commission shall meet at the City Hall in this City on September 2, 2025, and shall hold a public hearing at or after 7:00 p.m., local time, to hear testimony of the owners of the land and any resident or taxpayer desiring to appear and testify with regard to the requested designation of the Commercial Redevelopment District.

3. The City Clerk shall give notice of such hearing by certified mail, posted at least ten (10) days prior to said hearing, to ACW 3, LLC, and notice shall also be given by publication.

4. The notice of hearing shall be in substantially the following form:

CITY OF KALAMAZOO, MICHIGAN

NOTICE OF HEARING TO CONSIDER ESTABLISHMENT OF

A COMMERCIAL REDEVELOPMENT DISTRICT

PLEASE TAKE NOTICE that the City Commission has been requested to

establish as Kalamazoo Commercial Redevelopment District No. 201 certain property, located in the City and County of Kalamazoo, State of Michigan, and more accurately described as follows:

227 W. Michigan Avenue

Land situated in the southwest ¼ of the southwest ¼ of Section 15, Town 2 South Range 11 West, in the City of Kalamazoo, County of Kalamazoo, and the State of Michigan, and described as follows: The Original Plat of the Town (now City) of Kalamazoo, as recorded in Liber 6 of Plats on Page 8; The Block known as COURT HOUSE SQUARE or PUBLIC SQUARE. This area is also described as a parcel of land bounded on the north by Michigan Avenue; on the east by Rose Street; on the south by Academy Street; and on the west by Church Street.

Also known as City of Kalamazoo property tax parcel number: 06-15-359-001

TAKE FURTHER NOTICE, that the City Commission will meet at City Hall in said City on SEPTEMBER 2, 2025, at or after 7:00 p.m., local time, for the purpose of hearing owners of the land and residents and taxpayers of the City regarding the establishment of Commercial Redevelopment District No. 201.

SCOTT A BORLING, CITY CLERK

The above resolution was offered by Commissioner Praedel and supported by Commissioner Cooney.

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

NAYS, Commissioners: None

ABSTAIN, Commissioners: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 18, 2025. Public notice was given and the meeting was conducted in compliance with the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020. Minutes of the meeting will be available as required by the Act.

Scott A. Borling

Scott A. Borling, City Clerk

Date: **9/2/2025**
Item: **F.2.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Christina Anderson, Deputy Director and City Planner, Community Planning & Economic Development Department
Prepared by: Jamie McCarthy, Development Manager

DATE: September 2, 2025

SUBJECT: Public Hearing to receive comments on a RESOLUTION establishing a Commercial Rehabilitation District at 261 E. Kalamazoo Avenue. (Action: Motion to adopt the Resolution)

RECOMMENDATION:

It is recommended the City Commission adopt the Resolution establishing the Speareflex Commercial Rehabilitation District at 261 E Kalamazoo Avenue.

BACKGROUND:

On July 29, 2025, staff received a written request from the property owner 19 Props, LLC for the City of Kalamazoo to consider the creation of a Commercial Rehabilitation District. Public Act 210 of 2005, as amended, encourages the replacement, restoration and new construction of commercial property by abating the property taxes generated from new investment for a period of time. Within the established district, qualifying projects can apply for tax exemption certificates where taxable values are frozen at the value prior to issuance of a certificate for a period of time during life of the certificate (up to 10 years).

As defined, commercial property is a qualified facility that includes a building or group of contiguous buildings of commercial property that is 15 years or older, of which the primary purpose is the operation of a commercial business enterprise or multifamily residential use. The property in this limited district is commercial office space being converted to multi-family residential housing consisting of five or more units.

In order for a project to take advantage of this tax incentive tool, the boundary of the Speareflex Commercial Rehabilitation District must first be established by the City Commission. The creation of the district, to be located at 261 E. Kalamazoo Avenue is the action under consideration at this meeting. Once the district boundary is approved, individual projects may then seek approval for the tax incentive. 19 Props, LLC has approached the City about creating the district, which is located within downtown Kalamazoo. The individual tax certificate and length of tax abatement will be evaluated and voted on under a separate application process.

Notice of the intention to create a Commercial Rehabilitation District was sent to the property owners within the district and County of Kalamazoo on August 22nd; this letter included information about the public hearing on September 2nd. The public hearing is in accordance with the requirement that it be held within 10-30 days of notice to the public, County, and property owners. This public hearing is intended to receive public comment on the proposed district creation and serve as an opportunity for Commissioners to ask questions about the process and the district. Based on the public hearing discussions, City Commission with consider a resolution to approve the formation of the Speareflex Commercial Rehabilitation District. City staff has reviewed the request to create a district and finds it is in line with the statute.

STRATEGIC VISION ALIGNMENT:

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

The additional residential units will encourage residences where they can be supported and help support the downtown spaces for residents and visitors.

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.

Consult (two-way conversation) – the community will have a chance to react to the project through two-way conversation.

The community is made aware of the project by the public hearing by the City Commission and the property owners and County who would be impacted were sent notice of the public hearing and consideration for the district in letters sent on August 22, 2025. At the June 2nd, 2025 Committee of the Whole meeting, CPED staff and PlazaCorp provided an introduction and overview of the steps to come for the local incentive support and upcoming agenda items, including this district. The community will have an opportunity at the public hearing to voice any comments on the district boundary.

FISCAL IMPACT:

Projects within the District with approved certificates will receive a tax abatement for a period of up to 10 years, based on what the project is bringing forward.

The impact on the city in terms of staff time is:

i. Staff time will be needed for additional assessing and treasury paperwork associated with the certificates and applications. The proposed project would require annual reporting of the approved certificates for up to 10 years.

ii. Staff time will be needed for housing and building inspections. Each inspection and application process has application and cost recovery fees which will offset the impact on the city's budget.

iii. This proposed NEZ will be accomplished with existing staffing.

THE CITY OF
Kalamazoo

City Clerk's Office
241 W. South Street
Kalamazoo, MI 49007-4796
Ph. 269.337.8792
Fx. 269.337.8494
www.kalamazoocity.org

August 22, 2025

Kalamazoo County Board of Commissioners
c/o Kevin Catlin, County Administrator/Controller
201 W. Kalamazoo Avenue
Kalamazoo, MI 49007

Dear Administrator Catlin,

On Monday, August 18, 2025, the Kalamazoo City Commission adopted a Resolution 25-44 setting a public hearing to consider an application from 19 PROPS, LLC for a Commercial Rehabilitation District to be located at 261 E Kalamazoo Ave. This public hearing will take place on Tuesday, September 2, 2025 at or after 7:00 p.m. in the City Commission Chambers at City Hall.

A copy of the resolution is enclosed. If you have any questions, please let me know.

Best Regards,

Scott A. Borling

Scott A. Borling
City Clerk

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 25-44

A RESOLUTION SETTING A TIME FOR A HEARING ON A REQUEST TO ESTABLISH A COMMERCIAL REHABILITATION DISTRICT

Minutes of a regular meeting of the City Commission of the City held on August 18, 2025, at 7:00 o'clock p.m., local time.

PRESENT, Commissioners: Cooney, Hoffman, Praedel, Wilson, Vice Mayor Hess, Mayor Anderson

ABSENT, Commissioners: Decker

WHEREAS, pursuant to 2005 PA 210, MCLA Sec. 207.841, et seq., 19 PROPS, LLC, has requested that certain property commonly known as 261 E. Kalamazoo Avenue, be established as a Commercial Rehabilitation District;

WHEREAS, 2005 PA 210 requires that in order to establish a district, a hearing must first be held pursuant to notice;

NOW, THEREFORE, BE IT RESOLVED:

1. Said request shall remain on file in the Office of the City Clerk.

2. The City Commission shall meet at the City Hall in this City on September 2, 2025, and shall hold a public hearing at or after 7:00 p.m., local time, to hear testimony of the owners of the land and any resident or taxpayer desiring to appear and testify with regard to the requested designation of the Commercial Rehabilitation District.

3. The City Clerk shall give notice of such hearing by certified mail, posted at least ten (10) days prior to said hearing, to 19 Props, LLC, and notice shall also be given by publication.

4. The notice of hearing shall be in substantially the following form:

CITY OF KALAMAZOO, MICHIGAN

NOTICE OF HEARING TO CONSIDER ESTABLISHMENT OF

A COMMERCIAL REHABILITATION DISTRICT

PLEASE TAKE NOTICE that the City Commission has been requested to

establish as Kalamazoo Commercial Rehabilitation District No. 1 certain property, located in the City and County of Kalamazoo, State of Michigan, and more accurately described as follows:

261 EAST KALAMAZOO AVENUE

A parcel located in the northeast ¼ of the southwest ¼ of Section 15, Town 2 South Range 11 West, Original Plat of the Town (now City) of Kalamazoo, as recorded in Liber 6 of Plats Page 8; Lot 5, Lot 6, Lot 7 and Lot 8 and that part of the vacated alley of Block 17 lying between said Lots. Parcel is more particularly described as: Commencing at the northwest corner of Lot 1 in Block 17 of the Original Plat of the Town (now City) of Kalamazoo; thence North 89 degrees 50 minutes 58 seconds East 266.64 feet along the north line of Block 17 to the northeast corner of Lot 4 and the point of beginning; thence North 89 degrees 50 minutes 58 seconds East 133.31 feet along the north line of Block 17 to the northeast corner of Lot 6, said point being on the west line of North Pitcher Street; thence South 00 degrees 17 minutes 18 seconds West 330.00 feet along the east line of Block 17, said line also being the west line of North Pitcher Street, to the southeast corner of Lot 7, said point also being the intersection of the west line of Pitcher Street and the north line of East Kalamazoo Avenue; thence South 89 degrees 50 minutes 58 seconds West 132.77 feet along the south line of Block 17, said line also being the north line of East Kalamazoo Avenue, to the southwest corner of Lot 8; thence North 00 degrees 17 minutes 18 seconds East 330.00 feet along the west line of Lot 8 and Lot 5 to the northeast corner of Lot 4 and the point of beginning.

Also known as City of Kalamazoo property tax parcel number: 06-15-334-012

TAKE FURTHER NOTICE, that the City Commission will meet at City Hall in said City on SEPTEMBER 2, 2025, at or after 7:00 p.m., local time, for the purpose of hearing owners of the land and residents and taxpayers of the City regarding the establishment of Commercial Rehabilitation District No. 1.

SCOTT A BORLING, CITY CLERK

The above resolution was offered by Commissioner Praedel and supported by Commissioner Cooney.

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

NAYS, Commissioners: None

ABSTAIN, Commissioners: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 18, 2025. Public notice was given and the meeting was conducted in compliance with the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020. Minutes of the meeting will be available as required by the Act.

Scott A. Borling

Scott A. Borling, City Clerk

THE CITY OF
Kalamazoo

City Clerk's Office
241 W. South Street
Kalamazoo, MI 49007-4796
Ph. 269.337.8792
Fx. 269.337.8494
www.kalamazoocity.org

August 22, 2025

Kalamazoo County Land Bank
c/o Zac Bauer, Executive Director
1523 Riverview Dr Ste A
Kalamazoo, MI 49004

Dear Executive Director Bauer,

On Monday, August 18, 2025, the Kalamazoo City Commission adopted a Resolution 25-44 setting a public hearing to consider an application from 19 PROPS, LLC for a Commercial Rehabilitation District to be located at 261 E Kalamazoo Ave. This public hearing will take place on Tuesday, September 2, 2025 at or after 7:00 p.m. in the City Commission Chambers at City Hall.

A copy of the resolution is enclosed. If you have any questions, please let me know.

Best Regards,

Scott A. Borling

Scott A. Borling
City Clerk

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 25-44

A RESOLUTION SETTING A TIME FOR A HEARING ON A REQUEST TO ESTABLISH A COMMERCIAL REHABILITATION DISTRICT

Minutes of a regular meeting of the City Commission of the City held on August 18, 2025, at 7:00 o'clock p.m., local time.

PRESENT, Commissioners: Cooney, Hoffman, Praedel, Wilson, Vice Mayor Hess, Mayor Anderson

ABSENT, Commissioners: Decker

WHEREAS, pursuant to 2005 PA 210, MCLA Sec. 207.841, et seq., 19 PROPS, LLC, has requested that certain property commonly known as 261 E. Kalamazoo Avenue, be established as a Commercial Rehabilitation District;

WHEREAS, 2005 PA 210 requires that in order to establish a district, a hearing must first be held pursuant to notice;

NOW, THEREFORE, BE IT RESOLVED:

1. Said request shall remain on file in the Office of the City Clerk.

2. The City Commission shall meet at the City Hall in this City on September 2, 2025, and shall hold a public hearing at or after 7:00 p.m., local time, to hear testimony of the owners of the land and any resident or taxpayer desiring to appear and testify with regard to the requested designation of the Commercial Rehabilitation District.

3. The City Clerk shall give notice of such hearing by certified mail, posted at least ten (10) days prior to said hearing, to 19 Props, LLC, and notice shall also be given by publication.

4. The notice of hearing shall be in substantially the following form:

CITY OF KALAMAZOO, MICHIGAN

NOTICE OF HEARING TO CONSIDER ESTABLISHMENT OF

A COMMERCIAL REHABILITATION DISTRICT

PLEASE TAKE NOTICE that the City Commission has been requested to

establish as Kalamazoo Commercial Rehabilitation District No. 1 certain property, located in the City and County of Kalamazoo, State of Michigan, and more accurately described as follows:

261 EAST KALAMAZOO AVENUE

A parcel located in the northeast ¼ of the southwest ¼ of Section 15, Town 2 South Range 11 West, Original Plat of the Town (now City) of Kalamazoo, as recorded in Liber 6 of Plats Page 8; Lot 5, Lot 6, Lot 7 and Lot 8 and that part of the vacated alley of Block 17 lying between said Lots. Parcel is more particularly described as: Commencing at the northwest corner of Lot 1 in Block 17 of the Original Plat of the Town (now City) of Kalamazoo; thence North 89 degrees 50 minutes 58 seconds East 266.64 feet along the north line of Block 17 to the northeast corner of Lot 4 and the point of beginning; thence North 89 degrees 50 minutes 58 seconds East 133.31 feet along the north line of Block 17 to the northeast corner of Lot 6, said point being on the west line of North Pitcher Street; thence South 00 degrees 17 minutes 18 seconds West 330.00 feet along the east line of Block 17, said line also being the west line of North Pitcher Street, to the southeast corner of Lot 7, said point also being the intersection of the west line of Pitcher Street and the north line of East Kalamazoo Avenue; thence South 89 degrees 50 minutes 58 seconds West 132.77 feet along the south line of Block 17, said line also being the north line of East Kalamazoo Avenue, to the southwest corner of Lot 8; thence North 00 degrees 17 minutes 18 seconds East 330.00 feet along the west line of Lot 8 and Lot 5 to the northeast corner of Lot 4 and the point of beginning.

Also known as City of Kalamazoo property tax parcel number: 06-15-334-012

TAKE FURTHER NOTICE, that the City Commission will meet at City Hall in said City on SEPTEMBER 2, 2025, at or after 7:00 p.m., local time, for the purpose of hearing owners of the land and residents and taxpayers of the City regarding the establishment of Commercial Rehabilitation District No. 1.

SCOTT A BORLING, CITY CLERK

The above resolution was offered by Commissioner Praedel and supported by Commissioner Cooney.

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

NAYS, Commissioners: None

ABSTAIN, Commissioners: None

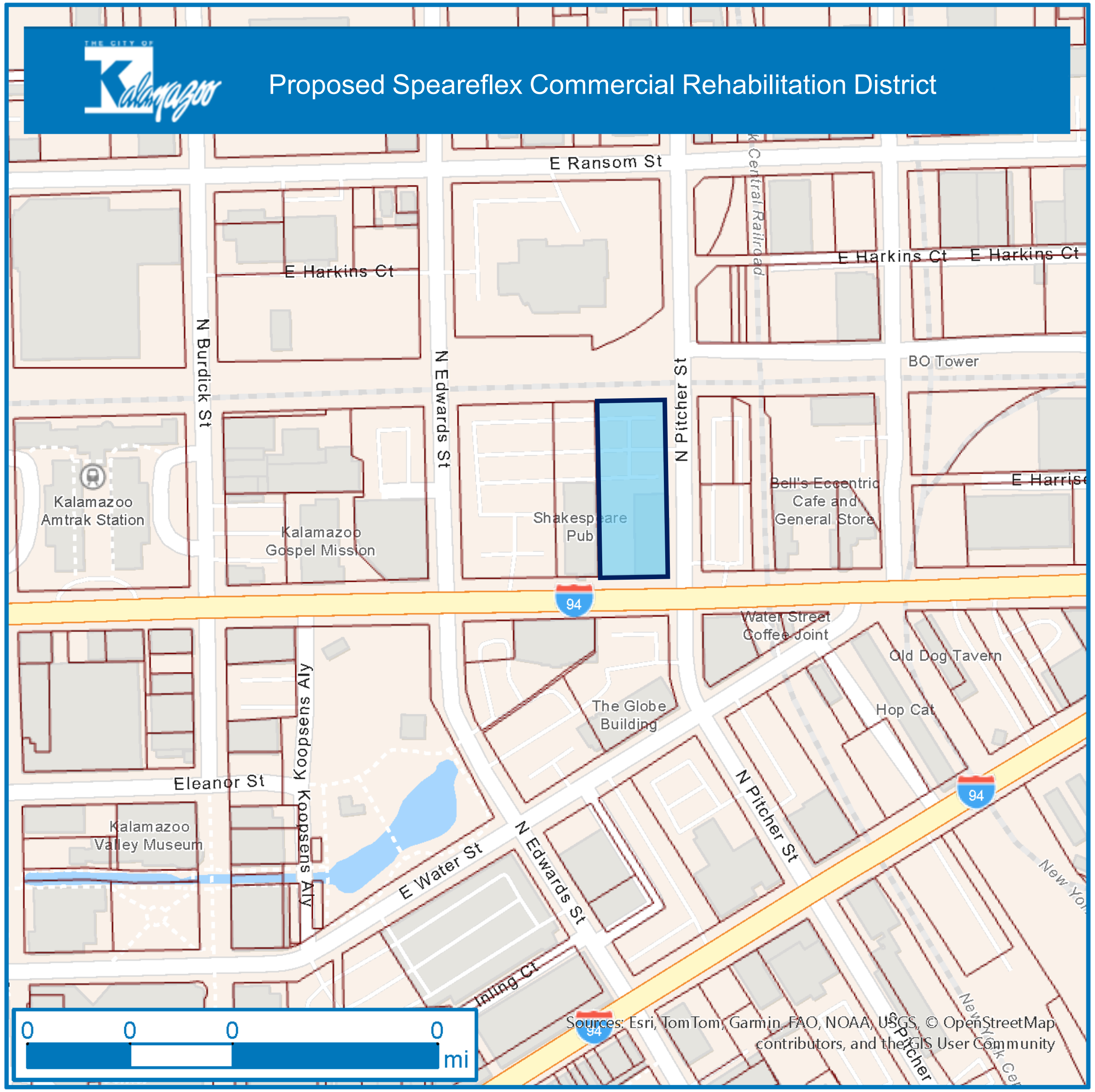
RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 18, 2025. Public notice was given and the meeting was conducted in compliance with the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020. Minutes of the meeting will be available as required by the Act.

Scott A. Borling

Scott A. Borling, City Clerk



LEGEND

PARCEL MAP

Parcel

GENERAL INFORMATION

City Boundary

Proposed District Boundary

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 25-

A RESOLUTION DESIGNATING SPEAREFLEX COMMERCIAL REHABILITATION DISTRICT

Minutes of a regular meeting of the City Commission of the City held on September 2, 2025, at 7:00 o'clock p.m., local time.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, the City Commission has met in public hearing as heretofore resolved and noticed for the purpose of reviewing the request of 19 Props, LLC, that a certain described area be established as a Commercial Rehabilitation District; and

WHEREAS, during said public hearing the City Commission heard all persons desiring to be heard either orally or in writing with respect to the designation of the subject property and Commercial Redevelopment District, pursuant to 1978 PA 210, MCLA Sec. 207.841, et seq.; and

WHEREAS, such application and designation meet all the pre-requisites of the cited Act;

NOW, THEREFORE, BE IT RESOLVED, that the following described property is designated Speareflex Commercial Rehabilitation District:

261 E. KALAMAZOO AVE

A parcel located in the northeast ¼ of the southwest ¼ of Section 15, Town 2 South Range 11 West, Original Plat of the Town (now City) of Kalamazoo, as recorded in Liber 6 of Plats Page 8; Lot 5, Lot 6, Lot 7 and Lot 8 and that part of the vacated alley of Block 17 lying between said Lots. Parcel is more particularly described as: Commencing at the northwest corner of Lot 1 in Block 17 of the Original Plat of the Town (now City) of Kalamazoo; thence North 89 degrees 50 minutes 58 seconds East 266.64 feet along the north line of Block 17 to the northeast corner of Lot 4 and the point of beginning; thence North 89 degrees 50 minutes 58 seconds East 133.31 feet along the north line of Block 17 to the northeast corner of Lot 6, said point being on the west line of North Pitcher Street; thence South 00 degrees 17 minutes 18 seconds West 330.00 feet along the east line of Block 17, said line also being the west line of North Pitcher Street, to the southeast corner of Lot 7, said point also being the intersection of the west line of Pitcher Street and the north line of East Kalamazoo Avenue; thence South 89 degrees 50 minutes 58 seconds West 132.77 feet along the south line of Block 17, said line also being the north line of East Kalamazoo Avenue, to the southwest corner of Lot 8; thence North 00 degrees 17 minutes 18 seconds East 330.00 feet along the west line of Lot 8 and Lot 5 to the northeast corner of Lot 4 and the point of beginning.

Also known as City of Kalamazoo property tax parcel number: 06-15-334-012

Commonly known as: 261 E. Kalamazoo Avenue
Kalamazoo, MI 49007

The above resolution was offered by ____________________ and seconded by _________________.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on September 2, 2025. Public notice was given and the meeting was conducted in compliance with the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020. Minutes of the meeting will be available as required by the Act.

____

Scott A. Borling, City Clerk

Date: **9/2/2025**
Item: **G.1.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: From: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Valetta Sellers-Evans, Support Services Division Manager

DATE: September 2, 2025

SUBJECT: Approval of a Contract Supplemental/Change Order for Kent Communications (KCI) (Bid Ref#91558-012.2.1)

RECOMMENDATION:

It is recommended that the City Commission approve a contract supplemental/change order with Kent Communications Inc. (KCI) in the amount of $105,000 for utility bill printing, mailing services and postage.

BACKGROUND:

The City of Kalamazoo is currently under a one-year contract extension with KCI through 2025 to provide design, printing and mailing services for the Utility Billing Office. On average, KCI processes and mails utility notices to over 55,000 customers per quarter. KCI has continued to demonstrate customer focus in their quality work product, project turnaround time, responsiveness and accuracy.

The supplemental change order would increase the contract from $95,000 to $200,000, of which $66,400 is printing and mailing services, and $133,600 in postage. This request is to cover expenses for the remainder of 2025. This includes additional services provided by KCI to support increased mailings to utility customers to communicate re-routing and restructured billing cycles and improve efficiency. And to cover the cost increase per piece mailed resulting from the new U.S. Postal Service rates that were effective in July 2025.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
[Insert Strategic Goal text snippet]
Good Governance – Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a sustainable way.

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 funding for this request will be in the following account codes:

$32,000 591-539-01.000-900.000 Printing & Mailing Services
$73,000 591-539-01.000-727.003 Postage

Description	Account	Project #	Dollar Amount
Printing & Mailing Services	591-539-01.000-900.000		$32,000
Postage	591-539-01.000-727.003		$73,000

Date: **9/2/2025**
Item: **G.2.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Tanya Hewitt-Smith, Diversity, Equity, & Inclusion Director
Prepared by: Lal Tluangi, Diversity, Equity, & Inclusion Specialist

DATE: September 2, 2025

SUBJECT: Approval of a contract with All Things Diverse for DEI Assessment (Bid Ref#91800-005.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with All Things Diverse for a DEI Assessment for the City of Kalamazoo in the amount of $129,800.

BACKGROUND:

The DEI Council was established in late 2024, following a recommendation from the City's 2021 MPHI DEI Assessment. As part of ongoing best practices, it was advised that a DEI Assessment be conducted every 2–3 years.
In April 2025, the City solicited proposals for the next assessment. After a thorough review and interviews, All Things Diverse was selected based on their experience with municipalities, strong engagement strategy with the DEI Council, and excellent references.

STRATEGIC VISION ALIGNMENT:

<u>Strategic Goal Impact:</u>
Strength Through Diversity – An inclusive city where everyone feels at home.

COMMUNITY ENGAGEMENT:

<u>Appropriate Depth of Engagement</u>
No Community engagement was done.

