Agenda
City Commission Business Meeting

City of Kalamazoo

Monday, November 16, 2020 7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation

2. Introduction of Guests

3. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

E. PUBLIC HEARINGS

F. PUBLIC COMMENTS

G. CONSENT AGENDA

(Action: Motion to approve items "1-10", postpone item "11" until December 7, 2020, and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a Professional Service Agreement with Wightman Associates for engineering services for the Real Time Decision Support System - Smart Sewer Shed- Phase I project in the amount of $197,300.

2. Approval of a contract with Veolia Water Technologies Inc. for the procurement of ten (10) rotating disc microfiltration units and two (2) automatic chemical cleaning skids in the amount of $3,222,500.

3. Approval of a contract with Zima Corporation for the procurement of a perforated plate screen unit in the amount of $152,755.

4. Approval of a Contract with Smalley Construction, Inc. for the Demolition and Cleanup of Four Vacant Houses/Structures on North Street and Woodward Avenue in the amount of $119,355.

5. Adoption of a RESOLUTION approving a State Trunkline Maintenance Contract with the State of Michigan, Department of Transportation and designating James J. Baker, PE, as the State Trunkline Maintenance Contract Administrator for the City of Kalamazoo.

6. Adoption of a RESOLUTION expanding the Social Districts containing Commons Areas to allow certain on-premises liquor licensees expanded use of shared areas for consumption of alcohol pursuant to Public Act 124 of 2020.

7. Acceptance of the 2020 Bulletproof Vest Grant award in the amount of $29,623.75 from the U.S. Department of Justice, Office of Justice Programs.

8. Approval of the sale of the City-owned lot at 1015 Albert Avenue to Kalamazoo Neighborhood Housing Services for $500.

9. Approval of an easement on City property, located at 1415 Harrison, to Consumers Energy to supply three-phase electric power to Graphic Packaging International and to the City of Kalamazoo Water Reclamation Plant.

10. Approval of the minutes from the City Commission meetings of February 17, February 24, March 2, March 16, March 31, April 20, April 27, May 4, May 18, June 1, June 15, July 6, July 20, and August 3, 2020.

11. Authorization for the City Manager to execute the acceptance of Good Faith Written Offers from the Michigan Department of Transportation to acquire easements and fee tittle to City-owned parcels adjacent to and within the I-94 right of way within the City. (*Postpone until December 7, 2020*)

H. REGULAR AGENDA

I. REPORTS AND LEGISLATION

1. City Manager's Report

J. UNFINISHED BUSINESS

K. POLICY ITEMS

L. NEW BUSINESS

M. COMMISSIONER COMMENTS

N. CLOSED SESSION

O. ADJOURNMENT

ADDITIONAL INFORMATION

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

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

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

Date: **11/16/2020**
Item: **G.1.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Griffin, 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: Ryan S. Stoughton, PE, Assistant City Engineer

DATE: November 16, 2020

SUBJECT: Professional Service Agreement with Wightman for Real Time Decision Support System; Smart Sewer Shed- Phase I (Bid Ref# 92500-002.0.12)

RECOMMENDATION:

It is recommended that the City Commission approve a Professional Service Agreement with Wightman for Real Time Decision Support System; Smart Sewer Shed- Phase I in the amount of $197,300.

BACKGROUND:

The Kalamazoo Water Reclamation Plant (Plant) is a Regional Advanced Activated Sludge Wastewater Treatment Plant which receives flow from various Retail and Wholesale Customer Communities. Utilizing existing means and methods, the Wastewater Division operates our hydraulic infrastructure on a reactive response. Also, sewer maintenance is currently primarily performed on an emergency response demand system with limited ability to perform productive sewer maintenance based on system need.

The primary goal of this project is to increase operational flexibility of our hydraulic infrastructure and efficiencies of performed system demand maintenance while decreasing long term maintenance costs and decreasing the adverse impacts on downstream systems and customers. The secondary goal of this project is to determine future increased capacity needs within the existing service area as well as inflow and infiltration reductions to gain increased value in our existing sewer pipe network.

STRATEGIC VISION ALIGNMENT:

<u>Relevant Priority Based Budgeting Program (program name and description):</u>

Primary - remove settable solids from the waste stream to be dewatered and landfilled.

Strategic Goal Impact:
Good Governance – Organizational Resources.
Safe Community – Water Management & Delivery
Environmental Responsibility – Water Management
Environmental Responsibility – Sustainability & Conservation
Economic Vitality – Asset Management

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Internal – no feasible alternatives available due to regulatory restrictions, operational standards and best practices.

FISCAL IMPACT:

Funding for the equipment procurement of this project is available via 5-year Capital Improvement Program (CIP) approved budget in project #wwr0100228 Real Time Decision Support System.

Fiscal Budget Breakdown:

2020 – via FY 2020 adopted CIP Project budget	$197,300.00
2021 – via FY 2021 Carry Forward 2020 adopted budget	$702,700.00
2022 – via FY 2021 proposed 5-year CIP budget	$500,000.00
2023 – via FY 2021 proposed 5-year CIP budget	$250,000.00
2024 – via FY 2021 proposed 5-year CIP budget	$250,000.00
	$1,900,000.00

Date: **11/16/2020**
Item: **G.2.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Griffin, 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: Ryan S. Stoughton, PE, Assistant City Engineer

DATE: November 16, 2020

SUBJECT: Contract with Veolia Water Technologies Inc. (dba Kruger) for Tertiary Process Upgrade; Process Equipment – Rotating Microstrainer Disc Filter Units (Bid Ref# 89000-001.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with Veolia Water Technologies Inc. (dba Kruger) for the procurement of ten (10) rotating disc microfiltration units and two (2) automatic chemical cleaning skids in the amount of $3,222,500.00.

BACKGROUND:

The Kalamazoo Water Reclamation Plant (Plant) is a Regional Advanced Activated Sludge Wastewater Treatment Plant with multiple major treatment processes, including Preliminary, Primary, Secondary, and Tertiary, with sub-processes within each major process. Tertiary Filtration is a vital permit required process within the treatment system to meet the Plant's Discharge Permit.

The primary goal of this project is to increase operational flexibility and efficiencies while decreasing long term maintenance costs and decreasing the adverse impacts on downstream systems. The secondary goal of this project is to allow for future expansion needs within the Plants existing footprint as well as future downstream system upgrade opportunities. Completing the goals of this project at the most cost effective 20-year life cycle cost is of upmost importance.

An extensive matrix review was conducted on the submitted bids to determine the best value responsive bidder. The matrix review was conducted by the Plant's staff design team comprised of Maintenance staff, Operations staff, Management staff, and Engineering staff. The professional services consultant also conducted an independent matrix review to determine the

best value responsive bidder.

In pursuit to develop a complete set of permit, construction bidding, and construction documents, as well as maintain control over installed equipment used for treatment of wastewater, the City solicited competitive bids for the major treatment process equipment.

Upon design completion and permit issuance, construction of the design will be conducted within budget years beginning 2021 and ending 2023.

STRATEGIC VISION ALIGNMENT:

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

Primary - To remove settable solids from the waste stream to be dewatered and landfilled.

Strategic Goal Impact:
Good Governance – Organizational Resources.
Safe Community – Water Management & Delivery
Environmental Responsibility – Water Management
Environmental Responsibility – Sustainability & Conservation
Economic Vitality – Asset Management

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Internal – no feasible alternatives available due to regulatory restrictions, operational standards and best practices.

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

The Tertiary Process Upgrade project #wwr0100196 was included in the Adopted 2020 Wastewater Capital Improvement Plan. The funding for this contract is anticipated as follows:
2020 – via FY 2020 approved CIP Project budget $161,125.00

2021 – via FY 2021 approved 5-year CIP budget proposal	$2,578,000.00
2022 – via FY 2022 approved 5-year CIP budget proposal	$487,375.00
	$3,222,500.00

Date: **11/16/2020**
Item: **G.3.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Griffin, 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: Ryan S. Stoughton, PE, Assistant City Engineer

DATE: November 16, 2020

SUBJECT: Contract with Zima Corporation (dba Kusters Water) for Tertiary Process Upgrade; Process Equipment – Perforated Plate Screen (Bid Ref# 89000-002.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with Zima Corporation (Kusters Water) for the procurement of one (1) perforated plate screen unit in the amount of $152,755.00.

BACKGROUND:

The Kalamazoo Water Reclamation Plant (Plant) is a Regional Advanced Activated Sludge Wastewater Treatment Plant with multiple major treatment processes, including Preliminary, Primary, Secondary, and Tertiary, with sub-processes within each major process. Tertiary Filtration is a vital permit required process within the treatment system to meet the Plant's Discharge Permit.

The primary goal of this project is to increase operational flexibility and efficiencies while decreasing long term maintenance costs and decreasing the adverse impacts on downstream systems. The secondary goal of this project is to allow for future expansion needs within the Plants existing footprint as well as future downstream system upgrade opportunities. Completing the goals of this project at the most cost effective 20-year life cycle cost is of upmost importance.

Existing and available Plant process flow paths of Tertiary process backwash water conveyance does not allow for the ultimate removal of filtered inorganic material utilizing existing Plant infrastructure. The process upgrade will provide for the removal of filtered inorganic material

for proper disposal by means of a perforated place screen within the process where it is filtered.

In pursuit to develop a complete set of permit, construction bidding, and construction documents, as well as maintain control over installed equipment used for treatment of wastewater, the City solicited competitive bids for the major treatment process equipment.

Upon design completion and permit issuance, construction of the design will be conducted within budget years beginning 2021 and ending 2023.

STRATEGIC VISION ALIGNMENT:

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

Tertiary Removal of fine solids and phosphorous containing particles to meet National Pollution Discharge Elimination System (NPDES)permit limits. Sand filter cleaning and tertiary influent channel, tertiary passes, tertiary cell cleaning and sand leveling

Strategic Goal Impact:
Good Governance – Organizational Resources.
Safe Community – Water Management & Delivery
Environmental Responsibility – Water Management
Environmental Responsibility – Sustainability & Conservation
Economic Vitality – Asset Management

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Internal – no feasible alternatives available due to regulatory restrictions, operational standards and best practices.

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

The Tertiary Process Upgrade Project #wwr0100196 was included in the 2020 Adopted

Wastewater Capital Improvement Plan. Funding for the equipment procurement is as follows:

Fiscal Budget Breakdown:

2020 – via FY 2020 approved CIP Project budget	$7,637.75
2021 – via FY 2021 approved 5-year CIP budget proposal	$122,204.00
2022 – via FY 2022 approved 5-year CIP budget proposal	$22,913.25
	$152,755.00

Date: **11/16/2020**
Item: **G.4.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Community Planning & Economic Development Department Director
Prepared by: Marcy Dix, Program Finance Supervisor, Community Planning & Economic Development

DATE: November 16, 2020

SUBJECT: Contract with Smalley Construction, Inc. for the Demolition and Cleanup of Four Vacant Houses/Structures on North Street and Woodward Ave in the Amount of $119,355 (Bid Ref# 91240-005.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with Smalley Construction, Inc. for the Demolition and Cleanup of Four Vacant Houses/Structures on North Street and Woodward Ave in the amount of $119,355.

BACKGROUND:

On June 2, 2020, fires destroyed four properties in the Northside neighborhood:
1. 902 W North
2. 912 W North
3. 920 W North
4. 715 Woodward

The resulting damage to four neighboring properties has made the properties candidates for city-initiated and funded demolition. The City has worked with the property owners to bid out demolition and cleanup of these properties as one project. Funds the city has allocated for demolition and cleanup of blighted properties will pay any costs not covered by insurance.

The lowest responsive bidder for the demolition project was Smalley Construction, Inc., and this is the bidder that Community Planning and Economic Development has selected.

STRATEGIC VISION ALIGNMENT:

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

Demolition Program Management - Management of various demolition grants and ongoing demolition plans to restore properties back to tax producing assets for the neighborhoods in the City of Kalamazoo.

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

Environmental Responsibility - A green and health City.

Discussion
Demolishing and cleaning up the four fire-damaged properties will resolve a safety concern in the neighborhood and allow new development to happen on the sites.

COMMUNITY ENGAGEMENT:

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

Discussion:

The request for bids was offered publicly, according to the City's purchasing policy and the lowest responsive bid has been recommended for approval.

FISCAL IMPACT:

The $119,355 is available in the Blight Abatement Fund (#231) Budget from carryforward funds that the City has allocated for demolition. Properties that use City demo funds are chosen based on the need to address safety issues and opportunity to prepare properties for re-use.

Date: **11/16/2020**
Item: **G.5.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Pulblic Services Director and City Engineer
Prepared by: Anthony Ladd, PE, Public Works Division Manager

DATE: November 16, 2020

SUBJECT: Resolution to Enter Into a State Trunkline Maintenance Contract with the State of Michigan (Bid Ref#00000-020.119)

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION for the City to enter into a State Trunkline Maintenance Contract with the State of Michigan Department of Transportation, authorize the City Manager to sign all documents and designate James J. Baker, PE, as the State Trunkline Maintenance Contract Administrator for the City of Kalamazoo.

BACKGROUND:

The Michigan Department of Transportation requires local municipalities to designate a Contract Administrator on sections of State Trunkline Highways that are within the limits of the municipality. City participation in this contract ensures reimbursement for street maintenance and repair work (i.e. snow and ice control, pot hole patching, street sweeping, etc.) performed on portions of the State trunklines which run through the City such as M-43, I-94, and US-131.

In order to execute the contract, the Michigan Department of Transportation requires the signature of the City's designated contract administrator. The City of Kalamazoo Public Service Director has historically been the designated contract administrator since the trunkline maintenance contracts are overseen by Public Services personnel.

STRATEGIC VISION ALIGNMENT:

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

Asphalt Repair and Surfacing

Ice Control

Snow Plowing

Street Sweeping

Traffic Engineering

Project Management

Strategic Goal Impact:
Safe Community
Governance

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Internal

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

This contract sets the parameters of reimbursement for work to be done. There are no fiscal impacts at this time.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 20-

A RESOLUTION APPROVING STATE TRUNKLINE CONTRACT #2019-0710

Minutes of a regular meeting of the City Commission of the City held on November 16, 2020, at or after 7:00 o'clock p.m., local time, by electronic means.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, the Michigan Department of Transportation and the State of Michigan are mutually agreeable to entering into a contract to extend the term of the State Trunkline Maintenance Contract; and

WHEREAS, the term of the contract is October 1, 2019 through September 30, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Kalamazoo City Commission, Kalamazoo County, Michigan approves entering into State Trunkline Maintenance Contract #2019-0710; designates James J. Baker, PE, Public Services Director and City Engineer as the Contract Administrator; and authorizes City Manager James K. Ritsema to sign the contract and all related documents.

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

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on November 16, 2020. 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 228 of 2020. Minutes of the meeting will be available as required by the Act.

_____

Scott A. Borling
City Clerk

CONTRACT NO. 2019-0710
REGION: SOUTHWEST
AGENDA: DAB

MICHIGAN DEPARTMENT OF TRANSPORTATION

STATE TRUNKLINE MAINTENANCE CONTRACT

CITY OF KALAMAZOO

This Contract, made and entered into this date of _____, by and between the Michigan Department of Transportation (MDOT), and the Michigan municipal corporation (Municipality) of the

City of Kalamazoo.

RECITALS:

MDOT is authorized by 1925 PA 17 Section 2, MCL 250.62 to contract with the Municipality for the construction, improvement, or maintenance of state trunkline highways. MDOT, subject to the approval of the State Administrative Board; and

MDOT has so advised the State Transportation Commission and the Appropriations Committees of the Senate and House of Representatives in accordance with 1951 PA 51 Section 11c, MCL 247.661c; and

MDOT has affirmatively found that contracting with this Municipality for the maintenance of state trunkline highways and bridges within its contract area, is in the best public interest.

The parties agree as follows:

Section 1. ORGANIZATION, EQUIPMENT, AND FACILITIES

The Municipality will provide personnel, equipment, materials, and facilities to maintain the state trunkline highways and provide agreed upon services under the terms of this Contract. MDOT will review the Municipality's operation and organizational plan, annually, relative to the work to be completed under this Contract. MDOT will approve the plan if it meets MDOT's goals for the state trunkline system. The Municipality will furnish an organizational chart showing garage locations, all facilities including salt sheds, the names of supervisory personnel, and any other information incidental to the performance of this maintenance contract as required by the Region Engineer.

Section 2. SCOPE OF WORK

A. The Municipality will perform maintenance work under the direction of the Region Engineer of MDOT or a designee of the Region Engineer, acting under the general direction of the Engineer of Transportation Systems Management Operations of MDOT. Maintenance and other work will be performed under the terms of this Contract and as covered by the Field Activity Budget, subsequent work plans, and Transportation Work Authorizations (TWAs), for each fiscal year, which are incorporated herein by reference. Work performed under this Contract will be performed in accordance with accepted maintenance practices and/or specifications provided by MDOT as identified in a written Letter of Understanding.

1. A written Letter of Understanding shall be drafted by MDOT and signed by both MDOT and the designated representative of the Municipality. The letter shall remain in effect until either replaced or modified by the Region Engineer and approved by the Municipality. The letter will outline the number and type of maintenance activities to be performed under this Contract (A sample Letter of Understanding is attached as Appendix F). The Letter of Understanding shall provide sufficient detail of the work activities to be performed, expectations or outcomes from the performance of this work, and identification of budget line items for budgeting and billing purposes.

2. The executed Letter of Understanding and all subsequent approved revisions thereto, are incorporated herein by reference as if the same were repeated in full herein.

3. If the Municipality is unable to perform any of the services outlined in the Letter of Understanding on a twenty-four (24) hour, seven (7) day-a-week basis, the Municipality will immediately notify MDOT. MDOT will work with the Municipality to ensure that the services defined in the Letter of Understanding are performed.

B. When the Municipality inspects permits on MDOT's behalf or assists MDOT with a permit:

1. MDOT will require all Permit Applicants to "save harmless" the State of Michigan, Transportation Commission, MDOT, and all officers, agents, and employees thereof, and the Municipality, their officials, agents and employees, against any and all claims for damages arising from operations covered by the permit as a condition of all permits issued by MDOT.

2. MDOT will further require Permit Applicants to provide comprehensive general liability insurance, including coverage for contractual liability, completed operations, and/or product liability, X (Explosion), C (Collapse), & U (Underground), and a contractor's protective liability with a blasting endorsement when blasting is involved, or commercial general liability insurance which includes all the above, naming as additional parties insured on all such policies, the State of Michigan, Transportation Commission, MDOT, and all officers, agents, and employees thereof, the Municipality their officials, agents, and employees. The Permit Applicant will provide written proof of the insurance to MDOT. MDOT may waive this requirement for permits issued to governmental entities and public utilities or when specifically waived by the Municipality in writing.

3. The amounts of such insurance will be no less than:

<u>Comprehensive General Liability:</u>

Bodily Injury	--	$500,000 each occurrence
	--	$500,000 each aggregate
Property Damage	--	$250,000 each occurrence
	--	$250,000 each aggregate

<u>Commercial General Liability Insurance:</u>

$500,000 each occurrence and aggregate

MDOT
Michigan Department of Transportation

C. TWAs may be issued by the Region Engineer for special maintenance work (work not covered by the Line Item Budget) and non-maintenance work. This work may be performed by the Municipality or a subcontractor as set forth in Section 9 of this Contract. TWAs will be performed in accordance with MDOT's accepted maintenance practices and specifications as specified on the TWA. The Municipality will provide the necessary supervision or inspection to assure that the work is performed in accordance with the TWA.

The Municipality and MDOT may agree to include additional maintenance items to be covered under this Contract. Such items may include, but are not limited to, maintenance of traffic control devices (signals), freeway lighting and intelligent traffic system (ITS). All such work will be listed in the Letter of Understanding, included in the line item budget and defined in a supplemental scope which will become an attachment to this Contract.

The Municipality shall be responsible for providing all traffic control necessary to complete the work as outlined in this Contract unless otherwise agreed to by MDOT.

The Municipality and MDOT may enter into separate agreements for the shared payment of installation, maintenance, and energy costs for traffic control devices.

D. The Region Engineer is authorized to issue written orders, as necessary, for the performance of maintenance work under the provisions of this Contract.

Section 3. INTEGRATION OF STATE AND MUNICIPAL WORK

The Municipality will furnish qualified personnel and adequate equipment and may furnish materials, as set forth in this Contract, as needed to perform maintenance on state trunkline highways, consistent with MDOT's established core level of service for winter and non-winter maintenance activities, an approved annual budget, work plan, and work schedule. Personnel and equipment may be used on the local road system and state trunkline highways as conditions warrant.

Section 4. HIGHWAY MAINTENANCE CONTRACT ADMINISTRATOR

The Municipality hereby designates James Baker as Contract Administrator on state trunkline highways, who will be responsible for budget and the administration of the Contract. In the event the Municipality desires to replace the Contract Administrator, the Municipality will notify MDOT within (30) days of the change in writing.

Section 5. SUPERVISION

The Municipality hereby designates, where applicable, the following:

Maintenance Superintendent (Streets): Anthony Ladd

Signal/Electrical Superintendent: Anthony Ladd

Storm Sewer Superintendent: Anthony Ladd

Other (Specify): _____

who will supervise all work covered by this Contract. In the event the Municipality desires to replace the designated contacts, the Municipality will notify MDOT within (30) days of the change in writing.

Section 6. WAGE SCHEDULE

Wages paid by the Municipality for work on state trunkline highways will be the same as on street work for the Municipality.

Premium Pay and Overtime Pay (specify under what conditions and percentage of regular rate paid if not specified in the attached labor agreement).

_____
_____
_____
_____
_____
_____

Pay for "show-up time" (Specify under what conditions and number of hours, if a minimum number is used and is not specified in the attached labor agreement).

_____
_____
_____
_____

MDOT
Michigan Department of Transportation

No "stand by at home" pay will be included in charges for work on state trunkline highways.

MDOT will reimburse the Municipality for Direct Labor Overhead costs on all labor costs properly chargeable to MDOT, including but not limited to, vacation, sick leave, holiday pay, workers' compensation, retirement, social security, group life insurance, hospitalization, longevity, unemployment insurance, and military leave, hereinafter referred to as "EMPLOYEE BENEFITS," in accordance with Section 16.

Section 7. MATERIALS TO BE ACQUIRED AND SPECIFICATIONS

Material necessary for the performance under this Contract, may, at the option of the Municipality, be purchased by the Municipality unless otherwise directed by the Region Engineer. The Municipality will advertise and receive competitive bids when such purchases exceed Ten Thousand Dollars ($10,000.00) or if required by federal or state law.

The Municipality will retain documentation that such bids were taken. Failure to retain documentation that such bids were taken may result in denial of reimbursement of the costs of such materials.

The following materials: bituminous pre-mixed materials, bituminous materials, aggregates (except ice control sand), bulk salt and traffic control devices used on state trunkline highways by the Municipality will conform to current or supplemental specifications of MDOT, unless otherwise approved in advance by the Region Engineer. The Region Engineer may require approval by MDOT'S Construction Field Services Division or by a laboratory approved by the Construction Field Services Division. Copies of approvals will be placed on file in the offices of the Municipality and the Region Engineer. If MDOT-owned materials are stored jointly with Municipality-owned materials, proper and adequate inventory records must be maintained by the Municipality, clearly indicating the portion that is MDOT-owned.

Section 8. PRICE SCHEDULE OF MATERIALS AND SERVICES

Materials produced and/or supplied by the Municipality including aggregates and bituminous materials, may be furnished at a firm unit price subject to approval of source and price by the Region Engineer. Firm unit prices are not subject to unit price adjustment by review.

The Municipality may change, add, or delete firm unit prices when requested in writing and approved by the Region Engineer at least sixty (60) days prior to the effective date of the change, addition, or deletion.

MDOT Michigan Department of Transportation

FIRM UNIT PRICES

ITEM KIND	ITEM LOCATION	PRICE UNIT	PRICE INCLUDES*	PER UNIT
N/A				

Insert above, the following applicable number(s):

*Firm Unit Price Includes:

Item Kind	Item Locations
1. Processing/or Mixing Costs	1. Pit Site
2. Stockpiling/or Hauling to Stockpile Costs	2. Yard
	3. Other (Describe)
3. Royalty Costs	
4. Municipal Supplied Salt or Calcium Chloride (when used in a winter salt/sand mixture)	
5. Winter Sand	
6. Bituminous Costs	
7. Other (Describe)	

_____

_____

MDOT may review all records necessary to confirm the accuracy of the material quantities for all materials on the Firm Unit Price List shown above for which the Municipality requests reimbursement.

Items purchased from a vendor source or vendor stockpile for direct use on the state trunkline highways, are not eligible for firm unit price consideration and should be billed at vendor pricing.

Reimbursement for all materials supplied by the Municipality which are not included in the firm unit price schedule will be reimbursed in accordance with Section 16(D). MDOT may review all records for materials purchased from a vendor source or vendor stockpile for direct use on state trunkline highways.

MDOT
Michigan Department of Transportation

Section 9. SUBCONTRACTS

The Municipality may subcontract any portion of the work to be performed under this Contract. Bid/price solicitation and subcontracts will be in conformance with the Municipality's contracting process, and applicable state laws, except as modified herein. All subcontracted work will require the Municipality to submit a Quotation Request for Services or Equipment (Form 426) along with relevant bid and contract documents and bid or quote tabulation.

All subcontracted work will be performed in accordance with the established Scope of Work outlined on Form 426 and any specifications developed by the Municipality and/or MDOT for said subcontracted work. The scope of work and specifications (if any) must be approved by the Region Engineer. The Municipality will provide the necessary supervision or inspection to assure the subcontracted work is performed in accordance with the scope of work and specifications. At no time will the Municipality pay for subcontracted work until the work has been inspected and approved for compliance with the scope of work and specifications.

Emergency work will be subcontracted based on a verbal approval given by the Region Engineer. The work must be supported by the subsequent submission of Form 426 upon completion of work. State Administrative Board approval is required within thirty (30) days of completion of emergency work for contracts of $250,000 or greater.

It is the intent of the parties to extend the terms of the Contract if the subcontract work is in progress at the conclusion of the Contract term. This provision shall not apply if this Contract is terminated by the Municipality or MDOT.

Failure to obtain the necessary approvals or to retain the documentation that the bids, prices, or rate quotations were solicited as required under this Section, may result in a denial of the reimbursement of the costs.

For subcontracts involving the items of CLEANING DRAINAGE STRUCTURES, SWEEPING AND FLUSHING or GRASS AND WEED CONTROL, the Municipality will include a cancellation clause that will allow the Municipality to cancel the subcontract if funds are not made available by MDOT.

County and/or Municipality-based advantage programs (CBA Process) or any type of preference program that awards contracts based on criteria other than low bid through the competitive bidding process, will not be used for MDOT-funded projects.

The term of the subcontract will not exceed five (5) years; said term will include any time extensions.

Michigan Department of Transportation

The subcontract solicitation and approval process will be as follows:

A. **Subcontracts $24,999 or less:** The Municipality will solicit either a bid price, or rate quotation from three or more qualified sources. Documentation of solicitation from all qualified sources must be retained for at least three (3) years following final payment made for each subcontract. Region Engineer approval of Form 426 is required.

B. **Subcontracts $25,000 or greater:** The Municipality will advertise and award by competitive bid. Advertisements must clearly define contract term and location of work. Documentation of the solicitation from all qualified sources must be retained for at least three (3) years following final payment made for each subcontract. Region Engineer approval of Form 426 is required.

State Administrative Board approval is required prior to the execution of contracts that are $500,000 or greater.

State Administrative Board requirements for Amendments (previously referred to as overruns, extra work and adjustments), are outlined in Appendix E, attached hereto and made a part hereof.

Section 10. NON-DISCRIMINATION

In connection with the performance of maintenance work under this Contract, the Municipality (hereinafter in Appendix C referred to as the "contractor") agrees to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts," as set forth in Appendix C, attached hereto and made a part hereof. The Municipality further covenants that it will comply with the Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this Contract.