FISCAL IMPACT:

The funds required for this contract are $129,800.00. 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
DEI Assessment		srp0130001	$115,000
DEI Assessment		cci2200003	$14,785.96
DEI Assessment	101-175-00.000-801.000		$14.04

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Hess, 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: Dennis Randolph, PE, Public Works Division Manager

DATE: September 2, 2025

SUBJECT: Approval of a contract extension with High Grade Materials for Miscellaneous Aggregates and Road Gravel (Bid Reference #7500-003.3.1)

RECOMMENDATION:

It is recommended that the City Commission approve a contract extension with High Grade Materials for Miscellaneous Aggregates and Road Gravel (Group 1 Only) in the amount of $154,150.

BACKGROUND:

The Purchasing Department solicited renewal pricing from High Grade Materials for Group I list of aggregates and road gravel contribute to the City's efforts in road projects, water infrastructure repairs, and general maintenance of assets citywide as well as materials needed for wintertime operations. Additionally included is the ability to provide delivery of these materials directly to job sites should it be needed.

This will be a blanket purchase order where expenses will be charged accordingly.

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
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.

FISCAL IMPACT:

The funds required for this contract are $154,150. The funding for this contract will be through a blanket purchase order within Public Services budget for Water, Wastewater, and Public Works Divisions.

Date: **9/2/2025**
Item: **G.4.**

City Commission Agenda Report

City of Kalamazoo

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

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

DATE: September 2, 2025

SUBJECT: Approval of a Support Services Agreement with the Central County Transit Authority (CCTA) (Bid Ref#00000-025.86)

RECOMMENDATION:

It is recommended that the City Commission approve a Support Services Agreement with the Central County Transportation Authority (CCTA) for a three-year period beginning 10/01/2025 and ending on 09/30/2028 in the amount of $640,000 for the first year, and increasing each subsequent year.

BACKGROUND:

Before the transition of the City's public transportation system to the CCTA, the City provided administrative services to Metro Transit as a part of the City of Kalamazoo. CCTA is requesting to continue receiving similar services from the City. This agreement renews the previous agreement that ends on September 30, 2025. The Agreement has been unanimously approved by the CCTA board.

The City will perform certain accounting and financial functions, benefits processing, treasury functions, information technology, human resources, and purchasing functions.

The agreement provides $640,000 in General Fund revenue for 2025, with annual increases in subsequent years. It also includes a one-time payment covering the CCTA's share of installation services related to the ERP upgrade to Tyler Munis. In addition, the agreement specifies that pension and OPEB administration fees will be allocated to and funded by their respective systems.

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 revenues received by the contract will be included in the General Fund and the ERP services portion to the Capital Improvement Fund.

CCTA-City Support Services Agreement

Central County Transportation Authority ("CCTA") 530 North Rose Street Kalamazoo, Michigan 49007 Attn: Executive Director	City of Kalamazoo ("City") 241 West South Street Kalamazoo, Michigan 49007 Attn: City Manager

The City and CCTA agree:

1. **Acknowledged Facts.**

   a. CCTA has taken over the operation of the City's public transportation system known as Metro Transit. Before that transition, the City had been providing administrative services to Metro Transit. CCTA is requesting to continue receiving similar services from the City as described below.

2. **Term of Agreement.**

   a. It is agreed by the parties that the City shall perform certain accounting and financial functions, benefits processing, treasury, information technologies, human resources, and purchasing/risk management, for CCTA for a three-year period beginning on October 1, 2025, and ending on September 30, 2028. The term of this Agreement may be extended by the mutual agreement of the parties.

3. **City Responsibilities.**

   a. The City shall perform the following accounting services and financial support functions for CCTA:

4. **Payroll Vendor Payments.**

   a. Provide full payroll services for CCTA employees including the preparation of payroll checks, direct deposits, processing and submission of tax withholding payments and tax reporting documents. CCTA will purchase its own paper stock for payroll checks and stubs. Payroll will be processed in accordance with the City's standard payroll procedures and timekeeping software.

   b. Process and pay CCTA invoices, including payments to vendors. CCTA will purchase its own check stock for payments to be made in accordance with the City's accounts payable procedures.

   c. Process annual information returns including unemployment taxes, W-2's and

1099's as needed.

d. Work with the Kalamazoo City Treasurer to use CCTA funds to finance payroll and vendor payments.

5. **Pension & Retiree Health Care Management**

   a. Calculate employee pension benefits, process pension checks, pay retiree health care claims and related expenses, and administer annual reporting and actuarial studies relative to CCTA retirees and active CCTA employees who are eligible to receive pension and/or defined retiree health care benefits.

   b. Administer the assets entrusted to pay CCTA employee and retiree defined benefit pension and retiree health care benefits, as well as related reporting, legal compliance, investments, cash management, payment of expenses, and related ministerial tasks.

   c. Administer retiree healthcare savings accounts for CCTA employees and retirees.

6. **Annual Reporting**

   a. Coordinate with independent auditors selected by CCTA, to the extent necessary, to assist in the completion of the annual financial statements and single audit of federal awards in accordance with generally accepted accounting practices and applicable statutes.

   b. Consult with CCTA on financial policies and procedures.

   c. Assist CCTA with preparation for triennial review by the Federal Transit Administration (FTA).

7. **General Ledger**

   a. Prepare and maintain a year-to-date general ledger and provide detailed information supporting financial statement numbers to CCTA, including recording financial activity in the City's financial enterprise resource program (Eden, or another system) and balancing the general ledger module with subsidiary systems.

      i. Bank account and balance sheet account reconciliations including inventory, and prepaid asset accounts.

      ii. Update Chart of Accounts based upon input from CCTA.

      iii. Complete F-60 report in compliance with National Transit Database requirements.

iv. Regulatory changes such as new GASB implementation may be billed separately from the amount listed in this contract. The City will provide CCTA a proposal for cost of implementation. Complex implementations may require external resources.

8. **Treasury**

i. Receive CCTA tax collection funds from the County Treasurer, as well as other CCTA receipts. Deposit CCTA funds into a bank account which has been established solely for CCTA funds.

ii. Process reimbursements from the CCTA to taxing units as required, identify, and process all eligible reimbursements and rebates from the State of Michigan or other entities to the CCTA (i.e., exempt personal property reimbursements, etc.).

1. File all required property tax-related remiss to various entities including the State of Michigan.

iii. . Manage CCTA funds to finance CCTA payroll, accounts payable and other CCTA needs. The City will not provide City funds to cover CCTA needs.

9. **Information Technology**

a. Will provide the following solutions: Office 365 (0365), Exchange, Active Directory licensing; server availability; VoIP phone service; network de vices; Antivirus software; current software maintenance; IT security and data.

b. Will provision and administer the accounts as necessary and respond to requests within 48 hours.

i. CCTA agrees to abide by the IT security rules and policies enacted by City IT. Exceptions can be implemented where necessary by mutual agreement

ii. CCTA agrees to share all data from City supported systems with City IT.

iii. Billing related to additional databases and proportionate use, or City software is included in the contracted price. Change in software resulting increased fees will be allocated to CCTA.

iv. Migrations from currently supported software solutions to new city standard solutions will be supported by City IT.

v. Any additional accounts beyond those existing at time of contract signing that are needed will be paid for by CCTA via City IT process.

c. New hardware as needed, will be purchased by CCTA through the City IT department. CCTA will abide by the city lifecycle management requirements for all hardware, including but not limited to, network hardware, laptops, and PCs.

10. City Clerk

a. The City Clerk will provide records maintenance according to the retention and destruction schedules established by the City and provide records to CCTA as requested by CCTA.

11. Human Resources

a. Provide benefit administration, affordable health care reporting, and EEO reporting in a manner consistent with CCT A policies.

12. Purchasing & Risk Management

a. Purchasing, including support, review and approval of purchase orders, requisitions, competitive bidding, contract management, and vendor qualification, excluding fuel bids.

b. Risk management including leased underground storage tanks, buildings and, underground storage tanks.

i. Notwithstanding termination rights under Section 9 of this Agreement, services under this section may be discontinued in whole or in paid at the discretion of CCTA at any time upon notification to the City.

13. Timeliness

a. City staff is to be provided 48 business hours to respond to any information request from the CCTA; reasonable requests for expedition by the CCTA will be honored by the City.

14. Planning Meetings

a. The City's Chief Financial Officer and the CCTA's Executive Director and any appropriate staff and/or consultants will meet on a regular basis to identify outstanding issues, their resolutions and the resources assigned to the same within the scope of this Agreement.

15. **CCTA Responsibilities.**

a. CCTA agrees to do the following to assist the City in performing the services and functions being provided under this Agreement:

b. Provide general information on a timely basis to the City to allow the City to perform its tasks.

c. Provide hourly and/or salary information for employees as needed to allow City to perform payroll: functions.

d. Provide a tie out report from CCTA for quarterly OAR report to general ledger. Provide occasional fixed asset additions and deletions.

e. Timely submission of approved accounts payable documents in a manner provided by the City.

f. Timely submission of approved payroll forms in a manner provided by the City.

g. Assist independent auditors with the annual CCTA audit, with support from City.

16. **Compensation.**

a. CCTA shall pay $640,000 to the City in four equal installments payable on October 1st, January 1st, April 1st and July 1st for first year of the Agreement. Fees for years 2 and 3 will be $665,000 and $690,000 respectively.

b. CCTA shall pay a one-time fee related to the installation of Tyler Munis in the amount of $155,390 on January 1st 2026.

c. CCTA agrees to contribute a reasonable agreed upon amount towards software system upgrade costs as the City moves forward with other shared software systems and shall be paid to the City upon invoicing from the vendor.

d. CCTA agrees to split the administration fee charged to the Pension and OPEB trust funds on a percentage of trust allocated basis established October 1 of each preceding year.

e. In the event that CCTA requests that the City perform any additional services not enumerated in this Agreement, including any transition services and related costs. Such services shall be billed to CCTA at the cost of $50.00 per hour plus the actual costs of materials and services and shall be payable within 30 days from receipt of an invoice. Additional services shall not be provided by the City without prior written approval from CCTA. The City can decline to provide any additional services requested by CCTA.

17. **City as Independent Con tractor.**

a. The City, in providing the services set forth in this Agreement, shall be acting as an independent contractor and not as an agent, partner, joint venture or employee of the CCTA. Neither City nor its employees are entitled to benefits provided by the CCTA to its employees. The CCTA is not responsible for any compensation, FICA, withholding taxes, employment compensation or any other similar payment for the City or the City's employees.

18. Non-Discrimination.

a. City agrees not to discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or any other matter directly or indirectly related to employment, because of sex, color, age, national origin, religion, height, weight, marital status, disability, political affiliation, sexual orientation, or gender identity. City further agrees to require compliance with this paragraph of the Agreement by any of City's subcontractors providing services under this Agreement. Breach of this paragraph of the Agreement may be regarded as a material breach of the Agreement.

19. No Third-Party Rights

a. This Agreement is made solely for the benefit of the patties who are signatories to it and is not for the benefit of any third party. No third party can enforce any obligations under this Agreement.

20. Termination Rights

a. This Agreement may be terminated by either party at any time, either with or without cause, by providing the other party with the required written notice of the same. The right to terminate this Agreement is not an exclusive remedy.

b. Termination for Cause. For purposes of this Agreement, "for cause" is deemed to be a material breach by either party of the terms of this Agreement.

c. For purposes of terminating this Agreement for cause, the terminating party shall provide the non-terminating party with written notice of the default and at least fifteen (15) days to cure the same. The fifteen (15) day period to cure the default shall begin to run when written notice of the default is deemed received by the non-terminating party as determined by paragraph 13 of this Agreement. If, at the end of this fifteen (15) day period, the non-terminating party has failed to cure the default, this Agreement will terminate.

d. Termination Without Cause. Either party may terminate this Agreement at any time without cause by providing the other party with sixty (60) days advance written notice of the same. This Agreement shall be deemed to terminate sixty

(60) days from the date that written notice isdeemed received by the non-terminating party as determined by paragraph 12 of this Agreement.

e. Compensation. If this Agreement is terminated by either party, CCTA shall have no obligation to pay the City for any work done by the City after the date the Agreement is deemed terminated.

21. Indemnification.

a. City agrees to fully indemnify and hold harmless CCTA and its employees, officers, directors, and representatives from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, including reasonable attorney fees arising from or relating to any proceedings, actions , demands, causes of action, liability and suits of any kindand nature, made upon CCTA directly or indirectly in any way arising out of or resulting from the willful I acts or negligence of City, its agents, employees or contractors.

b. CCTA agrees to fully indemnify and hold harmless City and its employees, officers, directors, and representatives from and against any and all costs, claims, liens, damages , losses, expenses, fees, fines, penalties, including reasonable attorney fees arising from or relating to any proceedings, actions, demands, causes of action, liability and suits of any kind and nature, made upon City directly or indirectly in any way arising out of or resulting from the willful acts or negligence of CCTA, its agents, employees or contractors.

22. Severability.

a. If any provision of this Agreement is determined to be invalid or unenforceable, the other provisions of the Agreement will remain valid and enforceable in accordance with their respective terms, and any such invalid or unenforceable provision will be deemed to be modified with retroactive effect to render such provision valid and enforceable.

23. CCTA Documents.

a. During the course of this Agreement, the City will have access to information of CCTA. The City agrees that this information will not be used for any purpose other than. to carry out the terms of this Agreement. In the event the City receives a Freedom of Information Act ("FOIA") request for any public record of CCTA in the City's possession, the City shall immediately advise CCTA of the FOIA request. The City agrees to work with CCTA in preparing a response to the FOIA request.

24. Notice.

a. Any notice, consent or approval required or permitted to be given under this Agreement shall be:

i. in writing.

ii. addressed to the recipient at the address of the recipient set forth on this Agreement's first page, or to such other address as that party may hereafter designate in writing to the other party; and

iii. deemed to have been received upon (i) personal delivery, (ii) one business day after being deposited with Federal Express or another reliable, nationally- recognized overnight courier service for next day delivery or transmission, or (iii) two business days after being deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required.

25. Miscellaneous

a. This Agreement shall be governed by the laws of the State of Michigan. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns. This Agreement is personal to each of the parties and neither party may assign or delegate any of its rights or obligations under this Agreement without first obtaining the other party's written consent. This Agreement may not be amended, altered, or modified except by written agreement signed by both of the parties. The headings contained in this Agreement are for convenience only and shall not affect the interpretation or construction of this Agreement.

b. IN WITNESS WHEREOF, this Agreement has been duly executed and delivered by the patties hereto as of the date first above written.

Central County Transportation Authority

By:____________________	By: [signature]
James K. Ritsema	Sean P. McBride
City Manager	Executive Director
Date: ________________	Date: 8/12/25

FORM APPROVED
8/18/25
WRB
CITY ATTORNEY

City Commission Agenda Report

City of Kalamazoo

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

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

DATE: September 2, 2025

SUBJECT: Water Treatment Plant No. 12 Consumers Energy Company Temporary Easement

RECOMMENDATION:

It is recommended that the City Commission approve and accept the temporary access easement with Consumers Energy Company at Water Treatment Plant No. 12 at 3100 Stadium Drive. Consumers Energy Company has requested a temporary access road agreement easement to retire an old gas main that goes under Stadium Drive.

BACKGROUND:

Consumers Energy Company has an existing gas main that crosses the parcel of Water Treatment Plant No. 12 at 3100 Stadium Drive. They are requesting a temporary access easement to access the gas main without impacting the roadway of Stadium Drive. They will be retiring the gas main by filling it with flowable fill and capping it.

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:

Consumers Energy Company will provide $2,000.00 in compensation for the temporary access road agreement as well as any recording fees. The $2,000 will be received to the City's Water Fund as Other Revenues.

Temporary Access Road Agreement

SAP# 43250947
Parcel ID# 06-29-106-001

City of Kalamazoo, 241 W SOUTH ST, KALAMAZOO, MI 49007, (hereinafter "Owner"), for $1.00 and other good and valuable consideration, grants to CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter "Consumers") a temporary easement to enter Owner's land, (hereinafter "Owner's Land") located in the City of Kalamazoo, County of Kalamazoo, and State of Michigan as more particularly described in the attached Exhibit A, to utilize a roadway for ingress, egress, and movement of equipment, vehicles, and supplies, and any other purpose associated with the operation of construction equipment, on, over, and across a portion of Owner's Land (hereinafter "Easement Area").

The permission hereby granted shall continue in force for such period of time as may be required by Consumers for the construction and restoration activities upon Owner's Land.

Consumers, by the acceptance of this instrument and entrance upon the premises for the purpose herein set forth, agrees that, within a reasonable period of time after the completion of said construction in 2025, if needed, it will restore the affected surface to a condition as close as reasonably practicable to the condition that existed before Consumers' use. This Access Easement expires July 1, 2026.

Consumers will indemnify, defend, and hold Owner harmless from and against liability for personal injuries or property damage to the extent proximately caused by Consumers' negligent acts or omissions in utilizing the Premises for the Work.

Date:

Owner: City of Kalamazoo

By: ______________________________

Print Name: ______________________________

Title: ______________________________

EXHIBIT A

Owner's Land

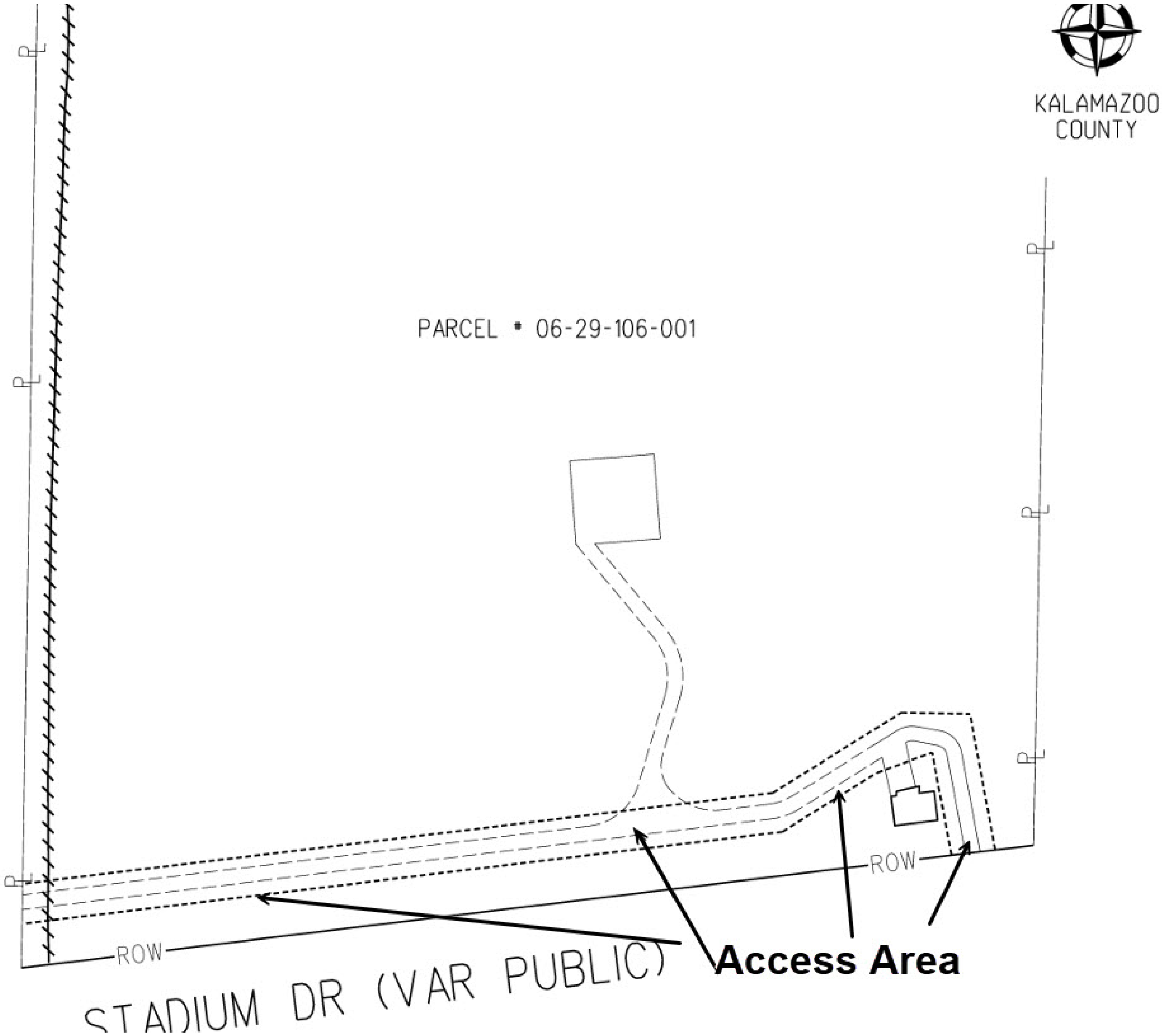
LAND SITUATED IN SECTION 29, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, STATE OF MICHIGAN:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THE MICHIGAN CENTRAL RAILROAD RIGHT-OF-WAY & THE WEST LINE OF SECTION 29; THENCE SOUTH 00DEG 06MIN 30SEC EAST 775.76FT ALONG THE WEST LINE OF SECTION 29 TO THE NORTHERLY LINE OF US HIGHWAY 12 (STADIUM DRIVE); THENCE NORTH 82DEG 05MIN EAST 778.81FT ALONG THE NORTHERLY LINE OF US HIGHWAY 12 (STADIUM DRIVE); THENCE NORTH 00DEG 01MIN EAST 545.02FT TO THE SOUTHERLY LINE OF THE MICHIGAN CENTRAL RAILROAD RIGHT-OF-WAY; THENCE NORTH 80DEG 55MIN 30SEC WEST 782.81FT ALONG THE SOUTHERLY LINE OF THE MICHIGAN CENTRAL RAILROAD RIGHT-OF-WAY TO THE POINT OF BEGINNING. ALSO A STRIP OF LAND LYING IN SECTION 30 T2S R 11W BEING 50FT WIDE LYING SOUTH OF THE SOUTHERLY LINE OF THE MICHIGAN CENTRAL RAILROAD RIGHT-OF-WAY & NORTH OF THE NORTHERLY LINE OF US HIGHWAY 12 & WEST OF AND ADJACENT TO THE EAST LINE OF SECTION 30,

ALSO KNOWN AS: 3100 STADIUM DR, KALAMAZOO, MI 49008
PARCEL ID: 06-29-106-001

EXHIBIT B

Easement Area


KALAMAZOO
COUNTY
PARCEL # 06-29-106-001
ROW
ROW
Access Area
STADIUM DR (VAR PUBLIC)

CITY OF KALAMAZOO
241 W SOUTH ST
KALAMAZOO, MI 49007

Project Name: KAL6 RETIREMENT **Check/Wire #:** ____________________________

Project Address: ____________________ and/or **Parcel #:** 06-29-106-001

Agreement/MI #: ___________________ **File/Master Tract:** ___________________

LNDC WO#: 43250947 and/or **CSNT WO#:** _________________________

Cost Center #: _______________________

$ ______ for a new permanent easement

$2000.00 for amended or temporary rights, damages, or other payments

_____Payee has received in full and satisfactory payment on this date _____________.
and/or
_____ Payee(s) agrees for Consumers Energy to render payment via wire transfer or check within 14 business days and mail to the address provided above.

_____Payee(s) has provided a W9 form with all complete and accurate data to ensure Consumers Energy may meet IRS requirements. Payee understands that they may need to consult with a tax professional, If the payment Is reported as provided by IRS requirements.

_____ Payee consents to tax filing, as single, sole proprietor or married filing jointly (one single W9 form must be collected)

______ Payee(s) consent to tax filing, as married filing separately (separate W9 forms must be collected)

Comments:

By providing initial signatures above and signature below, all parties acknowledge and certify the statements herein regarding payment terms and owner/payee agrees to release Consumers Energy from any future claims.

Sign____Date____________________

Print Name:

SCOTT THOMAS SR ROW AGENT

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Hess, 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: September 2, 2025

SUBJECT: Approval of Easements for 2025 Pedestrian Safety Project #1

RECOMMENDATION:

It is recommended that the City Commission approve the acquisition of easements at the following properties for the 2025 Pedestrian Safety Project #1 for the combined price of $1,207:

- 3414 Lovers Lane from Van Laan Holdings, LLC for $603.00 (parcel 06-35-111-001)

- 4740 Campus Drive from the Western Michigan University Board of Trustees by donation (parcel 06-31-124-001)

- 3601 Arboretum Parkway from Walden Woods Association for $604.00 (parcel 06-19-245-001)

BACKGROUND:

HSIP 2025 Project #1 is a federally funded pedestrian safety initiative focused on reducing pedestrian crashes and improving accessibility on streets throughout the city. The project scope includes the construction of 13 pedestrian refuge islands and the replacement or repair of sidewalk ramps to bring them into compliance with current ADA standards.

Three small easement areas are required to build these improvements. The City must obtain these easements to perform work that extends beyond the public right-of-way, including minor grading, curb installation, and sidewalk construction on private parcels adjacent to the intersection corners. Property owners have agreed to grant the easements, which will be recorded to allow for permanent public use and maintenance of the improvements.