Section 11. ANTI-KICKBACK

No official or employee of the Municipality or of the State of Michigan will receive remuneration (directly or indirectly) for the purchase of materials, supplies, equipment, or subcontracts in connection with the performance of this Contract.

Section 12. SCOPE OF CONTRACT

MDOT
Michigan Department of Transportation

It is declared that the work performed under this Contract is a governmental function which the Municipality performs for MDOT. This Contract does not confer jurisdiction upon the Municipality over the state trunkline highways encompassed by this Contract or over any other state trunkline highways. This Contract may not be construed to confer temporary or concurrent jurisdiction upon the Municipality over a state trunkline highway. Nothing inconsistent with the underlying statutory jurisdiction, duties, prerogatives, and obligations of MDOT is herein intended. The parties hereto further declare that this Contract is not made for the benefit of any third party.

Section 13. INSURANCE

A. The Municipality will furnish MDOT with a certificate of automobile liability insurance, which complies with the No-Fault Automobile Insurance laws of the State of Michigan, MCL 500.3101, *et seq.* The Insurance coverage will include vehicles owned, leased or rented by the Municipality. Such insurance will not be less than Two Hundred and Fifty Thousand Dollars ($250,000.00) for bodily

injury or death of any one person. Coverage for public liability, property damage, and combined single limit will also comply with the No-Fault Automobile Insurance laws of the State of Michigan. The Municipality will provide thirty (30) days notice to MDOT prior to cancellation, termination, or material change of the policy. The certificate of said insurance, on MDOT Form shall be submitted to MDOT on DEPARMENT Form 428 (Certificate of Insurance for State Highway Maintenance Contract) covering public liability and property damage, indicating thereon the policy number, and the aforesaid thirty (30) days notice provisions and the limits of liability. The Municipality agrees to review its insurance programs with its statewide association in an attempt to obtain cost savings and efficiency for MDOT.

If the Municipality is self-insured, a copy of the Secretary of State's Certificate of Self-insurance will be submitted to MDOT.

B. In the event the Municipality receives a Notice of Intent to File Claim and/or any complaint filed by a person seeking to recover damages from the Municipality for its alleged acts or omissions on a state trunkline highway, the Municipality will provide a copy of such notice to the Assistant Attorney General, within fifteen (15) days of receipt of said notice or complaint. The Notice of Intent to File Claim and/or any complaint filed by a person seeking to recover damages from the Municipality will be sent to:

Assistant Attorney General
Division Chief
Transportation Division
Van Wagoner Building - 4th Floor
425 West Ottawa Street
P.O. BOX 30050
Lansing, Michigan 48909

Thereafter, the Municipality will provide copies of pleadings and other information regarding the claim or lawsuit when requested by an Assistant Attorney General

SECTION 14. WORKERS' DISABILITY COMPENSATION

The Municipality will comply with the Michigan Workers' Disability Compensation Law for all employees performing work under this Contract, MCL 500.3400, *et seq*.

SECTION 15. BUDGET GUARANTEE

Each MDOT fiscal year, a winter and non-winter maintenance budget will be prepared separately. These budgets will be established by the Region Engineer within guidelines established by MDOT. Prior to the development of an annual budget by the Region Engineer, the Municipality and MDOT will meet and develop a proposed work plan including a schedule for routine maintenance and the associated cost of the work plan for the coming year. This proposed work plan will be broken down by month and form the basis of the non-winter maintenance budget for the Municipality for the next fiscal year. The non-winter budget will be balanced over all twelve months of the fiscal year. The budget will be adjusted each month to address budget overruns and under-runs to ensure that total Municipality budget is not exceeded. MDOT will work with the Municipality to reach agreement on the components of this annual work plan, taking into consideration the features and conditions of the state trunkline system within the Municipality's contract area, as well as the size of the Municipality's staff that is available for state trunkline Highway maintenance. MDOT and the Municipality will identify maintenance activities that can be performed in the winter months when not performing winter maintenance.

The Municipality will work with MDOT to develop an annual priority plan for scheduling work over the term of this Contract consistent with MDOT'S road preservation objectives.

MDOT will establish the winter maintenance budget based on a five (5)-year average of winter expenditures which includes the costs for labor, fringe benefits, equipment, MDOT Salt Stores, Municipality supplied road salt, winter sand, other de-icing chemicals and overhead.

The Region Engineer and the Municipality will review the non-winter maintenance budget together at least every other month. This review will cover work planned and conducted, work planned and not conducted, and the current status of the non-winter maintenance budget. Any adjustments to the proposed work plan to curtail or expand operations to meet budget limitations will be covered in this budget review. During winter operations, the winter budget will be reviewed monthly by the Region Engineer and the Municipality.

MDOT and the Municipality will meet between March 1 and May 15 of each budget year to discuss a supplemental summer program. The supplemental summer program will be funded by the remainder of the winter budget. During this meeting, participants will estimate the remainder of the winter budget, review the status of current and future bills for winter maintenance and propose a supplemental summer. The proposed work activities will be prioritized to support MDOT'S preservation strategy as indicted in Appendix G.

SECTION 16: REIMBURSEMENT SCHEDULE REQUEST FOR REIMBURSEMENT

MDOT will reimburse the Municipality for the following costs incurred in the performance of routine maintenance, non-maintenance, and all other work covered by this Contract, except as set forth in Sections 18, 19, 20, and 21. To be eligible for reimbursement under this Section, costs must be submitted to MDOT prior to the start of the review for each respective year of the Contract period.

A. MDOT will reimburse the Municipality for the cost of all labor employed in the performance of this Contract. The reimbursement will include the expense of permit inspections, field and office engineering, and reviewing expenses in connection with force account work by subcontractors.

B. MDOT'S share of the cost of EMPLOYEE BENEFITS as referred to in Section 6 as a percentage of payroll. The percentage shall be developed using MDOT Form 455M (Report of Employee Benefit Costs for the Municipality) and shall conform with the general accounts of the Municipality on the Municipality's previous fiscal years' experience. These charges are subject to review in accordance with Section 25.

C. MDOT'S share of the actual cost of Municipality owned or purchased energy.

D. MDOT will reimburse the Municipality for the cost of purchased bulk (measured by volume or weight) materials and Non-Bulk (measured by area or count) material used in the performance of this Contract. The Municipality shall deduct all discounts or rebates in excess of two percent (2%), to establish the reimbursed cost.

E. MDOT will reimburse the Municipality for the cost of handling materials furnished by the Municipality and materials furnished by MDOT as follows:

1. <u>Bulk Items (measured by volume or weight)</u>:
The direct expenses of handling, such as unloading, processing, stockpiling, heating or loading of materials measured by volume or weight in bulk, bags or drums such as aggregates, bituminous materials and chemicals, on condition that reimbursement of such expenses is not provided elsewhere herein, provided that these costs can be identified within the records of the Municipality. When bulk items paid for by MDOT are co-mingled with the Municipality's materials, MDOT will only reimburse the Municipality for the cost of handling the portion expected to be used on the state trunkline highways. The Municipality will establish a rate of use annually, based on the previous year's use to

identify MDOT's share of handling cost. The Municipality's established rate is subject to adjustment by review.

2. **<u>Non-Bulk Items (measured by area or count)</u>**:
A five percent (5%) handling and storage charge may be added to the purchase price of all materials measured by area or count provided such materials are stocked in and distributed from approved storage facilities. When reported by the Municipality, charges for handling and storage in excess of five percent (5%) will be reimbursed to the Municipality upon review, provided that these charges can be identified and supported within the records of the Municipality.

F. Equipment owned by the Municipality will be reimbursed at the established rental rates found in Schedule C, Report 375 Equipment Rental Rates, issued annually by MDOT. Rented equipment will be reimbursed at actual cost for the equipment rental.

G. MDOT will reimburse the Municipality for the amounts paid by the Municipality to a subcontractor as set forth in Section 9.

H. MDOT will reimburse the Municipality for the cost of labor, materials, and equipment rental incurred in connection with engineering, supervision, and inspection of subcontract work.

I. Overhead in Accordance with Attached Overhead Schedule.

MDOT will reimburse the Municipality for overhead costs at the appropriate percentage rate as indicated in Appendix B. The overhead rate shall be based upon the original annual budget established for the Municipality and shall not change.

The overhead amount payable under Section 16(I) is reimbursement to the Municipality for all costs and expenses arising out of the performance of this Contract not specifically described in other sections of this Contract. This reimbursement includes salary and expenses (including transportation) of the Maintenance Superintendent (except as noted in Section 16(K)), salaries of clerical assistants, including radio communication staff, office expense, storage rentals on Municipality owned property, and the cost of small road tools. Work tools without a power assist and used in a road or a bridge maintenance activity, are considered small road tools. Small road tools do not have an equipment rental rate listed in Schedule C, Report 375, Equipment Rental Rates. Small road tools are reimbursed as an overhead cost.

J. MDOT will reimburse the Municipality for MDOT'S pro-rata share of the cost to maintain chemical storage facilities as provided for in the chemical storage facility contracts between the Municipality and MDOT.

J. MDOT will reimburse the Municipality for MDOT'S pro-rata share of the cost to maintain chemical storage facilities as provided for in the chemical storage facility contracts between the Municipality and MDOT.

K. Requests for reimbursement to be made at least bi-monthly (every other month) on the basis of certified statement of charges prepared and submitted by the Municipality within thirty (30) days from the end of each bi-monthly period on forms furnished by MDOT or using an equivalent approved alternative format. Costs submitted beyond sixty (60) days from the end of each bi-monthly period will include written justification for the delay and will be paid only upon approval of the Region Engineer. Upon written request to the Region Engineer, payment may be made to the Municipality on a monthly basis, after submission to MDOT of certified statements of costs for each monthly payment period. Municipalities with a line item budget contract of $100,000 or greater **shall** submit request for reimbursement on a **monthly** basis through MDOT'S Local Agency Payment System (LAPS).

L. The Municipality will be reimbursed as a direct cost for work performed by the Maintenance Superintendent making regular inspections of state trunkline highways in accordance with written instructions from the Region Engineer. This time shall be specifically recorded on daily time sheets and reported as a direct labor charge.

It is further agreed that in smaller municipalities, the Maintenance Superintendent designated above may at times be engaged in tasks other than those of a strictly supervisory nature, such as operator of a truck or other highway equipment. The Municipality may be reimbursed for this time worked on state trunklines, provided that all such time for non-supervisory work is specifically recorded on the daily time sheet and reported on the Maintenance Payroll Report Form 410A. The exact dates on which the Maintenance Superintendent so worked, the number of hours worked, and the number of hours worked under each classification shall be indicated on the Maintenance Payroll Report Form 410A.

SECTION 17: ELECTRONIC FUNDS TRANSFER

Public Act 533 of 2004 requires that payments under this Contract be processed by electronic funds transfer (EFT). The Municipality is required to register to receive payments by EFT at the SIGMA Vendor Self Service (VSS) website (www.michigan.gov/SIGMAVSS).

SECTION 18: SNOW HAULING

MDOT will share in the cost of snow hauling if each snow hauling effort is approved by the Region Engineer. MDOT'S share of snow hauling will be determined based on the ratio of area designated for traffic movement to the total area of the state trunkline highway right-of-way within the agreed upon area of snowhaul. MDOT will subtract the area of parking lanes and sidewalks from the total area of the state trunkline highway right-of-way to determine the area designated for traffic movement. MDOT'S reimbursement for snow hauling from state trunkline highways, based upon this calculation, is paid at the rate of __50__ percent (%) of actual charges supported by proper documentation. The frequency (annually, each storm, etc.) will be at the discretion of the Region Engineer. The Municipality should denote snow hauling charges as Activity 149, Other Winter Maintenance, on Trunk Line Maintenance Reports. A prior written authorization for each snow haul event from the Region Engineer shall be required and kept on file for review purposes.

The Municipality agrees that it will prohibit additional snow from being deposited on the highway right-of-way from side streets.

SECTION 19: PAVEMENT MARKING

Compensation for the item of PAVEMENT MARKING will be made on the basis of actual expenditure only, except in no case will the Municipality be compensated for a total expenditure in excess of the amount designated for PAVEMENT MARKING in the Line Item Budget for the appropriate MDOT fiscal year. Compensation for PAVEMENT MARKING is limited to only painting authorized by the Region Engineer. The Municipality shall not include charges for curb painting in the routine maintenance cost for state trunkline maintenance.

SECTION 20: COMPENSATION FOR AESTHETIC WORK ITEMS

Compensation for the items of SWEEPING AND FLUSHING, GRASS AND WEED CONTROL and ROADSIDE CLEAN UP will be made on the basis of actual expenditures only, except that in no case will the Municipality be compensated for a total expenditure in excess of the budget amount designated each of these three work activities on the Summary of the Field Activity Budget for the appropriate MDOT fiscal year.

The number of work operations for each of these three activities will be agreed upon between the Municipality and Region Engineer; and reflected in each line activity budget amount.

SECTION 21: TREES AND SHRUBS

Except for emergency work, the Municipality must request MDOT'S written approval to remove dead trees and/or trim trees prior to the start of work. MDOT will pay all costs to remove dead trees. MDOT and Municipality shall equally share costs when state and local forces combine efforts to trim trees within the trunkline right-of-way as approved by the Region Engineer.

SECTION 22: EQUIPMENT LIST

The Municipality will furnish MDOT a list of the equipment it uses during performance under this Contract, on MDOT form 471 (Equipment Specifications and Rentals.) This form shall be furnished to MDOT no later than February 28 of each year.

SECTION 23: RECORDS TO BE KEPT

The Municipality will:

A. Establish and maintain accurate records, in accordance with generally accepted accounting principals, of all expenses incurred for which payment is sought or made under this Contract, said records to be hereinafter referred to as the "RECORDS." Separate accounts will be established and maintained for all costs incurred under the state trunkline maintenance contract. The Municipality will retain the following RECORDS, and others, in accordance with generally accepted accounting principles:

1. Retain daily timecards or electronic timekeeping files for employees and equipment indicating the distribution of time to route sections and work items. Daily timecards must be signed by the employee, the immediate supervisor and by the timekeeper when the timekeeper is employed. If the Municipality uses crew-day cards, it will retain crew-day cards backed by a time record for the pay period signed as above, in lieu of daily individual timecards detailing the time distribution. If the Municipality uses electronic timekeeping, it will retain data files detailing time distribution and assigned supervisor approval.

2. Retain properly signed material requisitions (daily distribution slips) which indicate type of material, quantity, units of measure, the date of distribution and the distribution to route sections and work items.

3. Retain additional cost records to support and develop unit cost charges and percentages as applied to invoice costs. No such cost records are necessary in support of the overhead percentage or the five percent (5%) handling charge.

B. The Municipality will maintain the RECORDS for at least three (3) years from the date of MDOT'S receipt of the statement of charges for the quarter ending September 30 of each year of this Contract period. In the event of a dispute with regard to the allowable expenses or any other issue under this Contract, the Municipality will thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals for that decision has expired.

Representatives of MDOT may inspect, copy or review the RECORDS at any mutually acceptable time. However, the Municipality cannot unreasonably delay the timely performance of the review.

SECTION 24: COST CERTIFICATION, REIMBURSEMENT AND ADJUSTMENT

The Municipality hereby certifies that, to the best of the Municipality's knowledge, the costs reported to MDOT under this Contract will represent only those items which are properly chargeable in accordance with the Contract. The Municipality also hereby certifies that it has read the Contract terms and is aware of the applicable laws, regulations, and terms of this Contract that apply to the reporting of costs incurred under the terms of this Contract.

SECTION 25: CONTRACT REVIEW AND RESPONSE

The Municipality's records will be subject to review/audit within the statute of limitations, and the review/audit period will coincide with the Municipality's fiscal year, unless the Contract is terminated or not renewed. The term "review/audit" hereafter will be referred to as "review".

Charges by the Municipality for maintenance of state trunkline highways and authorized non-maintenance work performed under this Contract will not be adjusted (increased or decreased) by review after twenty-four (24) months subsequent to the date of MDOT'S receipt of certified statement of charges for the quarter ending September 30 of each year of this Contract period. This limitation will not apply in case of fraud or misrepresentation of material fact or if mutually agreed to in writing.

The firm unit prices for aggregates and bituminous materials that are processed and furnished by the Municipality will not be subject to adjustment.

If any adjustments are to be made, the Municipality will be notified of the tentative exceptions and adjustments within the above twenty-four (24) month period. The twenty-four (24) month period is intended only as a limitation of time for making adjustments and does not limit the time for payment of such amounts. In the event that a review performed by or on behalf of MDOT indicates an adjustment to the costs reported under this Contract or questions the allowability of an item of expense, MDOT will promptly submit to the Municipality a Notice of Review Results and a copy of the Review Report, which may supplement or modify any tentative findings communicated to the Municipality at the completion of a review.

Within sixty (60) days after the date of the Notice of Review Results, the Municipality will:

1. Respond in writing to the responsible Bureau of MDOT indicating whether or not it concurs with the Review Report;

2. Clearly explain the nature and basis for any disagreement as to a disallowed item of expense; and

3. Include a written explanation as to any questioned item of expense. Hereinafter, the "RESPONSE" will be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned item of expense. Where the documentation is voluminous, the Municipality may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by MDOT. The RESPONSE will refer to and apply the language of the Contract.

4. The Municipality agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes MDOT to make a final decision to either allow or disallow any items of questioned cost.

   MDOT will review submitted RESPONSE and attached documentation from the Municipality. MDOT will reply in writing acknowledging receipt of the Municipality RESPONSE. The submitted RESPONSE and attached documentation from the Municipality will be referred to the MDOT Appeal Panel. See Section 26, "Dispute Resolution Process".

SECTION 26: DISPUTE RESOLUTION PROCESS

A. Contract Disputes

For review disputes refer to Section 26 (B) below, all other disputes between the parties shall be resolved under the terms of this section. It is the intent that each party may communicate concerns relative to the contract and resolve any issues as they arise. After a contract issue has been resolved, a summary of the agreed upon resolution shall be jointly drafted and distributed. Some issues may require ongoing communication to resolve and may become an item for negotiation during the next review and renegotiation of the contract.

If the parties are unable to resolve any dispute, the parties must meet with the Engineer of Operations, Operations Field Services Division or designee. The following are steps to resolve the dispute without the need for formal legal proceedings:

1) The representative of the Municipality and MDOT must meet as often as the parties reasonably deem necessary to gather and furnish to each other all information with respect to the matter at issue which the parties believe to be appropriate and germane in connection with the dispute. The representatives shall discuss the problem and negotiate in good faith in an effort to resolve the dispute without the necessity of any legal proceeding.

2) During the course of negotiations, all reasonable requests made by one party to another for non-privileged information reasonably related to the Contract shall be honored in order that each of the parties may be fully advised of the other's position.

3) The specific format for the discussions shall be left to the discretion of the designated Municipality and MDOT representatives but may include the preparation of agreed upon statement of fact or written statements of position.

4) Statements made by the Municipality or MDOT during Dispute Resolution may not be introduced as evidence by either party in any judicial action related to or under this Contract.

5) In cases where disputes have not been resolved, any remaining issues will be referred to the MDOT Appeal Panel which consists of four Bureau Directors, three of which will constitute a quorum.

6) Every effort will be made to complete this process within 90 calendar days by both parties.

B. Review Disputes

For Review Disputes the submitted RESPONSE and attached documentation from the Municipality will be referred to the MDOT Appeal Panel. The Appeal Panel consists of four Bureau Directors, three of which will constitute a quorum.

1) MDOT will provide the Municipality with an opportunity to appear before the Appeal Panel to explain and support their RESPONSE.

2) If, after an Appeal Panel written decision, the Municipality will either accept the decision or file a lawsuit in a court of proper jurisdiction to contest MDOT's decision. The filing of a lawsuit must be initiated by the Municipality within thirty (30) days of the receipt of the Appeal Panel's written decision. MDOT will not withhold or offset the funds in dispute if the Municipality files a lawsuit in a court of proper jurisdiction.

3) If the Municipality fails to repay an overpayment or reach an agreement with MDOT on a repayment schedule within the thirty (30) day period, the Municipality agrees that MDOT will deduct all or a portion of an overpayment from any funds due the Municipality by MDOT under the terms of this Contract.

4) Every effort will be made to complete this process within 60 calendar days by both parties.

This section shall not be construed to prevent either party from initiating, and a party is authorized to initiate, an action for breach of this Contract or for any other relief allowed by law earlier to avoid the expiration of any applicable limitations period, to preserve a superior position with respect to the other party, or under Injunctive Relief below. In the event that a dispute is not resolved through the Dispute Resolution Process, either party may initiate an action for breach of this Contract, or any other relief allowed by law in a court of proper jurisdiction. Time periods may be extended if mutually agreed upon by both parties.

Injunctive Relief

The only circumstance in which disputes between MDOT and the Municipality shall not be subject to the provisions of this Dispute Resolution Process is when a party makes a good faith determination that it will suffer irreparable harm due to a breach of the terms of the Contract by the other party and that a temporary restraining order or other immediate injunctive relief is the only adequate remedy.

Each party agrees to continue performing its obligations under the Contract while a dispute is being resolved except to the extent the issue in dispute precludes performance (dispute over payment must not be deemed to preclude performance) and without limiting either party's right to terminate the Contract as provided in Section 28.

SECTION 27: TERM OF CONTRACT

This Contract will be in effect from October 1, 2019 through September 30, 2024.

SECTION 28: BUDGET REDUCTION, TERMINATION OR NON-RENEWAL OF CONTRACT

A. For convenience and without cause, MDOT may reduce the budget, terminate, or choose not to renew this Contract, if written notice is given to the Municipality at least one (1) year prior to the beginning of the Contract year to which the budget reduction, termination, or expiration applies. One year from the date of such notice shall be deemed the termination date of the Contract.

The Municipality may reduce the budget, terminate, or choose not to renew this Contract if one (1) year's written notice, prior to the effective date of budget reduction, termination, or expiration is given to MDOT. One year from the date of such notice shall be deemed the termination date of the Contract.

B. Upon termination of this Contract "for cause" or any reason, the Municipality must, for a period of time specified by MDOT (not to exceed 90 calendar days), provide all reasonable transition assistance requested by MDOT, to allow for the expired or terminated portion of the Contract Activities to continue without interruption or adverse effect, and to facilitate the orderly transfer of such Contract Activities to MDOT or its designees. This Contract will automatically be extended through the end of the transition period.

SECTION 29: STATE OF MICHIGAN ADMINISTRATIVE BOARD RESOLUTION

The provisions of the State Administrative Board Resolution 2017-2, April 25, 2017, as set forth in Appendix D, attached hereto and made a part hereof.

SECTION 30: CONTRACTUAL INTERPRETATION

All capitalized words and phrases used in this agreement have the meaning set forth in Appendix A.

All words and phrases not specifically defined in Appendix A shall be construed and understood according to the ordinary meaning of the words used, but technical words and phrases shall have the meanings set forth in MDOT's publications, manuals, advisories, or guides, as applicable. If no MDOT publication, manual, advisory or guide is applicable, such technical words shall be construed and understood according to the usual and accepted meaning used in the industry or field to which they relate. In case of any discrepancies between the body of this Contract and any appendices attached hereto, the body of this Contract will govern.

SECTION 31: AUTHORIZED SIGNATURE(S)

This Contract will become binding on the parties and of full force and effect upon signing by the duly authorized official(s) of the Municipality and of MDOT and upon adoption of a resolution approving said Contract and authorizing the signature(s) thereto of the respective official(s) of the Municipality, a certified copy of which resolution will be sent to MDOT with this Contract, as applicable.

CITY OF KALAMAZOO

BY: _____

TITLE:

BY: _____

TITLE:

MDOT
Michigan Department of Transportation

MICHIGAN DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: MDOT Director

APPENDIX A

MICHIGAN DEPARTMENT OF TRANSPORTATION

MUNICIPALITY CONTRACT

DEFINITIONS

ANNUAL WORK PLAN: A schedule developed by the Municipality, and a Region Engineer designee, of the routine maintenance work to be performed annually on state trunklines by the Municipality.

BUDGET/FIELD ACTIVITY BUDGET: Both items are defined as the budgeted amount distributed to the Municipality at the beginning of the fiscal year (October 1).

CHEMICAL STORAGE FACILITIES: Bulk salt storage buildings.

COMPONENTS OF AN ANNUAL WORK PLAN: An outline of agreed upon maintenance activities to be performed to meet the needs of the trunkline. The components of this plan shall be a list of prioritized maintenance needs and a general break-down of how the Municipality's budget will be applied to the standard maintenance activity groups to facilitate work on the maintenance needs.

DEPARTMENT: Means the Michigan Department of Transportation.

MDOT APPEAL PANEL: A panel comprised of four Bureau Directors responsible for deciding Contract disputes, three of which will constitute a quorum.

EQUIPMENT SPECIFICATIONS AND RENTALS: An annual list of equipment proposed to be used on the state trunkline system by the Municipality forwarded to the Department with the hourly rates of each piece of equipment.

MICHIGAN STATE TRANSPORTATION COMMISSION: The policy-making body for all state transportation programs. The Commission establishes policy for the Michigan Department of Transportation in relation to transportation programs and facilities and other such works as related to transportation development as provided by law. Responsibilities of the Commission include the development and implementation of comprehensive transportation plans for the entire state, including aeronautics, bus and rail transit, providing professional and technical assistance, and overseeing the administration of state and federal funds allocated for these programs.

OFFICE OF COMMISSION AUDIT (OCA): The Office of Commission Audit reports directly to the Michigan State Transportation Commission. The Office of Commission Audits is

charged with the overall responsibility to supervise and conduct review activities for the Department of Transportation. The auditor submits to the Commission reports of financial and operational audits and investigations performed by staff for acceptance.

REGION ENGINEER: The Department's designated chief engineer (or designee) responsible for the oversight of each MDOT region.

RESPONSE: A written explanation as to any questioned item of expense

SCHEDULE C EQUIPMENT RENTAL RATES: The Department's annual list of statewide hourly equipment rental rates that shall be charged for the use of road equipment.

SMALL HAND TOOLS: Hand tools which do not have power assist (non-powered) used for general road and bridge maintenance such as rakes, shovels, brooms, etc.

STATE ADMINISTRATIVE BOARD: The State Administrative Board consists of the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and the Superintendent of Public Instruction. The State Administrative Board has general supervisory control over the administrative activities of all state departments and agencies, including but not limited to, the approval of contracts and leases, oversight of the state capitol outlay process, and the settlement of small claims against the state.

STATE TRUNKLINE HIGHWAY: A road, highway, or freeway under the jurisdiction of the Department, and usually designated with an M, US, or I, preceding the route number.

WINTER MAINTENANCE: Maintenance operations centered on the process to remove snow and ice from the trunkline to provide a reasonably clear and safe driving surface under winter conditions. The activity codes that define the budget line items for winter maintenance are:

1410: Winter maintenance
1440: Winter road patrol *(See winter maintenance patrol above)*
1490: Other winter maintenance *(Shall include maintenance items resulting from winter maintenance, but not actual winter maintenance, i.e. sweeping and flushing immediately after winter ends)*

This work includes all material costs required to conduct work under the above activity codes.

APPENDIX B

MICHIGAN DEPARTMENT OF TRANSPORTATION

MUNICIPALITY CONTRACT

OVERHEAD SCHEDULE

Effective October 1, 2019, through September 30, 2024

Original Annual Budget Amount	Percent Allowed for Overhead	Percent Allowed for Small Tools	Total Percent Allowed
Up to $25,000_____	11.00_____	.50_____	11.50
$25,001 to $50,000 ____	10.25_____	.50_____	10.75
$50,001 to $75,000 ____	9.50_____	.50_____	10.00
$75,001 to $100,000 ___	8.75_____	.50_____	9.25
$100,001 and over _____	8.00_____	.50_____	8.50

APPENDIX C
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.

6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.

9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX D

STATE ADMINISTRATIVE BOARD
RESOLUTION 2017-2
PROCEDURES APPLICABLE TO MDOT CONTRACTS AND GRANTS
AND
RECISSION OF RESOLUTION 2011-2

WHEREAS, the State Administrative Board ("Board") exercises general supervisory control over the functions and activities of all administrative departments, boards, commissioners, and officers of this State, and of all State institutions pursuant to Section 3 of 1921 PA 2, MCL 17.3;

WHEREAS, the Board may adopt rules governing its procedures and providing for the general conduct of its business and affairs pursuant to Section 2, of 1921 PA 2, MCL 17.2;

WHEREAS, exercising its power to adopt rules, the Board adopted Resolution 2011-2 on August 30, 2011, establishing a $500,000 or more threshold for Board approval of the Michigan Department of Transportation ("MDOT") Professional Engineering Consultant Contracts and Construction Contracts and increasing the threshold for Board approval for Service Contracts to $250,000 or more for initial contracts and $125,000 or more for an amendment to a Service Contract;

WHEREAS, the Board has adopted Resolution 2017-1, raising the threshold for Board approval of contracts for materials and services to $500,000 or more for the initial contract and $500,000 or more for contract amendments, and rescinding Resolution 2011-1;

WHEREAS, MDOT is a party to a considerable number of contracts, the majority of which are funded via grants administered by federal agencies including the U.S. Department of Transportation's Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration, and Federal Aviation Administration, which oversee MDOT's administration of such contracts and amendments thereto;

WHEREAS, MDOT has implemented internal procedures to assure the proper expenditure of state and federal funds and is subject to financial and performance audits by the Office of Commission Audits pursuant to 1982 PA 438, MCL 247.667a;

WHEREAS, MDOT is a party to a significant number of contracts which by their nature involve substantial consideration and often require amendments

arising out of changes in scope, differing field conditions and design errors and omissions;

WHEREAS, delays in the approval of amendments to contracts can result in postponement of payments to subcontractors and suppliers; work slowdowns and stoppages; delays in the completion of projects; exposure to additional costs; and exposure to litigation arising out of contractor claims; and

WHEREAS, recognizing the Board's duty to promote the efficiency of State Government, the Board resolves as follows:

1. Resolution 2011-2 is rescinded.

2. A contract for professional design, engineering or consulting services requiring MDOT prequalification in connection with the construction or physical improvement of a street, road, highway, bridge, transit or rail system, airport or other structure congruous with transportation ("Professional Engineering Consultant Contract") or a contract for the construction or physical improvement of a street, road, highway, bridge, transit or rail system, airport or other structure congruous with transportation ("Construction Contract") must be approved by the Board prior to execution by MDOT if the amount of the contract is $500,000 or more. MDOT may obtain approval of the solicitation of a Professional Engineering Consultant Contract or a Construction Contract which, based on the estimate prepared by an engineer employed by the State of Michigan, is estimated to be $500,000 or more. A contract arising out of such solicitation must be approved by the Board prior to execution by MDOT if the amount of the contract exceeds 110% of the State engineer's estimate.

3. An amendment to a Professional Engineering Consultant Contract or a Construction Contract must be approved by the Board prior to execution by MDOT if the amount of the amendment and the sum of all previous amendments exceed 10% of the original contract, except that an amendment to a Professional Engineering Consultant Contract or a Construction Contract need not be approved by the Board if: a) approved in accordance with applicable federal law or procedure by a representative of a federal agency contributing funds to the project that is the subject of the contract; or b) approved in accordance with MDOT's internal procedures provided the procedures include approval by at least one MDOT employee who has managerial responsibility and is neither the project manager nor directly involved in the administration of the project.

4. A contract for services not requiring MDOT prequalification ("Service Contract") in the amount of $500,000 or more must be approved by the Board prior to execution by MDOT. A Service Contract does not include a Professional Engineering Consultant Contract or a Construction Contract.

5. An amendment to a Service Contract must be approved by the Board prior to execution by MDOT if the amount of the amendment and the sum of all previous amendments total $500,000 or more. Thereafter, an amendment to a Service Contract must be approved by the Board if the amount of the amendment and the sum of all amendments executed after the most recent Board approval total $500,000 or more.

6. A contract involving the conveyance of any real property interest under the jurisdiction of MDOT must be approved by the Board prior to execution by MDOT if the fair market value of the interest is $500,000 or more. Fair market value must be determined in accordance with procedures approved by the State Transportation Commission.

7. MDOT may enter into a contract with a sub-recipient without approval of the Board if: a) the purpose of the contract is to provide federal or state matching funds for a project; b) MDOT has been authorized by an agency administering any federal funds to award them to the sub-recipient; and c) the sub-recipient has agreed to fully reimburse the State in the event the sub-recipient does not use the funds in accordance with the purpose of the funding. A sub-recipient includes, but is not limited to, a local unit of government, a governmental authority, a private non-profit entity, and a railroad or rail service provider.

8. MDOT may enter into a cost participation contract with a local unit of government without approval of the Board if: a) the contract involves the construction or physical improvement of a street, road, highway, bridge or other structure congruous with transportation; b) the construction or improvement is funded by federal, state or local funds; and c) the contract is approved by each entity providing funds or in accordance with applicable law.

9. MDOT may enter into a contract in connection with the award of a grant including state matching funds, to a local unit of government, a governmental authority, a private non-profit entity, a railroad or a rail service provider, without approval of the Board if the contract provides that the recipient will fully reimburse the State in the event grant funds are not used in accordance with the terms of the grant.

10. MDOT may enter into a contract with an airport sponsor without approval of the Board if the contract has been approved by the Michigan Aeronautics Commission.

11. MDOT may enter into a contract or award a grant without approval of the Board in situations where emergency action is required. For all emergency contracts or grants of $250,000 or more, MDOT must transmit to the Board a

written report setting forth the nature of the emergency and the key terms of the contract or grant within 30 days of executing the contract or awarding the grant.

12. Notwithstanding any provisions of this resolution, the Board may require MDOT to report the status of any project and may require MDOT to obtain Board approval of any contract, grant or any amendment to a contract.

This Resolution is effective April 25, 2017.

APPROVED
State
Administrative Board

4-25-17 Paul M. Cousin

APPENDIX E

SUBCONTRACT REQUIREMENTS

SUMMARY OF STATE ADMINISTRATIVE BOARD REQUIREMENTS FOR AMENDMENTS
(PREVIOUSLY REFERRED TO AS OVERRUNS, EXTRA'S AND ADJUSTMENTS)

Administrative Board Resolution (2017-2, April 25, 2017)

Amendments

Subcontract Requirements:	Amendment Amount	State Administrative Board (SAB) Approval Requirements:
• **Region Engineer approval required prior to start of work.** • **Form 426 must be signed by the Region Engineer.** • **Documentation of amendment is required by the Municipality.** • **Send revised Form 426 to the Operations Field Services Division Contract Administrator for review and approval prior to the start of work.**	**$499,999 or less**	**Not required** **Note:** Emergency contracts $250,000 or greater require SAB approval.
	$500,000 or greater	**Required prior to the start of work** **Note:** When the sum of the contract and all amendments total $500,000 or greater, SAB approval is required.

Definition of Term: Amendment includes situations where the original contract quantity or contract cost is exceeded. It also includes situations where quantities or work are added to the original contract as extra's or adjustments.

April 25, 2017

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

APPENDIX F

SAMPLE: Letter of Understanding

Date

Contract Agency Name
Address
Contact Person, Title

RE: Clarification of State Trunkline Maintenance Contract between Michigan Department of Transportation (MDOT) and the (insert name of contract agency)

Dear _____:

This Letter of Understanding is in follow up to our recent meeting held on _____ and will serve as a reference to clarify the Scope of Work set forth in Section 2, of the State Trunkline Maintenance Contract.

The Scope of Work will be limited to (insert type of work activities and frequency of work to be performed) on the state trunkline (indicate routes) in the City of _____. The work activities are to be conducted by the City as a part of the Contract with MDOT.

The Scope of Work shall include traffic control to perform the work.

Request for reimbursement of the Scope of Work activities identified herein shall be in accordance with Section 16 of the Contract.

Subcontracting of any work activities shall be in accordance to Section 9 of the Contract.

Please sign each of the two original letters enclosed. Please keep one copy for your records and return the other copy to my attention.

Sincerely,

Name
Maintenance Engineer
MDOT ____TSC

APPROVED BY:

City of _____ agrees to the terms and conditions stated in this agreement.

Dated this _____ day of _____, 2014

_____
Name, Title

APPROVED BY:

_____ Date _____
Region Engineer
Michigan Department of Transportation

APPENDIX G

Non-Winter Maintenance Activity & Level of Service Priority

For the purposes of defining priority levels, the following guidance is suggested:

"Critical" work activities are those which address conditions in the infrastructure that pose an imminent threat to public health and safety. This would include instances in which defects or damage currently exist and must be repaired to restore the infrastructure to a safe operating condition. Examples may include filling existing potholes, repairing significantly damaged guardrail, grading shoulders with an edge drop in excess of 1 ½ *inches* or replacing a collapsed culvert.

"High Priority" work activities are those which address serious deficiencies in the condition of the infrastructure which, in the professional judgment of the Region and TSC management, could lead to defects or damage in the near future that would seriously impact public health and safety if they are not addressed now. Examples may include repairing significantly deteriorated pavement joints and cracks or repairing culverts with section loss.

"Routine/Preventive" work activities are those which address the condition of the infrastructure in such a way as to maintain or prevent the condition from deteriorating to serious condition. Examples may include sealing pavement cracks, grading shoulders, cleaning culverts and ditches, and brushing.

<u>Priority Group 1:</u>

Traffic Signal Energy
Facility Utilities
Freeway Lighting Energy
Operation of Pump Houses
Operation of Movable Bridges
Auto Liability Insurance (county contracts)
Supervision (county contracts)
Roadway Inspection (minimum acceptable level- county contracts)
Billable Construction Permits
Equipment Repair and Servicing
Fuel
Critical Surface Maintenance
Critical Guardrail Repair
Critical Sign Replacement
Critical Drainage Repair
Critical Traffic Signal Repair
Critical Freeway Lighting Repair
Critical Response to Traffic Incidents (to assist in traffic control, facility restoration)
Critical Drainage Area Sweeping (to prevent roadway flooding)

Critical Structural Maintenance on Bridges
Critical Pump House Maintenance
Critical Shoulder Maintenance (to address shoulder drops greater than 1 ½")
Critical Impact Attenuator Repair
Clear Vision Area Mowing
Removal of Large Debris and Dead Animals (from the traveled portion of the roadway)
Rest Area and Roadside Park Maintenance

Priority Group 2:

High Priority Surface Maintenance
High Priority Guardrail Repair
High Priority Sign Replacement
High Priority Drainage Repair
High Priority ROW Fence Repair
High Priority Shoulder Maintenance
High Priority Structural Maintenance
Adopt-A-Highway
Youth Corps in designated urban areas
Mowing (First Cycle)
Freeway Slope Mowing in designated urban areas
Litter Pickup in designated urban areas
Graffiti Removal in designated urban areas
Freeway Lighting Maintenance & Repair

Priority Group 3:

Mowing (Additional Cycles)
Brushing
Sweeping, beyond critical drainage areas
Litter Pickup, outside designated urban areas
Graffiti Removal, outside designated urban areas
Routine/Preventive Surface Maintenance
Routine/Preventive Guardrail Repair
Routine/Preventive Sign Replacement
Routine/Preventive Drainage Repair
Routine/Preventive Shoulder Maintenance
Routine/Preventive Structural Maintenance
Routine/Preventive Pump House Maintenance
Routine/Preventive Traffic Signal Maintenance
Youth Corps outside of designate urban areas
Non-motorized path maintenance

Date: **11/16/2020**
Item: **G.6.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik
Prepared by: Christina Anderson on behalf of Andrew Haan, Kalamazoo Downtown Partnership

DATE: November 16, 2020

SUBJECT: Approval of Expanded Social Districts in Downtown Kalamazoo

RECOMMENDATION:

It is recommended that the City Commission take the action to expand Social Districts in Downtown Kalamazoo by adopting a resolution with an updated map.

BACKGROUND:

The requested action is an expansion of the areas of Downtown that act as Social Districts. In August this Commission approved the initial area and management plan. The program has been successful and Kalamazoo Downtown Partnership with Downtown businesses are requesting its expansion.

This was the background information provided in the August request: COVID-19 and the resultant executive orders closing restaurants and bars have had a dramatic impact on businesses across the State of Michigan. Locally, businesses in downtown were surveyed by the Kalamazoo Downtown Partnership to better understand these impacts. It was discovered that 75% reported revenue decreases above 50%, 59% of businesses reported having to lay off employees, 30% expect to re-hire fewer employees than were laid off, and 42% of businesses reported likelihood of closing moderate to very high. Additionally, Downtown visitors were surveyed, with a high percentage being more comfortable patronizing businesses in outdoor settings.

In order to help offset similar impacts statewide, Public Act 124 of 2020 was signed into law in July 2020. PA 124 allows municipalities to designate “social districts” and “commons areas” within those districts, into which customers of licensed establishments could serve alcoholic drinks. Patrons could take a drink into the commons area, wander about, shop in store, browse a gallery, or pause to enjoy their drink on a bench or table in the public realm. A commons area

could be established any place in the City that has three or more licensed establishments contiguous to the commons area.

With the greatest concentration of licensed establishments in the City within Downtown, and with data supporting the need for interventions, it is proposed that the City's first social district and commons area be established along the Kalamazoo Mall, Michigan Avenue, and associated adjacent blocks (see attached map). The proposed commons area would operate seven days a week, 10am-10pm Sunday-Thursday, and 10am-12am Friday and Saturday. In accordance with PA 124, establishments will be required to serve in plastic cups no larger than 16oz that identify the social district, and the licensed establishment serving them. No other open containers will be permitted in the commons area. The area will be maintained by Kalamazoo Downtown Partnership.

Numerous communities in Ohio, including peers like Toledo have met success operating under the similar designated outdoor refreshment area program, in place since 2015. The proposed program would be monitored regularly for compliance, cleanliness, and economic impact. Adjustments to hours, operations, or other policies may be made at a later date, should they be deemed necessary. Also, additional commons areas may be established should businesses in other parts of downtown or other neighborhood nodes express interest.

STRATEGIC VISION ALIGNMENT:

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

Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.

Small businesses are operating at dramatically reduced capacity as a result of COVID-19. This action is intended to boost capacity to support the economic vitality of Downtown. As the pandemic starts to recede, these areas will provide an opportunity for larger gatherings and events, bringing much need attention and activity in Downtown.

COMMUNITY ENGAGEMENT:

The Kalamazoo Downtown Partnership has communicated this opportunity to its business contact list of over 250 individuals on multiples occasions in recent weeks. Feedback has been uniformly positive. The boards of the Kalamazoo Downtown Partnership and Downtown Economic Growth Authority, composed of members representing businesses, anchor institutions, residents, property owners, and community members are in support of this proposal. Additionally, multiple participatory webinars have been hosted with downtown stakeholders to establish recommended boundaries, hours, and operational plans for the commons areas.

FISCAL IMPACT:

It is anticipated that this will have a positive impact on the economic condition of Downtown. Diners will be encouraged to remain downtown longer, visiting retail establishments and other venues, injecting more dollars into the local economy. Small, locally-owned businesses, and their employees will be the primary benefactors of this program.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 20-

A RESOLUTION DESIGNATING SOCIAL DISTRICTS CONTAINING COMMONS AREAS AND ADOPTING A MANAGEMENT AND MAINTENANCE PLAN IN ORDER TO ALLOW CERTAIN ON PREMISES LIQUOR LICENSEES EXPANDED USE OF SHARED AREAS FOR CONSUMPTION OF ALCOHOL PURSUANT TO PUBLIC ACT 124 OF 2020

Minutes of a regular meeting of the City Commission of the City held on November 16, 2020, at or after 7:00 o'clock p.m., local time, by electronic means.

PRESENT, Commissioners:

ABSENT, Commissioners:

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

WHEREAS, the Michigan Liquor Control Code was recently amended by 2020 Public Act 124 (the Act) to allow the governing body of a local governmental unit to designate social districts and commons areas which may be used by qualified licensees to obtain a social district permit from the Michigan Liquor Control Commission (MLCC) to utilize expanded areas for the consumption of alcohol; and

WHEREAS, if the governing body of a local governmental unit designates a social district that contains a commons area, the governing body must define and clearly mark the commons area with signs, establish local management and maintenance plans including, but not limited to, hours of operation for submittal to the MLCC, and maintain the commons areas in a manner that protects the health and safety of the community; and

WHEREAS, the City Commission finds that designating social districts and commons areas pursuant to the Act is in the best interests of the citizens of the City of Kalamazoo especially in light of COVID-19 restrictions on indoor gatherings and social distancing recommendations;

NOW, THEREFORE, BE IT RESOLVED that the City Commission designates the social districts and commons areas as provided on the attached maps, establishes the attached management and maintenance plan, and authorizes the City Manager or his designee to take all such other actions necessary in order to implement this Resolution and comply with the Act.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to forward this Resolution and the attached maps and management and maintenance plans to the MLCC as required by the Act together with this Resolution.

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

AYES, Commissioners:

NAYS, Commissioners:

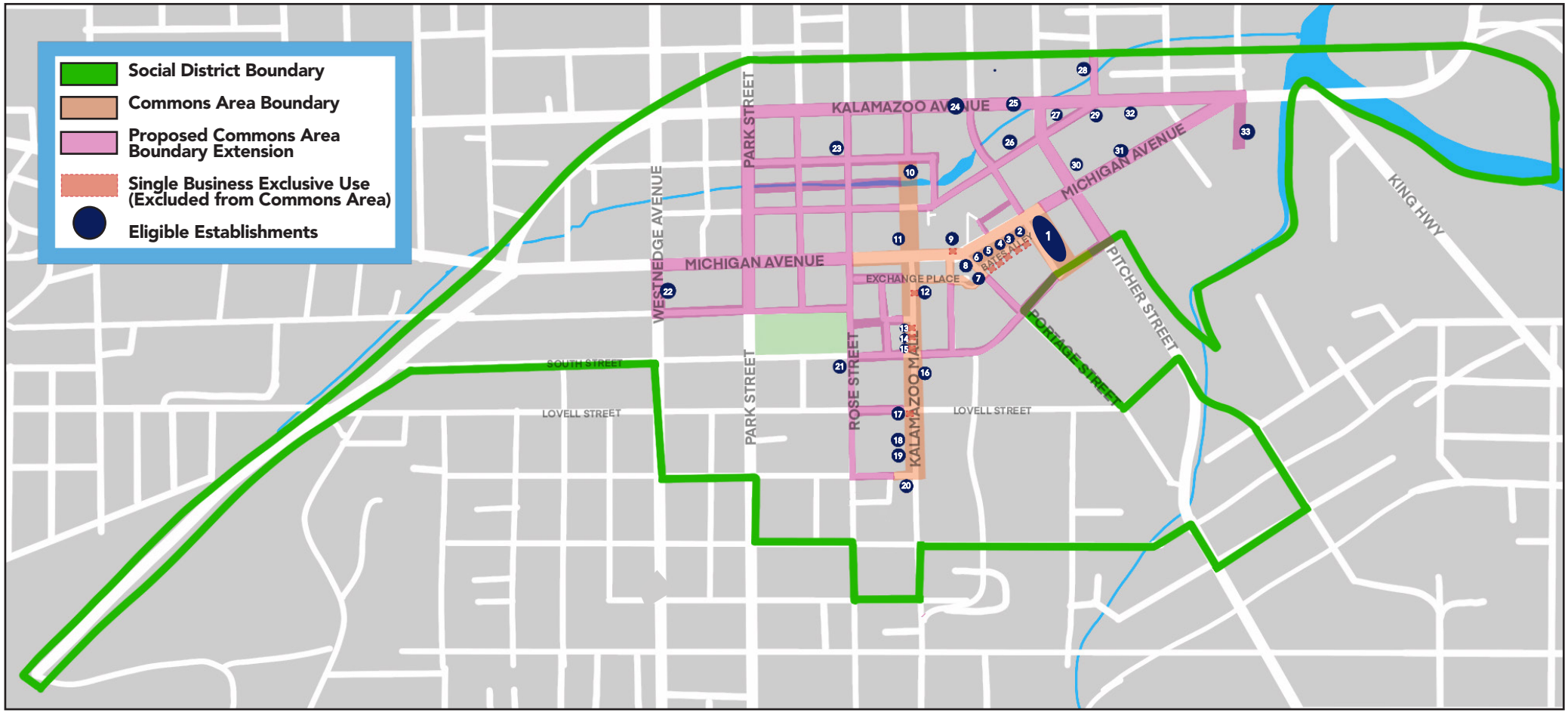
ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on November 16, 2020. 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 228 of 2020. Minutes of the meeting will be available as required by the Act.

_____
Scott A. Borling
City Clerk



DOWNTOWN KALAMAZOO COMMONS AREA LOCATIONS

1. **Entertainment District**
   - The Gatsby
   - Wild Bull
   - District Square
   - Skydeck
   - Loft 310
2. **Coney Island**
3. **Tempo Vino**
4. **Green Top Tavern**
5. **Fuze**
6. **Olde Peninsula**
7. **Stamped Robin**
8. **LFG**
9. **The Wine Loft**
10. **Final Gravity**
11. **Radisson Plaza Hotel**
12. **The Union**
13. **Principle**
14. **Rustica**
15. **Taco Bob's**
16. **Central City Tap House**
17. **Tibb's Brewing Company**
18. **The State Theatre**
19. **Harvey's on the Mall**
20. **Papa Pete's**
21. **Park Club**
22. **Saugatuck Brewing Company**
23. **Kalamazoo Hotel Partners**
24. **Tin Can Bar**
25. **Shakespeare's Pub**
26. **Kalamazoo Beer Exchange**
27. **Water Street Coffee Joint**
28. **Bell's Brewery**
29. **HopCat**
30. **Food Dance**
31. **Maru Sushi**
32. **Old Dog Tavern**
33. **600 Kitchen and Bar**

* Additional Single Business Exclusive Use areas may be added

Kalamazoo Downtown PARTNERSHIP

DOWNTOWN KALAMAZOO SOCIAL DISTRICT AND COMMONS AREA(S)

Management and Maintenance Plan

OPERATION:

1. The Social District and Commons Areas shall be open for operation Sunday through Thursday from 10am to 10pm, and Friday and Saturday from 10am to midnight.
2. No tents or lighting shall be installed within the Social District or Commons Area(s) without City permission.
3. No amplified sound shall be used in the Social District or Commons Areas without City permission.
4. Umbrellas may be installed but shall not be mechanically fastened to street or sidewalk surfaces.
5. Dogs are permitted in the Social District and Commons Areas (the City's leash laws still apply, as does the obligation to pick up after your dog).

ACCESS:

1. Pedestrian access shall be maintained to all buildings in the Social District and Commons Areas as required by the City of Kalamazoo.
2. Emergency access shall be maintained to all adjacent properties in the Social District and Commons Areas as required by the City of Kalamazoo.

ALCOHOL:

1. Alcoholic beverages are allowed in the Commons Area(s) only in accordance with a Social District Permit issued by the Michigan Liquor Control Commission (MLCC), any accompanying MLCC regulations, and City of Kalamazoo requirements.
2. Alcoholic beverages shall only be purchased at the licensed premises of a Social District Permit holder and must be consumed in designated Commons Areas.

SEATING, TABLES, AND RELATED FURNISHINGS:

1. Kalamazoo Downtown Partnership will maintain any seating, tables, and related furnishings that have been purchased and deployed by KDP within the Social District.
2. Seating, tables, and related furnishings that have been provided by individual Social District Permit Holders shall be the sole responsibility of the Social District Permit Holders and must comply with ADA accessibility requirements. Under certain circumstances, Social District Permit holders may use public space for seating, tables, and related furnishings. Interested Social District Permit holders must contact Kalamazoo Downtown Partnership for necessary reviews and municipal approvals.
3. Related furnishings are defined as planters, fencing, spatial delineators or other elements that are deployed as part of a seating expansion within the Social District.

SIGNAGE

1. Kalamazoo Downtown Partnership in consultation with the City will provide signage that designates the Commons Area(s) and Commons Area(s) boundaries.
2. Existing City of Kalamazoo sign ordinances are still applicable within Social District and Commons Area(s)

TRASH AND RECYCLING:

1. Kalamazoo Downtown Partnership will provide temporary trash cans and/or recycling cans within Commons Area(s) and at Commons Area boundaries and will maintain these trash cans and/or recycling cans and conduct trash removal operations at these locations for the duration of the Social District and Commons Area operation so long as it is economically feasible to do so.
2. At locations where existing trash cans are already installed, Kalamazoo Downtown Partnership and City of Kalamazoo will continue their current maintenance and trash removal operations.

REVIEW:

1. The Management and Maintenance Plan shall be included in any future Social District reviews conducted by the City of Kalamazoo or other entities.
2. Kalamazoo Downtown Partnership shall be included in any review and consulted on any revisions to the Social District and Management and Maintenance Plan.
3. Alcoholic beverages consumed in Commons Areas are required to be in designated cups per the requirements of the MLCC and the City of Kalamazoo.
4. Social District Permit holders are responsible for the sale of alcohol on their licensed premises in accordance with their individual Social District Permits and all MLCC rules and regulations, including confirming the consumer's identification and age, and prohibiting the sale of alcohol to intoxicated parties.
5. During regular patrols, Kalamazoo Department of Public Safety will monitor Commons Area(s) as assigned for compliance with MLCC and City of Kalamazoo rules and regulations.
6. Kalamazoo Downtown Partnership staff and/or contractors will also monitor Commons Areas and report compliance issues to the proper authorities so long as it is economically feasible to do so.
7. Additional commons areas may be considered at a future date by City Commission.

SOCIAL DISTANCING AND COVID-19 RESPONSE:

1. All users of Social District and Commons Area(s) shall follow State of Michigan social distancing requirements.
2. All users of Social District and Commons Areas shall comply with State of Michigan Executive Orders, including but not limited to, complying with limits on social gatherings and requirements relating to face masks.

Date: **11/16/2020**
Item: **G.7.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Vernon Coakley Jr., Public Safety Chief
Prepared by: Ryan Tibbets, Assistant Chief

DATE: November 16, 2020

SUBJECT: 2020 Bullet Proof Vest Grant Acceptance

RECOMMENDATION:

It is recommended that the City Commission accept the 2020 Bulletproof Vest Grant award in the amount of $29,623.75 from the Office of Justice Programs.

BACKGROUND:

The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has awarded Kalamazoo Public Safety $29,623.75 under the Bulletproof Vest Program (BVP) for the purchase of bulletproof vests. The Bulletproof Vest Grant Act of 1998 (Public Law 105-181) was reauthorized by the BVP Act of 2000 (Public Law 106-517). The purpose of the Act is to save the lives of law enforcement officers by helping units of local government equip their sworn law enforcement officers with bulletproof vests.

If the City of Kalamazoo accepts the 2020 Bulletproof Vest Grant award, grant funding will pay for 50% of the cost of bulletproof vests. The current and recommended replacement cycle for bulletproof vests is five (5) years.

STRATEGIC VISION ALIGNMENT:

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

Police Proactive and Reactive Calls for Service

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:

Kalamazoo Public Safety has been awarded Bulletproof Vest Grant funding in the amount of $29,623.75 to purchase bulletproof vests. The 50% match amount of $29,623.75 is contained the in the Public Safety general fund budget.

Date: **11/16/2020**
Item: **G.8.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director, Community Planning and Economic Development
Prepared by: Marcy Dix, Program Finance Supervisor

DATE: November 16, 2020

SUBJECT: Approval of the sale of the City-owned lot at 1015 Albert Avenue to Kalamazoo Neighborhood Housing Services for $500

RECOMMENDATION:

It is recommended that the City Commission approve the sale of the City-owned lot at 1015 Albert Avenue to Kalamazoo Neighborhood Housing Services for $500.00.

BACKGROUND:

The City Commission approved the acquisition of the lot at 1015 Albert Avenue (Parcel No. 06-14-209-097) in March 2020. The parcel was acquired as one of eleven tax-reverted properties that had gone through the tax foreclosure process and had not sold at auction. The properties were acquired to support the goals of the City's infill housing strategy. The purchase was made using Foundation for Excellence (FFE) funds approved for affordable housing. 1015 Albert Avenue is a vacant, conforming, buildable lot intended for a future affordable housing project.