Address	Parcel #	Owner	Cost
3414 Lovers Ln	06-35-111-001	Van Laan Holdings, LLC	$603.00
4740 Campus Dr	06-31-124-001	WMU Board of Trustees	$0.00 (Donation)
3601 Arboretum Pkwy	06-19-245-001	Walden Woods Association	$604.00

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 needed for these easements are budgeted within the capital improvement project.

Description	Account	Project #	Dollar Amount
Major Streets Capital		mst0100315-04-971.000	$1,207.00

Metro Consulting Associates
Dynamic. Daring. Diverse. **DIFFERENT.**

July 23, 2025

Tom Palumbo, PE
City of Kalamazoo-Public Services Department
415 E. Stockbridge Avenue
Kalamazoo, MI 49001

RE: Pedestrian Safety Improvement Project
Request for Payment

Dear Tom,

Enclosed is a Request for Payments totaling $1,207.00 where 2-Permanent Easements and 1-Temporary Grading Easements were obtained for the Pedestrian Safety Improvement Project, Phase 1. The supporting W-9's are also enclosed.

There are 2-Permanent Easements that need to be signed by the City Manager, along with the Donation letter. I have enclosed those documents and marked the pages where the signatures are required. Note, the permanent easement will require a notary. Once signed by the City Manager, please return them to me for recording.

Please contact me should you have any questions. Thank you for the opportunity to serve you and the City of Kalamazoo.

Sincerely,

Gail Morton

Gail Morton, SR/WA
Senior Right of Way Agent
Project Manager

45345 Five Mile Road
Plymouth, MI 48170
800.525.6016
info@metroca.net
metroca.net

Request for Payments
Pedestrian Safety Improvement Project
July 23, 2025

Owner	Proposed Acquisition	Area	Estimated Compensation
#4 Tax ID: 06-19-245-001 Walden Woods Association 3601 Arboretum Pkwy. Kalamazoo, MI 49006	Permanent Easement Temporary Grading Easement	280 SFT 280 SFT	$504.00 $100.00
		Total Compensation #4	**$604.00**
#5 Tax ID: 06-35-111-001 Van Laan Holdings, LLC 3414 Lovers Lane Kalamazoo, MI 49001	Permanent Easement Temporary Grading Permit	109.47 SFT 97.82 SFT	$503.00 $100.00
		Total Compensation #5	**$603.00**
#7AB Tax ID: 06-31-124-001 WMU Board of Trustees 4740 Campus Drive Kalamazoo, MI 49008	#7A-Temporary Grading Easement #7B-Temporary Grading Easement Property Class: 200-Commercial-Vacant Zoning: CBTR	77.71 SFT 484.51 SFT 562.22 SFT Total	Voluntary Donation
		Total Compensation #7AB	**Voluntary Donation**
		Total Estimated Compensation for All Parcels	**$1,207.00**

VALUATION STATEMENT

#5

Property Owner(s):	Van Laan Holdings, LLC
Mailing Address:	9532 Bonita Court Portage, MI 49002
Subject Property:	ID# 06-35-111-001 3414 Lovers Lane Kalamazoo, MI 49001

Area to be acquired:	*109.47 – square feet Public Infrastructure Easement* 97.82 – square feet Temporary Grading Easement		
Price per square foot	x	$4.59	($200,000 per Acre)
	x 100%	$503.00	Public Infrastructure Easement
	x10%	$100.00	Temporary Grading Easement
Total Just Compensation Per Analysis		$603.00	
Total Compensation Paid to Landowner		$603.00	

ADDITIONAL INFORMATION:

Kalamazoo Pedestrian Safety Project:

The values above are based upon a Broker's Price Opinion dated August 17, 2024, and rounded-up to the whole dollar or a minimum of $100. Compensation shall be paid before construction begins.

Van Laan Holdings, LLC:

Owner: RW Van Laan Date: 10/22/2024
By: Rick Van Laan, President

Owner:________________ Date: ____________
By:
Its:

JOB NUMBER	PARCEL ID #	NAME
MCA# 1039-24-12764 Mannik Smith #2400031	ID# 06-35-111-001	Van Laan Holdings, LLC

GOOD FAITH WRITTEN OFFER LETTER

Owner: **Van Lann Holdings, LLC**
9532 Bonita Court
Portage, MI 49002

Re: **City of Kalamazoo**
Pedestrian Safety Improvement Project

Subject Property: **ID# 06-35-111-001**
3414 Lovers Lane
Kalamazoo, MI 49001

Dear Van Laan Holdings, LLC.:

The City of Kalamazoo, (The City) has determined it necessary to obtain a 109.47-square feet Permanent Public Infrastructure Easement and a 97.82-square feet Temporary Grading Easement on the subject property stated above for the Pedestrian Safety Improvement Project, see the attached exhibit from Mannik Smith Group.

In accordance with State laws and Federal regulations governing acquisition of any property by the City, this is the City's Good Faith Written Offer to obtain the Permanent Public Infrastructure Easement and Temporary Grading Easement.

A Broker's Price Opinion (BPO) has been completed to determine the market value of the Permanent Public Infrastructure Easement and Temporary Grading Easement for the total amount of $603.00. The City is willing to pay the full market value as outlined in state and federal guidelines and the *Uniform Condemnation Procedures Act (UPCA), MCl.13.51l(i).*

The City's Good Faith Written Offer is based on the facts known at this time, along with the condition of the property as of the date of the BPO. If we have missed anything, please let us know so we can review it to see if an adjustment is necessary.

The Good Faith Written Offer for the property includes all individuals and entities that may have an interest in the subject property. If payment is to be made, the title holder as shown on the deed shall receive the payment, unless otherwise agreed upon.

Please note that as part of this offer, the City reserves the right to bring federal or state cost recovery actions against you (the present owners) and /or any other potentially responsible parties relating to any release of hazardous substances on the property.

If you agree and are willing to accept the City's offer, please sign all documents, and return them to your agent. If you have any questions, please contact me at: 269-350-1574.

Thank you for your consideration of our Good Faith Written Offer, and for your cooperation with the Kalamazoo Pedestrian Safety Improvement Project.

Sincerely,

Gail Morton

Gail Morton, SR/WA
Senior Right of Way Agent
Project Manager
269-250-1574
gmorton@metroca.net

0640C-LPA
(11/20)

TEMPORARY GRADING EASEMENT

This information required by Act 286, P.A. of 1964, in order to grant the City of Kalamazoo temporary access to the property.

For the sum of $100.00

the grantors: **Van Laan Holdings, LLC**,
whose mailing address is 9532 Bonita Court, Portage, MI 49002

grants to **City of Kalamazoo (the City)**, whose address is 241 W. South Street, Kalamazoo Michigan 49007, a 97.82-square feet Temporary Grading Easement to the City including, but not limited to, the right to enter the property in the designated area to perform earthwork and grading activities as designed and to restore the impacted surfaces to similar conditions.

Also included is the right to remove trees, shrubs, and vegetation as necessary in the judgment of the City as designed on the attached plans.

Improvements and restoration are without cost to the landowner and intended to benefit the landowner to blend together the property with the new sidewalk and road improvements.

Said temporary grading permit limits are shown on the exhibit provided by Mannik Smith Group, on parcel of land situated at 3414 Lovers Lane, Kalamazoo, MI 49001. Said Temporary Grading Easement shall expire upon completion of this project, Kalamazoo Pedestrian Safety Improvements.

Van Laan Holdings, LLC:

By: Rick Van Laan, President — Date: 10/22/2024

By: — Date:
Its:

Phone: ______________ Email: ______________

JOB NUMBER	PARCEL ID #	NAME
MCA# 1039-24-12764 Mannik Smith #2400031	ID# 06-35-111-001	Van Laan Holdings, LLC

Exhibit "C"

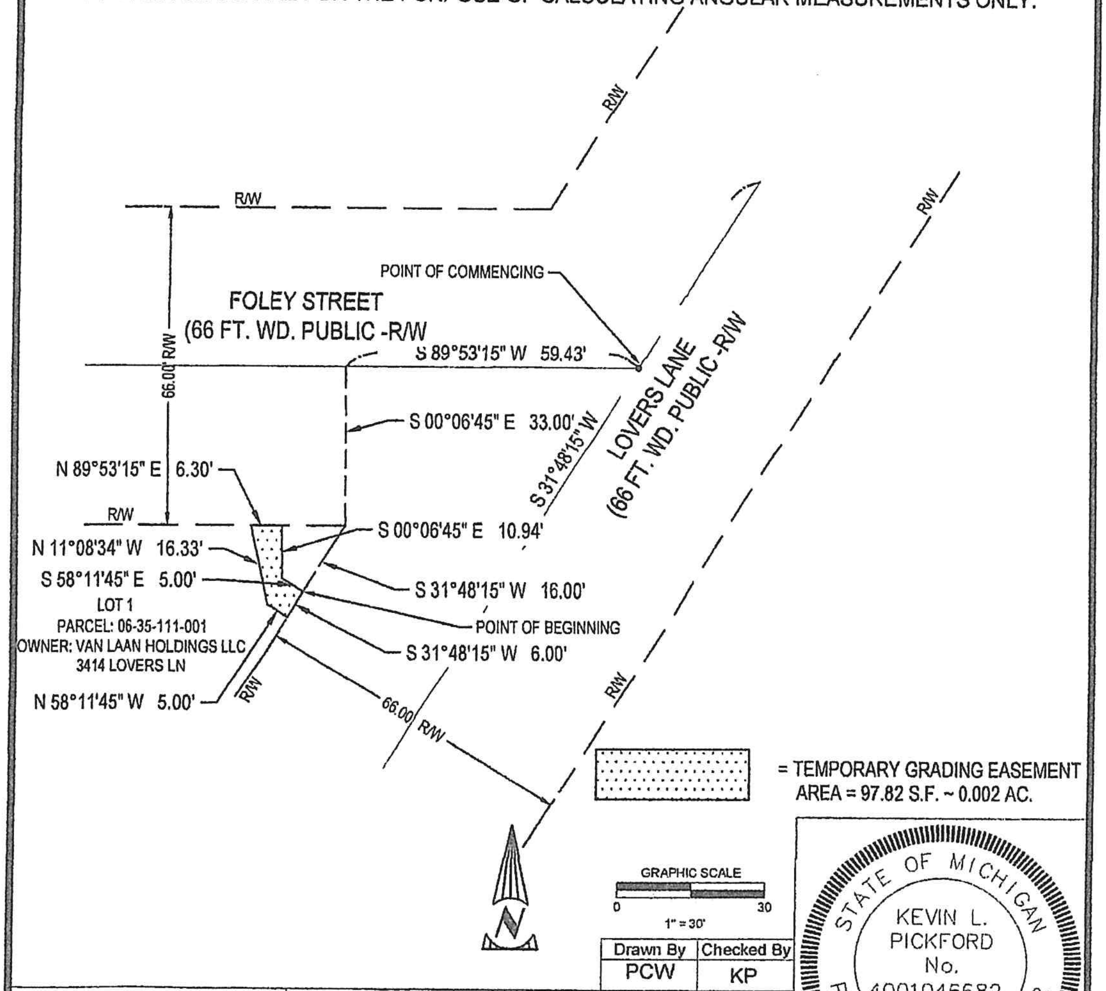
TEMPORARY GRADING EASEMENT

BEING PART OF LOT 1 IN HOWARD PLAT, RECORDED IN BOOK 5 OF PLATS, PAGE 27 OF KALAMAZOO COUNTY PLAT RECORDS, IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTERLINES OF FOLEY STREET (66 FEET WIDE) AND LOVERS LANE (66 FEET WIDE), THENCE ALONG THE CENTERLINE OF SAID FOLEY STREET, SOUTH 89°53'15" WEST 59.43 FEET; THENCE SOUTH 00°06'45" EAST 33.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOLEY STREET AND THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID LOVERS LANE; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID LOVERS LANE, SOUTH 31° 48' 15" WEST 16.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID LOVERS LANE, SOUTH 31° 48' 15" WEST 6.00 FEET; THENCE, NORTH 58° 11' 45" WEST 5.00 FEET; THENCE, NORTH 11° 08' 34" WEST 16.33 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOLEY STREET; THENCE. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOLEY STREET NORTH 89° 53' 15" EAST 6.30 FEET; THENCE SOUTH 00° 06' 45" EAST 10.94 FEET; THENCE SOUTH 58° 11' 45" EAST 5.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.002 ACRES
BEING PART OF PARCEL: 06-35-111-001

SUBJECT TO HIGHWAY EASEMENTS AND ALL OTHER EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NAD83 MICHIGAN SOUTH ZONE AND ARE FOR THE PURPOSE OF CALCULATING ANGULAR MEASUREMENTS ONLY.



Drawn By	Checked By
PCW	KP

FOR: CITY OF KALAMAZOO	Project No.: 2400031
SCALE: 1 inch = 30 feet	DATE: 8/19/2024

Mannik Smith GROUP
237 NORTH MAIN STREET
ADRIAN, MI 49221
TEL: 517.263.4515
FAX: 517.263.4535
www.MannikSmithGroup.com

STATE OF MICHIGAN
KEVIN L. PICKFORD
No. 4001046682
PROFESSIONAL SURVEYOR

Kevin L. Pickford
Professional Surveyor No. 4001046682

PUBLIC INFRASTRUCTURE EASEMENT

THIS AGREEMENT dated 10/22/2024, 2024, between Van Laan Holdings, LLC, a Michigan limited liability company, a whose address is 9532 Bonita Court, Portage, MI 49002 ("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 3414 Lovers Lane, Kalamazoo, MI 49001 in the City and County of Kalamazoo, which is more specifically identified by tax ID# 06-35-111-001 ("Property").

B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Whites Road Improvements Project.

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

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 *Five Hundred Three Dollars ($503.00).* Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 109.47-square foot portion of the Property as described in Exhibit "B"

2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure 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 Infrastructure Activities, subject to the following conditions:

   a) Perform the Infrastructure 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 Infrastructure Activities to the same condition as existed before any such infrastructure 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 Infrastructure 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.

[Signature Pages to Follow]

Van Laan Holdings, LLC, a Michigan limited liability company:

By: Rick Van Laan, President

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

The foregoing instrument was acknowledged before me on 10-22-24, 2024, by Rick Van Laan, President, on behalf of Van Laan Holdings. LLC, a Michigan limited liability company.

Notary Public
Kalamazoo County, Michigan
My commission expires: 3-15-2030
Acting in Kalamazoo County

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 ________________, 2022, 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

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

Exhibit "B"

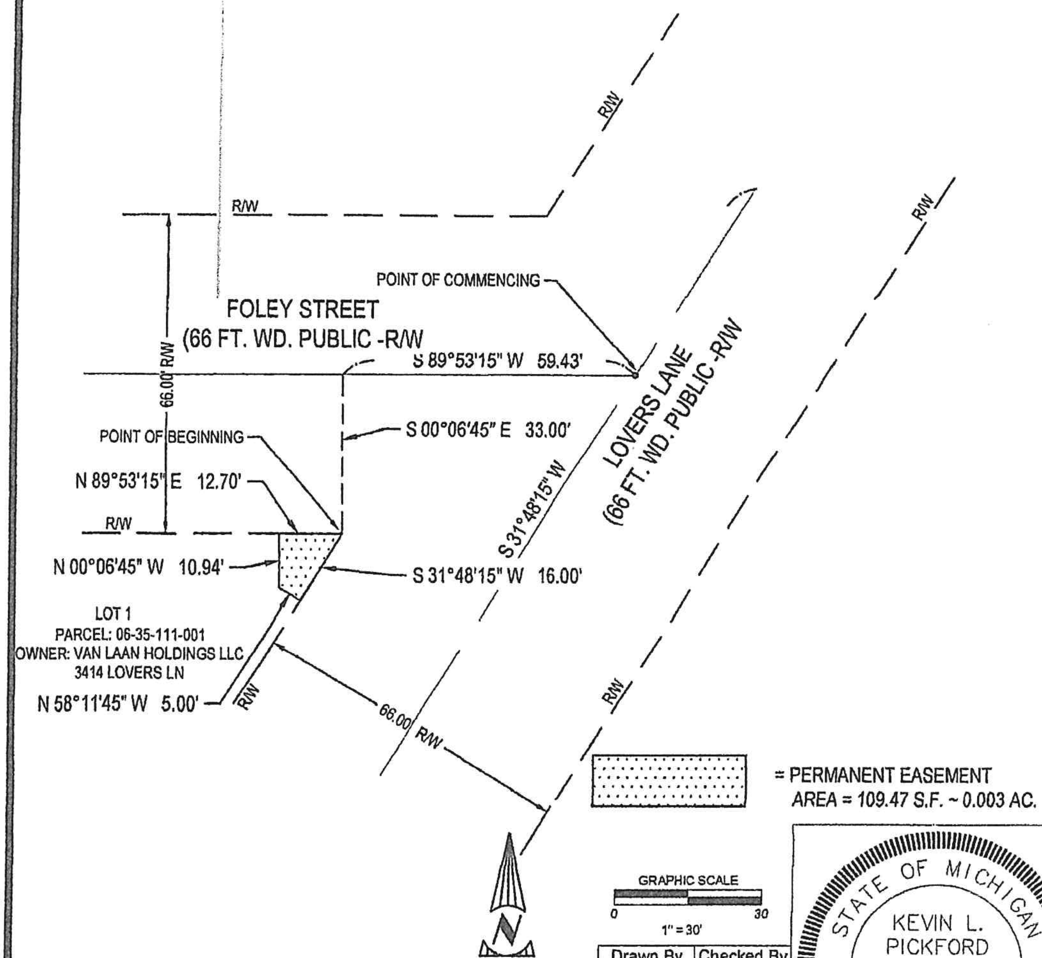
PERMANENT EASEMENT

BEING PART OF LOT 1 IN HOWARD PLAT, RECORDED IN BOOK 5 OF PLATS, PAGE 27 OF KALAMAZOO COUNTY PLAT RECORDS, IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTERLINES OF FOLEY STREET (66 FEET WIDE) AND LOVERS LANE (66 FEET WIDE), THENCE ALONG THE CENTERLINE OF SAID FOLEY STREET, SOUTH 89°53'15" WEST 59.43 FEET; THENCE SOUTH 00°06'45" EAST 33.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOLEY STREET AND THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID LOVERS LANE AND BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID LOVERS LANE, SOUTH 31° 48' 15" WEST 16.00 FEET; THENCE, NORTH 58° 11' 45" WEST 5.00 FEET; THENCE, NORTH 00° 06' 45" WEST 10.94 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOLEY STREET; THENCE. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOLEY STREET NORTH 89° 53' 15" EAST 12.70 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.003 ACRES
BEING PART OF PARCEL: 06-35-111-001

SUBJECT TO HIGHWAY EASEMENTS AND ALL OTHER EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NAD83 MICHIGAN SOUTH ZONE AND ARE FOR THE PURPOSE OF CALCULATING ANGULAR MEASUREMENTS ONLY.



Drawn By	Checked By
PCW	KP

FOR: CITY OF KALAMAZOO	Project No.: 2400031
SCALE: 1 inch = 30 feet	DATE: 8/19/2024

Mannik Smith GROUP
237 NORTH MAIN STREET
ADRIAN, MI 49221
TEL: 517.263.4515
FAX: 517.263.4535
www.MannikSmithGroup.com

STATE OF MICHIGAN
KEVIN L. PICKFORD
No. 4001046682
PROFESSIONAL SURVEYOR

Kevin L. Pickford
Professional Surveyor No. 4001046682

VALUATION STATEMENT

#7AB

Property Owner(s):	WMU Board of Trustees
Mailing Address:	4740 Campus Drive Kalamazoo, MI 49008
Subject Property:	ID# 06-31-124-001 1903 W. Michigan Avenue Kalamazoo, MI 49006-5200

Area to be acquired:	#7A	77.71	square feet Temporary Grading Easement	
	#7B	484.51	square feet Temporary Grading Easement	
		= 562.22	Total Square Feet	
Price per square foot	x	$ 4.59	($200,000 per Acre)	
	x 10%	$259.00	Temporary Grading Easement	
Total Just Compensation Per Analysis		$259.00		
Total Compensation Paid to Landowner		$ 00.00	Voluntary Donation	

ADDITIONAL INFORMATION:

Kalamazoo Pedestrian Safety Project:

The values above are based upon a Broker's Price Opinion dated August 17, 2024, and rounded-up to the whole dollar or a minimum of $100. Compensation shall be paid before construction begins.

WMU Board of Trustees:

Owner: Janice Van Der Kley Date: 5-21-25
By:
Its:

Owner: ____________________ Date: ____________
By:
Its:

JOB NUMBER	PARCEL ID #	NAME
MCA# 1039-24-12764 Mannik Smith #2400031	ID# 06-31-124-006	WMU Board of Trustees

0640C-LPA
(11/20)

TEMPORARY GRADING EASEMENT

This information required by Act 286, P.A. of 1964, in order to grant the City of Kalamazoo temporary access to the property.

As a Voluntary Donation,

the grantors: **WMU Board of Trustees**,
whose mailing address is 1903 W. Michigan Avenue, Kalamazoo, MI 49006

grants to **City of Kalamazoo (the City)**, whose address is 241 W. South Street, Kalamazoo Michigan 49007, a 562.22-square feet Temporary Grading Easement to the City including, but not limited to, the right to enter the property in the designated area to perform earthwork and grading activities as designed and to restore the impacted surfaces to similar conditions.

Also included is the right to remove trees, shrubs, and vegetation as necessary in the judgment of the City as designed on the attached plans.

Improvements and restoration are without cost to the landowner and intended to benefit the landowner to blend together the property with the new sidewalk and road improvements.

Said temporary grading permit limits are shown on the exhibit *provided by Mannik Smith Group*, on parcel of land situated at 4740 Campus Drive, Kalamazoo MI 49008. Said Temporary Grading Easement shall expire upon completion of this project, Kalamazoo Pedestrian Safety Improvements.