Kalamazoo Neighborhood Housing Services (KNHS) is a nonprofit housing agency that is currently working with the City and Local Initiatives Support Corporation on an infill housing project, which is also supported by the FFE affordable housing budget and a brownfield plan that was approved by the Brownfield Redevelopment Authority and the City in 2020. KNHS originally included 114 Burr Oak in its multi-site housing construction project, but the extent of demolition work required to build on the Burr Oak property does not fit with the project's construction timeline. The City's parcel at 1015 Albert is in a suitable location and buildable condition to insert into the project in the place of the original parcel. The original parcel will still be cleared and used for a future affordable housing project after the original project is finished.

Selling 1015 Albert Avenue to KNHS will achieve the City's original goal of having affordable

housing built on the vacant lot, while helping KNHS meet its project timeline and projected number of housing units.

The $500 sale price is intended to match the price the Kalamazoo County Treasurer has set for the sale of property for similar uses and will cover recording fees associated with the sale. The Redevelopment and Purchase Agreement stipulates that Kalamazoo Neighborhood Housing Services will construction a single-family home on the lot within one year of the closing.

STRATEGIC VISION ALIGNMENT:

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

Affordable Housing

Improve the amount of decent and affordable housing in the City of Kalamazoo by supporting the maintenance, rehabilitation and development of accessible owner and renter occupied housing.

Strategic Goal Impact:

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

Discussion: Selling the parcel to KNHS will assist in increasing affordable housing stock and infill of vacant lots.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

The property was purchased with Foundation for Excellence funds approved for the affordable housing program. There is no current carrying value for this property and there will be no impact to the City's capital assets as a result of this sale.

Vacant properties held by the Community Planning & Economic Development Department with

no intended community project will result in a tax liability to this department. There are also seasonal mowing costs.

REDEVELOPMENT AND PURCHASE AGREEMENT

This Agreement is entered into between KALAMAZOO NEIGHBORHOOD HOUSING SERVICES, whose address is 1219 Park Street, Kalamazoo Michigan 49001 ("Purchaser"), and the CITY OF KALAMAZOO, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("the City"), and

Recitals:

A. In March 2020, the City Commission approved the acquisition of the lot at 1015 Albert Avenue, identified as Parcel No. 06-14-209-097 ("Property"), for the purpose of supporting the City's infill housing strategy.

B. The property is a vacant, conforming buildable lot. The City desires to see a new home constructed on the Property and has searched for a suitable community partner to achieve this goal.

C. The Purchaser is a nonprofit with home ownership programs for individuals and family needing help building and purchasing affordable housing. The Purchaser has indicated this lot is suitable for their program and would construct a single-family dwelling on the site.

D. The City believes that Purchaser's acquisition and redevelopment of the Property will benefit the neighborhood, and thus serve the vital and best interests of the City and the health, safety and welfare of its residents.

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

NOW, THEREFORE, the parties agree as follows:

1. DESCRIPTION OF THE PROPERTY. The Property is vacant and presently unimproved parcel of land located at 1015 Albert Avenue in the City and County of Kalamazoo, State of Michigan, and is more fully described as follows:

23548 HAZARDS SUBDIVISION OFSECTION 14 N 44 FT OF LOT 97. (Parcel No. 06-14-209-097)

2. CONSIDERATION. Purchaser agrees to purchase the Property from the City for the sum of five hundred dollars ($500.00) (the "Purchase Price"), and other good and valuable consideration as set forth in this Agreement. The City agrees to convey good and marketable title to the Property by warranty deed (subject only to the exceptions

that are permitted by this Agreement) to Purchaser simultaneously upon receipt of the Purchase Price, subject to the following terms and conditions of this Agreement

3. TITLE INSURANCE. At the sole option and expense of Purchaser it may obtain a commitment to issue an owner's title insurance policy insuring Purchaser ("Title Commitment"). The Title Commitment must be acceptable to Purchaser in the reasonable exercise of Purchaser's sole discretion. The City shall provide any surveys, affidavits and certificates required by the title insurance company if Purchaser elects to have the title policy without exceptions or with additional endorsements. Purchaser is responsible for paying the premium for the title policy and any added premium charged for a policy without exceptions and any such additional endorsements.

If Purchaser has obtained a Title Commitment, it shall notify the City within twenty (20) days after Purchaser's receipt of the Title Commitment whether there are any unacceptable issues ("Defects") regarding title for which City is responsible. The City shall remove each Defect for which it is responsible at its expense on or before the closing date. If the City fails or refuses to remove any Defect, then Purchaser may: (i) proceed to closing, waiving the Defect at issue; or (ii) terminate this Agreement by a written notice to City, in which case the Deposit shall be promptly returned to Purchaser, and neither City nor Purchaser shall have any further liability to the other under this Agreement.

City agrees not to take any action between the time of execution of this Agreement and the closing that will cause any lien or encumbrance to the Property.

4. INSPECTION. Purchaser and its agents, consultants, and designees ("Purchaser's Agents") may from time to time inspect the Property prior to the closing, and may enter the Property to perform the inspections referenced in this Agreement. Promptly upon City's acceptance of this Offer, City shall provide to Purchaser, or make available for review by Purchaser and/or Purchaser's agents, copies of any prior environment assessments, title commitments or surveys for the Property.

5. CITY'S REPRESENTATIONS AND WARRANTIES. To the best of its knowledge, the City represents and warrants to Purchaser, which representations and warranties shall be true to the closing date, as follows:

A. There are no claims, legal proceedings or investigations by governmental entities relating to the Property, other than any lien against the Property for the costs incurred by the City in acquiring or improving the Property, which will be waived at closing.

B. The Property is free and clear of all violations of applicable laws, ordinances, orders, codes, rules, regulations, building and use restrictions, and other legal requirements.

C. There are no agreements, contracts, or leases, written or oral, which affect the Property in any manner other than this Agreement;

D. There is no pending or proposed special assessment affecting or which may affect the whole or any part of the Property; and

E. All necessary action to approve, execute, deliver, and perform this Agreement has been taken by City, and this Agreement is the valid and binding obligation of City, enforceable against City in accordance with its terms.

6. CONTINGENCIES. The obligation of Purchaser to close the purchase of the Property is contingent upon:

A. Purchaser's reasonable satisfaction with the results of its inspections, environment assessments/reports or other due diligent activities regarding the Property;

B. All representations and warranties of the City set forth in this Agreement being true as of the closing date;

C. The City having timely performed its obligations by the date of closing.

If any contingency is not satisfied by the date of closing, including any extension permitted under Paragraph 12, then Purchaser may terminate this Agreement by written notice to City.

7. PURCHASER COMMITMENT. As further consideration for this Agreement, Purchaser will obtain a Building Permit and commence with construction of a single-family dwelling in compliance with applicable City zoning requirements on the Property within one year of the closing.

8. ENVIRONMENTAL ASSESSMENT. Within 30 days from the effective date of this Agreement, Purchaser shall, at its own expense and for its own benefit, conduct all appropriate inquiry within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, (Act 451). If such inquiry identifies the Property as a facility, Purchaser shall complete and submit a Baseline Environmental Assessment ("BEA") to the Michigan Department of Environmental Quality ("MDEQ") as provided under Act 451 (collectively, Due Diligence Activities). Purchase shall also maintain on file a Due Care Plan.

After completion of the Due Diligence Activities, Purchaser shall have 5 days to give written notice to the City of its election to terminate the Agreement. If written notice is not timely given to the City Purchaser is considered to have accepted the Property in its "AS IS" condition. The closing shall then occur within the next 30 days (or within 60 days of the effective date of this Agreement), provided however, that all other contingencies under this Agreement have been met or completed. If the Purchaser

notifies the City of its intent to terminate this Agreement in accordance with this Paragraph 8, neither party shall have any further rights or obligations under this Agreement.

9. CITY COMMITMENTS. The City agrees to complete the following:

A. Provide copies of all available environmental reports in its possession for the Property. If there are any facts or conditions contained in the reports which are unacceptable to Purchaser, Purchaser shall have the right to terminate this Agreement by giving written notice to the City as provided in Paragraph 8.

C. No official, board member, officer or employee of the City or the City is personally liable to Purchaser or its successor in interest upon a breach or default by the City for any amount payable to Purchaser or its successor or any obligation under this Agreement.

10. CLOSING. Subject to Paragraph 8, the closing shall occur on a date mutually agreed upon by the parties, but in no event later than 60 days from the effective date of this Agreement. Regardless of the preceding, Purchaser shall have the right to extend the closing date for up to an additional 30 days to complete necessary Due Diligence Activities or to attempt to satisfy contingencies. .

11. POSSESSION. Purchaser shall be entitled to sole and exclusive possession upon payment of the purchase price and receipt of the warranty deed to the Property.

12. TAXES. The Property is currently exempt from the payment of taxes. Beginning with December 31 of the year in which Purchaser acquired the Property, Purchaser shall be responsible for the taxes, if any, levied against the Property and the personal property located within the Property.

13. ENVIRONMENTAL CONCERNS. Purchaser, having the opportunity to conduct Due Diligence Activities regarding the Property, accepts the Property in “AS IS” condition. The City makes no representations regarding environmental hazards or liabilities on or relating to the Property. The City is under no obligation to perform any cleanup or other remedial action.

14. CITY APPROVAL. The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. If such approval is not made within 60 days after Purchaser has signed this Agreement, it shall be deemed null and void and of no force and effect.

15. SURVEY. Purchaser, at its option and expense, may obtain an ALTA survey of the Property (“Survey”). If there are any facts or conditions related to the Survey that adversely impact the Project, Purchaser shall provide notice to the City within 10 days after receipt of the survey, identifying in detail any unacceptable facts or conditions that Purchaser requests the City to cure. If the City is unable or unwilling to cure these facts

or conditions within 30 days after receipt of the notice from Purchaser, Purchaser shall have the option to either (i) waive such defects and proceed to closing; or (ii) terminate this Agreement.

16. TIME IS OF THE ESSENCE. The parties agree that in all matters relating to this Agreement, time is of the essence.

17. MAINTENANCE AND CLOSURE. In the event that Purchaser, or any affiliate or subsidiary, shall terminate business operations on the Property, Purchaser agrees to continue to maintain the property in an attractive manner. Furthermore, Purchaser agrees to comply with applicable law with respect to environmental releases for which it is responsible.

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

Purchaser:	Kalamazoo Neighborhood Housing Services 1219 Park Street Kalamazoo, MI 49001
City:	City of Kalamazoo ATTN: City Manager 241 West South Street Kalamazoo, MI 49007 w/copies to the City Attorney

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

19. Real Estate Brokers. Neither party has retained the services of a real estate broker regarding this transaction. If a broker makes a claim for remuneration in connection with the Purchase, the party against whom the claim is made is responsible for paying any commission or other compensation for which the broker is entitled to receive.

20. Miscellaneous.

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

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

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

D. This Agreement and the exhibits to this Agreement contain all of the representations and statements by the City and Purchaser to one another and express the entire understanding between them with respect to the Purchase. All prior and contemporaneous communications concerning the Purchase are merged in and replaced by this Agreement.

Dated: _____, 2020

City of Kalamazoo

By: _____
James K. Ritsema
Its: City Manager

Dated: _____, 2018

Kalamazoo Neighborhood Housing Services

By: _____

Matt Lager
Its: Executive Director

Date: **11/16/2020**
Item: **G.9.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: James J. Baker, PE, Public Services Director and City Engineer

DATE: November 16, 2020

SUBJECT: Consumers Energy Easement 1415 Harrison

RECOMMENDATION:

It is recommended the City Commission approve an easement on City property, located at 1415 Harrison, to Consumers Energy to supply three-phase electric power to Graphic Packaging International and to the City of Kalamazoo Water Reclamation Plant.

BACKGROUND:

This electric power infrastructure modernization project is a necessary component of the Graphics Packaging International $600 Million investment in recycling paper in Kalamazoo. This modernization benefits the water reclamation plant, increases reliability and redundancy, while also allowing for increased flexibility and demand response.

This 3.5 acre easement and subsequent electric power infrastructure allows for the abandonment of an existing 2.7 acre easement and for the reestablishment of a wetland habitat on the east bank of the Kalamazoo River.

The placement of the electric power infrastructure requires the removal of 721 trees within the 3.5 acre easement. This request has been taken to the Tree Committee to which the requirement for a payment of $8,863 to the City of Kalamazoo for urban tree planting was required as a condition.

STRATEGIC VISION ALIGNMENT:

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

Wastewater Treatment Operations

Strategic Goal Impact:

Economic Prosperity

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
This request has been reviewed and approved by the city's Tree Committee.

FISCAL IMPACT:

Payment to the City of Kalamazoo for urban tree planting in the amount of $8,863 is required as part of this easement.

EASEMENT FOR ELECTRIC FACILITIES

Bronco

SAP# 34955136
Master Tract# TRN000916039420
Agreement# MI00000051230

City of Kalamazoo, a Michigan municipality, of 241 W. South St., Kalamazoo, MI 49007 (hereinafter "Owner")

for $1.00 and other good and valuable consideration [*exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to MCLA 207.526(f)*] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter "Consumers")

a permanent 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 and to construct, operate, maintain, inspect (including aerial patrol), survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge, and protect a line or lines of electric facilities in, on, over, under, across, and through a portion of Owner's Land (hereinafter "Facility Easement Area") described in the attached Exhibit B, together with any pole structures, poles, or any combination of same, wires, cables, conduits, crossarms, braces, guys, anchors, transformers, electric control circuits and devices, location markers and signs, communication systems, utility lines, protective apparatus and all other equipment, appurtenances, associated fixtures, and facilities, whether above or below grade, useful or incidental to or for the operation or protection thereof, and also the right from time to time hereafter to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation and to conduct such other activities within the Facility Easement Area as may be convenient in connection therewith as determined by Consumers for the purpose of transmitting and distributing electricity, and also the right, from time to time hereafter, to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, roots, or other vegetation within a portion of Owner's Land (hereinafter "Protection Easement Area") described in the attached Exhibit C, which Consumers, in its sole discretion, determines both are of a species capable of obtaining a height of 35 feet or taller and which may endanger Consumers' facilities.

Additional Work Space: In addition to the easement rights granted herein, Owner further grants to Consumers, during initial construction and installation only, the right to temporarily use such additional work space reasonably required to construct said lines. Said temporary work space shall abut the Facility Easement Area, on each side, as required by construction.

Access: Consumers shall have the right to unimpaired access to said line or lines, and the right of ingress and egress on, over, and through Owner's Land for any and all purposes necessary, convenient, or incidental to the exercise by Consumers of the interests and rights granted hereunder.

Trees and Other Vegetation: Owner shall not plant any trees within the Facility Easement Area without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Buildings/Structures: Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure within 20 feet on each side of the centerline as described in the attached Exhibit B, whether temporary or permanent, natural or man-made, without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Ground Elevation: Owner shall not materially alter the ground elevation within 20 feet on each side of the centerline as described in the attached Exhibit B, without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Exercise of Easement: Consumers' nonuse or limited use of this easement shall not preclude Consumers' later use of this Easement to its full extent.

Ownership: Owner covenants with Consumers that they are the lawful fee simple owner of the aforesaid lands, and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

Successors: This Easement shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns.

Counterparts: This Easement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

Date: _____

Owner: City of Kalamazoo, a Michigan municipality

_____
Signature

By: _____
Printed name

Its:_____

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, Michigan,

on _____ by _____

of the City of Kalamazoo, a Michigan municipality, on behalf of the company _____.

_____
Notary Public

_____
Print Name

_____County, Michigan

Acting in _____ County

My Commission expires: _____

Prepared By:
Brandy R. Gale, 07/28/2020
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

After recording, return to:
Carrie Main, EP7-287
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

EXHIBIT A

Owner's Land

Land situated in the Township of Kalamazoo, County of Kalamazoo, State of Michigan:

Parcel 1:
Commencing at the Northeast corner of the West 1/2 of the Northeast 1/4 of Section 10, T2S, R11W; thence South 0° 15' 30" East along the East line of the West 1/2 of the Northeast 1/4 of said Section 10, 33 feet to the point of beginning; thence continuing South 0° 15' 30" East, 108.90 feet; thence North 89°25' West, 112.75 feet parallel to the North line of the West 1/2 of Northeast 1/4 of said Section 10 to the Easterly right of way line of the Chicago, Kalamazoo and Saginaw railway; thence Northeasterly along the Northeasterly prolongation of said Easterly right of way line 111.60 feet to a point 33.00 feet South of the North line of the West 1/2 of Northeast 1/4 of said Section 10; thence South 89°25' East 86.67 feet parallel to the North line of the West 1/2 of Northeast 1/4 of said Section 10 to the point of beginning, containing 0.249 of an acre of land, more or less.

Parcel 2:
Commencing at the Northeast corner of the West 1/2 of the Northeast 1/4 of Section 10,T2S, R11W; thence South 0° 15' 30" East 684.09 feet along the East line of the West 1/2 of the Northeast 1/4 of said Section 10, T2S, R11W, to the point of beginning; thence continuing South 0° 15'30" East along said East line 231.0 feet; thence North 89° 25' West 163.80 feet to the Easterly right of way line of the Chicago, Kalamazoo and Saginaw Railway; thence Northerly 231.10 feet along said Easterly right of way line; thence South 89°25' East 158.61 feet parallel to the North line of said Section 10 to the point of beginning, containing 0.855 of an acre of land, more or less.

Parcel 3:
Beginning at the Northwest corner of the East 1/2 of the Northeast 1/4 of Section 10, T2S, R11W; thence South 0° 15' 30" East along the West line of the East 1/2 of the Northwest 1/4 of Section 10, a distance of 2,639.73 feet, more or less, to the Southwest corner of the East 1/2 of the Northeast 1/4 of said Section 10; thence South 89°7' 0" East a distance of 718.54 feet, more or less, to the Water's edge of the Kalamazoo River; thence Northerly along the Water's edge of the Kalamazoo River a distance of 2,808 feet more or less, to the center line of Mosel Avenue; thence North 89° 25' 00" West along the center line of Mosel Avenue to the Place of beginning and containing 44.64 acres, more or less.

Parcel ID: 06-10-232-001

AND

A parcel of land in Section 10, T2S, R11W, Township of Kalamazoo, Kalamazoo County, Michigan; the boundary of said parcel being described as commencing at the North 1/4 corner of said Section 10; thence S89°49'00" E along the North line of said Section 10, 1324.59 feet to the Northeast corner of the West 1/2 of the Northeast 1/4 of said Section 10; thence S00°35' 30" E along the East line of the West 1/2 of said NE 1/4 141.90 feet to the point of beginning of this description; thence continuing S00°35'30" E along said East line 205.92 feet; thence N89°49'00" W, 129.16 feet to a point measured 30.0 feet Easterly and perpendicular to the centerline of the main tracks of the Chicago, Kalamazoo and Saginaw Railway; thence Northerly parallel to and 30.00 feet distant from said Centerline of track to a point measured 30.00 feet Easterly of said centerline of track and 141.90 feet Southerly of the North line of said Section 10; thence S89 °49'00" E parallel to the North line of said Section 10, 109.08 feet to the point of beginning.

Parcel ID: 06-10-205-020

AND

A parcel of land in the Northeast 1/4 of Section 10, T2S, R11W, Described as beginning at a point on the North line of Section 10 being 149 feet Westerly measured along said North line from the Northeast corner of Section 10; thence Southerly along the Westerly side of the Michigan Railroad right-of-way to a point 133 feet West of the East line of Section 10 and 514.8 feet South of the Northeast corner of Section 10; thence West to the East bank of the Kalamazoo River; thence Northerly along the East bank of the Kalamazoo River to the North line of Section 10; thence East to the point of beginning. Also beginning at a point on the North line of Section 10 T2S, R11W, being 149 feet Westerly measured along said North line from the Northeast corner of Section 10; thence North 33 Feet to the North line of Mosel Avenue; thence West along the North line of Mosel Avenue to the East bank of the Kalamazoo River; thence Southerly along the East bank of the Kalamazoo River to the North line of Section 10; thence East along the North line of Section 10 to the point of beginning

Parcel ID: 06-10-279-002

EXHIBIT B

Facility Easement Area

An 80-foot-wide strip of land, being 40 feet on each side of the centerline of Consumers' electric facilities constructed on Owner's Land, the centerline of said electric facilities to be approximately located along a reference line described as:

Beginning at an existing point from the Consumers Energy Riverview Substation located in the Northwest 1/4 of Section 11, T2S, R11W, Township of Kalamazoo, Kalamazoo County, Michigan thence Westerly to a point, now know as Reference Point A, know as Consumers Energy Pole #5253 located on the Section line of Section 11 and Section 10, T2S, R11W, Township of Kalamazoo, County of Kalamazoo, Michigan at a point not more than 1329 feet nor less than 1229 feet South of the North line of Section 10; thence Westerly crossing into Section 10, T2S, R11W., Township of Kalamazoo, Kalamazoo County, Michigan to a point, now known as Reference Point B, not more than 283 feet nor less than183 feet West of the East line of Section 10, at a point not more than 1329 feet nor less than 1229 feet South of the North line of Section 10; thence Northerly to Consumers Energy existing pole # 14 and also continuing from a point not more than 283 feet nor less than 183 feet West of the East line of Section 10 at a point not more than 1329 feet nor less than 1229 feet South of the North line of Section 10; thence Westerly to a point, now known as Reference Point C, not more than 1280 feet nor less than 1250 feet West of the East line of Section 10 at a point not more than 1211 feet nor less than 1111 feet South of the North line of Section 10; thence Westerly to a point, now known as Reference Point D, not more than 1358 feet nor less than 1258 feet West of the East line of Section 10, at a point not more than 1238 feet nor less than 1138 feet South of the North line of Section 10; thence Westerly to a point not more than 1393 feet nor less than 1293 feet West of the East line of Section 10 at a point not more than 1195 feet nor less than 1095 feet South of the North line of Section 10; thence Northerly to a point not more than 1434 feet not less than 1234 feet West of the East line of Section 10 at a point not more than 176 feet nor less than 76 feet South of the North line of Section 10; thence Westerly to a point not more than 2605 feet nor less than 2505 feet West of the East line of Section 10 at a point not more than 118 feet nor less than 88 feet South of the North line of Section 10.

Also from a point not more than 1280 feet nor less than 1250 feet West of the East line of Section 10 at a point not more than 1211 feet nor less than 1111 feet South of the North line of Section 10; thence Southerly to a point, now know as Reference Point E, not more than 1311 feet nor less than 1211 feet West of the East line of Section 10 at a point not more than 2214 feet nor less than 2114 feet South of the North line of Section 10; thence Southwesterly to a point, now known as Reference Point F, not more than 1434 feet nor less than 1234 feet West of the East line of Section 10 at a point not more than 2562 feet nor less than 2362 feet South of the North line of Section 10.

Also, from Reference Point A, thence Northerly and Westerly not more than 50 feet
Also, from Reference Point B, thence Southerly and Easterly not more than 50 feet
Also, from Reference Point C; thence Northerly not more than 50 feet
Also, from Reference Point D; thence Westerly, not more than 50 feet
Also, from Reference Point E; thence Easterly not more than 50 feet
Also, from Reference Point F; thence Southwesterly not more than 50 feet.

AND

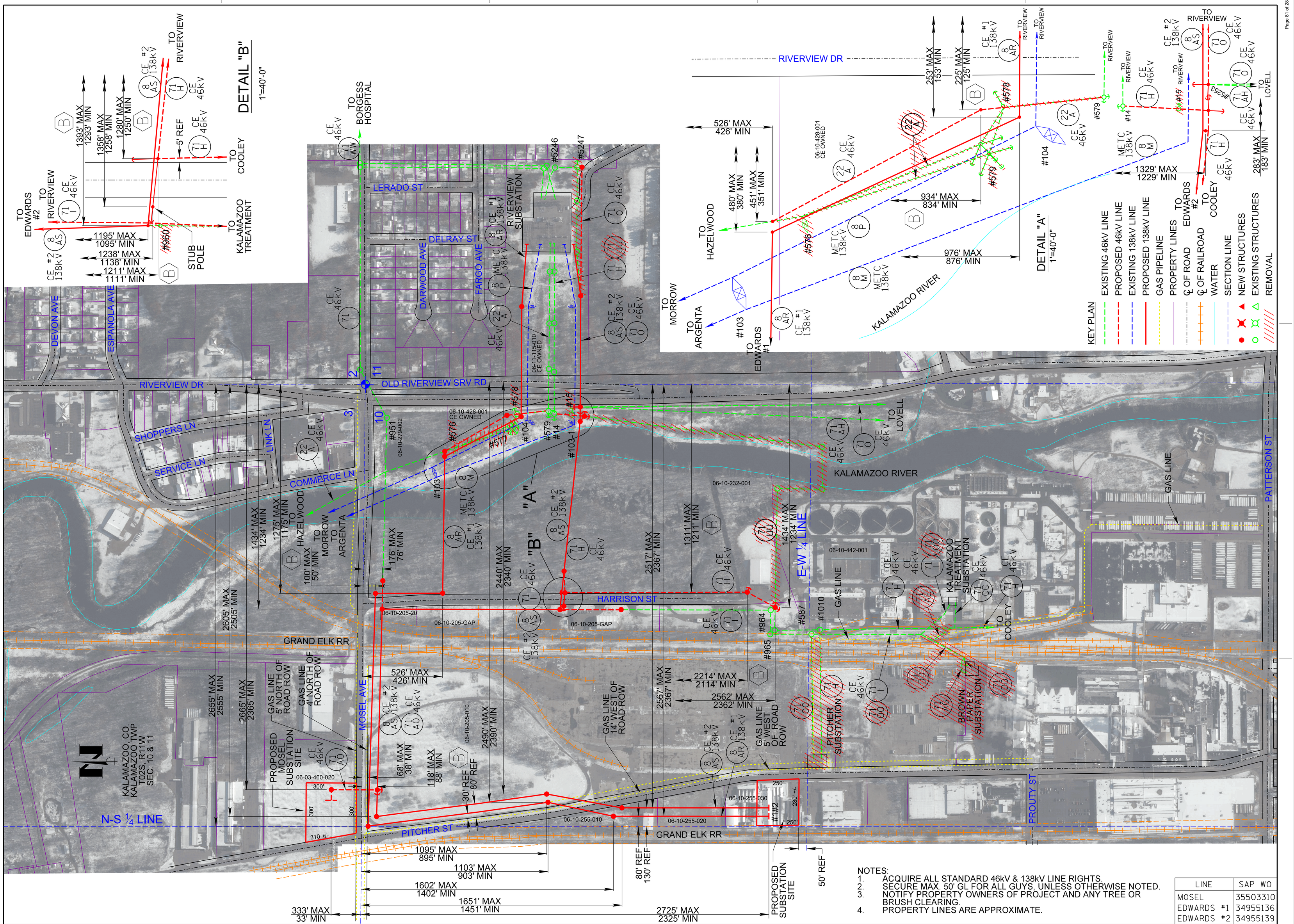
Beginning at an existing point from the Consumers Energy Riverview Substation located in the Northwest 1/4 of Section 11, T2S, R11W, Township of Kalamazoo, Kalamazoo County, Michigan thence Westerly, crossing into Section 10, T2S, R11W, City of Kalamazoo, Kalamazoo County, Michigan, to a point not more than 253 feet nor less than 153 feet West of the East line of Section 10, at a point not more than 976 feet nor less than 876 feet South of the North line of Section 10; thence Northerly to a point not more than 480 feet nor less than 380 feet West of the East line of Section 10 at a point not more than 526 feet nor less than 426 feet South of the North line of Section 10; thence Westerly to a point not more than 1275 feet nor less than 1175 feet West of the East line of Section 10 at a point not more than 526 feet nor less than 426 feet South of the North line of Section 10; thence Northerly to a point not more than 1275 feet nor less than 1175 feet West of the East line of Section 10 at a point not more than 100 feet nor less than 50 feet South of the North line of Section 10; thence Westerly to a point not more than 2655 feet nor less than 2555 feet West of the East line of Section 10 at a point not more than 68 feet nor less than 38 feet South of the North line of Section 10.

Also, Beginning at Consumers Energy existing pole # 579 in the Northeast 1/4 of Section 10, T2S, R11W, City of Kalamazoo, Kalamazoo County, Michigan thence Northerly to a point not more than 225 feet nor less than 125 feet West of the East line of Section 10 at a point not more than 934 feet nor less than 834 feet South of the North line of Section 10; thence Northwesterly to a point not more than 451 feet nor less than 351 feet West of the East line of Section 10 at a point not more than 526 feet nor less than 426 feet South of the North line of Section 10; thence Northerly to the existing 46 kV line.

EXHIBIT C

Protection Easement Area

Two 40-foot-wide strips of land, being 40 feet on each side of the Facility Easement Area.



NOTES:
1. ACQUIRE ALL STANDARD 46kV & 138kV LINE RIGHTS.
2. SECURE MAX. 50' GL FOR ALL GUYS, UNLESS OTHERWISE NOTED.
3. NOTIFY PROPERTY OWNERS OF PROJECT AND ANY TREE OR BRUSH CLEARING.
4. PROPERTY LINES ARE APPROXIMATE.

LINE	SAP WO
MOSEL	35503310
EDWARDS #1	34955136
EDWARDS #2	34955139

DRAWING NO.	REFERENCE DRAWINGS	REV	DATE	DESCRIPTION	BY	APP
		B	01-22-20	REVISED MIN/MAX PER FIELD VISIT	BAS	AJS
		A	10-02-19	REVISED MIN/MAX DEMENSIONS. ADDED EXISTING GAS LINES IN AREA & MOSEL SAP WO# REVISED ROUTE, REMOVE PITCHER & BROWN PAPER SUBSTATIONS, RENUMBER LINE 7100 TO 711	BAS WEJ	AJS

		DATE
CK.	WEJ	08/08/19
DR.	BAS	08/08/19
DSNR.	WE JARRETT	08/08/19
SECTION HEAD APP.	AJ SNYDER	08/08/19
DIVISION HEAD APP.	PA MULHEARN	08/08/19
DEPARTMENT HEAD APP.	KJ REININGER	08/08/19

Consumers Energy

SCOUT MAP
RIVERVIEW - EDWARDS #1 (8AR)
RIVERVIEW - EDWARDS #2 (8AS)
MOSEL TO RIVERVIEW - KALAMAZOO TREATMENT
138kV & 46kV LINE 8AR, 8AS & 71AO

SCALE: 1" = 200'	DRAWING NO	SHEET	REV.
WO: 34955136 34955139 CODE: 76	T13829915-G	1of1	B

FORM SCALE = 2400
PLOTTING SCALE = 200

RS: 67173
67174

AURORA
Landscape Design and Appraisal, L.L.C.

325 Red Oak Lane
Rochester Hills, MI 48307

Telephone (248) 563-0797
tmhurst@att.net

August 10, 2020

RE: Landscape Appraisal For:
City of Kalamazoo Property
@Harrison Street and Mosel Ave
Kalamazoo, MI
Project: Bronco-City of Kalamazoo Easement/Tree Committee
Parcels: 06-10-205-20, 01-10-205-GAP, 06-10-232-001, 01-10-279-002

As requested, this is a completed landscape appraisal for the above-captioned property. It is my understanding this appraisal is to be used for a determination if a diminution in value of the subject property will occur with the removal of landscaping on that property, and if so, what is the diminution in value. There are a number of ways to approach the valuation of plants, such as contributory, income, replacement, and cost of cure. Additionally, where there is no demonstrated use for the plants they may be valued as timber, pulp, or firewood. The valuation method utilized can be different with the individual assignment. This parcel falls into a couple of these categories. First, we will consider those plants for contributory values.

The client and intended user of this report is: Consumers Energy Company

The effective date of this report is: August 10, 2020

This appraisal will address the landscape located in the proposed easement area. Contrary to fact, we will consider the value of this landscaping prior to any proposed project. The property was staked, and, to the best of my ability, I inspected all trees within the staked easement area.

This report is solely for these users and this use. Any other use may result in a misunderstanding of this appraisal.

Scope of Work/Relevant Data:

As stated in the Guide for Plant Appraisal, 10th Edition (page 8): "Plant appraisal is the act or process of formulating an opinion of a defined cost or value for plants, landscape elements, or services."

The Guide for Plant Appraisal, 10th Edition ("GPA") is published by the International Society of Arboriculture and is the standard here in the United States for general information and as a reference for plant appraisal. It states on page 14:

> The principle of contribution holds that the value of a particular component of a property is measured in terms of its contribution to the value of the whole property, or the amount by which its absence would detract from the value of the whole (Appraisal Institute 2013a, 2015). This amount is called contributory value.
>
> Trees and other plants are real estate, and rarely trade in the absence of the sale of the entire property of which they are a part. Therefore, their market value is measured in terms of their contribution to the whole.

The GPA also states on page 9: "In plant appraisal, landscape plants have market value because they are real estate and are generally traded as part of a larger real estate property."

It is incorrect to place values on individual trees which are so high and unrealistic that if added to the remainder of the landscaping, would equal a price greater than the total worth of the real estate property. It is important for all factors of the property—such as separate standing structures, the lot itself, and landscaping—to come together to provide a value which is fair and reasonable for the total real estate worth.

> The most common type of value appraisal is market value, which may be defined as "an opinion of value that presumes the transfer of a property, as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser" (The Appraisal Foundation 2016). It is also known as fair market value. The various definitions of market value share a common theme: the presumption of an open-market sale free of abnormal influences, where seller and buyer are knowledgeable and act in their own interests, and cash is exchanged on a specified date (GPA page 10).

I also consider the guidelines of the Michigan Tree Valuation Guide—Eleventh Revision ("MTVG"), prepared by the Michigan Forestry and Park Association and the Michigan State University Forestry Department for a more local means of determining values. This guide outlines the significance of four important factors in determining tree values: 1) tree size, 2)

species, 3) condition, which includes but is not limited to trunk, structure, evidence of insects and disease, life expectancy, and 4) location, which not only reflects on its function within a residential yard or along a highway or public park, but also its exact position in that yard—front focal point, or perhaps too closely grown amongst a group of many. Location also addresses city distinctions. For example, an oak in a more prestigious neighborhood will be worth more than the same tree in a more run-down community.

In certain instances, where there is a significant amount of existing landscape and the individual values would escalate beyond what would be fair and reasonable a fifth factor or "special factor" is utilized. As stated in the MTVG on page 10:

> The special factor can be used to depreciate the value of trees where a lower value is warranted. Examples of disproportionately high values include single trees from within a group of trees, trees growing in easements, and where the total of tree losses are unreasonably high in relation to the total value of the property.

I utilize the trunk formula method from this guide as a basis for determining these plant values. To this formula, I apply my years of gathering comparables and experience in the field to derive the value amounts for the five factors listed above. However, the importance of considering both the sources I've mentioned, The Guide for Plant Appraisal and Michigan Tree Valuation Guide, to determine the proper landscape values cannot be stressed enough. It is my job as a professional landscape appraiser to analyze all factors of each case and to determine what is, in the end, a fair and reasonable compensation to the property owner for their loss.

It is essential to understand that bringing the *value* of the property back to what it was before the taking *does not* necessarily mean replacement as tree for tree, or size for size. That is an incorrect way to approach proper landscape appraisal. The professional landscape appraiser must be very careful not to submit replacement values which constitute a *more than* fair and reasonable compensation.

Finally, the ultimate question to be considered is the following: Would the asking price of this salable real estate property afford a value any less after the removal of these plants? This question should be addressed with each case. It is important to note that in the United States today trees do have value; however, just as importantly one must not ignore the fact that a tree within a residential yard, or a vacant lot, or a commercial complex is a piece of property. It is owned by that property owner in the same manner as the house, driveway, or fence. Therefore, for a professional landscape appraiser to do the job correctly, plant values *must be considered* in relation to their worth within the total property.

Application of Data:

Turning to the application of this information to this particular case, the subject property is acreage at Harrison and Mosel Ave. It is industrial/commercial property within an urban community. Due to the Bronco Project which extends through a portion of this property, the landscaping which exists there is subject to possible removal/disturbance in the construction process.

The trees here are predominately Cottonwood (Populus deltoides). They are considered a fast-growing, weak-wooded, less desirable variety. This area is an unkempt wood, with sections of lowland water. Cottonwood is known for breaking branches in wind and ice storms, as well as its extensive "cotton" seed production and distribution in the spring season.

In this instance, the highest and best use would be development of this land. With that in mind, the vast majority of trees would have to be removed in the construction process: clearing for building, grading, adding soil to this lowland area, and root compaction would naturally destroy/damage tree growth throughout.

With all the points mentioned concerning these tree varieties and development, they are considered undesirable in a commercial setting and it is my professional opinion that they do not offer a contributory value here.

TOTAL CONTRIBUTORY VALUE OF PLANTS: $.00

When upon inspection of a subject parcel it is determined that there is no demonstrated use of that landscaping as it applies to contributory value within a property, other avenues of valuations are then considered. Those other considerations can be: Timber value, Pulpwood value, or Firewood value.

Timber Value: Within the Michigan market, trees can be harvested for saw logs, or veneer boards. There are a number of qualifications for a site and trees to be merchantable for timber value. First is size and condition. A tree must measure at least 12", but usually 15" DBH (diameter breast height or 4 ½' caliper up from the ground) to be considered for saw logs, and at least 15" for veneer. Branching should begin no lower than eight feet up as this ensures stronger, better quality product. A straight, even trunk ensures long, even logs or bolts. Of course, those trees must not have too many defects: decay, holes, scars, heavy branching, or bulges. Another disqualification is trunks that have any fencing or nails imbedded as this will damage sawmill blades.

Tree species is also important. While the market can vary, there are certain solid hardwoods that are more desirable, such as Red Oak, White Oak, Black Walnut, Hickory, and Sugar Maple. Lastly, since the bottom line is profit for a lumber contractor, there usually is a fifty to seventy-five tree minimum on a site to make it a consideration. They also look at accessibility on the site for their large equipment as well as distance to the mill.

Pulpwood Value: Trees that are smaller or soft-wooded varieties are not eligible for saw timber, but might qualify for their pulp (i.e. Poplar, Box Elder, or Ash). For this a tree must be at least four to five-inch caliper DBH. Hardwoods will also qualify, but they are not considered best quality for pulp. They are inventoried and calculated into total cords (a measurement of 4'h x4'w x8'l) and priced out at current value paid for cords of pulpwood. In the bottom half of lower Michigan there is far less marketability for pulp.

Firewood Value: Currently in the market the price paid per cord of pulpwood is relatively the same as that paid for firewood. It can be measured per full cord as is the pulpwood. The difference in qualification is that firewood candidates are usually hardwoods as opposed to those soft-wood varieties.

In the lower half of lower Michigan, it is appropriate to use the "Doyle" Log Scale for calculating board feet. The main sources I've used in determining current market values for timber are: the Ohio Timber Price Report, the Indian Price Report, and local timber buyers in Michigan. I am calculating for stumpage: trees bought as they are standing in the woods, and I am considering all desirable specimens from 12" DBH and greater. The remaining trees (those 5-11") are not candidates for firewood. To the best of my ability I conducted a 100% inventory of merchantable trees—those within the staked areas.

Timber can be a very specialized market—with the chance of compensation ranging considerably in "pockets" throughout the state. Because of this, I consider the range for timber value which mirrors the region's prices paid for stumpage. I will then provide a single number—which is the mean or average—and what I consider to be a fair compensation to the property owner for their loss.

**Note: softwood trees such as Box Elder and Siberian Elm do not qualify.

Inventory consists of all trees and some branches in upper canopies that qualify for 12" and greater. I did not include dead trees, poor varieties, or those badly damaged: Cotonwood: 28 @ 12", 50 @ 14", 50 @ 16", 38 @ 18", 19 @ 20", 5 @ 22", 13 @ 24", 5 @ 26", 7 @ 28", 6 @ 30", 3 @ 40", 1 @ 45", 1 @ 36", Red Maple: 9 @ 12", 7 @ 14", 3 @ 16", 4 @ 30", 2 @ 18", 3 @ 36", 1 @ 20", 1 @ 40", Elm: 8 @ 12", 1 @ 14", Hackberry" 2 @ 12"

TIMBER VALUE COMPENSATION: $8380.00

TOTAL COMPENSATION (Contributory/Timber/Firewood): $8380.00

In conclusion, I certify that, to the best of my knowledge and belief:
-The statements of fact contained in this report are true and correct.
-The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, conclusions, and recommendations.

-I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
-I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
-I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.
-My engagement in this assignment was not contingent upon developing or reporting predetermined results.
-My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal consulting assignment.
-I have made a personal inspection of the property that is the subject of this report.

The client and intended user of this landscape appraisal report is Consumers Energy Company. If you have any questions on any portion of this appraisal report, please do not hesitate to contact me. A list of my qualifications is available upon request.

Respectfully submitted,

Teresa Hurst
Certified Arborist
Michigan Certified Nurseryman (CGIP)
Limited Real Estate Appraiser

Diameter class	Line Section 8AS Marking Complete	Line Section 8AR Marking complete	Line Section 71H Marking complete
4-10"	43	82	178
10-16"	40	70	78
16-20"	41	65	26
20-24"	23	34	11
24-30"	5	10	3
30"+	6	6	
Total	158	267	296

Trees were not tallied by species. An estimate of the species mix so far is 65% cottonwood, 10% soft maple, 10%

Sawtimber value	230 trees 16"+	Sawtimber size trees are 85% cottonwood, 15% S Maple		
	Estimated 75Mbf	63750 bdft cottonwood	X $100/Mbf	$6,375.00
		11250 bdft SM	X$150/Mbf	$1,688.00
				$8,063.00
Pulpwood value	3.8 acresX20 cords /acre	80 cordsX$10.00/cord		$800.00
			TOTAL	$8,863.00

132

68

18

12

721

A neighborhood meeting of the Kalamazoo City Commission was held on Monday, February 17, 2020 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Jeanne Hess
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: Eric Cunningham
Erin Knott

Also present were Deputy City Manager Patsy Moore, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioner Excused

Commissioner Hess, seconded by Commissioner Urban, moved to excuse the absences of Commissioners Cunningham and Knott. With a voice vote the motion passed.

Communications

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

Neighborhood Communications

Neighborhood communications were received next.

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

Western Student Association
Lauren Smith (President)
Taylor West (Vice President)
Jacobi Wright (Chief of Finance and Operations)
Erin Westrick (speaker Pro Tempore)
Ben Johnson (Rules, Bylaws, and Administration Chair)
Tyler Signorella (Sustainability Chair)
BJ Nidizeye (Diversity & Inclusion Chair)

Neighborhood Association of Parkview Hills
Bonnie Alkema, Vice President
Karen Braemer, Parkview Hills Community Association

Western Student Association

The Western Student Association (WSA) representatives:

- introduced themselves and described the role of WSA.

- stated the Invisible Need program was going well.

- reported on various projects and events, including the sustainability initiative, Dinner with the Candidates, providing therapy dogs during midterms, revisions to the WSA handbook, a complete re-write of the WSA Constitution, the Homecoming Parade, and bringing Cory Rise of The Exonerated 5 to campus.

- stated WSA elections were coming up.

Western Student Association (cont'd)

- read the new WSA vision and mission statement.

In response to a question from Commissioner Hess, the WSA representatives stated the following made Kalamazoo attractive to them:

- food truck rally's
- arts and culture
- good restaurants
- local politics are open

In response to questions from Mayor Anderson, Ms. Smith stated the office of President was the only office on the WSA ballot, and she explained the President selected the Cabinet. Ms. Smith stated around 1,000 students voted in the 2019 WSA election.

Mr. Johnson noted the WeVote group was raising awareness of the election, and students would be sent a link to vote online, both of which should help turnout.

In response to a question from Commissioner Praedel, the representatives said the best way the City could serve students was to help them be visible in the community and to keep them informed about events and opportunities in the community.

In response to a question from Commissioner Urban, the representatives stated putting information online, posting information on campus pillars and bulletin boards, and having information tables at the Bernhard Center were the good ways to communicate with students. Representatives also suggested targeting first-year students through events like Bronco Bash, interfacing with student ambassadors who gave campus tours to prospective students, and developing a good relationship with the WSA Community Involvement Chair.

Commissioner Urban stated the Stadium Drive/Lovell Street/South Street was a barrier for student access to the downtown area, and he urged the students to be involved in the City's work to redesign this intersection.

In response to a question from Mayor Anderson, the representatives offered the following lessons they had learned about leadership:

- relax, and give leadership tools to others; empower them.
- the importance of mentoring successors and the transition of leadership
- be at peace with not seeing the conclusion of your work.
- communicate early and communicate with purpose.

Parkview Hills Association

The Neighborhood Association at Parkview Hills representatives:

- described the Parkview Hills development, its history, layout, and amenities.

- stated the Association was reformed in 2019, largely as a result of the IK2025 Master Plan.

- reported the Association was in the process of presenting the draft neighborhood plan to residents again with the hope that it would be considered by the Planning Commission in the spring.

Parkview Hills Association (cont'd)

- indicated the neighborhood plan would address the lack of sidewalks, which was an issue for walkers.

- stated the neighborhood would be getting speed indicator signs in the spring to help address the problem of speeding traffic on Greenleaf Boulevard.

- expressed hope that the Association would be included in the planning for repaving Parkview Avenue in 2021 and stated a review of the Parkview Hills entrance would be part of this project, as many people entering the neighborhood turned into the wrong side of the boulevard.

- reported the Association held a forum for City Commission candidates and hosted a Unity Dinner for representatives of all the condominium associations in the City.

- noted Parkview Hills was a neighbor to Asylum Lake and expressed opposition to the proposed development at the corner of Drake Road and Stadium Drive.

- reported the smaller streets and crossovers were not always plowed in the winter.

In response to a question from Commissioner Urban, Ms. Alkema stated the neighborhood plan might include the possibility of converting Greenleaf Boulevard to a one-way street.

Public Comments

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

Nehemiah Scudder, City resident, stated the WSA was a "rubber stamp" for the decisions and actions of the WMU administration, and he suggested it would be better to invite WMU President Edward Montgomery to a meeting.

Margaret Wilson, City resident, asked if property owners would face enforcement action if they spoke at the 7:00 business meeting and indicated their properties were not in compliance with the City's anti-blight ordinance.

Commissioner Comments

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

Commissioner Urban stated he was impressed with the energy of the WSA representatives. Commissioner Urban noted there was evidence of fruit from the IK2025 process in the Parkview Hills report.

Commissioner Praedel stated he was proud of the WSA representatives and he encouraged them to continue building on the good work they were doing so that their time at WMU would not be the highlight of their lives.

Adjournment

The meeting adjourned at 6:52 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

A regular meeting of the Kalamazoo City Commission was held on Monday, February 17, 2020 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: Eric Cunningham*

Also present were Deputy City Manager Patsy Moore, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioner Excused

Commissioner Knott, seconded by Vice Mayor Griffin, moved to excuse the absence of Commissioner Cunningham. With a voice vote the motion passed.

Opening Ceremony

The invocation, given by Pradip Sagedeo, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

Consent Agenda

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

2020-0043

- approval of a contract supplemental and change order with Hoffman Brothers Inc. in the amount of $120,289.45 for completion of the Rose Street Project.

2020-0044

- approval of a contract supplemental and change order with Treeworks, Inc. for neighborhood tree maintenance in the amount of $179,900.

2020-0045

- approval of a contract supplemental with GRO America for the cleaning and inspection of the Axtell Creek culverts in the amount of $560,768.50.

2020-0046
Resolution 20-07

- adoption of a **RESOLUTION** approving a Brownfield Plan for a redevelopment project located at 708, 714, 718, and 720 North Burdick Street.

2020-0047
Resolution 20-08

- adoption of a **RESOLUTION** approving a request from Western Michigan University for a liquor license at Heritage Hall.

2020-0048
Resolution 20-09

- adoption of a **RESOLUTION** setting the salaries for City Commission Appointees for 2020.

2020-0049

- approval of a grant to the Kalamazoo Edison Neighborhood Association in the amount of $100,000 to be used to purchase a building in support of a mixed-use project.

- approval of bylaws for the Shared Prosperity Kalamazoo Organizing Committee. **2020-0050**

- approval of the appointment of Bobby Glasser to the Environmental Concerns Committee for a term expiring on January 1, 2023. **2020-0051**

- approval of the appointment and assignment of City Commissioners to various committees, boards, and commissions. **2020-0052**

- approval of the appointment of Mayor David Anderson and the reappointment of City Manager James Ritsema to the Kalamazoo County Consolidated Dispatch Authority Governing Board of Directors, with Public Safety Chief Karianne Thomas and Deputy City Manager Jeff Chamberlain as alternates; and approval of the reappointment of Public Safety Chief Karianne Thomas to the Kalamazoo County Consolidated Dispatch Technical Advisory Committee, with Captain Christopher Franks as an alternate. These appointments will expire on November 8, 2021. **2020-0053**

- approval of the purchase of a portion of the property at 1157 Bank Street for the realignment of Bank Street that is part of the Farmers' Market Improvement Project. **2020-0054**

- approval of the minutes from the City Commission meeting on February 3, 2020. **2020-0055**

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

With a roll call vote this motion passed.

AYES: Commissioners Hess, Knott, Praedel**, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

**At the time of the vote, Commissioner Praedel abstained from voting on Item F-5, a liquor license request from Western Michigan University, due to a conflict of interest.

Regular Agenda Items were considered next. Regular Agenda

An opportunity was given for public comments on an ordinance to amend Section 38-32 of the Kalamazoo City Code to change the rates charged for water service, but no comments were offered.

Commissioner Praedel, seconded by Commissioner Knott, moved to adopt an **ORDINANCE** to amend Section 38-32 of the Kalamazoo City Code to change the rates charged for water service. **2020-0056** Ordinance 2002 re: Water Service Rates

Prior to a vote on the motion, and in response to a question from Commissioner Hess, Public Services Director James Baker stated the City did not have a program to assist customers who had difficulty paying for water service. Director Baker

2020-0056
Ordinance 2002 re: Water Service Rates (cont'd)

discussed ways people could reduce their water usage, such as checking for leaks and using low-flow water fixtures.

In response to a question from Commissioner Praedel, Director Baker stated the major capital improvement projects for 2020 included water main replacements on Oakland Drive and Cork Street, lead service line replacements (approximately 1,350), and water treatment enhancements.

In response to a question from Mayor Anderson, Director Baker stated currently water meters that needed to be replaced were being replaced with smart meters. Director Baker reported there was $8 million projected for smart water meter replacements in 2022-2023.

In response to questions from Commissioner Praedel, Director Baker stated the City's utility rates had always been on the low end of the spectrum compared with other jurisdictions in Michigan, and the City was not unique with regard to its aging utility system infrastructure. Director Baker expressed confidence that the City's rates would continue to be low even as they increased to address the infrastructure needs. Director Baker stated he was most proud of the City's dedication to water quality, its aggressive program for replacing lead service lines, and the way the larger community came together in 2019 to address PFAS contamination.

With a roll call vote this motion passed.

AYES: Commissioners Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0057
Ordinance 2003 re: Wastewater Service Rates

When an opportunity was given for public comments on an ordinance to amend Section 28-73 of the Kalamazoo City Code to change the rates charged for wastewater service, the following people addressed the City Commission:

> Martin Klemm, City resident, reported there was a petition on change.org to eliminate subsidies for water customers in the downtown area before raising utility rates for other customers.

Commissioner Knott, seconded by Commissioner Urban, moved to adopt an **ORDINANCE** to amend Section 28-73 of the Kalamazoo City Code to change the rates charged for wastewater service.

Prior to a vote on the motion and in response to a question from Mayor Anderson, Director Baker stated he was not aware of the change.org petition, and he described how the charges for water and wastewater service were calculated. Director Baker noted rates for all utility customers were increasing, and no customers or customer groups were getting a "break." Director Baker explained that Pfizer and Graphic Packaging were named specifically in the wastewater rate ordinance because they paid an additional charge for the extra treatment their wastewater required.

*Commissioner Cunningham arrived at 7:29 p.m.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Public Comments

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

Nehemiah Scudder, City resident, offered remarks about the Western Student Association and spoke about the inability of students to carry guns on campus.

Devin Loker, non-resident and an attorney representing The Refinery, asked that the City allow licensed Medical Marihuana Facilities to obtain adult-use marihuana facility licenses immediately.

Stephanie Moore, City resident and Kalamazoo County Commissioner, demanded a solution to the problem of large groups of cars speeding through the Northside Neighborhood, and she demanded improved response times to these occurrences from the Kalamazoo Department of Public Safety (KDPS).

Jody Dozeman, City resident, spoke about being homeless, problems she had experienced at the Stadium Drive Apartments, and various other topics.

Margaret Wilson, City resident, expressed opposition to the City's recently updated anti-blight ordinance, which included owner occupied homes. Ms. Wilson stated compliance with the ordinance was almost impossible for people with older homes, and the fines for violations were higher than those for housing code violations. Ms. Wilson noted enforcement of the ordinance was complaint-based, which pitted neighbors against each other. Ms. Wilson stated

Jeremy Terpening, City resident, described how a person who lived near him was cited for a violation of the anti-blight ordinance after a complaint was made by a neighbor. Mr. Terpening stated it was too easy for people to weaponize the ordinance and use it against their neighbors.

Eric Stucky, City resident, stated the anti-blight ordinance put a great burden on homeowners. Mr. Stucky stated he was a carpenter and maintained his home, but his home still had had some of the characteristics of "blight" as described in the ordinance.

Isreal McCurtis, City resident, expressed concern about the lack of streetlights in the Edison Neighborhood.

Sarah Ruggles, City resident and Chairperson of the Vine Neighborhood Association, expressed concern about the City's anti-blight ordinance and stated enforcement of the ordinance had a disparate impact on minorities and people in poverty. Ms. Ruggles urged the City Commission to revise Chapter 21, Article IV of the Kalamazoo City Code.

City Commissioner Comments

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

Commissioner Cunningham asked for an update on the problem of large groups of cars speeding through the Northside Neighborhood. Commissioner Cunningham offered remarks on the life and recent passing of Juanita Goodwin.

Commissioner Praedel thanked the people who spoke and raised their concerns. Commissioner Praedel reported he had recently met with six owners of local medical marihuana facilities regarding the City's plans for licensing adult use marihuana facilities.

Commissioner Urban expressed a desire for a better understanding of the anti-blight ordinance and why it applied to owner occupied homes. Commissioner Urban noted Pfizer and Graphic Packaging paid extra for their poor water quality in the form of higher utility rates.

Vice Mayor Griffin expressed interest in finding solutions to the problem of large groups of cars speeding through the Northside Neighborhood. Vice Mayor Griffin stated she appreciated comments about the anti-blight ordinance and pointed out the City Commission did not always see all aspects of a situation when it made decisions. Vice Mayor Griffin remarked on the life and passing of Juanita Goodwin.

Commissioner Hess thanked Vice Mayor Griffin for brining to the forefront changes to Chapter 18 of the Code of Ordinances regarding community relations and discrimination.

Mayor Anderson urged people to keep their sidewalks clear of snow. Mayor Anderson remarked on a recent event for families who had been affected by gun violence.

Adjournment

The meeting adjourned at 8:13 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

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A special work session of the Kalamazoo City Commission was held on Monday, February 24, 2020 at 6:00 p.m. in the City Commission Chambers at City Hall. The purpose of the meeting was to discuss changes to Chapter 18 of the Code of Ordinances.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

2020-0058
Presentation and Discussion re: Amendments to Chapter 18 of the Code of Ordinances

Vice Mayor Griffin, Sholanna Lewis, and Dr. Charlae Davis delivered a presentation entitled Fair Chance Ordinance, Monday, February 24, 2020. A copy of the slides from this presentation were filed with the papers for this meeting.

Vice Mayor Griffin provided introductory remarks and related her story of dealing with housing crisis and her experience working with the affordable housing system.