WMU Board of Trustees:

Janice Van Der Kley

5-21-25

By:
Its: Treasurer and Vice President for Business and Finance

Date

By:
Its:

Date

Phone: ______________________

Email: ______________________

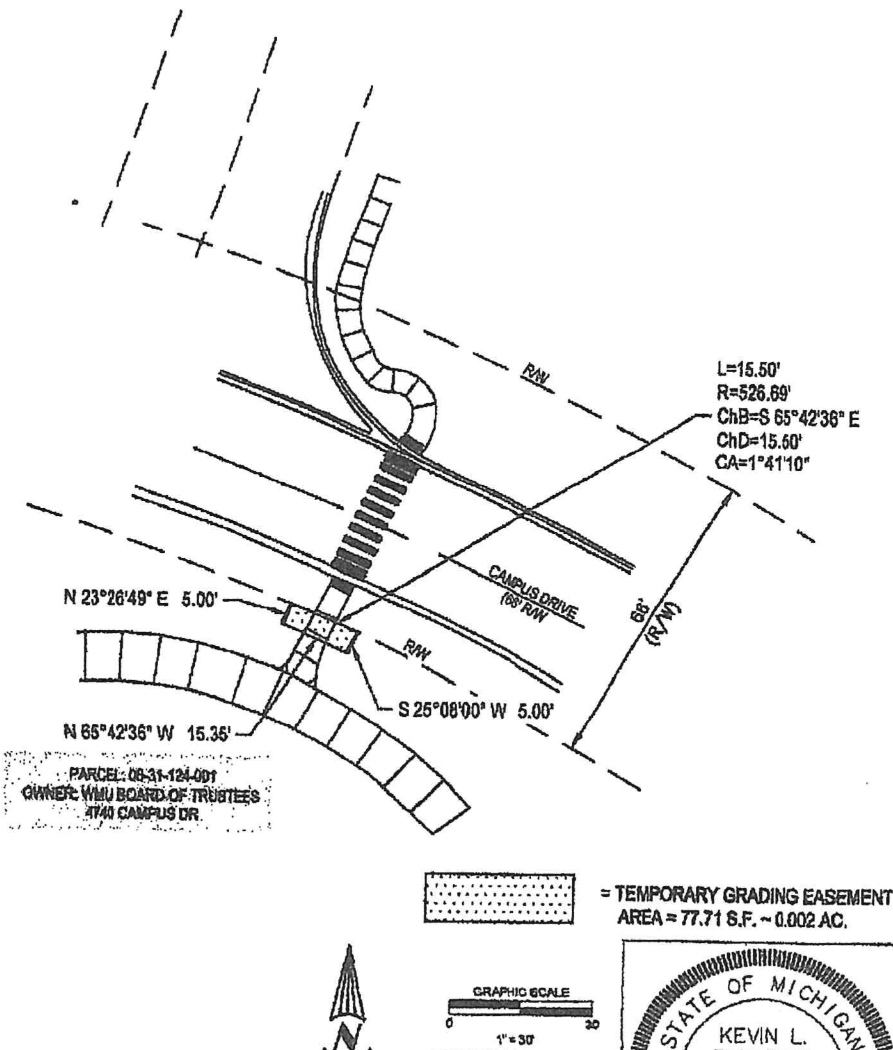
JOB NUMBER	PARCEL ID #	NAME
MCA# 1039-24-12764 Mannik Smith #2400031	ID# 06-31-124-001	WUM Board of Trustees

+7A

TEMPORARY GRADING EASEMENT

BEING PART OF SECTION 31, BOUNDED BY CAMPUS DRIVE ON EAST, SOUTH AND WEST AND PARKVIEW AVENUE ON THE NORTH, IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN:

OVER PARCEL: 06-31-124-001



Drawn By	Checked By
PCW	KP

FOR: CITY OF KALAMAZOO	Project No.: 220122
SCALE: 1 inch = 30 feet	DATE: 6/20/2024

Mannik Smith GROUP

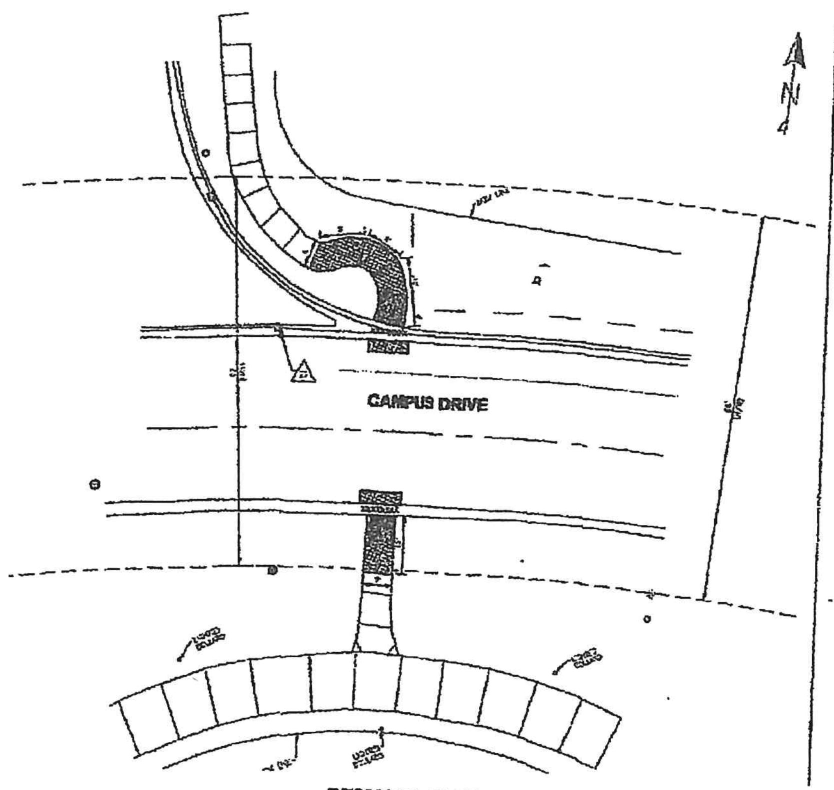
www.MannikSmithGroup.com

237 NORTH MAIN STREET
ADRIAN, MI 49221
TEL: 517.263.4515
FAX: 517.263.4535

STATE OF MICHIGAN
KEVIN L. PICKFORD
No. 4001046682
PROFESSIONAL SURVEYOR

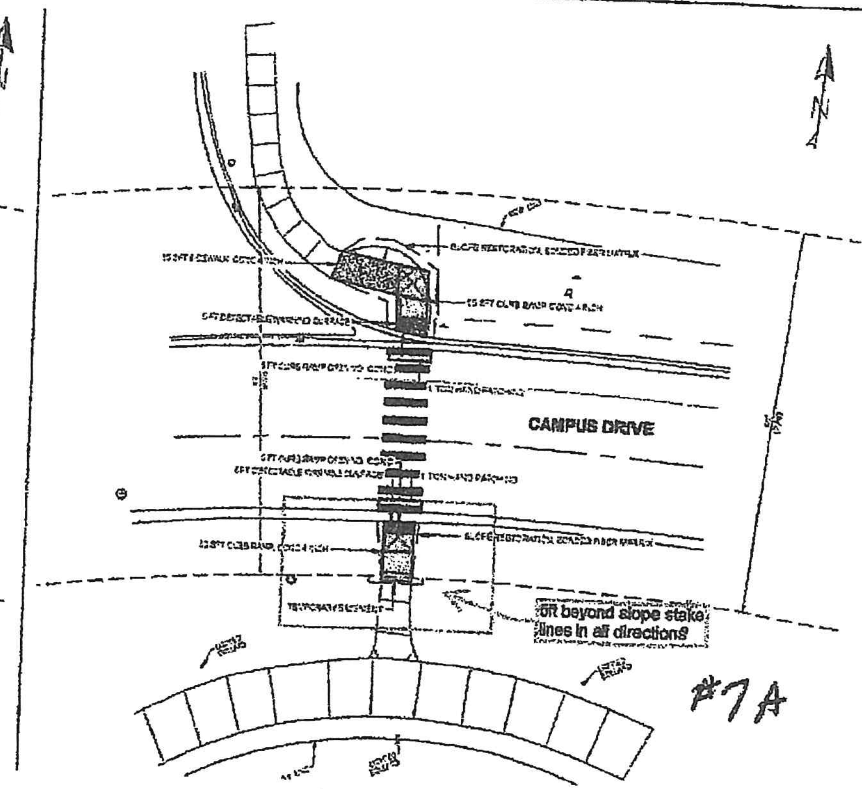
Kevin L. Pickford
Professional Surveyor No. 4001046682

PROJECT NO. [illegible] PROJECT NAME: CITY OF KALAMAZOO HSIP



REMOVAL PLAN

SCALE: 1 IN = 10 FT



CONSTRUCTION PLAN

SCALE: 1 IN = 10 FT

temporary grading easement

QUANTITIES THIS SHEET

14 FT CURB AND GUTTER, REM
18 SYD SIDEWALK, REM
2 CYD EXCAVATION, EARTH
1 EA EROSION CONTROL, INLET PROTECTION, FABRIC DROP
8 SYD AGGREGATE BASE, 4 INCH
4 SYD HMA SURFACE, REM
2 TON HAND PATCHING
10 FT DETECTABLE WARNING SURFACE
10 FT CURB RAMP OPENING, CONC
55 SFT SIDEWALK, CONC 4 INCH
105 SFT CURB RAMP, CONC 4 INCH
28 FT PAVT MRKG, OVLY COLD PLASTIC, 12 INCH, CROSSWALK
15 SFT REM SPEC MRKG
70 SFT RECESSING PAVT MRKG, TRANSV
16 SYD SLOPE RESTORATION, BONDED FIBER MATRIX

811 Know what's below. Call before you dig.

PROJECT NO.	PLAN SHEET - CAMPUS AT TECH CIRCLE	DESIGN PHASE
220122	CITY OF KALAMAZOO HSIP	80% DRAWINGS
DATE 6/8/2024	PROJECT #1	SHEET NO. 18 OF 46

PROJECT NAME: CITY OF KALAMAZOO HSIP PROJECT #1
ENGINEER: THE MANNIK & SMITH GROUP, INC.

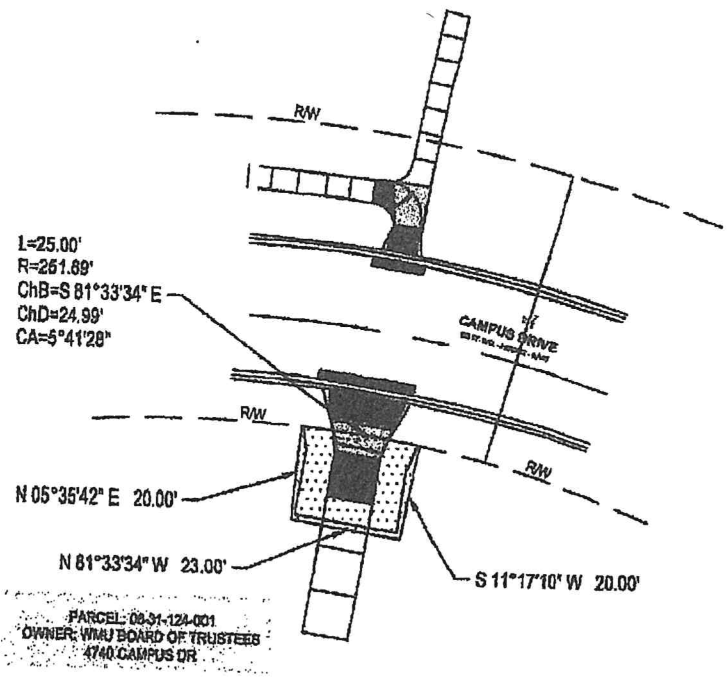
#7A

#7B

TEMPORARY GRADING EASEMENT

BEING PART OF SECTION 31, BOUNDED BY CAMPUS DRIVE ON EAST, SOUTH AND WEST AND PARKVIEW AVENUE ON THE NORTH, IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN:

OVER PARCEL: 08-31-124-001



= TEMPORARY GRADING EASEMENT
AREA = 484.51 S.F. ~ 0.011 AC.

GRAPHIC SCALE
0 30
1" = 30'

Drawn By	Checked By
PCW	KP

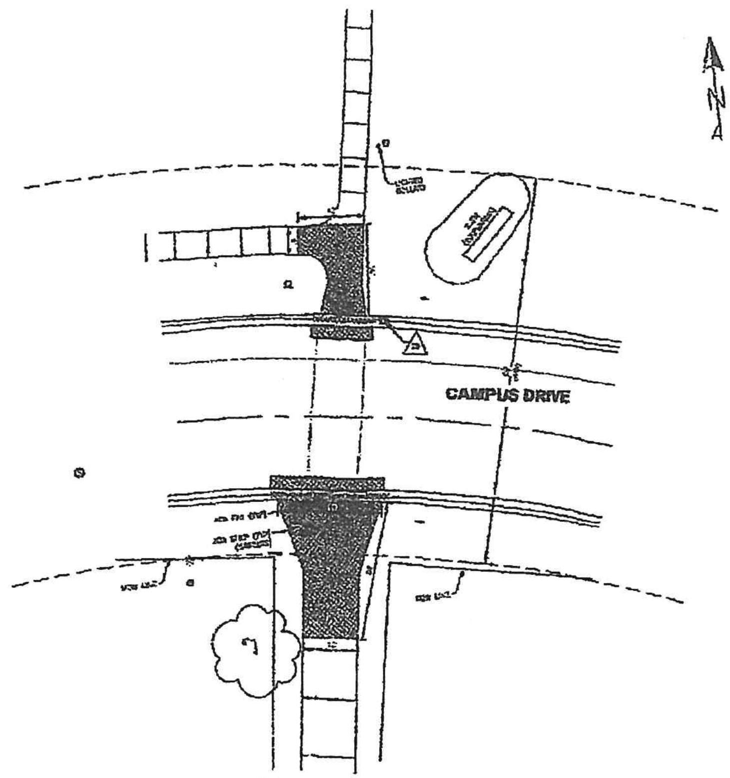
FOR: CITY OF KALAMAZOO	Project No.: 220122
SCALE: 1 inch = 30 feet	DATE: 6/20/2024

Mannik Smith GROUP
237 NORTH MAIN STREET
ADRIAN, MI 49221
TEL: 517.263.4515
FAX: 517.263.4535
www.MannikSmithGroup.com

STATE OF MICHIGAN
KEVIN L. PICKFORD
No. 4001046682
PROFESSIONAL SURVEYOR

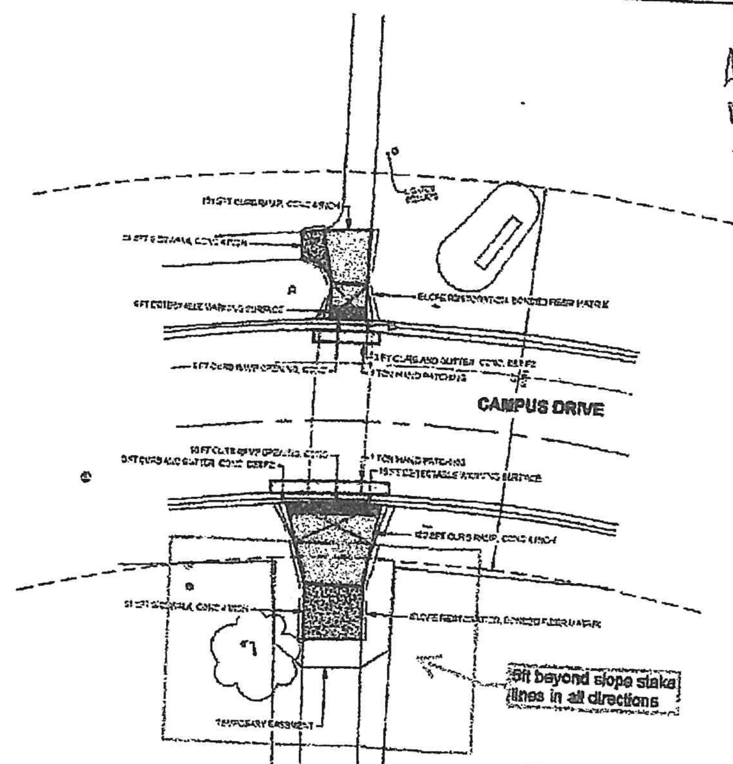
Kevin L. Pickford,
Professional Surveyor No. 4001046682

PROJECT NO. 2400331 PROJECT NAME: CITY OF KALAMAZOO HSIP



REMOVAL PLAN

SCALE: 1 IN = 10 FT



temporary grading easement

CONSTRUCTION PLAN

SCALE: 1 IN = 10 FT

#7B

QUANTITIES THIS SHEET

34 FT CURB AND GUTTER, REM
47 SYD SIDEWALK, REM
1 CYD EXCAVATION, EARTH
1 EA EROSION CONTROL, INLET PROTECTION, FABRIC DROP
1 SYD AGGREGATE BASE, 4 INCH
8 SYD HMA SURFACE, REM
2 TON HAND PATCHING
6 FT CURB AND GUTTER, CONC, DET F2
21 FT DETECTABLE WARNING SURFACE
22 FT CURB RAMP OPENING, CONC
115 SFT SIDEWALK, CONC 4 INCH
283 SFT CURB RAMP, CONC 4 INCH

84 SFT REM SPEC MRKG
21 SYD SLOPE RESTORATION, BONDED FIBER MATRIX

Know what's below. Call before you dig.

PROJECT NO.	PLAN SHEET - CAMPUS DRIVE (S)	DESIGN PHASE
220122	CITY OF KALAMAZOO HSIP	60% DRAWINGS
DATE	PROJECT 51	SHEET NO.
5/?/2024		28 OF 49

PROJECT NO. 220122 PROJECT NAME: CITY OF KALAMAZOO HSIP
ENGINEER: THE HARRIS & SMITH GROUP, INC. PROJECT 51

#7B

0631LPA (11/21)

DONATION

to

LOCAL PUBLIC AGENCY (LPA)

This information is required by the LPA in order for a property owner to donate property.

PROPERTY OWNER: WMU Board of Trustees

MAILING ADDRESS: 1903 W. Michigan Avenue, Kalamazoo, MI 49006-5200

SUBJECT TAX ID NO.: 00-31-124-001

SUBJECT ADDRESS: 4740 Campus Drive, Kalamazoo, MI 49008

Just Compensation determined by:

- ☐ Waiver Valuation
- ☒ Market Study
- ☐ Not determined (Participating Governmental Entity)

Rights to be acquired:

$	NA	*Permanent Easement*
$	259.00	Temporary Grading Easement
$	00.00	TOTAL Just Compensation

The undersigned owner(s) of the subject property identified above agrees with the following statements:

- I/We have been informed and fully understand that I/we have the right to receive just compensation for the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are agreeing to donate the subject property in lieu of just compensation.
- I/We agree that the decision to donate the subject property was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Agency.

☐ Participating Government Entity Donation	The authorized individual signing on behalf of the participating governmental entity understands in addition to the above statements, that the entity has the right to a valuation/appraisal and the right to accompany the appraiser if an appraisal is warranted. The entity is electing to: ☐ Donate the property and waive the right to a valuation/appraisal. ☐ Donate the property, however, requests a valuation/appraisal be completed by Agency.

Owner's Signature: Janice Van Der Kley

Jan Van Der Kley

By: Treasurer and Vice President for

Its: Business and Finance

5-21-25

Date

LPA Approval: City of Kalamazoo:

By:

Date

JOB: City of Kalamazoo Pedestrian Safety Improvements	MCA#1039-24-12764; Mannik Smith #2400031

SI
HI

VALUATION STATEMENT

#4

Property Owner(s):	Walden Woods Association
Mailing Address:	5770 Venture Park Kalamazoo, MI 49009
Subject Property:	ID# 06-19-245-001 3601 Arboretum Pkwy. Kalamazoo, MI 49006

Area to be acquired:	280 – square feet Public Infrastructure Easement 280 – square feet Temporary Grading Easement

Price per square foot	x	$1.80	($80,000 per Acre)
	x 100%	$504.00	Public Infrastructure Easement
	x10%	$100.00	Temporary Grading Easement
Total Just Compensation Per Analysis		$604.00	
Total Compensation Paid to Landowner		$604.00	

ADDITIONAL INFORMATION:

Kalamazoo Pedestrian Safety Project:

The values above are based upon a Broker's Price Opinion dated August 17, 2024, and rounded-up to the whole dollar or a minimum of $100. Compensation shall be paid before construction begins.

Walden Woods Association:

Owner: Josh Appelgren   Date: 4/10/2025

By: Josh Appelgren, Board Member

JOB NUMBER	PARCEL ID #	NAME
MCA# 1039-24-12764 Mannik Smith #2400031	ID# 06-19-245-001	Walden Woods Assoc

GOOD FAITH WRITTEN OFFER LETTER

Owner: **Walden Woods Association**
5770 Venture Park
Kalamazoo, MI 49009

Re: **City of Kalamazoo**
Pedestrian Safety Improvement Project

Subject Property: **ID# NA**
3601 Arboretum Pkwy.
Kalamazoo, MI 49006

Dear Walden Woods Association:

The City of Kalamazoo, (The City) has determined it necessary to obtain a 280-square feet Permanent Easement and a 280-square feet Temporary Grading Easement on the subject property stated above for the Pedestrian Safety Improvement Project, see the attached exhibit from Mannik Smith Group.

In accordance with State laws and Federal regulations governing acquisition of any property by the City, this is the City's Good Faith Written Offer to obtain the Temporary Grading Easement.

A Broker's Price Opinion (BPO) has been completed to determine the market value of the Permanent Easement and Temporary Grading Easement for the total amount of $604.00. The City is willing to pay the full market value as outlined in state and federal guidelines and the *Uniform Condemnation Procedures Act (UPCA), MCI.13.51I(i).*

The City's Good Faith Written Offer is based on the facts known at this time, along with the condition of the property as of the date of the BPO. If we have missed anything, please let us know so we can review it to see if an adjustment is necessary.

The Good Faith Written Offer for the property includes all individuals and entities that may have an interest in the subject property. If payment is to be made, the title holder as shown on the deed shall receive the payment, unless otherwise agreed upon.

Please note that as part of this offer, the City reserves the right to bring federal or state cost recovery actions against you (the present owners) and /or any other potentially responsible parties relating to any release of hazardous substances on the property.

If you agree and are willing to accept the City's offer, please sign all documents, and return them to your agent. If you have any questions, please contact me at: 269-350-1574.

Thank you for your consideration of our Good Faith Written Offer, and for your cooperation with the Kalamazoo Pedestrian Safety Improvement Project.

Sincerely,

Gail Morton

Gail Morton, SR/WA
Senior Right of Way Agent
Project Manager
269-250-1574
gmorton@metroca.net

0640C-LPA
(11/20)

TEMPORARY GRADING EASEMENT

This information required by Act 286, P.A. of 1964, in order to grant the City of Kalamazoo temporary access to the property.

For the sum of $100.00

the grantors: **Walden Woods Association**,
whose mailing address is 5770 Venture Park, Kalamazoo, MI 49009

grants to **City of Kalamazoo (the City)**, whose address is 241 W. South Street, Kalamazoo Michigan 49007, a 280-square feet Temporary Grading Easement to the City including, but not limited to, the right to enter the property in the designated area to perform earthwork and grading activities as designed and to restore the impacted surfaces to similar conditions.

Also included is the right to remove trees, shrubs, and vegetation as necessary in the judgment of the City as designed on the attached plans.

Improvements and restoration are without cost to the landowner and intended to benefit the landowner to blend together the property with the new sidewalk and road improvements.

Said temporary grading permit limits are shown on the exhibit provided by Mannik Smith Group, on parcel of land situated at 3601 Arboretum Pkwy., Kalamazoo, MI 49006. Said Temporary Grading Easement shall expire upon completion of this project, Kalamazoo Pedestrian Safety Improvements.

Walden Woods Association:

By: Josh Appelgren, Board Member

4/10/2025
Date

Phone: 269-329-3652

Email: jappelgren@avbinc.com

JOB NUMBER	PARCEL ID #	NAME
MCA# 1039-24-12764 Mannik Smith #2400031	ID# 06-19-245-001	Walden Woods Assoc.

Exhibit "C" #2

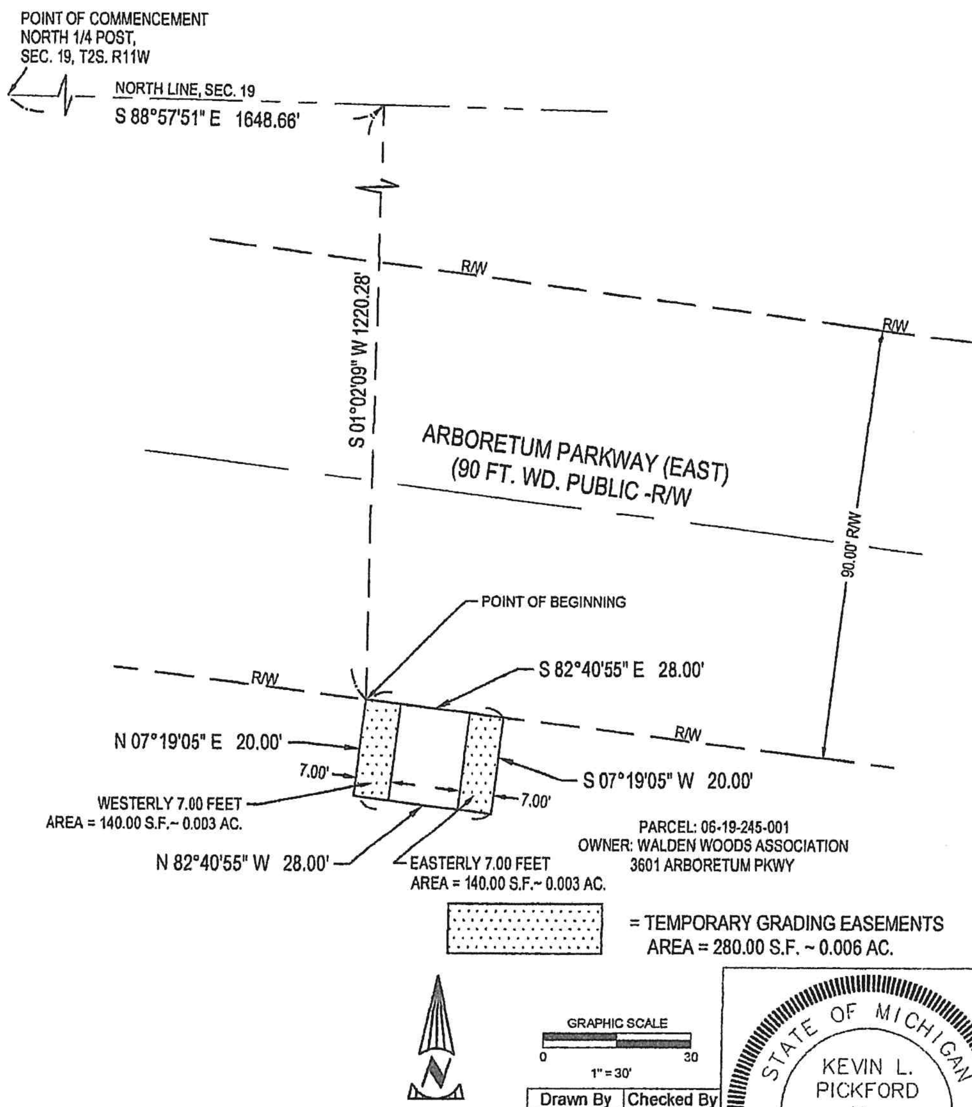
TEMPORARY GRADING EASEMENT

BEING THE EASTERLY 7.00 FEET AND THE WESTERLY 7.00 FEET OF THE FOLLOWING DESCRIBED PARCEL; BEING PART OF THE NORTHEAST QUARTER OF SECTION 19, TOWN 2 SOUTH, RANGE 11 WEST IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ POST OF SAID SECTION 19, THENCE ALONG THE NORTH LINE OF SAID SECTION 19, SOUTH 88°57'51" EAST 1,648.66 FEET; THENCE SOUTH 01° 02' 09" WEST 1,220.28 FEET MORE OR LESS TO THE SOUTHERLY RIGHT OF WAY LINE OF ARBORETUM PARKWAY (EAST) (90 FEET WIDE) AND BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID ARBORETUM PARKWAY, SOUTH 82° 40' 55" EAST 28.00 FEET; THENCE SOUTH 07° 19' 05" WEST 20.00 FEET; THENCE NORTH 82° 40' 55" WEST 28.00 FEET; THENCE NORTH 07° 19' 05" EAST 20.00 FEET TO THE POINT OF BEGINNING;

THE EASTERLY 7.00 FEET AND THE WESTERLY 7.00 FEET CONTAINING 0.006 ACRES
BEING PART OF PARCEL: 06-19-245-001

SUBJECT TO HIGHWAY EASEMENTS AND ALL OTHER EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NAD83 MICHIGAN SOUTH ZONE AND ARE FOR THE PURPOSE OF CALCULATING ANGULAR MEASUREMENTS ONLY.



Drawn By	Checked By
PCW	KP

FOR: CITY OF KALAMAZOO	Project No.: 2400031
SCALE: 1 inch = 30 feet	DATE: 8/22/2024

STATE OF MICHIGAN
KEVIN L. PICKFORD
No.
4001046682
PROFESSIONAL SURVEYOR

Mannik Smith GROUP
237 NORTH MAIN STREET
ADRIAN, MI 49221
TEL: 517.263.4515
FAX: 517.263.4535
www.MannikSmithGroup.com

Kevin L. Pickford
Professional Surveyor No. 4001046682

#4

PUBLIC INFRASTRUCTURE EASEMENT

THIS AGREEMENT dated 9/10/2025, 2025, between Walden Woods Association, whose address is 5770 Venture Park, Kalamazoo, MI 49009 ("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 3601 Arboretum Parkway, Kalamazoo, MI 49006 in the City and County of Kalamazoo, which is more specifically identified by tax ID# 06-19-245-001 ("Property").

B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Whites Road Improvements Project.

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

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 *Five Hundred Four Dollars ($504.00).* Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 280-square foot portion of the Property as described in Exhibit "B"

2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure 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 Infrastructure Activities, subject to the following conditions:

   a) Perform the Infrastructure 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 Infrastructure Activities to the same condition as existed before any such infrastructure 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 Infrastructure 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.

[Signature Pages to Follow]

Walden Woods Association:

By: Josh Appelgren Board Member

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

The foregoing instrument was acknowledged before me on April 10, 2015, by Josh Appelgren, Board Member, on behalf of Walden Woods Association.

GAIL MORTON
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF KALAMAZOO
My Commission Expires March 15, 2030
Acting in the County of 3-15-2030

Notary Public
Kalamazoo County, Michigan
My commission expires: 3-15-2030
Acting in Kalamazoo County

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 ________________, 2022, 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:
Metro Consulting Associates
Gail Morton, SR/WA
809 Drury Lane
Portage, MI 49002
269-350-1574

Exhibit "B"

#4

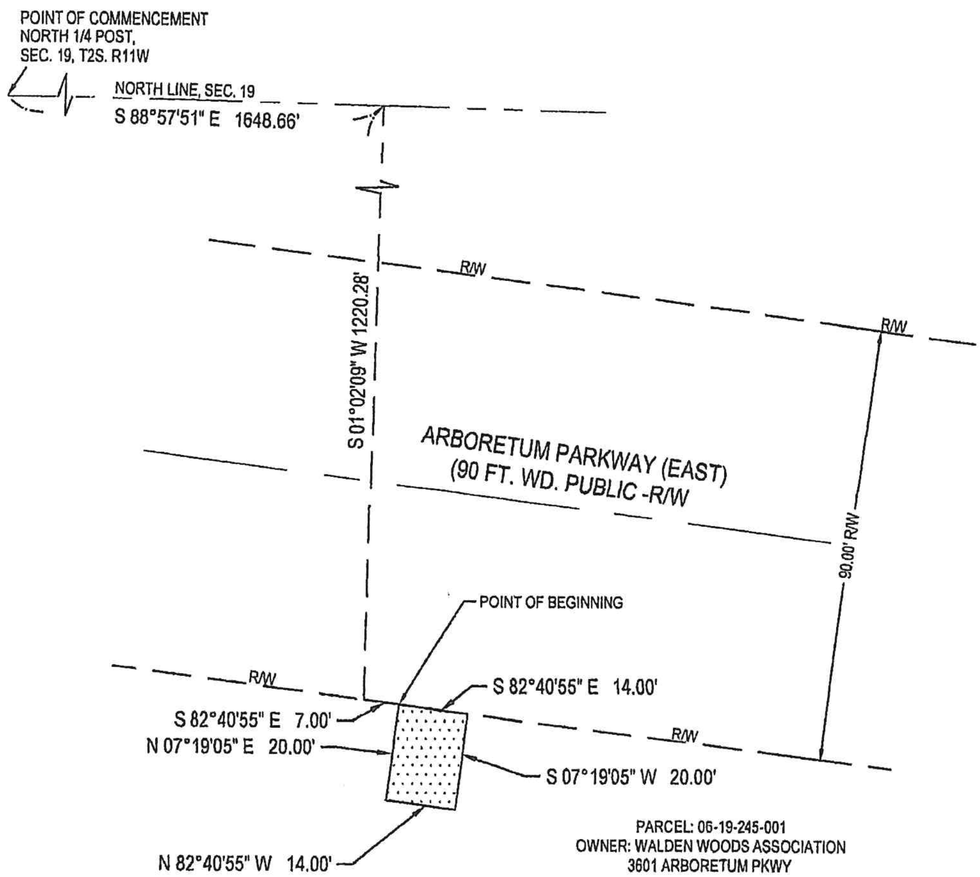
PERMANENT EASEMENT

BEING PART OF THE NORTHEAST QUARTER OF SECTION 19, TOWN 2 SOUTH, RANGE 11 WEST IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ POST OF SAID SECTION 19, THENCE ALONG THE NORTH LINE OF SAID SECTION 19, SOUTH 88°57'51" EAST 1,648.66 FEET; THENCE SOUTH 01° 02' 09" WEST 1,220.28 FEET MORE OR LESS TO THE SOUTHERLY RIGHT OF WAY LINE OF ARBORETUM PARKWAY (EAST) (90 FEET WIDE); THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID ARBORETUM PARKWAY, SOUTH 82° 40' 55" EAST 7.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID ARBORETUM PARKWAY, SOUTH 82° 40' 55" EAST 14.00 FEET; THENCE SOUTH 07° 19' 05" WEST 20.00 FEET; THENCE NORTH 82° 40' 55" WEST 14.00 FEET; THENCE NORTH 07° 19' 05" EAST 20.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.006 ACRES
BEING PART OF PARCEL: 06-19-245-001

SUBJECT TO HIGHWAY EASEMENTS AND ALL OTHER EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NAD83 MICHIGAN SOUTH ZONE AND ARE FOR THE PURPOSE OF CALCULATING ANGULAR MEASUREMENTS ONLY.



= PERMANENT EASEMENT
AREA = 280.00 S.F. ~ 0.006 AC.

GRAPHIC SCALE
0 30
1" = 30'

Drawn By	Checked By
PCW	KP

STATE OF MICHIGAN
KEVIN L. PICKFORD
No. 4001046682
PROFESSIONAL SURVEYOR

FOR: CITY OF KALAMAZOO	Project No.: 2400031
SCALE: 1 inch = 30 feet	DATE: 8/22/2024

Mannik Smith GROUP
237 NORTH MAIN STREET
ADRIAN, MI 49221
TEL: 517.263.4515
FAX: 517.263.4535
www.MannikSmithGroup.com

Kevin L. Pickford
Professional Surveyor No. 4001046682

#4

Form **W-9** (Rev. March 2024) Department of the Treasury Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give form to the requester. Do not send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See *Specific Instructions* on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)

Walden Woods Association

2 Business name/disregarded entity name, if different from above.

3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor ☐ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate

☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) . . . . ____

Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.

☒ Other (see instructions) Non-Profit Corporation

3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions . . . . ☐

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) ____

Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) ____

(Applies to accounts maintained outside the United States.)

5 Address (number, street, and apt. or suite no.). See instructions.

5770 Venture Park

Requester's name and address (optional)

6 City, state, and ZIP code

KALAMAZOO, MI 49009

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

_ _ _ - _ _ - _ _ _ _

or

Employer identification number

46-1884719

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

X **Sign Here** Signature of U.S. person [signature] Date 4/10/2025

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

#5

Form **W-9** (Rev. March 2024) Department of the Treasury Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give form to the requester. Do not send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See *Specific Instructions* on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)

Van Laan Industries Inc.

2 Business name/disregarded entity name, if different from above.

DBA TestSource Lab

3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor ☑ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate

☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) . . . . . ______

Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ______

3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions . . . . ☐

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) ______

Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) ______

(Applies to accounts maintained outside the United States.)

5 Address (number, street, and apt. or suite no.). See instructions.

3414 Lovers Lane

6 City, state, and ZIP code

Kalamazooo, MI 49001

Requester's name and address (optional)

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

___ – __ – ____

or

Employer identification number

2 7 – 3 0 0 0 0 0 5

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here **Signature of U.S. person** [signature] **Date** 09/10/2024

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

The Kalamazoo City Commission met as a Special Committee of the Whole on Monday, August 11, 2025 at 5:03 p.m. in the City Commission Chambers at City Hall.

Roll Call

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

Also present were City Attorney Aaron Leal, and Deputy City Clerk Shelby Moss.

Commissioners Excused

Commissioner Cooney, seconded by Vice Mayor Hess, moved to excuse the absences of Commissioners Decker and Praedel. 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:

Meg Adams, ISAAC member, thanked the City Commission for choosing Raftelis and for the informational website; requested a community meeting for residents to speak directly with Raftelis and Commissioners.

Charlae Davis, Executive Director of ISAAC, requested a community meeting for residents to speak directly with Raftelis.

Cathy Phason, ISAAC member, requested a community meeting for residents to speak directly with Raftelis and the City Commission.

Tobi Hanna-Davies, City resident, regarding the work of Dr. Arthur James on the impact of infant mortality rates in a community.

Rochelle Habeck, City resident, regarding the work of Dr. Arthur James and the need to end systemic racism.

*Commissioner Decker arrived at 5:12 p.m.

2025-35-01
Presentation re: City Manager Recruitment

Pamela Wideman from Raftelis Executive Recruitment delivered a presentation entitled *City Manager Recruitment City of Kalamazoo, Michigan*. A copy of the slides from this presentation was filed with the papers for this meeting.

Commissioner Questions:

Following the presentation, Ms. Wideman and Attorney Leal responded to Commissioners' questions regarding the candidate selection process; the Open Meetings Act and closed session procedures; the facilitation of interview questions; additional community meetings; the number of expected applications; the City Manager search process survey; and the success of the recruitment process.

When an opportunity was given for Commissioner Comments, Mayor Anderson thanked the City Manager Search Process Subcommittee and Attorney Leal for their hard work.

Commissioner Comments

The meeting adjourned at 6:06 p.m.

Adjournment

Shelby Moss
Deputy City Clerk

Approved by the City Commission on: ______________________

The Kalamazoo City Commission met as a Committee of the Whole on Monday, August 18, 2025 at 5:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

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

Also present were City Manager Jim Ritsema, City Attorney Aaron Leal, and City Clerk Scott Borling.

Commissioner Excused

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

Public Comments

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

2025-36-01
Presentation by Can-Do Kalamazoo

Lucy Dilley, Founder & Executive Director of Can-Do Kalamazoo, delivered a presentation entitled *Can-Do Kalamazoo Annual Impact*. A copy of the slides from this presentation was filed with the papers for this meeting.

Commissioner Questions:

Following the presentation, Executive Director Dilley responded to Commissioner questions regarding the hours of the Small Business Support Hub, the referral pipeline for program participants, whether interest in the Can-Do programs exceeded program capacity, the timeline for completion of the new facility, and details of the capital campaign.

2025-36-02
Presentation re: Kalamazoo County Health and Community Services

Lindsay Merling, Health Education Supervisor with Kalamazoo County Health & Community Services, delivered a presentation entitled *KCHCS Program Overview*. A copy of the slides from this presentation was filed with the papers for this meeting.

Commissioner Questions:

Following the presentation, Supervisor Merling responded to Commissioner questions regarding collaborations between KCHCS and organizations offering maternal/child health services, whether KCHCS was partnering with Rx Kids, whether the KCHCS budget would be reduced as a result of federal budget cuts, resources available to households dealing with hoarding, educational opportunities and health services related to Lyme Disease, gaps in community health education, gun violence as a public health issue, current data on tick- and mosquito-borne illnesses, the number of employees at KCHCS and the location of the health department facility, the planned expansion of the Household Hazardous Waste facility, community partners that offered mental health support, the timeframe for renewal of the Area Agency on Aging (AAA) millage, partnerships with organizations doing work to support fathers, and collaborations with organizations doing lead abatement work.

Finally, an opportunity was given for general comments by City Commissioners. Commissioner Comments

Vice Mayor Hess offered remarks on the Golden Apple Scholars Program.

The meeting adjourned at 6:06 p.m. Adjournment

Scott A. Borling
City Clerk

Approved by the City Commission on: ___________________________

A regular meeting of the Kalamazoo City Commission was held on Monday, August 18, 2025 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

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

COMMISSIONERS ABSENT: Qianna Decker

Also present were City Manager Jim Ritsema, City Attorney Aaron Leal, and City Clerk Scott Borling.

Commissioner Excused

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

Invocation

The invocation, given by Chaplain Regina Mays of Missional Chaplains, was followed by the Pledge of Allegiance.

Proclamations
2025-37-01

Commissioner Praedel read a proclamation *Celebrating the 10th Anniversary of the Osher Lifelong Learning Institute (OLLI) at Western Michigan University*. Dr. Gillian Stotlman and Dr. Toni Woolfork-Barnes, Director of OLLI, received the proclamation.

2025-37-02

Vice Mayor Hess read a proclamation *Recognizing August as Emancipation Celebration Month*. Michelle Johnson from Institute of Public Scholarship received the proclamation.

Adoption of the Agenda

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

Vice Mayor Hess requested that a report on the City Manager search process be added to the agenda under New Business.

Public Comments

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

Tina McClinton, City resident, regarding high rents, flooding and the loss of greenspace in her neighborhood, and the importance of voting.

Jess Thompson, City resident, regarding the City's pilot program for composting.

K, City resident, regarding the need for active opposition to federal policies, and for voters to hold City officials accountable in November.

Shona Espinoza, City resident, regarding the housing crisis and the need for City Commissioners to take an activist approach to protecting City residents.

Jane Ghosh, Executive Director of Discover! Kalamazoo, regarding a research paper she wrote on the conversion of hotels to transitional housing.

Public Comments (cont'd)

Justin Suarez, City resident, regarding flooding and the City's response to resident concerns about Public Safety Officers wearing masks.

Clair, regarding steps the City Commission could take to stand with the community against federal immigration policies and enforcement.

Drew Duncan, City resident, regarding the need for more zero-barrier shelters and warming centers to serve the unhoused.

2025-37-03
Public Hearing re: Creation of the Porter NEZ at 619 Porter Street

At 7:42 p.m. Mayor Anderson opened a public hearing to receive comments on the establishment of a Neighborhood Enterprise Zone (NEZ) within three blocks bounded by East Frank Street, Walbridge Street, East Ransom Street, and North Pitcher Street.

Assistant City Planner Bobby Durkee delivered a presentation entitled, *Porter Street NEZ: Public Hearing to Receive Comments for New NEZ District – Porter Street NEZ*. A copy of the slides from the presentation was filed with the papers for this meeting.

Commissioner Comments:

Following the presentation, Assistant City Planner Durkee responded to Commissioner questions regarding the definition of Area Median Income (AMI) that would be used for this project, the noticing timeframes for the Neighborhood Enterprise Zone (NEZ) process, whether the City would pursue the creation of additional Homestead NEZ's, the 5-year sunset clause in the resolution, the number of tax incentive programs enabled by state law, and the total percentage of land in the City that was part of an NEZ.

Public Comments:

Tijuana, City resident, regarding the need for tax breaks for homeowners.

Mattie Jordan-Woods, City resident, regarding the Northside Cultural Business District Authority (NCBDA) and the need for assistance for long term residents of the neighborhood.

K, City resident, regarding the need for more housing for people with incomes at 30-40% of AMI.

Shona Espinoza, City resident, regarding gentrification and the need for tax breaks for residents.

At 8:14 p.m. Mayor Anderson closed the public hearing. No action was taken.

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:

2025-37-04

- approval of a contract supplemental and change order with A1 Asphalt for the 2025 Annual Patching Project in the amount of $130,000.

2025-37-05 - approval of sole source agreement extension with Envirosuite for 2025 -2026 Odor Monitoring and Incident Investigation System in the amount of $139,344.

2025-37-06 - approval of a one-year professional service agreement with GHD Services for environmental consulting at the Cork Street Landfill in the amount of $139,925; and approval of a budget amendment in the amount of $15,635.

2025-37-07 - approval of a contract with Kalleward Group for site-work and park renovations at Princeton Park in the amount of $198,753.62.

2025-37-08 - approval of a cooperative contract with Spartan Emergency Response for the purchase of a fire apparatus-pumper in the amount of $821,026.

2025-37-09
Resolution 25-40 - adoption of a **RESOLUTION** granting eligibility for a Payment In Lieu of Taxes (PILOT) to Crosstown Seniors Limited Dividend Housing, LLC.

2025-37-10
Resolution 25-41 - adoption of a **RESOLUTION** approving a change in the street lighting contract with Consumers Energy due to changes to the lighting at Westnedge and Kalamazoo Avenues.

2025-37-11
Resolution 25-42 - adoption of a **RESOLUTION** rescinding Resolution 24-65, which approved a ten-year, 5% Payment in Lieu of Taxes (PILOT) for ANR Kalamazoo Limited Dividend Housing Association, LLC for a project at 1500 E. Kilgore Road, due to the lack of a federally aided mortgage required by section 35-4 of the Kalamazoo City Code.

2025-37-12
Resolution 25-43 - adoption of a **RESOLUTION** setting a public hearing for September 2, 2025 to receive comments on the establishment of a Commercial Redevelopment District at 227 W. Michigan Avenue.

2025-37-13
Resolution 25-44 - adoption of a **RESOLUTION** setting a public hearing for September 2, 2025 to receive comments on the establishment of a Commercial Rehabilitation District at 261 East Kalamazoo Avenue.

2025-37-14
Resolution 25-45 - adoption of a **RESOLUTION** recommending approval of an Off-Premises Tasting Room License for New Belgium Brewing Company, Inc. d/b/a Bells Brewery at 355 East Kalamazoo Avenue.

2025-37-15 - approval of Parking Lease Agreement with WMED for 120 Reserved Spaces in the Epic Center Ramp.

2025-37-16 - approval of an extension to the 2022 grant provided to Kalamazoo Neighborhood Housing Services in the amount of $250,000 from the Housing Development Fund to rehabilitate four single-family homes for lease/purchase to low-income families.

2025-37-17 - rescind the Developer Agreement for the HOME Investment Partnership Program loan in the amount of $400,000 with ANR Kalamazoo Limited Development Housing Association, LLC for the rehabilitation of 1500 East Kilgore Road.

- approval of a request from Western Michigan University to publicly display fireworks at Hyames Field and Waldo Stadium on September 27 and November 11, 2025. **2025-37-18**

- approval of an extension to the 2023 grant in the amount of $770,000 provided 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 to construct eight new single-family homes. **2025-37-19**

- acceptance of a Holiday Events Grant from the Irving S. Gilmore Foundation to fund 2025 holiday events and programming in the amount of $80,000. **2025-37-20**

- approval of the following appointment and reappointment to the Zoning Board of Appeals: **2025-37-21**

    - the reappointment of Alan Sylvester as an Alternate Member for a full term expiring on March 31, 2028.

    - the appointment of Jack Urban as an Alternate Member for a partial term expiring on March 31, 2026.

- approval of minutes from the City Commission meetings on August 4, 2025. **2025-37-22**

- approval of a recommendation to postpone until September 2, 2025 consideration of the purchase of 808 Simpson Street from the Kalamazoo County Treasurer for the amount of $1,469.26. **2025-37-23**

Commissioner Praedel, seconded by Commissioner 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 6-0.

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

NAYS: None

Regular Agenda items were considered next.

Regular Agenda

2025-37-24
Extension of the 2022 ARPA Grant Agreement with KNHS

In response to a request from Vice Mayor Hess, Community Development Manager Sharilyn Parsons explained the reason for the proposed extension of a 2022 ARPA grant agreement with Kalamazoo Neighborhood Housing Services (KNHS) for the rehabilitation of 14 single-family homes.

Commissioner Questions:

Community Development Manager Parsons responded to Commissioner questions regarding the specific deadline for this agreement compared with the general deadline for the expenditure of all ARPA funds, and the capacity of KNHS to get the work done by the new deadline.

Public Comments: none

2025-37-24
Extension of the 2022 ARPA Grant Agreement with KNHS (cont'd)

Commissioner Hoffman, seconded by Commissioner Cooney, moved to approve an extension to the 2022 grant in the amount of $1,000,000 provided 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 to rehabilitate 14 single-family homes.

With a roll call vote the motion passed 6-0.

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

NAYS: None

City Manager's Report

City Manager Ritsema reviewed upcoming recreation events and provided statistics on enforcement of the new impoundment ordinance as a tool to address mobile nuisance parties.

New Business

Next, items of New Business were considered.

Update on the City Manager Search Process

Vice Mayor Hess provided an update on the City Manager search process, including the job posting, the community survey, and the August 12th community stakeholder event with Raftelis.

Vice Mayor Hess, seconded by Commissioner Hoffman, moved that the City Commission hold a special Committee of the Whole meeting on Tuesday, October 14th at 4:00 p.m. to interview up to five candidates for the City Manager position, after a community meet and greet on Monday, October 13th.

Commissioner Cooney indicated he would be out of the country on October 14th.

Vice Mayor Hess retracted her motion.

Commissioner Praedel indicated the City Manager Search Process Subcommittee would need to discuss alternate dates, as there were multiple factors and schedules to consider.

Vice Mayor Hess announced the following tentative dates for the search process:

- the week of October 13th: community meet and greet and candidate interviews.
- October 20th: public comments on the candidates during the Regular Business Meeting.
- October 27th: vote and selection of a candidate during a special meeting.

In response to a question from Mayor Anderson, Commissioner Cooney indicated he would be available on October 15th. No other Commissioners indicated specific dates that would or would not work with their schedules for candidate interviews.

Commissioner Comments

Finally, an opportunity was given for Commissioner comments.

Commissioner Hoffman spoke about her house being struck by gunfire and how that incident impacted her. Commissioner Hoffman stated the community needed to work harder to eliminate gun violence.

Commissioner Comments (cont'd)

Vice Mayor Hess expressed support for Commissioner Hoffman.

Mayor Anderson offered a moment of silence for people to say a prayer for the community.

Adjournment

The meeting adjourned at 8:48 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: ___________________________

Date: **9/2/2025**
Item: **H.1.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Antonio Mitchell, Director
Prepared by: Sharilyn Parsons, Community Development Manager

DATE: September 2, 2025

SUBJECT: Approval of the purchase of 808 Simpson St. for the amount of $1,469.26 from Kalamazoo County Treasurer (Bid Ref#00000-025.77)

RECOMMENDATION:

It is recommended the City Commission approve the purchase of 808 Simpson St from the Kalamazoo County Treasurer under first right of refusal for $1,469.26.

BACKGROUND:

The purchase of 808 Simpson St. in the Northside Neighborhood is part of the new construction infill housing strategy. A new single-family detached home will be constructed utilizing the City of Kalamazoo's pre-approved plans in partnership with Kalamazoo Neighborhood Housing Services (KNHS). This will provide additional affordable homeownership opportunities in our community, which is aligned with the Imagine Kalamazoo 2025 Master Plan and the Northside Neighborhood Plan. Both documents indicate a desire for increased homeownership opportunities.

STRATEGIC VISION ALIGNMENT:

Complete Neighborhoods - residential areas that support the full range of people's daily needs

Shared Prosperity - Abundant opportunities for all people to prosper

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.

FISCAL IMPACT:

The funds to purchase the property are available with the Foundation for Excellence (FFE) Housing Development Fund (HDF) site acquisition budget (FFE0630003). The purchase price is $1,469.26. Final closing costs will be determined at closing, but are estimated to be around $500.