Sholanna Lewis, Director of Truth, Racial Healing, and Transformation (TRHT) for the Kalamazoo Community Foundation, talked about community partners, the Government Alliance for Racial Equity (GARE) Grant, data collection and survey results.

Dr. Charlae Davis, Executive Director of the Interfaith Strategy for Advocacy and Action in the Community (ISAAC), described focus group outreach and shared comments from focus group participants.

Vice Mayor Griffin stated the City needed more housing units, but there were other barriers to affordable housing. Vice Mayor Griffin explained the proposed ordinance attempted to deal with evictions, acceptable methods of payment, and criminal histories of prospective renters. Vice Mayor Griffin indicated the City needed to understand what implementation of the ordinance would look like for everyone involved – large management companies, small landlords, and those seeking housing. Vice Mayor Griffin described the community engagement efforts that had been undertaken to-date.

City Attorney Robinson provided a brief history of Chapter 18 of the Code of Ordinances and reviewed the following proposed changes to this chapter:

- the inclusion of additional protected classes

- replacing the Community Relations Advisory Board with a Civil Rights Board

- the addition of provisions addressing sources of discrimination:
  - limits on application fees

2020-0058
Presentation and Discussion re: Amendments to Chapter 18 of the Code of Ordinances (cont'd)

- acceptable forms of identification
- subsidies count for income verification
- religious exemption removed for public accommodation type housing
- no blanket rejections of any group (people with convictions, evictions, etc.)

- the increase of fines for violations to a maximum of $2,000

City Attorney Robinson also reviewed the proposed complaint process.

Ms. Lewis talked about the other organizations involved in the creation of the proposed ordinance and reported similar ordinances and laws were in place in Grand Rapids, Montgomery County Maryland, and the State of New Jersey. Ms. Lewis emphasized the need for a clear enforcement process.

Vice Mayor Griffin stated the proposed ordinance was not an attempt to eliminate a landlord's ability to screen rental applicants; rather it was an attempt to eliminate discrimination. Vice Mayor Griffin pointed out the proposed ordinance addressed the issue of prisoner re-entry raised during the Imagine Kalamazoo 2025 process. Vice Mayor Griffin noted the black community was disproportionately affected by housing discrimination.

City Attorney Robinson reported he had consulted ordinances in Grand Rapids, Chicago, New York City, Ann Arbor, and East Lansing.

Public Comments

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

David Elias, City resident, stated he owned a home in the City and expressed concern about the condition of the rental property next door. Mr. Elias stated the Housing Code was not being enforced, and he asked what he needed to do to protect his rights from bad neighbors.

Rider Griffin, City resident, remarked that children in housing crisis were not focused on school, so the Kalamazoo Promise did not really matter for them.

Ed Genesis, City resident a lead organizer for Criminal Justice Reform, spoke about his experience with housing discrimination and the impact of barriers like high rental housing application fees. Mr. Genesis expressed support for the proposed ordinance.

Mike Fleckenstein, City resident, stated he was part of a group of landlords who had sent Commissioners a proposal in response to the ordinance. Mr. Fleckenstein indicated the group was doing many of the things the ordinance would require already, and the burden should not be concentrated on City landlords. Mr. Fleckenstein stated landlords countywide should be engaged, and any standards should be agreed on. Mr. Fleckenstein remarked that he could not let other people make financial decisions for him, and he offered to spend more time working on this issue

Johanna Kelly, City resident, stated the proposed ordinance had some good prescriptions, but there were areas that would be practically difficult

Public Comments (cont'd)

to implement. Ms. Kelly stated landlords needed concrete guidance to know if they were complying with the ordinance.

Joe Lukeman, a non-resident and owner of 70 properties in City, stated landlords would want to know they were in compliance with the ordinance, which would be difficult if the ordinance required them to look at issues like felonies on a case-by-case basis. Mr. Lukeman expressed support for blanket rules and policies, which provided a clear line between compliance/non-compliance. Mr. Lukeman stated the maximum fine of $2,000 could be severe for small landlords.

Andrew Chaponda, non-resident and the Housing Coordinator for CARES, spoke about the difficulty of finding housing for people who used vouchers. Mr. Chaponda noted many people who had housing vouchers did not have housing, and he stated the organizations providing vouchers stood behind the recipients. Mr. Chaponda expressed support for the proposed ordinance and urged landlords to be partners in the process.

David Dagher, non-resident and owner of Trident Properties, indicated he owned 375 rental units in the City and stated he had just been informed of the proposed ordinance a week ago. Mr. Dagher stated he was not opposed to accepting vouchers, but he opposed the proposed requirement that landlords could require proof of additional income for utilities. Mr. Dagher expressed concern that the proposed ordinance required landlords to make judgement calls when a principle of fair housing had always been to treat everyone equally. Mr. Dagher observed the proposed ordinance told landlords what they could not do, but it did not say what landlords were able to do. Mr. Dagher commented on the need to slow down the process.

Jacob Johnson, City resident and a social worker, thanked the City Commission for having a meeting on the topic of housing, as housing was in a state of emergency in the community. Mr. Johnson noted prisoners re-entering the community needed housing, and Kalamazoo had the largest number of children in poverty in the state. Mr. Johnson thanked the partners who had worked on the proposed ordinance, and he urged people to try and think now of any unintended consequences.

Dana Underwood, City resident, asked about unintended consequences, such as different ways landlords could thwart the intentions of the proposed ordinance. Ms. Underwood asked whether the City had considered what would happen if landlords got out of the business altogether or converted their properties to short term rentals (Air B&B's). Ms. Underwood questioned whether the City had an understanding of how changes to the ordinance would change the balance between different outcomes.

Marshall Kilgore, non-resident, thanked ISAAC, TRHT, and Vice Mayor Griffin. Mr. Kilgore stated the issue of fair housing was about humanity, not money, and it had a huge impact on children. Mr. Kilgore encouraged people to "check their privilege" and stated people who had never been in poverty or who were not persons of color should be listening and not talking. Mr. Kilgore spoke of the need to address this issue. Mr. Kilgore expressed support for the proposed ordinance but noted it was not set in stone yet.

Public Comments (cont'd)

Rebecca Macleery, City resident and Executive Director of the Center for Transformation, stated housing was a human right, and the proposed ordinance was not putting the problem on the backs of landlords. Ms. Macleery stated she was not able to give returning prisoners much hope because of all the barriers they faced, including the lack of a mechanism to find housing for them.

Matt Smith, City resident, remarked that housing problems disproportionately affected black people, and he expressed concern that conciliation clauses did not work. Mr. Smith reported that Action Now and the Kalamazoo Community Relations Board had opposed conciliation clauses in 1969.

2020-0059

Wendy Denning, City resident and owner of Troff and Denning Real Estate, submitted a plan for dealing with homelessness. Ms. Denning stated the proposed ordinance would ruin all landlords, and she asked the City to not try to solve the problem of homelessness on the backs of landlords. Ms. Denning spoke about the difficulty of getting rid of bad tenants and described the Vine Venture Initiative and the reasons for its failure.

Nancy Arcadipone, City resident, indicated she had 20 rental units in the City and stated she would have liked to have known about the proposed ordinance sooner. Ms. Arcadipone remarked that she was not interested in the past of behavior of tenants; rather, she wanted tenants with the life skills to take care of a home. Ms. Arcadipone expressed a desire to be involved in the development of the ordinance.

Stephanie Hoffman, City resident and Co-Chair of ISAAC Housing Task Force, expressed gratefulness for the proposed ordinance. Ms. Hoffman stated she had heard a lot of coded language, and there were policies that were racist and unjust. Ms. Hoffman highlighted the need to think of personal value, not property values, and she expressed support for the proposed ordinance.

Andrew Argo, City resident, expressed support for the proposed ordinance and thanked Vice Mayor Griffin, ISAAC, and TRHT. Mr. Argo questioned how the Civil Rights Board would be created and the members selected. Mr. Argo suggested a majority of members be tenants, as there was a power disparity between landlords and tenants. Mr. Argo stated he would like to see direct tenant involvement in ordinance process, and he encouraged landlords to talk with their tenants.

Gwendolyn Hooker, City resident, stated she served a population that had been historically marginalized and oppressed, and she expressed support for the proposed ordinance. Ms. Hooker noted housing was available, but people did not qualify. Ms. Hooker thanked the City for trying to create something fair and equitable. Ms. Hooker stated landlords should rent to people if they were able to pay the rent.

Ti Elzinga, City resident and a landlord, described problems with her neighbors who were Section 8 tenants. Ms. Elzinga stated some of her best tenants were black. Ms. Elzinga indicated the restrictions in the ordinance would handcuff landlords in their efforts to get responsible tenants.

Public Comments (cont'd)

Emily Hazel, City resident, read from Declaration of Human Rights and noted the intent of the proposed ordinance was to get rid of discrimination, not take away landlords' ability to screen prospective tenants.

Tobi Hanna-Davies, City resident and ISAAC Housing Task Force Co-Chair, thanked the City for the proposed ordinance. Ms. Hanna-Davies stated the City needed a housing equity ordinance, but the ordinance was not enough, which is why ISAAC and TRHT were working on other issues as well. Ms. Hanna-Davies stated the addition of 3,000 new housing units would not solve the problem because of housing discrimination.

Ben Stanley, City resident, spoke about the high cost of keeping a house repaired. Mr. Stanley spoke about his experience with neighbors who had housing vouchers, and he and described how they couldn't pay for utilities and were eventually evicted.

Commissioner Comments

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

Commissioner Knott thanked people for coming and speaking. Commissioner Knott asked about the point of contact for the City and community meeting dates.

Commissioner Knott left at 7:59 p.m.

Commissioner Urban stated enforcing the proposed ordinance would not be enough, and he remarked on the necessity of public education and incentives for the ordinance to succeed. Commissioner Urban suggested the Commission hold another work session about preparing people to comply with ordinance. Commissioner Urban note the ordinance would ask landlords to apply reasonable judgement on a case-by-case basis, and he suggested the City provide a standard rental application and examples that would help landlords evaluate applications.

Commissioner Cunningham asked why the range of fines for violations of the ordinance was $500-2,000, and he suggested there be a sliding scale. Commissioner Cunningham questioned why the religious exemption was changed. Commissioner Cunningham thanked Vice Mayor Griffin and City staff for their work. Commissioner Cunningham stated it was preferred that members of the community take the initiative to address community issues, but that was not happening, so City government needed to step in. Commissioner Cunningham expressed support for the collection of data that documented what renters were saying. Commissioner Cunningham stated the answer to racism was for every person to treat others how they want to be treated. Commissioner Cunningham urged landlords to be involved in the process of developing the ordinance, as the City Commission did not have the expertise to evaluate every aspect of it.

In response to Commissioner Cunningham, Vice Mayor Griffin stated the idea behind the dollar amount range for fines was to make it a serious penalty, but no thought had been given to specific dollar amounts for specific violations. Regarding the religious exemption, the American Civil Liberties Union recommended that it be removed from the ordinance.

In response to Commissioner Cunningham, City Attorney Robinson explained the high dollar amount for fines was an attempt to plant a stake in ground to show the seriousness of violating the ordinance.

Commissioner Comments (cont'd)

Commissioner Hess thanked Vice Mayor Griffin for her work on the ordinance and thanked people who addressed the Commission for speaking their truth. Commissioner Hess spoke about the need to work together to come up with the best solutions to problems. Commissioner Hess noted children needed a home in order to take advantage of The Kalamazoo Promise, and she highlighted the need for community education on home ownership and taking care of a home.

Commissioner Praedel thanked people for coming, especially people with kids. Commissioner Praedel remarked on need for people to review the proposed ordinance and share their perspectives and viewpoints. Commissioner Praedel thanked Vice Mayor Griffin for her courage and stated everyone needed to show kindness to each other. Commissioner Praedel expressed support for ISAAC and noted the community was good at providing services to people, but justice was needed to prevent the need for services in the first place. Commissioner Praedel stated change always involved discomfort, but people were still able to work together. Commissioner Praedel indicated there was no silver bullet for this problem; rather many things needed to be done.

Vice Mayor Griffin thanked people for coming and the City Commission for holding this meeting. Vice Mayor Griffin reported 22% of homeless children in the stated lived in the Kalamazoo/Battle Creek area, and most renters were rent burdened, meaning they paid more than 30% of their income for rent. Vice Mayor Griffin stated access to housing was a civil rights issue, and being a bad tenant was not related to civil rights. Vice Mayor Griffin highlighted the need for education in this area, noting many people did not know what their rights were. Vice Mayor Griffin explained she had been working on the issue of housing equity before she was elected to the City Commission. Vice Mayor Griffin stated the issue of housing went beyond the City, as surrounding townships were interested in this type of ordinance also. Vice Mayor Griffin stated it was a problem to assume behaviors of specific groups, and the key question was whether someone was able to take care of the property. Vice Mayor Griffin observed there had been coded language used in some of the comments, which was dangerous. Vice Mayor Griffin stated Nakia Bayliss of the United Way compared the housing crisis to a burning house where the residents had to convince everyone else there was a problem before people would help. Vice Mayor Griffin urged everyone to get up to speed quickly because the house was burning. Vice Mayor Griffin indicated she would consider peoples' perspectives when taking input and feedback. Vice Mayor Griffin asked who would be handling communications on this issue for the City.

Community Planning and Development Director Rebekah Kik stated she would be partnering with Diversity, Equity and Inclusion Director Dorla Bonner to make sure information was communicated to City residents. Director Kik stated they would reach out to the neighborhoods, and they would bring the same information to each community meeting so that feedback would be based on the same set of facts.

In response to a question from Mayor Anderson, Director Kik stated written feedback and questions should be sent to her, as she would be the point person for all communications.

Commissioner Urban stated the City was extremely fortunate to have Patrese Griffin on the City Commission, and it seemed like the stars had aligned to allow something to get done.

Adjournment

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

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A regular meeting of the Kalamazoo City Commission was held on Monday, March 2, 2020 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: Erin Knott

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

Commissioner Excused

Commissioner Cunningham, seconded by Commissioner Hess, moved to excuse the absence of Commissioner Knott. With a voice vote the motion passed.

Opening Ceremony

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

Introduction of Guests/Presentation
2020-0060

Jeff Tafel, CEO of the Homebuilders Association of Western Michigan, Mary Balkema, Chair of the Local Initiatives Support Corporation (LISC) Local Advisory Board, and Matt Lager, CEO of Kalamazoo Neighborhood Housing Services (KNHS), delivered a presentation entitled *Kalamazoo Attainable Homes: Bringing Quality New Home to Underserved Neighborhoods*. A copy of the slides for the presentation was filed with the papers for this meeting.

In response to a question from Vice Mayor Griffin, Mr. Lager stated the homes being built were being built for people who lived in those neighborhoods.

Proclamation
2020-0061

Commissioner Hess proclaimed March 2020 *March for Meals Month*. Jon Garcia, Nutrition Programs Supervisor for Kalamazoo County, and Abby Finn, Nutrition Programs Manager for Senior Services of Southwest Michigan, received the proclamation.

Adoption of the Agenda

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

Communications: Update on the COVID19 Virus

Assistant Public Safety Chief Jeff VanderWiere provided an update on the COVID19 Virus (novel Coronavirus). Assistant Chief VanderWiere stated the Kalamazoo Department of Public Safety (KDPS) was in daily conversations with the Kalamazoo County Health Department and the Kalamazoo County Office of Emergency Management. Assistant Chief VanderWiere reported the City's current response was to monitor the situation, communicate with the community, and get in place safety protocols for first responders.

In response to a question from Commissioner Cunningham, Assistant Chief VanderWiere stated the incubation period for the COVID19 virus was 2-14 days.

In response to a question from Commissioner Praedel, Assistant Chief VanderWiere stated he did not know if nearby cases (Chicago) were communally spread.

Consent Agenda items were presented as follows with a recommendation to approve the items and authorize the City Manager to sign all documents on behalf of the city:	Consent Agenda
- approval of the purchase of a 60' articulating aerial truck from Altec industries Inc. of Creedmoor, NC through the MIDEAL cooperative purchasing program in the amount of $169,393.	**2020-0062**
- approval of a professional service agreement and subsequent purchase order with Jones & Henry Engineers for the 33rd Street Water Main Project, in the amount of $268,500.	**2020-0063**
- approval of a contract with Hoffman Bros., Inc. for the Stockbridge Water Main CIPP Lining Project, in the amount of $171,978.	**2020-0064**
- approval of a professional service agreement with The Foster Group in the amount of $140,000 for preparation of the Water and Wastewater Utility Financial Plan, service agreement assistance, true-up and rate studies, and general consulting services.	**2020-0065**
- approval of a contract supplemental and subsequent change order with Big Truck Rental for rental of a packer truck in the amount of $38,965.60.	**2020-0066**
- approval of a contract supplemental and change order with Activate Healthcare, LLC for the oversight of health clinic site improvements, in the amount of $119,484.00; and approval of a budget amendment for the same amount.	**2020-0067**
- approval of the purchase of two (2) new John Deere 310SL HL backhoes with buckets, hydraulic breakers and compactors and one (1) John Deere 544L Wheel Loader from AIS Construction Equipment in the amount of $423,200.	**2020-0068**
- approval of a one-year contract with Earth Works Lawn and Landscape for the 2020 property maintenance services in the amount of $116,350.	**2020-0069**
- adoption of a Notice of Intent **RESOLUTION** for the issuance of 2020 Capital Improvement Bonds in an amount not to exceed eleven million seven hundred fifty thousand dollars ($11,750,000).	**2020-0070** Resolution 20-10
- adoption of a Notice of Intent **RESOLUTION** for the issuance of 2020 Water Supply System Revenue Bonds in an amount not to exceed forty-five million five hundred thousand dollars ($45,500,000).	**2020-0071** Resolution 20-11
- adoption of a Notice of Intent **RESOLUTION** for 2020 Wastewater System Revenue Bonds in an amount not to exceed eleven million dollars ($11,000,000).	**2020-0072** Resolution 20-12
- approval of the release of the 2020 Draft Action Plan for a 30-day public comment period beginning on March 6, 2020, as required by the U.S. Department of Housing and Urban Development.	**2020-0073**
- approval of Fiscal Year 2019 budget amendments resulting in the following net impacts: a decrease in the General Fund Budget by	**2020-0074**

$149,000; an increase in the Capital Improvement Budget by $213,000; and an increase in the Water Fund Budget by $1,730,000.

2020-0075

- approval of a recommendation to postpone until March 16, 2020 consideration of the acceptance of 11 tax-foreclosed properties from the Kalamazoo County Treasurer.

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

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema announced the City Commission would meet in special session for its annual planning retreat on Saturday, March 14, 2020 at 8:30 a.m. at The Foundry, located at 600 E. Michigan Avenue. City Manager Ritsema urged people to participate in the 2020 Census.

City Clerk's Report

City Clerk Borling encouraged people to return their absentee ballots for the March 10th Presidential Primary and explained how a voter was able to get a replacement ballot if they wanted to change their selection because their original choice had dropped out of the race.

Public Comments

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

Devin Loker, non-resident and an attorney representing The Refinery, a licensed Medical Marihuana Facility in the City, asked that the City allow existing licensed facilities to move forward with obtaining their adult use licenses.

Jeanette Evans, City resident, expressed concern about high prices at the Marathon gas station on Douglas Avenue.

Melissa Ray, City resident, expressed support for the City taking its time to create a good social equity plan for adult-use marihuana facilities. Ms. Ray asked the City to do more than adopt a resolution to address climate control.

2020-0075

Jody Dozeman, City resident, spoke about various topics. Ms. Dozeman's written remarks were filed with the papers for this meeting.

City Commissioner Comments

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

Commissioner Hess reminded people of a street planning meeting on March 4th. Commissioner Hess expressed agreement with Ms. Ray that the City needed to act regarding climate change. Commissioner Hess noted there would be a downtown cleanup event on April 22nd, which was Earth Day.

City Commissioner Comments (cont'd)

Vice Mayor Griffin announced there would be public input sessions regarding the proposed housing ordinance on March 11th at City Hall and March 12th at the Washington Square Library, and she noted the Community Planning and Economic Development Department would be accepting input on the ordinance between 1:00 and 3:00 p.m. on the same days at their offices on North Rose Street.

Commissioner Urban noted the March 11th input session at City Hall would be live streamed on YouTube and broadcast on Public Media Network.

Commissioner Praedel thanked Jim Cornell for giving him a tour of the Water Reclamation Plant. Commissioner Praedel announced the Complete Streets Steering Committee was seeking members. Commissioner Praedel thanked Commissioner Cunningham for organizing a meeting about adult-use marihuana businesses.

Mayor Anderson thanked Commissioner Cunningham for organizing a meeting on adult use marihuana businesses. Mayor Anderson remarked on proclamations he had issued recently, including ones for Western Michigan University basketball and the Kalamazoo Boxing Club. Mayor Anderson expressed condolences to the family of "Taco Bob" Ketteman, who passed away recently.

The meeting adjourned at 7:51 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

A regular meeting of the Kalamazoo City Commission was held on Monday, March 16, 2020 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

Opening Ceremony

The invocation, given by Commissioner Hess, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

Consent Agenda

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

2020-0076

- approval of the purchase of a truck mounted Etnyre Centennial 1000 Gallon Tack Sprayer from AIS Construction Equipment through the MiDeal Cooperative Purchasing Program in the amount of $102,916.

2020-0077

- approval of a one-year contract with Total Property Management Group for mowing of Parks and Green Spaces in the amount of $110,135.10.

2020-0078

- approval of a contract with Premier Lawn and Snow for the 2020 Property Maintenance of Riverside and Mountain Home Cemeteries in the amount of $219,450.

2020-0079

- approval of a one-year contract extension with Safebuilt Michigan, LLC to provide plumbing and mechanical inspection services for a not-to-exceed amount of $242,000.

2020-0080

- approval of a contract with Blu Cleaning in the amount of $252,699 to fulfil the remaining 13 months of the custodial services contract from April 6, 2020 through April 30, 2021.

2020-0081

- approval of a contract and purchase order with SWT Excavating, Inc. for the Foresman Avenue Water Main Replacement Project in the amount of $265,657.70.

2020-0082

- approval of the purchase of two (2) International HV613 SBA truck chassis from West Michigan International through the Sourcewell cooperative purchasing program in the amount of $268,096.94.

-	approval of a professional service agreement with Miller Davis Company to provide construction management services for the Farmers' Market project in the amount of $288,600.	**2020-0083**
-	approval of the purchase of twelve (12) Public Safety fleet vehicles from Gorno Ford through the MiDeal Cooperative Purchasing Program in the amount of $411,050.	**2020-0084**
-	approval of the purchase of Public Safety radios from Motorola Solutions/Roe Communications through the MiDeal Extended Purchasing Program in the amount of $$1,802,900.30; and approval of a 2020 budget amendment in the amount of $642,228.22; and approval of a short term financing agreement in the amount of $599,018.29.	**2020-0085**
-	first reading of an ordinance to approve text amendments to Chapter 50, The Zoning Ordinance; and set a public hearing for April 6, 2020.	**2020-0086**
-	adoption of a **RESOLUTION** authorizing the City Manager to sign a Michigan Department of Natural Resources Trust Fund Agreement Amendment for Bronson Park.	**2020-0087** Resolution 20-13
-	adoption of a **RESOLUTION** approving a Payment in Lieu of Taxes (PILOT) for 530 S. Rose Street.	**2020-0088** Resolution 20-14
-	adoption of a **RESOLUTION** granting a Payment in Lieu of Taxes to Harrison Circle Limited Dividend Housing Association Limited Partnership for a proposed Harrison Circle development located at 617 Harrison Street (06-15-285-103) and 525 E. Ransom Street (06-15-269-352), pursuant to Section 35-4 of the Kalamazoo City Code.	**2020-0089** Resolution 20-15
-	adoption of a **RESOLUTION** updating the street vacation policy.	**2020-0090**
-	adoption of a **RESOLUTION** recognizing United Campus Ministry as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.	**2020-0091** Resolution 20-17
-	adoption of a **RESOLUTION** recognizing Wellspring Cori Terry and Dancers as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.	**2020-0092** Resolution 20-18
-	authorization for a fulltime position allocation in the Parks and Recreation Department for a second Special Event Coordinator.	**2020-0093**
-	acceptance of grant from the Consumer's Energy Foundation in the amount of $100,000 for the Farmers' Market Improvement Project.	**2020-0094**
-	acceptance of an additional $29,489 from the Mayors' Riverfront Park Endowment Fund; and approval of an increase the General Fund appropriation by the same amount to fund: 1) a feasibility study for Mayors' Riverfront Park and property adjacent to Red Arrow Golf Course; 2) asphalt repair under the right field grandstands; and 3) adding additional foul territory fencing to prevent injuries to fans.	**2020-0095**

2020-0096

- adoption of the following actuarial assumptions for the City of Kalamazoo Pension and Other Post Employment Benefit Plan (OPEB) plans: 1) Investment Return: 7.25%; 2) Administrative Expenses: 0.75% of payroll; 3) Wage Inflation: 3.50%; 4) Price Inflation: 2.25%; 5) Update proposed demographic assumption changes including Mortality Experience: Update to Pub-2010 Table from Society of Actuaries; and 6) Amortization Period: No Change.

2020-0097

- appointment of Jeanne Hess as a City Commission Director to the Foundation for Excellence Board of Directors according to Section 4.02 of the FFE Bylaws and further establish the terms per section 4.04 of the FFE Bylaws as beginning on April 27, 2019, and not exceeding her current term of office as Commissioner.

2020-0098

- nomination of the following Sector Representatives for the Foundation for Excellence Board of Directors:

  - the appointment of Stephanie Hoffman as the Housing Sector Representative for a two-year term ending in 2022;

  - the reappointment of Charlene Taylor as Affinity Director for a three-year term ending in 2023;

  - the reappointment of Alisa Carrel as Arts Director for a three-year term ending in 2023;

  - the reappointment of Adam McFarlin as Business Director for a three-year term ending in 2023; and

  - the reappointment of Alice Taylor as Neighborhood Director, Northside Neighborhood, for a three-year term ending in 2023.

2020-0099

- acceptance of 11 tax-foreclosed properties from the Kalamazoo County Treasurer.

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

With a roll call vote this motion passed.

AYES: Commissioners Cunningham*, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson**

NAYS: None

*At the time of the vote, Commissioner Cunningham abstained from voting on Item F-20, acceptance of funding from the Mayors' Riverfront Park Endowment Fund.

**At the time of the vote, Mayor Anderson abstained from voting on Item F-17, recognition of Wellspring – Cori Terry and Dancers as a non-profit organization, due to a conflict of interest.

Addition of an Item to the Regular Agenda

Mayor Anderson advised Commissioners of an oversight during the adoption of the formal agenda, as there was a new item the City Administration wanted the City Commission to consider. Mayor Anderson stated the proposed addition was "A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO SUPPORT THE DISASTER RELIEF FUND," copies of which were provided to Commissioners at the dais prior to the meeting.

Commissioner Praedel, seconded by Commissioner Cunningham, moved to add A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO SUPPORT THE DISASTER RELIEF FUND to the meeting agenda as Item G-3 under the Regular Agenda. With a voice vote the motion passed.

Regular Agenda

Regular Agenda items were considered next.

2020-0100
Resolution 20-19 Approving an MDNR Trust Fund Grant Application for Milham Park Phase I

An opportunity was given for public comments on a resolution approving an application for a Michigan Natural Resources Trust Fund grant, administered by the Michigan Department of Natural Resources, in the amount of $299,254 for development of Phase I of Milham Park, and a local match of $248,000, but no comments were offered.

Commissioner Knott, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** approving an application for a Michigan Natural Resources Trust Fund grant, administered by the Michigan Department of Natural Resources, in the amount of $299,254 for development of Phase I of Milham Park; approve a match of $248,000, but in any case no less than 25% of the project's total cost; and authorize the City Manager to sign all related documents.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0101
Resolution 20-20 Suspending the Purchasing Policy and Authorizing the City Manager to Approve Purchases up to $5 Million

City Manager Ritsema reviewed a proposed resolution that would suspend the City's purchasing policy and authorize him to approve purchases over $100,000 in the event the City Commission was not able to meet because of the Coronavirus outbreak. City Manager Ritsema explained the approval limit was $5 million because there were some significant capital improvement projects coming up with contracts approaching that dollar amount.