Description	Account	Project #	Dollar Amount
HDF Site Acquisition		ffe0630003	$1,969.26

Date: **9/2/2025**
Item: **H.2.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Hess, 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: Jamie Barnier Senior Civil Engineer – Water Resources

DATE: September 2, 2025

SUBJECT: Approval of a Contract with Balkema Excavating, Inc. for the F Avenue & 28th St Transmission Watermain Project (Bid Ref# 91244-046.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with Balkema Excavating, Inc. for the F Avenue & 28th St Transmission Watermain Project, in the amount of $1,788,116.70.

BACKGROUND:

Public Services identified the East F Avenue & North 28th Street Transmission Main Project as a priority for the 2026 construction season. This project includes approximately 1-mile of 16-inch ductile iron transmission main that will provide a loop in the East Side High Pressure District. This will provide additional system redundancy and increased reliability.

Bids were opened on July 30, 2025 and 8 bids were received. Balkema Excavating, Inc. was the low responsive bidder with a bid of $ 1,788,116.70. Balkema Excavating, Inc. has performed well in the past and Public Services recommends the approval of this contract and purchase order.

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.

FISCAL IMPACT:

The funding required for the project is $1,788,116.70. The funding for the project is available in the City's 2025 Water Capital Improvement Budget. Project funding 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		Wat0500453-04-988.001	$1,788,116.70

Date: **9/2/2025**
Item: **H.3.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Hess, 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: Susie E. Drust, Wastewater Superintendent

DATE: September 2, 2025

SUBJECT: Approval of a contract with Arq Purification LLC to provide Powder Activated Carbon for Wastewater Treatment (Bid Ref 88508-002.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with Arq Purification LLC to provide Powder Activated Carbon for wastewater treatment in the amount of $2,360,000.00.

BACKGROUND:

The City of Kalamazoo has previously completed the prequalification process for approving vendors of powder activated carbon (PAC) through a two-step process with literature review and independent laboratory analysis of technical specifications. CarbPure WW meets all of the technical specifications set forth.

The Kalamazoo Water Reclamation Plant uses powder activated carbon as a weighting agent to improve settling and as an adsorption aid to remove trace organics and toxic materials from the waste stream. These, and other materials, are adsorbed onto the surface of the carbon and removed when a portion of the aeration tank solids are wasted each day.

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.

FISCAL IMPACT:

The total funds required for this contract are $2,360,000.00. The funding available and estimated costs are detailed above. We have budgeted $98,333.00 for the 2025 portion of the contract from the 2025 Wastewater Operations/Maintenance budget, $1,180,000.00 will be budgeted for the 2026 portion of the contract from the 2026 Wastewater Operations/Maintenance budget, and $1,081,667.00 will be budgeted for the 2027 portion of the contract from the 2027 Wastewater Operations/Maintenance budget.

Description	Account	Project #	Dollar Amount
2025 Portion	590-542-02.000-729.006		$98,333.00
2026 Portion	590-542-02.000-729.006		$1,180,000.00
2027 Portion	590-542-02.000-729.006		$1,081,667.00

Date: **9/2/2025**
Item: **H.4.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Hess, 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: Debbie L. Jung, PE, Senior Civil Engineer – Water Resources

DATE: September 2, 2025

SUBJECT: Approval of a Contract with Hunter-Prell Company for the ML Avenue and 35th Street Transmission Water Main Project (Bid Ref# 91244-045.0)

RECOMMENDATION:

It is recommended that City Commission approve a contract with Hunter-Prell for the ML Avenue and 35th Street Transmission Water Main Project in the amount of $2,734,899.43.

BACKGROUND:

The City of Kalamazoo identified the ML Avenue and 35th Street Transmission Water Main Project as a priority for 2026. This project includes installing 16-inch water main along East ML Avenue from 2,400 feet east of South 31st Street to South 35th Street and along South 35th Street from East ML Avenue to Castle Creek Circle in Comstock Township. This project will complete a water main loop to the Castle Creek Development that will provide redundancy, increased reliability, and improved water quality. HMA cold milling and resurfacing work, spot concrete curb and gutter replacement, driveway replacement, and tree removals will also be included due to water main construction activities.

Bids were opened for the project on July 9, 2025. Six (6) bids were received, with Hunter-Prell being the lowest responsive bidder. Hunter-Prell has not completed any projects for the City of Kalamazoo, so Public Services has contacted the references provided with their bid. Hunter-Prell has successfully completed various water main projects with neighboring communities to their satisfaction. Based on the response of the references, Public Services recommends approval of this purchase order with Hunter-Prell Company.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
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.

FISCAL IMPACT:

The funds required for this contract are $2,734,899.43. 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		wat0500447-04-988.000	$2,734,899.43

Date: **9/2/2025**
Item: **H.5.**

City Commission Agenda Report

City of Kalamazoo

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

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

DATE: September 2, 2025

SUBJECT: Authorizing Ordinance and Notice of Sale Resolution for Water Supply System Revenue Bonds, Series 2025

RECOMMENDATION:

It is recommended that the City Commission adopt the attached Ordinance Authorizing Water Supply System Revenue Bonds, Series 2025 in the amount not to exceed $22,100,000.

BACKGROUND:

The City Commission on March 3, 2025 adopted a Notice of Intent Resolution to issue Water Supply System Revenue Bonds, Series 2025. This Resolution initiated the process of issuing debt to finance the Water System's FY 2025 Capital Improvement program in the amount not to exceed $130,000,000. $101,180,000 of the notice was utilized on Drinking Water State Revolving Fund bonds at a reduced interest rate of 2.00% though the State program. Of the remaining $28,820,000 from the Notice of Intent Resolution, staff is requesting approval to bond $22,1000,000 as revenue bonds.

Under the provisions of the Resolution and State law, the public was notified of the City's intent to issue this debt, and has been provided with a 45-day period to circulate petitions for a referendum. That 45-day period expired in April with no petition having been issued to the City. The City will be authorized to issue this debt at that time. The Ordinance contains the mandatory requirements for Revenue Bond Ordinances as required by the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended. The Ordinance sets forth the terms of the Bonds and provides for a competitive sale of the Bonds. The Ordinance is in a form similar to previous revenue bond ordinances of the City.
Pursuant to Section 6 of the Revenue Bond Act, the Ordinance may be adopted in one reading without a public hearing, regardless of any contrary provision in the City Charter.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Capital Improvement Program Administration

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:

Funds for the above projects are included in the Adopted FY 2025 Capital Plan and the 2025 rates as approved.

ORDINANCE NO. _____

CITY OF KALAMAZOO, MICHIGAN

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF WATER SUPPLY SYSTEM REVENUE BONDS TO PAY THE COST OF THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, IMPROVEMENTS AND EXTENSIONS TO THE WATER SUPPLY SYSTEM OF THE CITY AND TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND CERTAIN OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM.

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

(b) "Authorized Officers" means either the City Manager, Deputy City Manager or Director of Management Services and Chief Financial Officer.

(c) "Bonds" means the Series 2025 Bonds, the Outstanding Bonds and any additional Bonds of equal standing hereafter issued.

(d) "Issuer" or "City" means the City of Kalamazoo, County of Kalamazoo, State of Michigan.

(e) "Outstanding Bonds" means the Series 2015 Bonds, the Series 2017 Bonds, the Series 2018 Bonds, the Series 2019 Bonds, the Series 2020A Bonds, the Series 2021 Bonds, the Series 2022 Bonds, the Series 2023 Bonds and the Series 2024 Bonds.

(f) "Outstanding Junior Lien Bonds" means the Series 2019B Bonds, the Series 2020B Bonds, the Series 2023B Bonds, the Series 2024B Bonds and the Series 2025B Bonds.

(g) "Outstanding Ordinances" means Ordinances Nos. 1539, 1933, 1947, 1948, 1961, 1989, 2005, 2027, 204, 2069 and 2086 of the City.

(h) “Project” means the additions, extensions and improvements to the System, including water main and lead service line improvements, lining and replacements, treatment plant improvements, PFAS mitigation and treatment improvements, tank and storage improvements, pump station and booster improvements, well replacement and water meter improvements, together with all necessary equipment, furnishings and all appurtenances and attachments.

(i) “Revenues” and “Net Revenues” mean the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to “Revenues”, the earnings derived from the investment of moneys in the various funds and accounts established by the Outstanding Ordinances and this Ordinance.

(j) “Sale Order” means the Sale Order to be executed by an Authorized Officer of the Issuer respecting the sale of the Series 2025 Bonds.

(k) “Series 2015 Bonds” means the Water Supply System Revenue Bonds, Series 2015, dated December 10, 2015, in the outstanding principal amount of Two Million One Hundred Eighty-Five Thousand Dollars ($2,185,000).

(l) “Series 2017 Bonds” means the Water Supply System Revenue and Revenue Refunding Bonds, Series 2017, dated May 2, 2017, in the outstanding principal amount of Five Million Eighty-Five Thousand Dollars ($5,085,000).

(m) “Series 2018 Bonds” means the Water Supply System Revenue Bonds, Series 2018, dated May 23, 2018, in the outstanding principal amount of Seven Million Eight Hundred Fifty-Five Thousand Dollars ($7,855,000).

(n) “Series 2019 Bonds” means the Water Supply System Revenue Bonds, Series 2019, dated June 25, 2019, in the outstanding principal amount of Eight Million Nine Hundred Forty-Five Thousand Dollars ($8,945,000).

(o) “Series 2019B Bonds” means the Water Supply System Junior Lien Revenue Bonds, Series 2019, dated August 30, 2019, in the outstanding principal amount of Five Hundred Fifty-Four Thousand Dollars ($554,000).

(p) “Series 2020A Bonds” means the Water Supply System Revenue Bonds, Series 2020A, dated June 17, 2020, in the outstanding principal amount of Eighteen Million Two Hundred Thirty-Five Thousand Dollars ($18,235,000).

(q) “Series 2020B Bonds” means the Water Supply System Junior Lien Revenue Bonds, Series 2020B, dated August 28, 2020, in the outstanding principal amount of Sixteen Million Four Hundred Eighty Thousand Dollars ($16,480,000).

(r) “Series 2021 Bonds” means the Water Supply System Revenue Refunding Bonds, Series 2021, dated April 27, 2021, in the outstanding principal amount of Seven Million Three Hundred Thousand Dollars ($7,300,000).

(s) “Series 2022 Bonds” means the Water Supply System Revenue Bonds, Series 2022, dated May 3, 2022, in the outstanding principal amount of Twenty-Eight Million One Hundred Fifty-Five Thousand Dollars ($28,155,000).

(t) “Series 2023 Bonds” means the Water Supply System Revenue Bonds, Series 2025, dated October 5, 2023, in the outstanding principal amount of Twenty-Five Million Eight Hundred Thousand Dollars ($25,800,000).

(u) “Series 2023B Bonds” means the Water Supply System Junior Lien Revenue Bonds, Series 2023B, dated September 8, 2023, in the outstanding principal amount of Five Million Fifty Thousand Dollars ($5,050,000).

(v) “Series 2024 Bonds” means the Water Supply System Revenue Bonds, Series 2024, dated October 3, 2024, in the outstanding principal amount of Twenty-Four Million Eight Hundred Ninety-Five Thousand Dollars ($24,895,000).

(w) “Series 2024B Bonds” means the Water Supply System Junior Lien Revenue Bonds, Series 2024B, dated August 28, 2024, in the outstanding principal amount of Seven Million Eight Hundred Twenty-Six Thousand Dollars ($7,826,000).

(x) “Series 2025 Bonds” means the Water Supply System Revenue Bonds, Series 2025, authorized pursuant to this Ordinance.

(y) “Series 2025B Bonds” means the Water Supply System Junior Lien Revenue Bonds, Series 2025B, to be dated September 5, 2025, in the outstanding principal amount of Eighty-Nine Million One Hundred Ninety-Five Thousand Dollars ($89,195,000).

(z) “Sufficient Government Obligations” means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

(aa) “System” means the entire Water Supply System of the City as defined in the Outstanding Ordinances.

(bb) “Transfer Agent” means Argent Institutional Trust Company, Grand Rapids, Michigan.

Section 2. Necessity; Public Purpose; Estimated Cost and Life of Project. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project. The estimated cost of acquiring and constructing the Project, including contingencies, engineering, legal and financing expenses, in an amount of not to exceed Twenty-Two Million One Hundred Thousand Dollars ($22,100,000), is hereby approved. The Issuer does hereby estimate the period of usefulness of the Project to be at least twenty-five (25) years.

Section 3. Payment of Cost; Bonds Authorized. To pay the costs associated with acquiring and constructing the Project, including legal, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2025 Bonds, the Issuer shall borrow the sum of not to exceed Twenty-Two Million One Hundred Thousand Dollars ($22,100,000), as finally determined in the Sale Order and issue the Series 2025 Bonds pursuant to the provisions of Act 94. The remaining costs, if any, shall be defrayed from System funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Outstanding Ordinances shall apply to the Series 2025 Bonds issued pursuant to this Ordinance, the same as though each of the provisions were repeated in this Ordinance in detail; the purpose of this Ordinance being to authorize the issuance of additional revenue bonds of equal standing and priority of lien as to the Outstanding Bonds and senior in standing and priority of lien with respect to the Outstanding Junior Lien Bonds to finance the cost of acquiring additions, extensions and improvements to the System, with such additional bonds of equal standing and priority of lien as to the Outstanding Bonds and senior standing and priority of lien with the Outstanding Junior Lien Bonds for such purpose being authorized by the provisions of the Outstanding Ordinances, upon the conditions therein stated, which conditions have been fully met.

Section 4. Bond Details. The Series 2025 Bonds shall be designated WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2025, shall be payable solely and only out of the Net Revenues, as set forth more fully herein, shall consist of bonds of the denomination of $5,000, or integral multiples of $5,000 not exceeding in any one year the amount maturing in that year, dated as of the date of delivery or such other date as shall be determined in the Sale Order, numbered in order of authentication, and shall mature on September 1st in the years and amounts as follows, or such other years of maturity and principal amounts as shall be determined in the Sale Order:

Year	Amount	Year	Amount
2026	$705,000	2039	$850,000
2027	575,000	2040	885,000
2028	590,000	2041	925,000
2029	605,000	2042	965,000
2030	625,000	2043	1,010,000
2031	640,000	2044	1,060,000
2032	660,000	2045	1,110,000
2033	680,000	2046	1,165,000
2034	700,000	2047	1,225,000
2035	725,000	2048	1,285,000

2036	750,000	2049	1,350,000
2037	780,000	2050	1,420,000
2038	815,000		

The Series 2025 Bonds shall bear interest at the rate specified in the Sale Order, but not to exceed six percent (6%) per annum, payable on September 1 and March 1 of each year, commencing March 1, 2026, or such later date as shall be determined in the Sale Order, by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The principal of the Series 2025 Bonds shall be payable at the designated corporate trust office of the Transfer Agent. The Series 2025 Bonds shall be sold at a price not less than 99% of their par value.

The Series 2025 Bonds may be subject to redemption prior to maturity at the times and prices and in the manner finally determined in the Sale Order.

In case less than the full amount of an outstanding Bond is called for redemption, the Transfer Agent upon presentation of the Bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Bonds contained in Section 14 of this Ordinance.

Section 5. Execution of Bonds. The Series 2025 Bonds shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and the City Clerk and shall have a facsimile of the Issuer's seal printed on them. No Bond executed by facsimile signatures shall be valid until authenticated by an authorized signer of the Transfer Agent. The Series 2025 Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser thereof in accordance with instructions from the Director of Management Services and Chief Financial Officer of the Issuer upon payment of the purchase price for the Series 2025 Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

Section 6. Registration and Transfer. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained herein and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part.

The Transfer Agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Series 2025 Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the Transfer Agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on the books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the Transfer Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Transfer Agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Transfer Agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the Transfer Agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the Transfer Agent may pay the same without surrender thereof.

The Bonds may be issued in book-entry-only form through the Depository Trust Company in New York, New York ("DTC") and any officer of the City is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the Bond form within the parameters of this resolution as may be required to accomplish the foregoing.

<u>Section 7</u>. <u>Payment of Series 2025 Bonds</u>. The Series 2025 Bonds and the interest thereon shall be payable solely and only from the Net Revenues, and to secure such payment, there is hereby recognized a statutory lien upon the whole of the Net Revenues which shall be a first lien to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. The statutory first lien referred to herein shall be of equal standing and priority with the City's Outstanding Bonds and senior in standing and priority with the City's Outstanding Junior Lien Bonds. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under this Ordinance.

Section 8. Bondholders' Rights; Receiver. The holder or holders of the Outstanding Bonds representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest on the Series 2025 Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Series 2025 Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Series 2025 Bonds and the security therefor.

Section 9. Rates and Charges. The rates and charges for service furnished by and the use of the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date hereof, as the same shall be increased from time to time.

Section 10. No Free Service or Use. No free service or use of the System, or service or use of the System at less than the reasonable cost and value thereof, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 11. Fixing and Revising Rates. The rates presently in effect in the City are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. In addition, the rates shall be set from time to time so that there shall be produced Net Revenues in an amount equal to 120% of the principal of and interest on the Bonds coming due in each fiscal year. The rates shall be reviewed not less than once a year and shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

Section 12. Bond Reserve Fund. The Reserve Account in the Bond and Interest Redemption Fund, as established by the Outstanding Ordinances shall be adjusted in such amounts, so that upon issuance of the Series 2025 Bonds, the Bond Reserve Account shall total a sum equal to the lesser of (a) the maximum annual principal and interest requirements on the Bonds outstanding after issuance of the additional Bonds, (b) 125% of the average annual debt service on the Bonds after issuance of the additional Bonds, or (c) an amount equal to 10% of the principal amount of the Bonds. In the event that the amount in the Reserve Account is greater than such largest annual debt service requirement, such excess amount shall be transferred to the Bond and Interest Redemption Fund described herein. If it is necessary to increase the amount in the Bond Reserve Account, the City shall deposit a sum from the moneys on hand in the System prior to delivery of the Bonds so that the Bond Reserve Account is fully funded as of the delivery of the Bonds.

Section 13. Disposition of Bond Proceeds. There is hereby established in a bank insured by the Federal Deposit Insurance Corporation to be selected by the Director of Management Services and Chief Financial Officer, a separate depositary account to be designated "Water Supply System Revenue Bonds, Series 2025 Construction Fund", the moneys from time to time on deposit to be used solely to pay the cost of the Project and the incidental costs set forth in Section 4 of this Ordinance. The proceeds of sale of the Series 2025 Bonds shall be allocated and used as follows, or as set forth in the Sale Order:

First, any accrued interest and the amount necessary to fund capitalized interest for the Series 2025 Bonds, if any, shall be deposited into the Bond and Interest Redemption Fund established by the Outstanding Ordinances.

Second, an amount necessary to fully fund the Bond Reserve Account shall be deposited into the Reserve Account in the Bond and Interest Redemption Fund.

Third, the amount of funds necessary to pay the costs of the Project, as set forth in the Sale Order, shall be deposited in the Water Supply System Revenue Bonds, Series 2025 Construction Fund. Moneys in the Construction Fund shall be applied solely in payment of the cost of the acquisition and construction of the Project, including any engineering expenses incident thereto. Any payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City Commission a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that the work is satisfactory and that any such work has not been previously paid for. The investment of the Bonds shall be limited as may be required by federal law.

Fourth, the remaining proceeds of the Series 2025 Bonds shall be used to pay the costs of issuance of the Series 2025 Bonds.

Any unexpended balance of the proceeds of sale of the Bonds in the Construction Fund remaining after completion of the Project may, in the discretion of the Issuer, be used for further improvements and extensions to the System: provided, that, at the time of such expenditure, such use be approved by the Michigan Department of Treasury. Any remaining balance after such expenditure, or in the event no expenditure is made, the entire unexpended balance shall be paid into the Bond and Interest Redemption Fund and used for the redemption or purchase of callable

Bonds or for any other purpose permitted by Act 94. The proceeds of sale of the bonds may be invested in whole or in part in the manner provided by Act 94.

Section 14. Bond Form. The Series 2025 Bonds shall be in substantially the following form with such changes as may be approved by an Authorized Officer and Bond Counsel:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF KALAMAZOO

CITY OF KALAMAZOO
WATER SUPPLY SYSTEM REVENUE BOND, SERIES 2025

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	September 1, 20__	___________, 2025	

REGISTERED OWNER: Cede & Co.

PRINCIPAL AMOUNT: ________________ Dollars ($______________)

The City of Kalamazoo, County of Kalamazoo, State of Michigan (the "Issuer"), for value received, hereby promises to pay, solely and only out of the hereinafter described Net Revenues of the Issuer's Water Supply System (hereinafter defined) the Principal Amount shown above in lawful money of the United States of America to the Registered Owner shown above, or registered assigns, on the Maturity Date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue shown above or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, first payable on March 1, 2026, and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the corporate trust office of Argent Institutional Trust Company, Grand Rapids, Michigan (the "Transfer Agent") or such other Transfer Agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any interest payment date. Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the Transfer Agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply System of the Issuer (the "System"), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of __________ Dollars ($__________), issued pursuant to Ordinances Nos. 1539, 1933, 1947, 1948, 1961, 1989, 2005, 2027, 2045. 2069, 2086 and ____ of the Issuer, duly adopted by the City Commission of the Issuer (together, the "Ordinances"), and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying the cost of acquiring and constructing additions, extensions and improvements to the System.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing as to the Net Revenues may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinances. The bonds of this issue are of equal standing and priority of lien as to the Net Revenues with the Issuer's (a) Water Supply System Revenue Bonds, Series 2015, (b) Water Supply System Revenue and Revenue Refunding Bonds, Series 2017 (c) Water Supply System Revenue Bonds, Series 2018, (d) Water Supply System Revenue Bonds, Series 2019, (e) Water Supply System Revenue Bonds, Series 2020A, (f) Water Supply System Revenue Refunding Bond, Series 2021, (g) Water Supply System Revenue Bonds, Series 2022, (h) Water Supply System Revenue Bonds, Series 2023 and (i) Water Supply System Revenue Bonds, Series 2024 (together the "Outstanding Bonds").

Bonds of this issue maturing in the years 2026 to 2035, inclusive, are not subject to redemption prior to maturity. Bonds or portions of bonds in multiples of $5,000 maturing in the year 2036 and thereafter may be redeemed at the option of the Issuer, in such order as the Issuer shall determine and within any maturity by lot, on any date on or after September 1, 2035 at par and accrued interest to the date fixed for redemption.

[insert any mandatory redemption or extraordinary redemption provisions]

In case less than the full amount of an outstanding bond is called for redemption the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption of any bond or portion thereof shall be given by the Transfer Agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the Transfer Agent. Bonds shall be called for redemption in multiples of $5,000 and any bond of a denomination of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bond or portion thereof.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charter debt limitation of the Issuer but is payable solely and only, both as to principal and interest, from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest on and the principal of the bonds of this issue, the Outstanding Bonds and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinances.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the Transfer Agent by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinances authorizing the bonds, and the Outstanding Bonds, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Kalamazoo, County of Kalamazoo, State of Michigan, by its City Commission, has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed on this bond, all as of the Date of Original Issue.

CITY OF KALAMAZOO

By: ____________________________
Mayor

(Seal)

Countersigned:

____
City Clerk

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Ordinances.

ARGENT INSTITUTIONAL TRUST COMPANY, Grand Rapids, Michigan
Transfer Agent

By:________________________
Authorized Signatory

Date of Registration: ___________

Section 15. Adjustment of Bond Terms. The Authorized Officers are each hereby authorized to adjust the final bond details as set forth herein to the extent necessary or convenient to complete the sale of the Series 2025 Bonds and in pursuance of the forgoing are each authorized to exercise the authority and make the determinations pursuant to Sections 7a(1)(c)(i) and (v) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights, and other matters within the parameters established by this Ordinance.

Section 16. Notice of Sale; Sale Order; Award of Sale of Series 2025 Bonds. The Authorized Officers are each hereby authorized to fix a date of sale for the Series 2025 Bonds and to publish a notice of sale of the Series 2025 Bonds in The Bond Buyer, New York, New York, which notice of sale shall be in the form as recommended by the City's Bond Counsel. The Authorized Officers are each hereby authorized on behalf of the City to execute a Sale Order awarding the sale of the Series 2025 Bonds to the bidder whose bid meets the requirements of law and the terms of the Official Notice of Sale as published.

The Authorized Officers are each hereby authorized on behalf of the City to execute a Sale Order evidencing the final terms of the Series 2025 Bonds, and to take all other necessary actions required to effectuate the sale, issuance and delivery of the Series 2025 Bonds within the parameters authorized in this Ordinance.

Section 17. Tax Covenant. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Series 2025 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of the proceeds of the Series 2025 Bonds and moneys deemed to be proceeds of the Series 2025 Bonds.

Section 18. Continuing Disclosure. The City covenants to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and the Authorized Officers are each hereby authorized to execute such undertaking prior to delivery of the Series 2025 Bonds.

Section 19. Other Matters. The Authorized Officers are each authorized and directed to (a) approve the circulation of a preliminary official statement describing the Bonds and to deem the preliminary official statement "final" for purposes of Rule 15c2-12 of the SEC; (b) solicit bids for and approve the purchase of a municipal bond insurance policy for the Bonds; (c) apply for ratings on the Bonds; and (d) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Bonds.

Section 20. Appointment of Bond Counsel. The appointment of the law firm of Miller, Canfield, Paddock and Stone, P.L.C. of Detroit, Michigan, as Bond Counsel for the Bonds is hereby confirmed, notwithstanding its periodic representation in unrelated matters of potential parties to the Bonds.

Section 21. Appointment of Municipal Advisor. MFCI, LLC, Milford, Michigan, is hereby appointed as municipal advisor for the Bonds.

Section 22. Savings Clause. The Outstanding Ordinances shall continue in effect, except as specifically supplemented or altered herein.

Section 23. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 24. Publication and Recordation. This Ordinance shall be published in full in the ***Kalamazoo Gazette***, a newspaper of general circulation in the City, qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

Section 25. Effective Date. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall immediately be effective upon its adoption.

Adopted and signed this 2nd day of September, 2025.

Signed: ________________________
Mayor

Signed: ________________________
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Commission of the City of Kalamazoo, County of Kalamazoo, Michigan, at a Regular Meeting held on September 2, 2025, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

I further certify that the following Members were present at the meeting: ______
____
and that the following Members were absent: ______________________________________.

I further certify that Member _________________ moved adoption of the Ordinance, and that the motion was supported by Member _________________________.

I further certify that the following Members voted for adoption of the Ordinance: ____

and that the following Members voted against adoption of the Ordinance: ____________ ____.

I further certify that the Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and City Clerk.

____
City Clerk

44389582.1/046053.00254

NOTICE OF SALE RESOLUTION 25-____
WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2025

CITY OF KALAMAZOO
County of Kalamazoo, Michigan

Minutes of a regular meeting of the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, held on September 2, 2025 at 7:00 o'clock p.m., prevailing Eastern Time.

PRESENT: Members: ____

____

ABSENT: Members: ____

The following preamble and resolution were offered by Member __________________ and supported by Member ______________________:

WHEREAS, the City of Kalamazoo, County of Kalamazoo, State of Michigan (the "City"), has by an Ordinance duly adopted as of the date hereof (the "Ordinance"), authorized the issuance and sale of not to exceed Twenty-Two Million One Hundred Thousand Dollars ($22,100,000) in principal amount of the City's Water Supply System Revenue Bonds, Series 2025 (the "Bonds"); and

WHEREAS, it is necessary to authorize and approve the publication of a notice of sale in accordance with the Ordinance.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization to Fix Date of Sale. The City's Director of Management Services and Chief Financial Officer is hereby authorized and directed to fix the date for the sale of the Bonds.

2. Publication of Notice of Sale. The City Clerk shall cause an official Notice of Sale of the Bonds to be published in the Bond Buyer, New York, New York at least seven (7) full days before the date fixed for sale.

3. Form of Notice of Sale. The Notice of Sale of the Bonds shall be in substantially the following form:

<u>OFFICIAL NOTICE OF SALE</u>
$22,100,000*
CITY OF KALAMAZOO
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2025
Subject to adjustment as set forth in this Notice of Sale

<u>BID OPENING</u>: Bids for the purchase of the above bonds will be received in the manner described in this Official Notice of Sale on Tuesday, October 7, 2025 until 11:00 a.m., prevailing Eastern Time, at which time and place the bids will be publicly opened and read. The award or rejection of bids will occur on the same date.

<u>ELECTRONIC BIDS</u>: Bidders may submit bids for the purchase of the above bonds as follows:

Electronic bids may be submitted to the Municipal Advisory Council of Michigan at munibids@macmi.com; provided that electronic bids must arrive before the time of sale.

Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10018, (212) 849-5021. IF ANY PROVISION OF THIS OFFICIAL NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS OFFICIAL NOTICE OF SALE SHALL CONTROL.

Bidders may choose any means or location to present bids but a bidder may not present a bid in more than one location or by more than one means. <u>Each bidder bears all risks associated with the submission, transmission and delivery of its bid.</u>

<u>BOND DETAILS:</u> The bonds will be registered bonds of the denomination of $5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of the date of delivery, numbered in order of registration, and will bear interest from their date payable on March 1, 2026, and semiannually thereafter.

The bonds will mature on the 1st day of September in each of the years, as follows:

Year	Amount	Year	Amount
2026	$705,000	2039	$850,000
2027	575,000	2040	885,000
2028	590,000	2041	925,000
2029	605,000	2042	965,000
2030	625,000	2043	1,010,000
2031	640,000	2044	1,060,000
2032	660,000	2045	1,110,000
2033	680,000	2046	1,165,000

2034	700,000	2047	1,225,000
2035	725,000	2048	1,285,000
2036	750,000	2049	1,350,000
2037	780,000	2050	1,420,000
2038	815,000		

***ADJUSTMENT OF TOTAL PAR AMOUNT OF BONDS AND PRINCIPAL MATURITIES:** The City reserves the right to adjust the aggregate principal amount of the bonds after receipt of the bids and prior to final award, if necessary, so that the purchase price of the bonds will provide an amount determined by the City to be sufficient to construct the project and to pay costs of issuance of the bonds. The adjustments, if necessary, will be in increments of $5,000. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

***ADJUSTMENT TO PURCHASE PRICE:** Should any adjustment to the aggregate principal amount of the bonds be made by the City, the purchase price of the bonds will be adjusted by the City proportionally to the adjustment in principal amount of the bonds. The adjusted purchase price will reflect changes in the dollar amount of the underwriter's discount and original issue discount/premium, if any, but will not change the per-bond underwriter's discount as calculated from the bid and initial reoffering prices.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not less than 5% per annum and not exceeding 6% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/100 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. No proposal for the purchase of less than all of the bonds or at a price that is less than 99% of their par value will be considered.

PRIOR REDEMPTION OF BONDS: Bonds maturing in the years 2026 to 2035, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of $5,000 maturing in the year 2036 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after September 1, 2035, at par and accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

TERM BOND OPTION: The initial purchaser of the bonds may designate any one or more maturities from 2026 through the final maturity as term bonds and the consecutive maturities on or after the year 2026 which shall be aggregated in the term bonds. The amount of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on September 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time bids are submitted and must be listed on the bid.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. In the event of registration with DTC, the purchaser will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds. In the alternative, the successful bidder may request bond certificates to be delivered to the purchaser as one fully registered bond per maturity.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the corporate trust office of Argent Institutional Trust Company, Grand Rapids, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the City as of the 15^{th} day of the month preceding an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are issued under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and certain Ordinances of the City, for the purpose of defraying the cost of acquiring and constructing additions, extensions and improvements to the City's Water Supply System (the "System"). The bonds are payable solely and only from the Net Revenues of the System and any additions thereto, and a statutory first lien on the Net Revenues has been established by the Ordinances. The bonds and the lien are of equal standing and priority of lien as to the Net Revenues with the City's (a) Water Supply System Revenue Bonds, Series 2015, (b) Water Supply System Revenue and Revenue Refunding Bonds, Series 2017, (c) Water Supply System Revenue Bonds, Series 2018, (d) Water Supply System Revenue Bonds, Series 2019, (e) Water Supply System Revenue Bonds, Series 2020A, (f) Water Supply System Revenue Refunding Bonds, Series 2021, (g) Water Supply System Revenue Bonds, Series 2022, (h) Water Supply System Revenue Bonds, Series 2023, and i) Water Supply System Revenue Bonds, Series 2024 (together the "Outstanding Bonds"). The Bonds are of senior standing and priority of lien as to the Net Revenues with the City's (a) Water Supply System Junior Lien Revenue Bonds, Series 2019B, (b) Water Supply System Junior Lien Revenue Bonds, Series 2020B, (c) Water Supply System Junior Lien Revenue Bonds, Series 2023B, (d) Water Supply System Junior Lien Revenue Bonds, Series 2024B, and (e) Water Supply System Junior Lien Revenue Bonds, Series 2025B (together the "Outstanding Junior Lien Bonds"). The City has covenanted and agreed to fix and maintain at all times while any of such bonds shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for payment of the necessary expenses of operation, maintenance and administration of the System, to produce net revenues equal to one-hundred twenty percent (120%) of the annual principal and interest on all of the bonds when due, to maintain a bond reserve account therefor, and to provide for such other expenditures and funds for the System as are required by the Ordinances.

The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

ADDITIONAL BONDS: For the terms upon which additional bonds of equal standing with the bonds of this issue and the Outstanding Bonds as to the Net Revenues of the System may be issued, reference is made to the above described Ordinances.

GOOD FAITH: A good faith deposit in the form of a certified or cashier's check drawn upon an incorporated bank or trust company, or wire transfer, in the amount of $221,000 payable to the order of the Treasurer of the City will be required of the successful bidder. The successful bidder is required to submit its good faith deposit to the City as instructed by the City not later than Noon, prevailing Eastern Time, on the next business day following the sale. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith check. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS-TRUE INTEREST COST: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on March 1, 2026 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment date to October 28, 2025 (the anticipated delivery date), in an amount equal to the bid price, excluding accrued interest, if any. For the purpose of computing the true interest cost, the bonds shall be deemed to become due in the principal amounts and at the times set forth above, whether the bonds are serial bonds or mandatory sinking fund redemptions for such term bonds. Each bidder shall state in its bid the true interest cost to the City, computed in the manner specified above.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or by any taxing authority within the State of Michigan except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

ISSUE PRICE: The winning bidder shall assist the City in establishing the issue price of the bonds and shall execute and deliver to the City at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached either as Appendix __ or Appendix __ of the preliminary official statement, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City and Bond Counsel.

The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the bonds) will apply to the initial sale of the bonds (the "Competitive Sale Requirements") because:

a. the City is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;

b. all bidders shall have an equal opportunity to bid;

c. the City anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and

d. the City anticipates awarding the sale of the bonds to the bidder who submits a firm offer to purchase the bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the bonds, as specified in the bid.

In the event that all of the Competitive Sale Requirements are not satisfied, the City shall so advise the winning bidder. The City will <u>not</u> require bidders to comply with the "hold-the-offering price rule" (as described below), and therefore does not intend to use the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity, though the winning bidder, in consultation with the City, may elect to apply the "hold-the-offering price rule" (as described below). Bids will <u>not</u> be subject to cancellation in the event the Competitive Sale Requirements are not satisfied. Unless a bidder intends to apply the "hold-the-offering price rule" (as described below), bidders should prepare their bids on the assumption that all of the maturities of the bonds will be subject to the 10% Test (as described below). The winning bidder must notify the City of its intention to apply either the "hold-the-offering price rule" or the 10% Test at or prior to the time the bonds are awarded.

If the winning bidder <u>does not</u> request that the "hold-the-offering price rule" apply to determine the issue price of the bonds, then the following two paragraphs shall apply:

a. The City shall treat the first price at which 10% of a maturity of the bonds (the "10% Test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the Bonds satisfies the 10% Test as of the date and time of the award of the bonds; and

b. Until the 10% Test has been satisfied as to each maturity of the bonds, the winning bidder agrees to promptly report to the City the prices at which the unsold bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all bonds of that maturity have been sold or (ii) the 10% Test has been satisfied as to the bonds of that maturity, provided that, the winning bidder's reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

If the winning bidder does request that the "hold-the-offering price rule" apply to determine the issue price of the bonds, then the following three paragraphs shall apply:

a. The winning bidder, in consultation with the City, may determine to treat (i) pursuant to the 10% Test, the first price at which 10% of a maturity of the bonds is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity (the "hold-the-offering price rule"), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds. The winning bidder shall promptly advise the City, at or before the time of award of the bonds, which maturities of the bonds shall be subject to the 10% Test or shall be subject to the hold-the-offering price rule or both.

b. By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the bonds to the public on or before the date of the award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder, and (ii) if the hold-the-offering-price rule applies, agree, on behalf of the underwriters participating in the purchase of the bonds, that the underwriters will neither offer nor sell unsold bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

    i. the close of the fifth (5^{th}) business day after the sale date; or

    ii. the date on which the underwriters have sold at least 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public;

The winning bidder shall promptly advise the City when the underwriters have sold 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5^{th}) business day after the sale date.

c. The City acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds.

By submitting a bid, each bidder confirms that:

a. any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, (A)(i) to report the prices at which it sells to the public the unsold bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% Test has been satisfied as to the bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, and (ii) to comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the winning bidder and as set forth in the related pricing wires, (B) to promptly notify the winning bidder of any sales of bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public.

b. any agreement among underwriters or selling group agreement relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to (i) report the prices at which it sells to the public the unsold bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% Test has been satisfied as to the bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, and (ii) comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the winning bidder or the underwriter and as set forth in the related pricing wires.

Sales of any bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of establishing issue price. Further, for purposes of this Notice of Sale:

a. "public" means any person other than an underwriter or a related party,

b. "underwriter" means (A) any person that agrees pursuant to a written contract with the City (or with the lead Underwriter to form an underwriting syndicate) to participate in the initial sale of the bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the bonds to the public);

c. a purchaser of any of the bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and

d. "sale date" means the date that the bonds are awarded by the City to the winning bidder.

NOT QUALIFIED TAX EXEMPT OBLIGATIONS: The City has not designated the bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of

Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials. In submitting a bid for the bonds, the bidder agrees to the representation of the City by Miller, Canfield, Paddock and Stone, P.L.C., as bond counsel.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if the 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds. Application for CUSIP numbers will be made by MFCI, LLC, financial advisors to the City. The CUSIP Service Bureau's charge for the assignment of CUSIP identification numbers shall be paid by the purchaser.

OFFICIAL STATEMENT: An electronic copy of the preliminary Official Statement that the City deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained from MFCI, LLC, financial advisors to the City, at the email address and telephone listed under FINANCIAL ADVISOR below. MFCI, LLC will provide the winning bidder with an electronic copy of the final Official Statement within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2-12. Within 24 hours of the time of sale, the purchaser may request printed copies of the Official Statement from MFCI, LLC. The purchaser agrees to pay the cost of additional copies.

BOND INSURANCE AT PURCHASER'S OPTION: If the bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the bonds. Any and all increased costs of issuance of the bonds resulting from such purchase of insurance shall be paid by the purchaser, except that if the City has requested and received a rating on the bonds from a rating agency, the City shall pay the fee for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE

PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City has agreed to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, or prior to the last day of the sixth month after the end of each fiscal year commencing with the fiscal year ended December 31, 2025, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

FINANCIAL ADVISOR: Further information relating to the bonds may be obtained from MFCI, LLC, 435 Union Street, Milford, MI 48381. Telephone (313) 782-3011. Fax (313) 782-3011. Email wc@mfci.com.

BIDDER CERTIFICATION: NOT "IRAN-LINKED BUSINESS" By submitting a bid, the bidder shall be deemed to have certified that it is not an "Iran-Linked Business" as defined in Act 517, Michigan Public Acts of 2012, being MCL 129.311 et. seq.

THE RIGHT IS RESERVED TO REJECT ANY AND ALL BIDS.

Scott A. Borling
City Clerk
City of Kalamazoo

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

AYES: Members: ______________________________

____

NAYS: Members: ______________________________

RESOLUTION DECLARED ADOPTED.

____
Scott A. Borling, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, at a regular meeting held on September 2, 2025, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

____
Scott A. Borling, City Clerk

44389577.1/046053.00254

Date: **9/2/2025**
Item: **H.6.**

City Commission Agenda Report

City of Kalamazoo

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

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

DATE: September 2, 2025

SUBJECT: Authorizing Ordinance and Notice of Sale Resolution for Wastewater Supply System Revenue Bonds, Series 2025

RECOMMENDATION:

It is recommended that the City Commission adopt the attached Ordinance Authorizing Wastewater Supply System Revenue Bonds, Series 2025 in the amount not to exceed $11,440,000; and adopt a Notice of Sale Resolution.

BACKGROUND:

The City Commission on March 3, 2025, adopted a Notice of Intent Resolution to issue Wastewater Supply System Revenue Bonds, Series 2025. This Resolution initiated the process of issuing debt to finance the Wastewater System's FY 2024 Capital Improvement program in the amount not to exceed $11,500,000, in accordance with the Adopted FY 2025 Budget.

Under the provisions of the Resolution and State law, the public was notified of the City's intent to issue this debt, and has been provided with a 45-day period to circulate petitions for a referendum. That 45-day period expired in April with no petition having been issued to the City. The City is authorized to issue the debt at this time.

The Ordinance contains the mandatory requirements for Revenue Bond Ordinances as required by the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended. The Ordinance sets forth the terms of the Bonds and provides for a competitive sale of the Bonds. The Ordinance is in a form similar to previous revenue bond ordinances of the City.

Pursuant to Section 6 of the Revenue Bond Act, the Ordinance may be adopted in one reading without a public hearing, regardless of any contrary provision in the City Charter.

Also included is the Notice of Sale Resolution for the Wastewater System Revenue Bonds. This authorizes the publication of the Notice of Sale for the Bonds and contains the form of the Notice of Sale that we will arrange to publish prior to the sale.

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 annual debt service on this bond service is included in the City's Adopted FY 2025 Budget and the 2025 rates as approved.

ORDINANCE NO. ____

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF WASTEWATER SYSTEM REVENUE BONDS TO PAY THE COST OF THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, IMPROVEMENTS AND EXTENSIONS TO THE WASTEWATER SYSTEM OF THE CITY AND TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND CERTAIN OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM.

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

(b) "Authorized Officers" means either the City Manager, Deputy City Manager or Director of Management Services and Chief Financial Officer.

(c) "Bonds" means the Series 2025 Bonds, the Outstanding Bonds and any additional Bonds of equal standing hereafter issued.

(d) "Issuer" or "City" means the City of Kalamazoo, County of Kalamazoo, State of Michigan.

(e) "Outstanding Bonds" means the Series 2018 Bonds, the Series 2019 Bonds, the Series 2020 Bonds, the Series 2021 Bonds, the Series 2022 Bonds, the Series 2023 Bonds and the Series 2024 Bonds.

(f) "Outstanding Junior Lien Bonds" means the Series 2023A Bonds.

(g) "Outstanding Ordinances" means Ordinances Nos. 1718, 1960, 1988, 2006, 2028, 2046, 2070 and 2085 of the City.

(h) "Project" means the additions, extensions and improvements to the System, including new and replacement mains, interceptor upgrades and improvements, lift station improvements, treatment plant improvements and other facilities improvements, together with all necessary structures, equipment, furnishings, site improvements and all appurtenances and attachments.

(i) “Revenues” and “Net Revenues” mean the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to “Revenues”, the earnings derived from the investment of moneys in the various funds and accounts established by the Outstanding Ordinances and this Ordinance.

(j) “Sale Order” means the Sale Order to be executed by an Authorized Officer of the Issuer respecting the sale of the Series 2025 Bonds.

(k) “Series 2018 Bonds” means the Wastewater System Revenue Bonds, Series 2018, dated May 23, 2018, in the outstanding principal amount of Four Million Nine Hundred Fifteen Thousand Dollars ($4,915,000).

(l) “Series 2019 Bonds” means the Wastewater System Revenue Bonds, Series 2019, dated June 25, 2019, in the outstanding principal amount of Eight Million Three Hundred Seventy-Five Thousand Dollars ($8,375,000).

(m) “Series 2020 Bonds” means the Wastewater System Revenue Bonds, Series 2020, dated June 17, 2020, in the outstanding principal amount of Nine Million Two Hundred Fifty-Five Thousand Dollars ($9,255,000).

(n) “Series 2021 Bonds” means the Wastewater System Revenue Refunding Bond, Series 2021, dated April 27, 2021, in the outstanding principal amount of One Million Three Hundred Twenty Thousand Dollars ($1,320,000).

(o) “Series 2022 Bonds” means the Wastewater System Revenue and Revenue Refunding Bonds, Series 2022, dated April 14, 2022, in the outstanding principal amount of Twenty-Five Million Six Hundred Ten Thousand Dollars ($25,610,000).

(p) “Series 2023A Bonds” means the Wastewater System Junior Lien Revenue Bonds, Series 2023, dated May 5, 2023, in the outstanding principal amount of Seven Million One Hundred Thirty-Five Thousand Dollars ($7,135,000).

(q) “Series 2023 Bonds” means the Wastewater System Revenue Bonds, Series 2023, dated October 5, 2023, in the outstanding principal amount of Nineteen Million Five Hundred Thousand Dollars ($19,500,000).

(r) “Series 2024 Bonds” means the Wastewater System Revenue Bonds, Series 2023, dated October 3, 2024, in the outstanding principal amount of Nine Million Four Hundred Ninety Thousand Dollars ($9,490,000).

(s) “Series 2025 Bonds” means the Wastewater System Revenue Bonds, Series 2025, authorized pursuant to this Ordinance.

(t) “Sufficient Government Obligations” means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

(u) "System" means the entire Wastewater System of the City as defined in the Outstanding Ordinances.

(v) "Transfer Agent" means Argent Institutional Trust Company, Grand Rapids, Michigan.

Section 2. Necessity; Public Purpose; Estimated Cost and Life of Project. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project. The estimated cost of acquiring and constructing the Project including engineering, contingencies, legal and financing expenses, in an amount of not to exceed Eleven Million Four Hundred Forty Thousand Dollars ($11,440,000) is hereby approved. The Issuer does hereby estimate the period of usefulness of the Project to be at least twenty-five (25) years.

Section 3. Payment of Cost; Bonds Authorized. To pay the costs associated with acquiring and constructing the Project, including legal, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2025 Bonds, the Issuer shall borrow the sum of not to exceed Eleven Million Four Hundred Forty Thousand Dollars ($11,440,000), as finally determined in the Sale Order and issue the Series 2025 Bonds therefor pursuant to the provisions of Act 94. The remaining costs, if any, shall be defrayed from System funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Outstanding Ordinances shall apply to the Series 2025 Bonds issued pursuant to this Ordinance, the same as though each of the provisions were repeated in this Ordinance in detail; the purpose of this Ordinance being to authorize the issuance of additional revenue bonds of equal standing and priority of lien as to the Outstanding Bonds and senior in standing and priority of lien with respect to the Outstanding Junior Lien Bonds to finance the cost of acquiring additions, extensions and improvements to the System, with such additional bonds of equal standing and priority of lien as to the Outstanding Bonds and senior standing and priority of lien with the Outstanding Junior Lien Bonds for such purpose being authorized by the provisions of the Outstanding Ordinances, upon the conditions therein stated, which conditions have been fully met..

Section 4. Bond Details. The Series 2025 Bonds shall be designated WASTEWATER SYSTEM REVENUE BONDS, SERIES 2025, shall be payable solely and only out of the Net Revenues, as set forth more fully herein, shall consist of bonds of the denomination of $5,000, or integral multiples of $5,000 not exceeding in any one year the amount maturing in that year, dated as of the date of delivery or such other date as shall be determined in the Sale Order, numbered in order of authentication, and shall mature on October 1st in the years and amounts as follows, or such other years of maturity and principal amounts as shall be determined in the Sale Order:

Year	Amount	Year	Amount
2026	$325,000	2039	$440,000
2027	300,000	2040	460,000
2028	305,000	2041	480,000
2029	315,000	2042	500,000
2030	325,000	2043	525,000
2031	335,000	2044	550,000
2032	340,000	2045	580,000
2033	355,000	2046	605,000
2034	365,000	2047	635,000
2035	375,000	2048	670,000
2036	390,000	2049	700,000
2037	405,000	2050	735,000
2038	425,000		

The Series 2025 Bonds shall bear interest at a rate or rates determined on the sale thereof, but in any event not exceeding 6% per annum, payable on October 1 and April 1 of each year, commencing April 1, 2026, or such date as determined in the Sale Order, by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The principal of the Series 2025 Bonds shall be payable at the principal corporate trust office of the Transfer Agent. The Series 2025 Bonds shall be sold at a price not less than 99% of their par value.

The Series 2025 Bonds may be subject to redemption prior to maturity at the times and prices and in the manner finally determined in the Sale Order.

In case less than the full amount of an outstanding Bond is called for redemption, the Transfer Agent upon presentation of the Bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Bonds contained in Section 14 of this Ordinance.

Section 5. Execution of Bonds. The Series 2025 Bonds shall be executed in the name of the Issuer with the facsimile signatures of the Mayor and the City Clerk and shall have a facsimile of the Issuer's seal printed on them. No Bond signed by facsimile signature shall be valid until authenticated by an authorized signer of the Transfer Agent. The Series 2025 Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser in accordance with instructions from an Authorized Officer upon payment of the purchase price for the Series 2025 Bonds in accordance with the bid when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

Section 6. Registration and Transfer. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained herein and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part.