In response to a question from Commissioner Cunningham, City Manager Ritsema stated the resolution, as proposed, required him to notify Commissioners within 24 hours after approving purchases/contracts. City Manager Ritsema stated he was willing to change the notification requirement to 24 hours prior to the approvals happening.

In response to Commissioner Cunningham and to questions from Commissioner Praedel, City Attorney Robinson clarified that he had drafted the resolution purposefully to say the City Commission would be notified *after* the City Manager had acted. City Attorney Robinson explained he was trying to avoid a situation where Commissioners responded to pre-action notification in a way that would violate the Open Meetings Act. City Attorney Robinson acknowledged requiring 24 hours prior notice could create a problem for an emergency expenditure, but

2020-0101
Resolution 20-20 Suspending the Purchasing Policy and Authorizing the City Manager to Approve Purchases up to $5 Million (cont'd)

such a situation was unlikely as the resolution permitted City Manager approval only for expenditures that had been approved in the 2020 budget.

When an opportunity was given for public comments on a resolution authorizing the City Manager to act to approve purchases and contracts which may exceed $100,000 should the City Commission suspends its public meetings due to the coronavirus outbreak, the following people addressed the City Commission:

Andy Argo, City resident, asked whether the City Commission was prohibited from holding electronic/virtual meetings.

Commissioner Cunningham, seconded by Commissioner Knott, moved to adopt a **RESOLUTION** authorizing the City Manager to act to approve purchases and contracts which may exceed $100,000 should the City Commission suspends its public meetings due to the coronavirus outbreak.

Prior to a vote on the motion, Commissioner Praedel questioned whether there was any precedent for having the Mayor or Vice Mayor co-sign contracts and agreements.

Commissioner Knott stated she was not interested in debating this item, and she indicated she had asked about the possibility of virtual meetings.

Commissioner Cunningham stated he had asked about virtual meetings also.

City Attorney Robinson explained the Open Meeting Act required meetings to be in a public place and that the public needed to be able to interact with the public body. City Attorney Robinson noted the City Commission Rules permitted Commissioners to participate in meetings remotely as long as a quorum of the Commission was physically present at the noticed meeting location.

Commissioner Cunningham expressed trust and support for the City Manager and stated the notification requirement was a key part of the process.

Mayor Anderson stated he believed in the Open Meetings Act, but it was unclear how that worked in the current circumstances. Mayor Anderson noted the Michigan Municipal League had provided some information on the topic.

Vice Mayor Griffin questioned how the City Commission would move forward while maintaining transparency. Vice Mayor Griffin stated the lack of technology was a real issue with regard to people being able to participate in electronic meetings.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0102
Resolution 20-21 Authorizing an Expenditure to the United Way Disaster Relief Fund

Vice Mayor Griffin read into the record the following resolution:

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO SUPPORT THE DISASTER RELIEF FUND

WHEREAS, The United Way of the Battle Creek and Kalamazoo Region (UWBCKR) Disaster Relief Fund (DRF) was established in 2019 to ensure resources for proactive planning in times of stability and for immediate use when disaster strikes. The DRF will support response and recovery in instances of natural disaster and community crisis that affect Kalamazoo County; and

In the current Covid-19 pandemic, UWBCKR and the Kalamazoo Community Foundation (KZCF) have created a joint application to activate and create access to their respective community crises relief funds to address gaps that are surfacing in key services for those individuals and organizations most impacted in a critical and unpredictable crisis; and

The following three priorities have been identified for the Disaster Relief Fund:

1) to assist with immediate and anticipated direct service needs/gaps
2) to maintain or expand critical internal operations, capacity and infrastructure; and
3) to support costs associated with additional volunteer capacity needed in this time of crisis; and

WHEREAS, Shared Prosperity Kalamazoo (SPK) is an initiative that originated with the Kalamazoo City Commission's decision in 2014 to make poverty reduction a key priority for the City. Shared Prosperity Kalamazoo was established to:

1) increase access to good jobs;
2) ensure the healthy growth, development, and learning of all our youth; and
3) create strong families; and

In May 2019, the City Commission approved the SPK Organizing Committee's recommendation to allocate approximately $900,000 for five programs in support of the SPK Action Plan implementation. The remaining funds in the SPK High Impact fund are considered 2019 carryforward funds and are available for use.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

1. $250,000 from the Shared Prosperity Kalamazoo High Impact Fund be expended to support the United Way of the Battle Creek and Kalamazoo Region Disaster Relief Fund; and

2. The City Attorney is to negotiate terms of the funding agreement between the City and UWBCKR and the City Manager is authorized to sign all documents on behalf of the City related to the Disaster Relief Fund.

Deputy City Manager Laura Lam provided background information on the Disaster Relief Fund and described how funds would be distributed through community parters.

2020-0102
Resolution 20-21 Authorizing an Expenditure to the United Way Disaster Relief Fund (cont'd)

In response to a question from Commissioner Cunningham, Deputy City Manager Lam stated there was a system in place that would allow the City's funds to be directed to City residents.

When an opportunity was given for public comments on a resolution authorizing the expenditure of $250,000 from the Shared Prosperity Kalamazoo High Impact Fund to support the United Way of the Battle Creek and Kalamazoo Region Disaster Relief Fund, the following people addressed the City Commission:

> Charles, a City resident, asked whether these funds would help people who were experiencing homelessness, people who had been incarcerated, and people who were out of work.

Commissioner Cunningham, seconded by Commissioner Knott, moved to adopt a **RESOLUTION** authorizing the expenditure of $250,000 from the Shared Prosperity Kalamazoo High Impact Fund to support the United Way of the Battle Creek and Kalamazoo Region Disaster Relief Fund.

Prior to a vote on the motion, Commissioner Hess asked Deputy City Manager Lam to address the questions raised during public comments.

Deputy City Manager Lam stated the community partners would need to work with the funders to determine which services and programs would be funded.

Commissioner Cunningham remarked on the good work of staff and pointed out this contribution was possible because of the Foundation for Excellence.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema distributed and reviewed a media release entitled *City of Kalamazoo Announces Additional Measures to Prevent Spread of COVID-19*.

Assistant Public Safety Chief Jeff VanderWiere reported on the state of the COVID-19 pandemic and described the actions the City was taking to keep employees and the public safe, including the development of various response and contingency plans, opening the Emergency Coordination Center, and closing City offices (except Public Safety Headquarters) to the public beginning on March 17th at 7:00 a.m.

In response to a question from Vice Mayor Griffin, City Manager Ritsema stated the June 1st target date for an adult use marihuana ordinance might need to be postponed, depending on the duration of the COVID-19 pandemic. Regarding the Chapter 18 ordinance amendments, City Manager Ritsema stated the upcoming public input meetings had been cancelled, and staff were directing people to provide input online and directly to Community Planning and Economic Development Director Rebekah Kik.

Vice Mayor Griffin thanked staff for continuing their community engagement efforts during these unique times. Vice Mayor Griffin noted there was a video on

the City's website about the Chapter 18 amendments, which included instructions on how to provide feedback.

Public Comments

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

Jody Dozeman, City resident, spoke about being homeless and other topics.

2020-0103

Jessica Swartz, City resident, submitted a petition on behalf of Voters, Not Politicians entitled, *Petition to expand voting services by opening clerk's offices 22 extra hours ahead of Election Day and opening a satellite clerk's location on the Western Michigan University campus*. Ms. Swartz described the need for expanded voter access.

Samahd, a community organizer, announced the creation of the Kalamazoo Community Pandemic Response Coalition, whose goal was to consolidate resources and get them to communities in need; requested that the City publish public information in Arabic, Spanish, and French; and requested that the City send out daily text messages with updates on the Coronavirus.

Andy Argo, City resident, reported community organizers were working to help people with needs created by the pandemic. Mr. Argo stated he was glad for the disaster relief funding, but he indicated questions needed to be asked about how the funds would be used. Mr. Argo commented on the need to address unemployment and how it would affect peoples' ability to pay rent. Mr. Argo encouraged landlords to work with their tenants.

Ben Stanley, City resident, questioned why the parking lot at the dog park was plowed and salted but the gates remained locked, and he noted the gates were falling off and did not latch properly.

City Commissioner Comments

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

Commissioner Hess reported the "311" phone number was now active for the City's call center. Commissioner Hess thanked the Public Safety Department, Public Services Department, and City Clerk's Office for their work. Commissioner Hess talked about how Kalamazoo was a great arts community.

Commissioner Praedel remarked on positive things happening in the community and stated Kalamazoo would get through the pandemic together. Commissioner Praedel thanked City staff, community partners, the Public Safety Department, and healthcare providers.

Vice Mayor Griffin thanked the community for working together and thanked City staff for their work. Vice Mayor Griffin encouraged people to still engage in the economy, and she asked landlords to be patient during this time. Vice Mayor Griffin noted the COVID-19 pandemic was magnifying the needs that already existed and was creating new areas of need. Vice Mayor Griffin stated people needed to figure out how the various forms of assistance at the state and federal levels would interact with each other to address these needs.

City Commissioner Comments (cont'd)

In response to a question from Vice Mayor Griffin, City Clerk Borling reported City voters would have an election on May 5th, and he stated it was not clear yet how the election would be administered in an environment where election staff could not interact with voters. City Clerk Borling explained that much of the voting process was prescribed by state law, and it would take some type of action at the state level to change those processes. City Clerk Borling reported he was in communication with the Michigan Bureau of Elections and would be reacting to directives coming from the Bureau regarding the May 5th election.

Mayor Anderson spoke about counterbalances to the cynicism about government: a City Commission that cared; a Public Safety Department that cared; and a City Clerk's Office that wanted to make sure everyone possible was able to vote. Mayor Anderson suggested that people not wait until election day to register to vote, and he highlighted the availability of online voter registration at mi.gov/vote. Mayor Anderson offered remarks on ways people could help with the response to COVID-19, and he noted the community was being asked to be intentional in their actions to slow the spread of the virus. Mayor Anderson thanked the people who continued to go to work during the pandemic, and he urged everyone to practice social distancing to protect those workers.

Adjournment

The meeting adjourned at 8:24 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

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A special meeting of the Kalamazoo City Commission was held on Tuesday, March 31, 2020 at 6:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-15 issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

2020-0104
Resolution 20-22 Amending the City Commission Rules re: Remote Meetings During a State of Emergency

When given an opportunity to comment on a resolution authorizing the conduct of City Commission meetings by electronic means during a declared statewide or local state of emergency and under the terms of an Executive Order suspending portions of the Open Meetings Act, the following people addressed the City Commission:

Sum Ting Wong offered miscellaneous remarks
Aidan Corbitt offered miscellaneous remarks
Zabi Nami offered miscellaneous remarks
Victor Hamulton offered miscellaneous remarks

Mayor Anderson interrupted the public comment time and asked what options were available to curtail people making disparaging comments and spewing venom.

City Attorney Robinson stated the City Commission Rules included a provision that allowed the Commission to waive any rule by a majority vote. City Attorney Robinson clarified that the Commission had an obligation to hear public comments during a specified time for those comments, but there was no requirement that comments be heard prior to each action item. City Attorney Robinson suggested the City Commission consider a motion to eliminate public comments on action items and limit public comments to the opportunity for public comments later in the meeting.

Mayor Anderson suggested the City Commission limit the length of individual comments as well.

Public Comment Limited

Commissioner Cunningham, seconded by Commissioner Urban, moved to take the following actions regarding public comments: 1) eliminate public comments on action items; 2) reserve comments to the formal public comment time; and 3) limit comments to 90 seconds per speaker.

Prior to a vote on the motion, discussion took place regarding options for addressing the use of this public forum for inane, profane, and racist comments.

2020-0104
Resolution 20-22 Amending the City Commission Rules re: Remote Meetings During a State of Emergency (cont'd)

In response to a question from Vice Mayor Griffin, City Attorney Robinson indicated the motion would change the rules for the current meeting. The Commission would need to repeat this action at each meeting where it wanted the public comment rules changed.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Commissioner Knott, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** authorizing the conduct of City Commission meetings by electronic means during a declared statewide or local state of emergency and under the terms of an Executive Order suspending portions of the Open Meetings Act.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0105
Allocation of FFE Funds to Create the Kalamazoo Small Business Loan Fund (KSBLF)

Chris Sargent, President and CEO of the United Way of the Battle Creek and Kalamazoo Region, provided an update on the United Way Disaster Relief Fund.

Foundation for Excellence Manager Steve Brown, provided an overview of the proposed Kalamazoo Small Business Loan Fund (KSBLF) program, including a description of the eligibility criteria and application process. Mr. Brown thanked community partners, including the W.E. Upjohn Institute, Southwest Michigan First, Kalamazoo Downtown Partnership (KDP), the Local Initiatives Support Corporation (LISC), the Small Business Development Center (SBDC) at Western Michigan University, and the United Way.

Community Planning and Economic Development Director Rebekah Kik discussed the challenges of identifying small businesses that needed assistance during a time when many businesses were closed. Director Kik stated it would be important for people to use their personal networks to publicize the KSBLF through email and social media, and she asked Commissioner to send her contact information from their networks.

In response to questions from Commissioners, Mr. Sargent and Mr. Brown provided the following information on KSBLF loans and the loan application process:

- funding for the KSBLF would come from the Foundation for Excellence (FFE). The FFE Board would not need to take action because the dollars were coming from the FFE's fund balance. (responding to Commissioner Urban)

- if an applicant met the basic loan criteria, they would complete the full loan application, which included 10 basic questions (name, contact information, etc.) and 6 narrative questions to assess the applicant's needs

2020-0105
Allocation of FFE Funds to Create the Kalamazoo Small Business Loan Fund (cont'd)

and how the funds would be used. No collateral or personal guarantees would be required for this loan. (responding to Commissioner Cunningham)

- the application review panel had six members, including two women, two persons of color, and one representative each from the United Way and the City of Kalamazoo. (responding to Commissioner Cunningham)

- no principal or interest payments were due for the first six months. The KSBLF would be flexible if the COVID-19 situation had not changed in six months. (responding to Commissioner Cunningham)

- it was important to think about the future and how the City might facilitate situations where people wanted to buy or sell businesses, but addressing the current emergency was the work at hand. (responding to Commissioner Cunningham)

- the United Way had created a separate space for KSBLF applications through its existing online system for grant recipients. People at United Way would be available to provide technical help and help navigating the application process. Other organizations like DKP and the SBDC were also available to provide assistance. The link to the online application was on the homepage at changethestory.org and on the one-page flyer that was being used to promote the program. (responding to Commissioner Praedel)

- the loan application process was a first-come, first-served process. Businesses were encouraged to submit their applications quickly. (responding to Commissioner Praedel)

- the application asked applicants to provide forecasted revenues and losses for the next six months. (responding to Commissioner Praedel)

- City Commissioners can help best by publicizing and promoting the KSBLF program. (responding to Commissioner Praedel)

- a .pdf version of the application was available and could be sent to people who needed it. A decision had not been made as to whether completed applications would be made available for public inspection, but the initial thought was "no" because of sensitive information contained in the applications. (responding to Vice Mayor Griffin)

- it was not likely the KSBLF would be converted to a grant program, although this could be a future consideration. The loan program's 1% interest rate was very low, and grants could affect a business's future lendability. The City's Business Development Fund grant program was available for those who wanted grants. (responding to Vice Mayor Griffin)

- making the loans forgivable had not been considered, but loan forgiveness could be part of the discussion. The partners wanted businesses to be successful over the long term. (responding to Vice Mayor Griffin)

- donations to the KSBLF were being accepted through the United Way. (responding to Commissioner Cunningham)

- the consideration of outstanding loans or obligations to the City was not part of the formal application evaluation rubric for KSBLF loans. (responding to Commissioner Cunningham)

2020-0105
Allocation of FFE Funds to Create the Kalamazoo Small Business Loan Fund (cont'd)

Commissioner Urban, seconded by Commissioner Cunningham, moved to approve the use of $2 million from the Foundation for Excellence Aspirational Fund to create the Kalamazoo Small Business Loan Fund program; amend the Fiscal Year 2020 Budget for the same amount; and authorize the City Manager to sign all documents related to the implementation of the program.

Prior to a vote on the motion, Commissioner Cunningham thanked the FFE for making it possible for the City to offer the KSBLF program. Commissioner Cunningham highlighted the City's oversight of the program and stated he was looking forward to the data the City would be collecting.

Commissioner Praedel stated he had talked with several small business owners, and he described the tough decisions they were making and the uncertainties they were facing. Commissioner Praedel expressed pride that the City was able to offer the business loan program.

Mayor Anderson stated there were other resources available – state and federal programs – that businesses could leverage in addition to the City's program. Mayor Anderson stated leadership in the City was a team approach. Mayor Anderson indicated City Commissioners had clearly communicated their values to staff, so when an emergency or a crisis developed, staff knew the direction to take.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Communications

City Manager Ritsema reminded people the next day was Census Day, and he encouraged people to go online and register.

City Clerk Borling reported the May 5th election would be conducted as a vote-by-mail election, with one physical location required to be open for voting on Election Day. City Clerk Borling reported the Secretary of State had mailed absentee ballot applications to all registered voters in the City.

Public Comments

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

Thom asked for clarification on how "FTE" (full time equivalent) would be defined for loan eligibility and how applications would be prioritized

Galina asked if she would be eligible for a small business loan.

Joanna, a small business owner, talked about the confusion of having programs offered by different levels of government, each with their own criteria but all of them urging businesses to apply quickly. Joanna commented on the reality of racism and inequity in the community.

Public Comments (cont'd)

Mike offered miscellaneous remarks

Jeff Messer, City resident, asked that City not hold virtual meetings unless absolutely necessary.

Heather Wright, non-resident and City business owner, stated her landlord was adding per-day fees for late rent payments.

Nicole Parker, City resident, expressed concern about black businesses, which had been in crisis for a long time. Ms. Parker indicated black businesses did not typically take advantage of loan programs, and she stated grants and other supports were needed.

Bruce offered miscellaneous remarks.

Jack offered miscellaneous remarks.

Jason offered miscellaneous remarks

Steve Tabarez, City resident, stated he thought there were too many coffee and beer businesses in the City, and he suggested that some of them should not exist. Mr. Tabarez expressed concern about the lack of a collateral requirement for the loan program and questioned whether there would be means testing for applicants.

Joseph offered miscellaneous remarks.

Davis offered miscellaneous remarks.

William offered miscellaneous remarks.

City Manager Ritsema noted the list of people who had indicated they wanted to speak was growing, and many of the names were suspect.

In response to a question from Mayor Anderson, City Attorney Robinson stated there was not much the City Commission was able to do. City Attorney Robinson explained the Commission was at the intersection of the Open Meetings Act, which required public comment, the Governor's executive order regarding electronic meetings, and the First Amendment right to free speech. City Attorney Robinson stated dealing with "trolls" was one of the risks of having an online meeting.

City Manager Ritsema reported the link to this meeting had been posted to an on-line gaming platform, and people on the site were encouraged to join the meeting. City Manager Ritsema suggested limiting public comments.

Mayor Anderson suggested the City Commission place an overall time limit on public comments and offer people alternate avenues for submitting comments.

Vice Mayor Griffin expressed concern about further limiting public comments.

In response to a question from Mayor Anderson, City Attorney Robinson indicated public speech in front of a governmental body had broad protections under the First Amendment. City Attorney Robinson stated it was a slippery slope to cut off public comments based on their content.

Public Comments (cont'd)

Discussion followed.

City Attorney Robinson stated the Mayor had the ability to decide that the people currently in line to speak would be the last speakers.

Mayor Anderson indicated the people who currently had their hands "raised" to speak would be the last speakers during the time for public comments. There were no objections to this ruling.

The opportunity for public comments resumed.

Kenjii spoke about attitudes and lack of seriousness on display, and he offered to help the City deal with these problems.

Steve asked whether results of the loan program would be transparent and how soon the loan funds would be disbursed.

Alexis offered miscellaneous remarks.

Jason offered miscellaneous remarks.

William offered miscellaneous remarks.

Stephanie Moore, a City resident and Kalamazoo County Commissioner, thanked the Vice Mayor for standing up for citizen comments and stated it was appalling for the City Commission to even talk about limiting them. Commissioner Moore stated community leaders needed to look at disparities with small businesses and be creative and innovative to help them grow.

Mike offered miscellaneous remarks.

Sarah offered miscellaneous remarks.

Nicole Triplett, City resident, thanked the Vice Mayor for supporting the public's right to speak. Ms. Triplett stated the City's existing business loan programs were not being utilized, and she suggested the City consider that fact before offering another loan program.

Brianna offered miscellaneous remarks.

Rebecca, City resident, expressed concern about work being done by the City's Public Works staff, who were not practicing social distancing.

Alexis offered miscellaneous remarks.

Resharni offered miscellaneous remarks.

City Commissioner Comments

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

Commissioner Urban expressed support for City Attorney Robinson's suggestions.

City Commissioner Comments (cont'd)

Commissioner Hess stated she was proud of the community for supporting small businesses, and she commented on how people in the community were coming together to help each other. Commissioner Hess expressed appreciation to Vice Mayor Griffin for her strength and her voice to make sure the City was being inclusive in its work. Commissioner Hess expressed support for finding a way to make sure people who commented at future meetings had something of gravity to say. Commissioner Hess thanked Tekna, Fabri-Kal, and Schupan for making face shields for local hospitals.

Commissioner Knott expressed opposition to the action taken by Western Michigan University (WMU) on March 20th to essentially fire all non-bargaining unit employees and force them to use leave time in order to keep getting paid. Commissioner Knott questioned the cause of urgency for this action and pointed out the layoffs were implemented before the Governor's stay-at-home executive order was issued. Commissioner Knott stated WMU was the only major employer in the community to take this type of unilateral action, which had crippled morale and destroyed trust. Commissioner Knott stated WMU's budget year ended June 30, and she questioned why the university was not taking care of its people while resources were available. Commissioner Knott noted Commissioner Praedel was affected by WMU's actions and was only working 12 hours per week. Commissioner Knott asked everyone to reach out to WMU and state officials to get answers.

Commissioner Cunningham apologized to the community for the bad comments during the meeting, and he encouraged people to focus on the positive action taken to support local businesses. Commissioner Cunningham expressed appreciation to Commissioner Knott for highlighting the WMU issue. Urged people to spread the word on social media. Commissioner Cunningham read from an article on MLive announcing that Metro Transit was stopping fixed route bus service beginning on April 2nd. Commissioner Cunningham noted there were ongoing conversations about City employees and how they did their work.

Vice Mayor Griffin urged people to practice social distancing, to take care of themselves and others, and to not judge those who were not staying at home, as home was not a safe place for everyone. Vice Mayor Griffin thanked staff for their hard work and for trying to find creative solutions. Vice Mayor Griffin thanked people who made comments. Vice Mayor Griffin thanked Commissioner Knott for her remarks and noted the issues were very real for everyone involved, including elected officials.

Commissioner Praedel stated the racist and misogynist comments made during the meeting were unbelievable, but they did not represent Kalamazoo and would not be tolerated. Commissioner Praedel called out healthcare professionals as amazing heroes and stated they could not be thanked enough for their sacrifices.

Mayor Anderson expressed appreciation to Commissioners for their work, and he thanked the people who were working in grocery stores. Mayor Anderson urged everyone to keep their focus on the most vulnerable people in the community.

Adjournment

The meeting adjourned at 8:33 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

A regular meeting of the Kalamazoo City Commission was held on Monday, April 20, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-48 issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

Proclamation
2020-106

Commissioner Hess proclaimed April 18-25, 2020 *Earth Week - Kalamazoo*.

Adoption of the Agenda

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

Public Comment

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

Denise Keele, non-resident, thanked the City Commission for issuing a proclamation for Earth Day Week.

Zach Lassiter, City resident, stated it was inappropriate for the City to be censoring public comments.

Consent Agenda

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

2020-0107 - approval a contract with Rieth-Riley Construction for Asphalt Paving Materials for the 2020 season in the amount of $996,000.

2020-0108 - authorization for the City Manager to enter into contracts with ice control salt suppliers as awarded by the State of Michigan for the 2020-2021 winter season requirements in an amount not to exceed $500,000.

2020-0109 - approval of a change order to a professional services contract with Hubbell, Roth, and Clark Inc. in the amount of $39,000 to allow the continued provision of engineering services for design work on the Howard Pathway Project.

2020-0110 - approval of a contract with Unique Paving Materials, Corp. for asphalt patching materials for the 2020 season in the amount of $221,100.

2020-0111 - approval of a contract with Scrubair Systems, Inc. for the central air stripper media replacement project in the amount of $278,670.

- approval of a one-year contract extension with PVS Nolwood Chemicals, Inc. for the purchase of fluorosilicic acid in the amount of $106,500. **2020-0112**

- approval of a professional service agreement with the Peerless-Midwest Company to perform well rehabilitation and associated maintenance in 2020 in the amount of $170,200. **2020-0113**

- approval of a one-year contract extension with Republic Services of West Michigan for the rental, placement, and removal of roll-off containers and disposal of all street sweeping materials deposited in those containers in the amount of $210,240. **2020-0114**

- approval of a Professional Service Agreement with Hurley & Stewart, LLC for professional design engineering services related to the Parkview Avenue improvements, from Tamsin Avenue to Oakland Drive, in the amount of $100,400. **2020-0115**

- first reading of an ordinance to approve text amendments to Chapter 50, The Zoning Ordinance; and set a public hearing for May 4, 2020. **2020-0116**

- approval and acceptance of an easement with Texas Township for water main and an access road planned to be installed as part of the 6th Street South Tank and Water Main Extension Project. **2020-0117**

- approval and acceptance of an easement with Bronson Methodist Hospital for water main installed as part of the Bronson Primary Care – Richland Construction Project. **2020-0118**

- approval and acceptance of an easement with Friendship Village – Kalamazoo for water main installed as part of the Persianwood Construction Project. **2020-0119**

- approval of the Mayor's reappointment of Alfonso Espinosa and Sakhi Vyas to the Planning Commission for terms expiring on March 31, 2023. **2020-0120**

- approval of the reappointments of Chris Flach and Matt Lager to the Zoning Board of Appeals for terms expiring on March 31, 2023. **2020-0121**

- approval of a recommendation to postpone until May 4, 2020 consideration of the purchase of 447 East Stockbridge Ave from the County Land Bank in the amount of $9,882. **2020-0122**

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

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Mayor Anderson

NAYS: None

ABSENT: Vice Mayor Griffin

At 7:17 p.m. Vice Mayor Griffin returned to the meeting.

Regular Agenda

Regular Agenda Items were considered next.

2020-0123
Resolution 20-23 Authorizing COPE Network to Engage in a Needle Exchange Program

Nancy King, Executive Director of the Community Outreach Prevention and Education (COPE) Network, described the proposed safe syringe program and the benefits of the program for drug users and the community.

Commissioner Praedel asked Ms. King to address concerns raised in 2019 when the City Commission adopted the ordinance allowing needle exchange programs, and specifically concerns that needle exchange programs led to increases in drug use and needle debris.

In response to Commissioner Praedel, Ms. King explained people who used drugs were concerned about being caught, so they left needles wherever they could. Ms. King stated having a safe place for the disposal of needles would reduce the debris.

In response to a question from Commissioner Praedel, Ms. King stated COVID-19 was creating stress, and people were relapsing into drug use. Ms. King indicated the services COPE provided, including the delivery of Naloxone, were considered essential services. With this approval the goal was to have the program up and running by the beginning of May.

Commissioner Praedel indicated needle exchange programs had been around for 30 years, and there was no evidence these programs resulted in increased drug use.

In response to a question from Vice Mayor Griffin, Ms. Stated there would be one, fixed site drop-off center on Pioneer Street to start, but COPE would be assessing the community's need for additional sites.

In response to questions from Mayor Anderson, Ms. King stated the determination of whether additional sites were necessary and the location of those sites would be made in consultation with the Health Department and with input from drug users and the neighborhoods that were potential locations for new sites.

Commissioner Knott, seconded by Commissioner Praedel, moved to adopt a **RESOLUTION** authorizing the Community Outreach Prevention and Education (COPE) Network to engage in a Needle Exchange Program for a period of two years.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema reported the City was working with Kalamazoo Township and the City of Portage on when offices would re-open to the public. City Manager Ritsema indicated officials were hoping for a mid-May reopening, but there was caution.

Deputy City Manager Laura Lam provided an update on the Disaster Relief Fund and Small Business Loan Fund. Deputy City Manager Lam reported $1.1 million

had been deployed to five local agencies from Disaster Relief Fund. Deputy City Manager Lam reported a second round of lending had taken place the week prior, which resulted in over $890,000 approved for 42 businesses, impacting over 360 employees. Deputy City Manager Lam stated a third round of lending would take place that week.

City Manager's Report (cont'd)

Chief Financial Officer (CFO) Steve Vicenzi provided information about the impact of the COVID-19 crisis on the City's finances. CFO Vicenzi reported the City was anticipating revenue reductions in the amount of $900,000 for the General Fund and $1 - $1.5 million for the Local Streets Fund in 2020. CFO Vicenzi stated the reductions were expected to be one-time or one-year reductions with revenues returning to normal for 2021.

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

City Commissioner Comments

Commissioner Urban thanked City staff for stepping up and adjusting to the new situation under COVID-19. Commissioner Urban noted all public comments were recorded, and all recordings were kept and would be made available through the Freedom of Information Act.

Commissioner Knott reported she had been calling on Kalamazoo County Health Officer James Rutherford to release positive COVID-19 test results by zip code and to work with the Public Safety Department on potential hot spots, but he had not been inclined to do so. Commissioner Knot also reported she had asked the City Manager to investigate whether the City could test wastewater for COVID-19 particles. Commissioner Knott encouraged people to contact Mr. Rutherford and ask him to release COVID-19 test results by zip code.

Vice Mayor Griffin thanked City staff for the work they were doing, and she thanked frontline workers for their efforts.

Commissioner Cunningham urged people to be safe. Commissioner Cunningham announced there would be a special City Commission meeting on April 27th at 6:00 p.m. to talk about Adult Use Marihuana. Commissioner Cunningham asked about the City's efforts to encourage participation in the 2020 Census.

Commissioner Hess thanked frontline workers, City staff, teachers, and school employees for their work. Commissioner Hess urged people to register with the 2020 Census. Commissioner Hess thanked City Clerk Borling for his work on the May 5th election.

Commissioner Praedel thanked City staff, the Public Safety Department, Mayor Anderson and Vice Mayor Griffin for their work on the COVID-19 crisis. Commissioner Praedel thanked the Planning Commission for a smooth electronic meeting on April 15th. Commissioner Praedel reported the state had partnered with a company called Headspace to offer physical and mental exercises through the website headspace.com/mi to help people cope with the COVID-19 pandemic. Commissioner Praedel offered well-wishes and encouragement to local college students as they took their final exams. Commissioner Praedel announced he was hoping to be a new dad in the next week or two, and he apologized for any meetings he might miss.

City Commissioner Comments (cont'd)

In response to a Commissioner Cunningham, Deputy City Manager Jeff Chamberlain stated the City had been working with community partners on a full-blown Census campaign, but the campaign events were planned for March and were derailed by COVID-19. Deputy City Manager Chamberlain reported the City had spent $15,000 for media buys and a mailing.

Mayor Anderson thanked the City Clerk for his work on the May 5th election and urged people to vote by mail. Mayor Anderson noted April 18th was the anniversary of the death of Public Safety Officer Eric Zapata. Mayor Anderson remarked on Public Safety recent work to stop retaliatory killings. Mayor Anderson reported on the work being done to help people without homes during the COVID-19 situation: the opening of an additional day shelter location; the opening of a quarantine site; the placement of restroom facilities downtown; and a multi-partner effort to move families out of the Kalamazoo Gospel Mission and into a hotel so they could stay safe. Mayor Anderson acknowledged the economic situation was crushing and indicated the City was advocating for state and federal resources.

Adjournment

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

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A special work session of the Kalamazoo City Commission was held on Monday, April 27, 2020 at 6:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-48 issued by Governor Gretchen Whitmer. The purpose of the meeting was to discuss proposed ordinances and a social equity policy for marihuana commercial businesses.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

2020-0124
Presentation and Discussion re: Marihuana Commercial Business Ordinances and Social Equity Policy

City Planner Christina Anderson, Diversity, Equity, and Inclusion Director Dorla Bonner, and City Attorney Clyde Robinson delivered a presentation entitled *Adult Use Marihuana (Recreational) Summary of Drafts: Zoning Code; Social Equity Policy; License Requirements*. A copy of the slides from this presentation were filed with the papers for this meeting.

Commissioner Urban questioned whether the reduced separation distances for social equity businesses were requested by the Eastside, Edison, and Northside Neighborhoods and whether there had been any feedback from these neighborhoods.

In response to Commissioner Urban, City Planner Anderson explained that residency in one of the identified neighborhoods by a majority of the owners of a business was an eligibility criterion for the reduced separation distances, but the business did not need to be located in one of those neighborhoods. City Planner Anderson stated staff had developed the social equity eligibility criteria based on what was being done in other cities and the Shared Prosperity Kalamazoo target neighborhoods. City Planner Anderson stated she was not aware of any feedback from the neighborhoods on this particular issue.

City Attorney Robinson explained the reduced separation distance benefit was developed in direct response to feedback provided at the second public input session, where people identified the lack of affordable, marihuana-eligible properties as a barrier to making social equity real for City residents. City Attorney Robinson stated the reduction in separation distances for social equity businesses was designed to open up more eligible properties for those businesses and help keep property costs down. City Attorney Robinson noted staff had tried to spread out potential facility locations so that no single neighborhood was impacted more than another.

In response to a question from Commissioner Hess, City Attorney Robinson confirmed that until 2021 a medical marihuana facility license was required in order to receive any of the adult use facility licenses listed in green on Slide #4.

2020-0124
Presentation and Discussion re: Marihuana Commercial Business Ordinances and Social Equity Policy (cont'd)

In response to a question from Commissioner Hess about proximity to rehab facilities and halfway houses, City Planner Anderson explained that adult-use and medical marihuana facilities were regulated under two different legislative acts, and there were more buffered uses allowed under the medical facility act than the adult use facility act. City Attorney Robinson added the adult use statute did not specifically grant zoning authority, and there could be legal challenges if the City went too far beyond the buffered uses allowed in statute.

Commissioner Cunningham noted the communities most impacted by marihuana were African American communities according to the data, but the City was not able to require majority ownership by African Americans for a business to qualify as a social equity business. Commissioner Cunningham stated the use of census tracts was the City's attempt to focus on the parts of the community that had been most negatively impacted by marihuana. Commissioner Cunningham stated business ownership was a key provision of the social equity program for him.

In response to a question from Commissioner Cunningham, City Attorney Robinson indicated staff had investigated what other communities were doing for social equity, but none of their plans, except maybe Flint's were as robust as what staff was proposing for Kalamazoo.

Director Bonner noted all of the social equity programs in the state were new, and it was too early to tell what was going to work.

In response to questions from Commissioner Cunningham, City Attorney Robinson stated it was difficult to calculate how much money would be available to fund the social equity program, but a rough estimate might be $250,000 in the first year the City started receiving funds from the excise tax. City Attorney Robinson explained the social equity program was being presented as a policy resolution rather than an ordinance because a resolution was easier to change and offered more flexibility. City Attorney Robinson stated there had been no feedback on removing the marihuana event license from the proposed ordinances.

In response to a question from Commissioner Praedel, City Planner Anderson reported people at the public input sessions had indicated high property values were a barrier for social equity businesses. City Planner Anderson stated the limited number of sites for medical marihuana Provisioning Centers had caused property values to spike in those areas, which is why the proposed ordinance expanded the permitted zoning districts for adult use marihuana facilities. City Attorney Robinson added the real estate market would be different for the "fill-in" areas being sought by social equity businesses.

In response to a question from Commissioner Praedel, City Planner Anderson explained the Planning Commission did not oppose allowing marihuana businesses downtown, but they wanted this use included in the upcoming evaluation of downtown zoning as a whole.

In response to a question from Commissioner Praedel, City Planner Anderson confirmed the Class A Grower, Microbusiness, and Consumption Establishment adult use licenses did not require applicants to have an existing medical facility license, but the other adult use licenses did have that requirement until 2021. Director Bonner added one of the first uses of social equity funds would be to support a business incubator where experienced operators could help prepare social equity businesses for when there were no licensing restrictions.

2020-0124
Presentation and Discussion re: Marihuana Commercial Business Ordinances and Social Equity Policy (cont'd)

Mayor Anderson thanked City Planner Anderson for her clarification about the Planning Commission. Mayor Anderson noted the proposed ordinances had been molded already by both public input and the Planning Commission review process. Mayor Anderson discussed next steps in the process for adopting the ordinances.

City Manager Ritsema noted the May 4th meeting would be a virtual meeting, as the Governor's stay-at-home order would still be in effect. City Manager Ritsema stated it was not clear yet whether the May 18th meeting would be virtual meeting or an in-person meeting with social distancing, as the executive order allowing virtual meetings was set to expire on May 12th.

Vice Mayor Griffin noted both the black and brown communities had been disproportionately impacted by marihuana.

Public Comments

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

Gayle, a City resident, described how her asthma and allergies were being impacted by the marihuana plants in her neighbor's back yard, and she asked why the City was allowing people to grow marihuana outdoors in residential neighborhoods.

Jeff Messer, City resident, called on the City Manager and Parks and Recreation Director to reopen City parks in light of the Governor's executive order from April 24th. Mr. Messer noted people continued to visit the parks, but the City was not enforcing the closures.

Jerry Griffin, a representative of Pincanna, a Michigan-based cannabis company, discussed the Planning Commission's removal of the CCBD zoning district from the proposed ordinance as an acceptable district for Marihuana Retailers. Mr. Griffin stated the issue was the name of the downtown district and not whether marihuana Retailers would be allowed in the district. Mr. Griffin asked the City Commission to restore the CCBD district to the proposed zoning ordinance or create an overlay district that would allow Retailers to operate in the CCBD.

Omar Fakhouri, non-resident and a marihuana business owner in the City, expressed concern about the over-saturation of marihuana facilities that would result from the zoning district and separation distance requirements in the proposed ordinance. Mr. Farkouri suggested the City keep a wide range of permitted zoning districts for marihuana businesses but increase the required separation distances between individual businesses. Mr. Farkouri expressed support for reducing or eliminating permit fees for social equity businesses, and he suggested allowing reduced separation distances only for the adult-use licenses that did not require a medical facility license.

John Abbo, an attorney representing Loom, questioned whether the language in Section 20B-19B of the proposed licensing ordinance would prevent employees from eating their lunch on the premises of a marihuana business.

Responses to Public Comments

In response to Gayle, City Attorney Robinson explained state law allowed people over 21 year of age to grow up to 12 marihuana plants on their property, as long as they could not be seen from a public vantage point.

In response to a suggestion from Commissioner Urban, City Attorney Robinson explained that changing the state statute would be a challenge because it was citizen initiated, which would require a ¾ vote of each chamber of the legislature to amend.

In response to Mr. Messer's request, City Manager Ritsema explained the parks were closed to give the Public Safety Department a tool to enforce the prohibition on large gatherings. City Manager Ritsema stated there was also a resource issue with keeping parks open.

In response to Mr. Griffin, City Planner Anderson stated the downtown rezoning work may result in marihuana businesses not being allowed in some parts of the downtown.

In response to Mr. Fakhouri, City Planner Anderson explained the City did not typically use zoning to address business saturation issues. City Planner Anderson stated the City could eliminate the permit fees, but there was work that needed to be funded.

In response to Mr. Abbo, City Attorney Robinson explained Section 20B-19B was referring to food service, not employee lunches. City Attorney Robinson indicated he would clarify the language in this section.

In response to a question from Commissioner Urban, City Attorney Robinson stated he would need to check the statue to be able to say for certain whether "edibles" were considered food or a marihuana infused product.

City Commissioner Comments

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

Commissioner Urban stated he was pleased to learn the proposed Social Equity Plan was one of the strongest in the state. Commissioner Urban expressed hope that the effect of the policy would be as salutary as the intentions of the creators.

Commissioner Hess stated Kalamazoo was an education City, and she thanked staff for including an education piece in social equity plan. Commissioner Hess thanked City staff and the Planning Commission for their work.

Commissioner Cunningham thanked the Planning Commission and City staff for their work. Commissioner Cunningham stated he wanted City Commissioners to understand the gravity of the decisions at hand and suggested people would make judgements about these decisions 100 years from now. Commissioner Cunningham stated the Commission need to be intentional and think things through completely. Commissioner Cunningham stated he was hurt because the City had to use proxies to talk about social equity rather than talking about it for what it was. Commissioner Cunningham indicated he would be reaching out to consultants in the industry to get their input, as he was not convinced the City had explored all its options.

City Commissioner Comments

Vice Mayor Griffin thanked the Planning Commission and City staff for their work. Vice Mayor Griffin stated she felt good about the staff involved and their good intentions to use the lens of equity during application reviews and permit renewals. Vice Mayor Griffin asked the community to review the draft documents and provide feedback.

Commissioner Knott congratulated Commissioner Praedel on the birth of his son.

Commissioner Praedel thanked the healthcare workers who were helping his family.

Mayor Anderson remarked that people were being asked to wear masks when out in public, and he stated this was a little thing that showed a care and concern for others. Mayor Anderson noted people who did not have the symptoms of COVID-19 could still carry and transmit the virus.

Adjournment

The meeting adjourned at 7:51 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

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A regular meeting of the Kalamazoo City Commission was held on Monday, May 4, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-48 issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

Invocation

The invocation was given by Michelle Scheidt of the Fetzer Institute.

Adoption of the Agenda

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

2020-0125
Public Hearing re: Amendments to the Zoning Code to Implement the 2025 Master Plan

At 7:08 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance to approve text amendments to Chapter 50, The Zoning Ordinance for the purpose of updating definitions, permitted uses, districts, lot type standards, and parking regulations following the 2025 Master Plan.

At the request of Mayor Anderson, City Planner Christina Anderson provided an overview of the proposed zoning code amendments and the process for the adoption of zoning ordinances.

At 7:17 Mayor Anderson closed the public hearing.

2020-0125
Ordinance 2004 Amending the Zoning Code to Implement the 2025 Master Plan

Commissioner Urban, seconded by Commissioner Knott, moved to adopt an **ORDINANCE** to approve text amendments to Chapter 50, The Zoning Ordinance for the purpose of updating definitions, permitted uses, districts, lot type standards, and parking regulations following the 2025 Master Plan.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Public Comment

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

Mike Fleckenstein, City resident, spoke about the proposed amendments to Chapter 18 of the Kalamazoo City Code and expressed opposition to the ordinance in its current form. Mr. Fleckenstein stated the issue of fair housing was greater than any one person, organization or commission could handle, and he stated housing providers demanded a seat at the table to help craft a solution.

Paula Chomis, City resident, described how she and others were cleaning up trash near Axtell Creek, and she suggested the City coordinate a group of volunteers to pick up trash around the City.

Public Comment (cont'd)

Jeff Messer, City resident, thanked the City for reopening its parks and asked City Attorney Robinson to talk about the City's authority to conduct electronic meetings with the expiration of the Governor's emergency powers on April 30th.

Jeff Bertolissi, non-resident, read letters from the Michigan Association of Realtors and the Greater Kalamazoo Association of Realtors expressing opposition to the proposed amendments to Chapter 18 of the Kalamazoo City Code, and asking for a six-month review period. Copies of these letters were filed with the papers for this meeting.

2020-0126

Wendy Denning, City resident, asked that the City Commission postpone for six months action on the proposed ordinance amending Chapter 18 to give local housing providers an opportunity to help clarify the language. Ms. Denning stated housing providers were blindsided by the proposed ordinance, which was incendiary and used language that would drive a wedge between housing providers and the community. Ms. Denning indicated she was trying to initiate discussions to make the ordinance unifying rather than divisive. Correspondence from Ms. Denning and a marked-up version of the proposed ordinance were filed with the papers for this meeting.

2020-0127

Joey Kejbou, non-resident, spoke about the adult-use marihuana ordinances and asked that City Commission not adopt the proposed ordinances in their current form.

Omar Fakhouri, non-resident, expressed concerns about the draft adult-use marihuana ordinances and asked that the City consider including more buffers to protect uses such as parks and churches. Mr. Fakhouri asked that social equity policy be reexamined for loopholes, and he stated the reduced separation distances for social equity businesses would lead to failure by those businesses. Mr. Fakhouri recommended keeping the standard separations distances and having a dedicated application period for social equity businesses.

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

Consent Agenda

- approval of a one-year contract extension for loading, hauling, and disposal of belt press solids with Waste Management in the amount of $5,538,110; and approval of a budget adjustment in the amount of $1,158,901.67 to cover the 2020 portion of the contract amount.

2020-0128

- approval of a contract and purchase order with SWT Excavating, Inc. for the new water service installation project in the amount of $723,588.77.

2020-0129

- adoption of a **RESOLUTION** of support for Local Bridge Program Funds for the Gull Road Bridge.

2020-0130
Resolution 20-24

2020-0131
Resolution 20-25

- adoption of a **RESOLUTION** of support for Local Bridge Program Funds for the Inkster Avenue Bridge.

2020-0132

- approval of the following first quarter amendments to the 2020 Budget appropriations:

  - General Fund - $359,000 Increase
  - Major Streets - $140,000 Increase
  - Local Streets - $140,000 Reduction
  - Solid Waste - $379,442 Increase
  - Blight Abatement - $250,000 Increase
  - Capital Improvement Fund - $2,000,000 Reduction
  - Water Capital Improvements - $500,000 Reduction
  - Insurance Fund - $430,500 Increase

2020-0133

- approval of the purchase of 447 East Stockbridge Ave from the County Land Bank in the amount of $9,882 to construct a segment of the Kalamazoo River Valley Trail that extends south from the Farmers' Market.

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

2020-0134
Ordinance 2005 Approving the Issuance of Water Revenue Bonds; and Notice of Sale Resolution 20-26

Commissioner Knott, seconded by Commissioner Cunningham, moved to adopt an **ORDINANCE** approving the issuance and sale of Water Supply System Revenue Bonds, Series 2020A for an amount not to exceed $22,000,000; and adopt of a Notice of Sale **RESOLUTION**.

Prior to a vote on the motion, and in response to a question from Mayor Anderson, Chief Financial Officer Steve Vicenzi stated the public hearing for this item was held on March 2nd.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0135
Ordinance 2006 Approving the Issuance of Wastewater Revenue Bonds; and Notice of Sale Resolution 20-27

Commissioner Urban, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** authorizing the issuance of Wastewater Supply System Revenue Bonds, Series 2020 for an amount not to exceed $11,000,000; and adopt a Notice of Sale **RESOLUTION**.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0136
First Reading of an Ordinance Amending the Zoning Code re: Marihuana Businesses

City Planner Anderson, Diversity, Equity and Inclusion Director Dorla Bonner, and City Attorney Robinson delivered a presentation entitled *Adult Use Marihuana (Recreational): Zoning Code, Social Equity Policy, License Requirements*. City Planner Anderson presented two changes proposed by staff: 1) an amendment to Section 50-4.4E.1.(b) that would add public playgrounds, public pools and youth centers as buffered uses; and 2) an amendment to Section 50-4.4E.6.(a) that would require Retailers located in the Live Work 1 zone to be on a commercially zoned street. A copy of the slides from this presentation was included with the papers for this meeting.

Mayor Anderson reviewed the ordinance development process to date and confirmed the next steps.

In response to a question from Commissioner Praedel, City Planner Anderson described the difference between the Live Work 1 (LW1) and Live Work 2 (LW2) zones. City Planner Anderson explained the proposed change would allow Retailers to be in LW1 would keep them on main commercial corridors and off neighborhood streets and residential areas.

Commissioner Praedel asked whether the elimination of eligible properties would impact the City's social equity component. Commissioner Praedel noted LW1 properties would probably have higher values because they were commercial.

In response to Commissioner Praedel City Planner Anderson stated the proposed change would eliminate a couple of types of locations, but this was not a bad thing because the locations being eliminated were not commercial locations.

In response to questions from Mayor Anderson, City Planner Anderson reported the Planning Commission had approved the ordinance as presented, after making some changes themselves. City Planner Anderson stated the proposed change was a minor change.

City Attorney Robinson noted there was no legal requirement that the City Commission send changes – major or minor – back to the Planning Commission.

In response to a question from Mayor Anderson, City Planner Anderson stated the proposed change to Section 6A to add the "suburban connector" language was strongly recommended, while the proposed amendment regarding buffered uses was developed in case the City Commission wanted to address concerns raised during public comments on April 27th.

2020-0136
First Reading of an Ordinance Amending the Zoning Code re: Marihuana Businesses (cont'd)

Mayor Anderson stated the City was trying to open up location opportunities, as the location of current medical facilities would box out new businesses if medical facility criteria were used for adult use businesses.

In response to a question from Mayor Anderson, City Planner Anderson stated there was no way to tell how many potential locations would be lost if the proposed buffered uses were added. City Planner Anderson noted the proposed changes would still result in fewer buffered uses compared to the requirements for medical facilities.

In response to a question from Mayor Anderson, City Attorney Robinson stated the proposed changes were not included the ordinance in the agenda packet; an amendment would be required.

Commissioner Cunningham expressed support for the amendments. Commissioner Cunningham asked whether the City Commission could make changes to the ordinance in two weeks, when it was being considered for adoption.

City Attorney Robinson indicated the City Commission needed to keep to the timeline presented if it was going to meet the June 1st deadline it had set for itself. City Attorney Robinson stated the proposed changes to the LW1 zone was more substantive, while the amendment regarding buffered uses was less substantive.

Commissioner Praedel expressed concern that the proposed changes – and especially adding more buffered uses – would negatively impact the City's social equity efforts and would make the process too cumbersome.

City Attorney Robinson explained the playgrounds and pool language was used in other statutes and laws, which is why it was included in medical ordinance. The common thread with the proposed new buffered uses was they were places children might gather.

Mayor Anderson asked Director Bonner for her opinion.

Director Bonner stated zoning questions were a "Planning" issue, and she remarked the proposed changes were complicated and limiting.

City Planner Anderson stated the LW1 change, although more substantive, would not have as great of an impact on eligible locations as the addition of buffered uses. City Planner Anderson offered that Planning staff could create a new map before the May 18th meeting showing separation distances, as long as people realized it would be an estimate.

Commissioner Urban remarked the proposed changes had come as a result of public input, and he recommended the City Commission add the proposed changes at this meeting. Commissioner Urban suggested that the new language could be removed later if the Commission wanted.

Commissioner Praedel observed that he had not been overwhelmed with comments from the public about parks and playgrounds, and he asked if other Commissioners had received such comments.

2020-0136
First Reading of an Ordinance Amending the Zoning Code re: Marihuana Businesses (cont'd)

In response to a question from Mayor Anderson, City Planner Anderson reported Mattie Jordan-Woods' questions were about the location of consumption facilities and the total number of Retailers that could be in the community. City Planner Anderson indicated consumption facilities were required to be in the Community Commercial (CC) zoning district and at least 1,000 ft. from schools and 500 ft. from daycare facilities. Regarding the total possible number of Retailers, City Planner Anderson stated staff estimated 38 possible new Retailer facilities in the City, but this number could go down by 12-15 when other factors were considered.

In response to a question from Mayor Anderson, City Planner Anderson explained the draft zoning ordinance released in February specified two adult uses for the downtown area: Retailers and Consumption Facilities. City Planner Anderson stated the Planning Commission removed these approved uses in deference to the upcoming comprehensive downtown zoning review. City Planner Anderson suggested Safety Compliance Facilities could be included as approved uses downtown.

Commissioner Hess noted the proposed social equity policy was as robust as any social equity program in the state, and she noted safety is a big part of what the City needed to look at regarding marihuana businesses.

Mayor Anderson asked for a motion.

Motion to Amend the Proposed Zoning Ordinance

Commissioner Cunningham, seconded by Commissioner Knott, moved to amend the proposed ordinance amending the Zoning Code to allow adult use and medical marihuana uses by adding the following language:

> Section 50-4.4E.1.(b): A marihuana establishment must not operate within five hundred (500) feet of a pre-existing State-licensed childcare center**, public playground, public pool, or youth center**.
>
> and
>
> Section 50-4.4E.6.(a): Permitted in Zones Live Work 1 (LW-1) **when located on a SubUrban, Connector, or Main Street**, and Community Commercial (CC).

Prior to a vote on the motion, Commissioner Cunningham stated the recommendations from staff were good, and Commissioner Praedel had valuable thoughts too. Commissioner Cunningham asked whether changes could be made to the ordinance on May 18th with action taken at a subsequent emergency meeting.

Mayor Anderson asked whether the proposed changes were substantive.

In response to Commissioner Cunningham and Mayor Anderson, City Attorney Robinson stated ordinances were required to be adopted at regular meetings. City Attorney Robinson noted emergency measures could be adopted at special meetings, but the ordinances in question would not qualify as emergency measures. City Attorney Robinson stated it was his opinion the amendment regarding playgrounds and pools was less substantive, and the amendment regarding suburban connectors and main streets was more substantive. However, the question of whether specific amendments were "substantive" changes was a judgement call. City Attorney Robinson indicated it would be easier to add

Motion to Amend the Proposed Zoning Ordinance (cont'd)

language to the ordinance now and remove it in two weeks if the Commission changed its mind, rather than adding the language in two weeks.

Commissioner Praedel stated he had great respect for City Attorney Robinson and Mayor Anderson, but it seemed irresponsible to be making changes so close to the June 1st deadline. Commissioner Praedel expressed concern about the inflationary impact on property values if the number of eligible properties was reduced, which could have an impact on the City's social equity goals.

With a roll call vote the motion to amend passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0136
First Reading of an Ordinance Amending the Zoning Code re: Marihuana Businesses (cont'd)

Commissioner Cunningham, seconded by Commissioner Knott, moved to offer for first reading an ordinance, as amended, to amend the text of Appendix A and Chapter 50, the Zoning Ordinance, to allow adult use and medical marihuana uses; and schedule a public hearing for May 18, 2020.

Prior to a vote on the motion, Commissioner Cunningham noted there was a self-imposed deadline of June 1st for having ordinances in place for adult use marihuana, but he expressed support for taking more time if needed due to the gravity of these decisions.

With a roll call vote the motion to offer for first reading and schedule a public hearing passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0137
First Reading of an Ordinance Amending Chapter 20B Permitting and Regulating Adult Use Marihuana Businesses

Commissioner Hess, seconded by Commissioner Knott, moved to offer for first reading an ordinance to amend Chapter 20B of the Kalamazoo City Code to provide for the permitting and regulation of adult use marihuana businesses.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema reported City parks would reopen on May 6th. City Manager Ritsema stated staff were discussing a timeline for reopening City facilities, and he reported the current thinking was an opening date of June 1st.

City Clerk's Report

City Clerk Borling provided an update on preparations for the May 5th election and highlighted options for voting on election day, including the availability of a new drop box at the corner of St. John's Place and Lovell Street where voters were able to place their voted absentee ballots. City Clerk reported over 6,700 absentee ballots had been received in the Clerk's Office to date.

In response to questions from Mayor Anderson, City Clerk Borling indicated the drop box would be checked for ballots at 8:00 p.m., and any ballots deposited before that time would be accepted. City Clerk Borling stated voters who were in line at City Hall at 8:00 p.m. would be allowed to vote.

City Clerk's Report (cont'd)

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

City Commissioner Comments

Commissioner Cunningham urged people to vote, to register with the Census, and to help pick up trash around the City.

Commissioner Hess thanked City Clerk Borling and his staff for their work. Commissioner Hess expressed congratulations to Commissioner Praedel on the birth of his son, and she expressed condolences to people who had been impacted by the