The Transfer Agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Series 2025 Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the Transfer Agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on the books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the Transfer Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Transfer Agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Transfer Agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the Transfer Agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the Transfer Agent may pay the same without surrender thereof.

The Series 2025 Bonds may be issued in book-entry-only form through the Depository Trust Company in New York, New York ("DTC") and any Authorized Officer of the City is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Series 2025 Bonds in book-entry-only form and to make such changes in the Bond form within the parameters of this Ordinance as may be required to accomplish the foregoing.

Section 7. Payment of Series 2025 Bonds. The Series 2025 Bonds and the interest thereon shall be payable solely and only from the Net Revenues, and to secure such payment, there is hereby recognized a statutory lien upon the whole of the Net Revenues which shall be a first lien to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. The statutory first lien referred to herein shall be of equal standing and priority with the City's Outstanding Bonds and senior in standing and priority with the City's Outstanding Junior Lien Bonds. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under this Ordinance.

Section 8. Bondholders' Rights; Receiver. The holder or holders of the Outstanding Bonds representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest on the Series 2025 Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Series 2025 Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Series 2025 Bonds and the security therefor.

Section 9. Rates and Charges. The rates and charges for service furnished by and the use of the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date hereof, as the same shall be increased from time to time.

Section 10. No Free Service or Use. No free service or use of the System, or service or use of the System at less than the reasonable cost and value thereof, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 11. Fixing and Revising Rates. The rates presently in effect in the City are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. In addition, the rates shall be set from time to time so that there shall be produced Net Revenues in an amount equal to 110% of the principal of and interest on the Bonds coming due in each fiscal year. The rates shall be reviewed not less than once a year and shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

Section 12. Bond Reserve Fund. The Reserve Account in the Bond and Interest Redemption Fund, as established by the Outstanding Ordinances shall be adjusted in such amounts, so that upon issuance of the Series 2025 Bonds, the Bond Reserve Account shall total a sum equal to the lesser of (a) the maximum annual principal and interest requirements on the Bonds outstanding after issuance of the additional Bonds, (b) 125% of the average annual debt service on the Bonds after issuance of the additional Bonds, or (c) an amount equal to 10% of the principal amount of the Bonds (the "Bond Reserve Requirement"). In the event that the amount in the Reserve Account is greater than the Bond Reserve Requirement, such excess amount shall be transferred to the Bond and Interest Redemption Fund described herein. If it is necessary to increase the amount in the Bond Reserve Account, the City shall deposit a sum from the moneys on hand in the System prior to delivery of the Bonds so that the Bond Reserve Account is fully funded as of the delivery of the Bonds.

Section 13. Disposition of Bond Proceeds. There is hereby established in a bank insured by the Federal Deposit Insurance Corporation to be selected by the Director of Management Services and Chief Financial Officer, a separate depositary account to be designated "Wastewater System Revenue Bonds, Series 2025 Construction Fund", the moneys from time to time on deposit to be used solely to pay the cost of the Project and the incidental costs set forth in Section 4 of this Ordinance. The proceeds of sale of the Series 2025 Bonds shall be allocated and used as follows, or as set forth in the Sale Order:

First, any accrued interest for the Series 2025 Bonds, if any, shall be deposited into the Bond and Interest Redemption Fund established by the Outstanding Ordinances.

Second, an amount necessary to fully fund the Bond Reserve Account shall be deposited into the Reserve Account in the Bond and Interest Redemption Fund.

Third, the amount of funds necessary to pay the costs of the Project, as set forth in the Sale Order, shall be deposited in the Series 2025 Bonds Construction Fund. Moneys in the Construction Fund shall be applied solely in payment of the cost of the acquisition and construction of the Project, including any engineering expenses incident thereto. Any payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City Commission a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that the work is satisfactory and that any such work has not been previously paid for. The investment of the Bonds shall be limited as may be required by federal law.

Fourth, the remaining proceeds of the Series 2025 Bonds shall be used to pay the costs of issuance of the Series 2025 Bonds.

Any unexpended balance of the proceeds of sale of the Bonds in the Construction Fund remaining after completion of the Project may, in the discretion of the Issuer, be used for further improvements and extensions to the System: provided, that, at the time of such expenditure, such use be approved by the Michigan Department of Treasury. Any remaining balance after such expenditure, or in the event no such expenditure is made, the entire unexpended balance shall be paid into the Bond and Interest Redemption Fund and used for the redemption or purchase of callable Bonds or for any other purpose permitted by Act 94. The proceeds of sale of the bonds may be invested in whole or in part in the manner provided by Act 94.

Section 14. Bond Form. The Series 2025 Bonds shall be in substantially the following form with such changes as may be approved by an Authorized Officer and Bond Counsel:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF KALAMAZOO

CITY OF KALAMAZOO

WASTEWATER SYSTEM REVENUE BOND, SERIES 2025

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	October 1, 20__	___________, 2025	

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

The City of Kalamazoo, County of Kalamazoo, State of Michigan (the "Issuer"), for value received, hereby promises to pay, solely and only out of the hereinafter described Net Revenues of the Issuer's Wastewater System (hereinafter defined) the Principal Amount shown above in lawful money of the United States of America to the Registered Owner shown above, or registered assigns, on the Maturity Date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue shown above or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, first payable on March 1, 2026, and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the corporate trust office of Argent Institutional Trust Company, Grand Rapids, Michigan (the "Transfer Agent") or such other Transfer Agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any interest payment date. Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the Transfer Agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Wastewater System of the Issuer, including all appurtenances, extensions and improvements thereto (the "System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of _________ Dollars ($___________), issued pursuant to Ordinances Nos. 1718, 1960, 1988, 2006, 2028, 2046, 2070, 2085 and ___ of the Issuer, duly adopted by the City Commission of the Issuer (together, the "Ordinances"), and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of

Michigan, 1933, as amended, for the purpose of paying the cost of acquiring and constructing additions, extensions and improvements to the System.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing as to the Net Revenues may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinances. The bonds of this issue are of equal standing and priority of lien as to the Net Revenues with the Issuer's (a) Wastewater System Revenue Bonds, Series 2018, (b) Wastewater System Revenue Bonds, Series 2019, (c) Wastewater System Revenue Bonds, Series 2020, (d) Wastewater System Revenue Refunding Bonds, Series 2021, e) Wastewater System Revenue and Revenue Refunding Bonds, Series 2022 , f) Wastewater System Revenue Bonds, Series 2023, and g) Wastewater System Revenue Bonds, Series 2024 (together the "Outstanding Bonds").

Bonds of this issue maturing in the years 2026 to 2035, inclusive, are not subject to redemption prior to maturity. Bonds or portions of bonds in multiples of $5,000 maturing in the year 2036 and thereafter may be redeemed at the option of the Issuer, in such order as the Issuer shall determine and within any maturity by lot, on any date on or after October 1, 2035 at par and accrued interest to the date fixed for redemption.

[insert any mandatory redemption or extraordinary redemption provisions]

In case less than the full amount of an outstanding bond is called for redemption the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption of any bond or portion thereof shall be given by the Transfer Agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the Transfer Agent. Bonds shall be called for redemption in multiples of $5,000 and any bond of a denomination of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bond or portion thereof.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charter debt limitation of the Issuer but is payable solely and only, both as to principal and interest, from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest on and the principal of the bonds of this issue, the Outstanding Bonds and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinances.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the Transfer Agent by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinances authorizing the bonds, and the Outstanding Bonds, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Kalamazoo, County of Kalamazoo, State of Michigan, by its City Commission, has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed on this bond, all as of the Date of Original Issue.

CITY OF KALAMAZOO

By: __________________________
Mayor

(Seal)

Countersigned:

____
City Clerk

Certificate of Authentication

This bond is one of the bonds described in the within-mentioned Ordinances.

Argent Institutional Trust Company
Grand Rapids, Michigan
Transfer Agent

By: __________________________
Authorized Signatory

Date of Registration: ____________________

Section 15. Adjustment of Bond Terms. The Authorized Officers are each hereby authorized to adjust the final bond details as set forth herein to the extent necessary or convenient to complete the sale of the Series 2025 Bonds and in pursuance of the forgoing are each authorized to exercise the authority and make the determinations pursuant to Sections 7a(1)(c)(i) and (v) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights, and other matters within the parameters established by this Ordinance.

Section 16. Notice of Sale; Sale Order; Award of Sale of Series 2025 Bonds. The Authorized Officers are each hereby authorized to fix a date of sale for the Series 2025 Bonds and to publish a notice of sale of the Series 2025 Bonds in The Bond Buyer, New York, New York, which notice of sale shall be in the form as recommended by the City's Bond Counsel. The Authorized Officers are each hereby authorized on behalf of the City to execute a Sale Order awarding the sale of the Series 2025 Bonds to the bidder whose bid meets the requirements of law and the terms of the Official Notice of Sale as published.

The Authorized Officers are each hereby authorized on behalf of the City to execute a Sale Order evidencing the final terms of the Series 2025 Bonds, and to take all other necessary actions required to effectuate the sale, issuance and delivery of the Series 2025 Bonds within the parameters authorized in this Ordinance.

Section 17. Tax Covenant. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Series 2025 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of the proceeds of the Series 2025 Bonds and moneys deemed to be proceeds of the Series 2025 Bonds.

Section 18. Continuing Disclosure. The City covenants to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and the Authorized Officers are each hereby authorized to execute such undertaking prior to delivery of the Series 2025 Bonds.

Section 19. Other Matters. The Authorized Officers are each authorized and directed to (a) approve the circulation of a preliminary official statement describing the Bonds and to deem the preliminary official statement "final" for purposes of Rule 15c2-12 of the SEC; (b) solicit bids for and approve the purchase of a municipal bond insurance policy for the Bonds; (c) apply for ratings on the Bonds; and (d) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Bonds.

Section 20. Appointment of Bond Counsel. The appointment of the law firm of Miller, Canfield, Paddock and Stone, P.L.C. of Detroit, Michigan, as Bond Counsel for the Bonds is hereby confirmed, notwithstanding its periodic representation in unrelated matters of potential parties to the Bonds.

Section 21. Appointment of Municipal Advisor. MFCI, LLC, Milford, Michigan, is hereby appointed as municipal advisor for the Bonds.

Section 22. Savings Clause. The Outstanding Ordinances shall continue in effect, except as specifically supplemented or altered herein.

Section 23. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 24. Publication and Recordation. This Ordinance shall be published in full in the ***Kalamazoo Gazette***, a newspaper of general circulation in the City, qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

Section 25. Effective Date. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall immediately be effective upon its adoption.

Adopted and signed this 2nd day of September, 2025.

Signed: ________________________
Mayor

Signed: ________________________
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Commission of the City of Kalamazoo, County of Kalamazoo, Michigan, at a Regular Meeting held on September 2, 2025, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

I further certify that the following Members were present at the meeting: ______
____
and that the following Members were absent: _______________________________________.

I further certify that Member _________________ moved adoption of the Ordinance, and that the motion was supported by Member __________________.

I further certify that the following Members voted for adoption of the Ordinance: ____

and that the following Members voted against adoption of the Ordinance: ____________ ____.

I further certify that the Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and City Clerk.

____
City Clerk

44392611.1/046053.00253

NOTICE OF SALE RESOLUTION 25-____
WASTEWATER SYSTEM REVENUE BONDS, SERIES 2025

CITY OF KALAMAZOO
County of Kalamazoo, Michigan

Minutes of a regular meeting of the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, held on September 2, 2025 at 7:00 o'clock p.m., prevailing Eastern Time.

PRESENT: Members: ____
____

ABSENT: Members: ____

The following preamble and resolution were offered by Member __________________ and supported by Member ______________________:

WHEREAS, the City of Kalamazoo, County of Kalamazoo, State of Michigan (the "City"), has by an Ordinance duly adopted as of the date hereof (the "Ordinance"), authorized the issuance and sale of not to exceed Eleven Million Four Hundred Forty Thousand Dollars ($11,440,000) in principal amount of the City's Wastewater System Revenue Bonds, Series 2025 (the "Bonds"); and

WHEREAS, it is necessary to authorize and approve the publication of a notice of sale in accordance with the Ordinance.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization to Fix Date of Sale. The City's Director of Management Services and Chief Financial Officer is hereby authorized and directed to fix the date for the sale of the Bonds.

2. Publication of Notice of Sale. The City Clerk shall cause an official Notice of Sale of the Bonds to be published in the Bond Buyer, New York, New York at least seven (7) full days before the date fixed for sale.

3. Form of Notice of Sale. The Notice of Sale of the Bonds shall be in substantially the following form:

<u>OFFICIAL NOTICE OF SALE</u>
$11,440,000*
CITY OF KALAMAZOO
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
WASTEWATER SYSTEM REVENUE BONDS, SERIES 2025
Subject to adjustment as set forth in this Notice of Sale

Bids for the purchase of the above bonds will be received in the manner described in this Official Notice of Sale on Tuesday, October 7, 2025 until 11:30 a.m., prevailing Eastern Time, at which time and place the bids will be publicly opened and read. The award or rejection of bids will occur on the same date.

<u>ELECTRONIC BIDS</u>: Bidders may submit bids for the purchase of the above bonds as follows:

Electronic bids may be submitted to the Municipal Advisory Council of Michigan at munibids@macmi.com; provided that electronic bids must arrive before the time of sale.

Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10018, (212) 849-5021. IF ANY PROVISION OF THIS OFFICIAL NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS OFFICIAL NOTICE OF SALE SHALL CONTROL.

Bidders may choose any means or location to present bids but a bidder may not present a bid in more than one location or by more than one means. <u>Each bidder bears all risks associated with the submission, transmission and delivery of its bid.</u>

<u>BOND DETAILS:</u> The bonds will be registered bonds of the denomination of $5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of the date of delivery, numbered in order of registration, and will bear interest from their date payable on April 1, 2026, and semiannually thereafter.

The bonds will mature on the 1st day of October in each of the years, as follows:

Year	Amount	Year	Amount
2026	$325,000	2039	$440,000
2027	300,000	2040	460,000
2028	305,000	2041	480,000
2029	315,000	2042	500,000
2030	325,000	2043	525,000
2031	335,000	2044	550,000
2032	340,000	2045	580,000
2033	355,000	2046	605,000

2034	365,000	2047	635,000
2035	375,000	2048	670,000
2036	390,000	2049	700,000
2037	405,000	2050	735,000
2038	425,000		

***ADJUSTMENT OF TOTAL PAR AMOUNT OF BONDS AND PRINCIPAL MATURITIES:** The City reserves the right to adjust the aggregate principal amount of the bonds after receipt of the bids and prior to final award, if necessary, so that the purchase price of the bonds will provide an amount determined by the City to be sufficient to construct the project and to pay costs of issuance of the bonds. The adjustments, if necessary, will be in increments of $5,000. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

***ADJUSTMENT TO PURCHASE PRICE:** Should any adjustment to the aggregate principal amount of the bonds be made by the City, the purchase price of the bonds will be adjusted by the City proportionally to the adjustment in principal amount of the bonds. The adjusted purchase price will reflect changes in the dollar amount of the underwriter's discount and original issue discount/premium, if any, but will not change the per-bond underwriter's discount as calculated from the bid and initial reoffering prices.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not less than 5% per annum and not exceeding 6% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/100 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. No proposal for the purchase of less than all of the bonds or at a price that is less than 99% of their par value will be considered.

PRIOR REDEMPTION OF BONDS: Bonds maturing in the years 2026 to 2035, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of $5,000 maturing in the year 2036 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after October 1, 2035, at par and accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

TERM BOND OPTION: The initial purchaser of the bonds may designate any one or more maturities from 2026 through the final maturity as term bonds and the consecutive maturities on or after the year 2026 which shall be aggregated in the term bonds. The amount of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on October 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time bids are submitted and must be listed on the bid.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. In the event of registration with DTC, the purchaser will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds. In the alternative, the successful bidder may request bond certificates to be delivered to the purchaser as one fully registered bond per maturity.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the corporate trust office of Argent Institutional Trust Company, Grand Rapids, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the City as of the 15th day of the month preceding an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are issued under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and certain Ordinances of the City, for the purpose of defraying the cost of acquiring and constructing additions, extensions and improvements to the City's Wastewater System (the "System"). The bonds are payable solely and only from the Net Revenues of the System and any additions thereto, and a statutory first lien on the Net Revenues has been established by the Ordinances. The bonds and the lien are of equal standing and priority of lien as to the Net Revenues with the City's (a) Wastewater System Revenue Bonds, Series 2018, (b) Wastewater System Revenue Bonds, Series 2019, (c) Wastewater System Revenue Bonds, Series 2020, (d) Wastewater System Revenue Refunding Bonds, Series 2021, (e) Wastewater System Revenue and Revenue Refunding Bonds, Series 2022, (f) Wastewater System Revenue Bonds, Series 2023 and (g) , (f) Wastewater System Revenue Bonds, Series 2024 (together the "Outstanding Bonds"). The Bonds are of senior standing and priority of lien as to the Net Revenues with the City's Wastewater System Junior Lien Revenue Bonds, Series 2023A (together the "Outstanding Junior Lien Bonds"). The City has covenanted and agreed to fix and maintain at all times while any of such bonds shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for payment of the necessary expenses of operation, maintenance and administration of the System, to produce net revenues equal to one-hundred ten percent (110%) of the annual principal and interest on all of the bonds when due, to maintain a bond reserve account therefor, and to provide for such other expenditures and funds for the System as are required by the Ordinances.

The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

ADDITIONAL BONDS: For the terms upon which additional bonds of equal standing with the bonds of this issue and the Outstanding Bonds as to the Net Revenues of the System may be issued, reference is made to the above described Ordinances.

GOOD FAITH: A good faith deposit in the form of a certified or cashier's check drawn upon an incorporated bank or trust company, or wire transfer, in the amount of $114,400 payable to the order of the Treasurer of the City will be required of the successful bidder. The successful bidder is required to submit its good faith deposit to the City as instructed by the City not later than Noon, prevailing Eastern Time, on the next business day following the sale. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith check. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS-TRUE INTEREST COST: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on April 1, 2026 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment date to October 28, 2025 (the anticipated delivery date), in an amount equal to the bid price, excluding accrued interest, if any. For the purpose of computing the true interest cost, the bonds shall be deemed to become due in the principal amounts and at the times set forth above, whether the bonds are serial bonds or mandatory sinking fund redemptions for such term bonds. Each bidder shall state in its bid the true interest cost to the City, computed in the manner specified above.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or by any taxing authority within the State of Michigan except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

ISSUE PRICE: The winning bidder shall assist the City in establishing the issue price of the bonds and shall execute and deliver to the City at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached either as Appendix _ or Appendix _ of the preliminary official statement, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City and Bond Counsel.

The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the bonds) will apply to the initial sale of the bonds (the "Competitive Sale Requirements") because:

a. the City is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;

b. all bidders shall have an equal opportunity to bid;

c. the City anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and

d. the City anticipates awarding the sale of the bonds to the bidder who submits a firm offer to purchase the bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the bonds, as specified in the bid.

In the event that all of the Competitive Sale Requirements are not satisfied, the City shall so advise the winning bidder. The City will <u>not</u> require bidders to comply with the "hold-the-offering price rule" (as described below), and therefore does not intend to use the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity, though the winning bidder, in consultation with the City, may elect to apply the "hold-the-offering price rule" (as described below). Bids will <u>not</u> be subject to cancellation in the event the Competitive Sale Requirements are not satisfied. Unless a bidder intends to apply the "hold-the-offering price rule" (as described below), bidders should prepare their bids on the assumption that all of the maturities of the bonds will be subject to the 10% Test (as described below). The winning bidder must notify the City of its intention to apply either the "hold-the-offering price rule" or the 10% Test at or prior to the time the bonds are awarded.

If the winning bidder <u>does not</u> request that the "hold-the-offering price rule" apply to determine the issue price of the bonds, then the following two paragraphs shall apply:

a. The City shall treat the first price at which 10% of a maturity of the bonds (the "10% Test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the Bonds satisfies the 10% Test as of the date and time of the award of the bonds; and

b. Until the 10% Test has been satisfied as to each maturity of the bonds, the winning bidder agrees to promptly report to the City the prices at which the unsold bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all bonds of that maturity have been sold or (ii) the 10% Test has been satisfied as to the bonds of that maturity, provided that, the winning bidder's reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

If the winning bidder does request that the "hold-the-offering price rule" apply to determine the issue price of the bonds, then the following three paragraphs shall apply:

a. The winning bidder, in consultation with the City, may determine to treat (i) pursuant to the 10% Test, the first price at which 10% of a maturity of the bonds is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity (the "hold-the-offering price rule"), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds. The winning bidder shall promptly advise the City, at or before the time of award of the bonds, which maturities of the bonds shall be subject to the 10% Test or shall be subject to the hold-the-offering price rule or both.

b. By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the bonds to the public on or before the date of the award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder, and (ii) if the hold-the-offering-price rule applies, agree, on behalf of the underwriters participating in the purchase of the bonds, that the underwriters will neither offer nor sell unsold bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

    i. the close of the fifth (5^{th}) business day after the sale date; or

    ii. the date on which the underwriters have sold at least 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public;

The winning bidder shall promptly advise the City when the underwriters have sold 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5^{th}) business day after the sale date.

c. The City acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds.

By submitting a bid, each bidder confirms that:

a. any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, (A)(i) to report the prices at which it sells to the public the unsold bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% Test has been satisfied as to the bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, and (ii) to comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the winning bidder and as set forth in the related pricing wires, (B) to promptly notify the winning bidder of any sales of bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public.

b. any agreement among underwriters or selling group agreement relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to (i) report the prices at which it sells to the public the unsold bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% Test has been satisfied as to the bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, and (ii) comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the winning bidder or the underwriter and as set forth in the related pricing wires.

Sales of any bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of establishing issue price. Further, for purposes of this Notice of Sale:

a. "public" means any person other than an underwriter or a related party,

b. "underwriter" means (A) any person that agrees pursuant to a written contract with the City (or with the lead Underwriter to form an underwriting syndicate) to participate in the initial sale of the bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the bonds to the public);

c. a purchaser of any of the bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and

d. "sale date" means the date that the bonds are awarded by the City to the winning bidder.

NOT QUALIFIED TAX EXEMPT OBLIGATIONS: The City has not designated the bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials. In submitting a bid for the bonds, the bidder agrees to the representation of the City by Miller, Canfield, Paddock and Stone, P.L.C., as bond counsel.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, prevailing Eastern Time, on the 45^{th} day following the date of sale, or the first business day thereafter if the 45^{th} day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds. Application for CUSIP numbers will be made by MFCI, LLC, financial advisors to the City. The CUSIP Service Bureau's charge for the assignment of CUSIP identification numbers shall be paid by the purchaser.

OFFICIAL STATEMENT: An electronic copy of the preliminary Official Statement that the City deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained from MFCI, LLC, financial advisors to the City, at the email address and telephone listed under FINANCIAL ADVISOR below. MFCI, LLC will provide the winning bidder with an electronic copy of the final Official Statement within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2-12. Within 24 hours of the time of sale, the purchaser may request printed copies of the Official Statement from MFCI, LLC. The purchaser agrees to pay the cost of additional copies.

BOND INSURANCE AT PURCHASER'S OPTION: If the bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the bonds. Any and all increased costs of issuance of the bonds resulting from such purchase of insurance shall be paid by the purchaser, except that if the City has requested and received a rating on the bonds from a rating agency, the City shall pay the fee for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the

City has agreed to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, or prior to the last day of the sixth month after the end of each fiscal year commencing with the fiscal year ended December 31, 2025, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

FINANCIAL ADVISOR: Further information relating to the bonds may be obtained from MFCI, LLC, 435 Union Street, Milford, MI 48381. Telephone (313) 782-3011. Fax (313) 782-3011. Email wc@mfci.com.

BIDDER CERTIFICATION: NOT "IRAN-LINKED BUSINESS" By submitting a bid, the bidder shall be deemed to have certified that it is not an "Iran-Linked Business" as defined in Act 517, Michigan Public Acts of 2012, being MCL 129.311 et. seq.

THE RIGHT IS RESERVED TO REJECT ANY AND ALL BIDS.

Scott A. Borling
City Clerk
City of Kalamazoo

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

AYES: Members: ______________________________

____

NAYS: Members: ______________________________

RESOLUTION DECLARED ADOPTED.

____
Scott A. Borling, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, at a regular meeting held on September 2, 2025, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

____
Scott A. Borling, City Clerk

44392605.1/046053.00253

Date: **9/2/2025**
Item: **J.1.**

City Commission Agenda Report

City of Kalamazoo

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

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

DATE: September 2, 2025

SUBJECT: Update on the City Manager Search Process

RECOMMENDATION:

BACKGROUND:

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
[Insert Strategic Goal text snippet]

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
[Insert Community Engagement text snippet here]

FISCAL IMPACT: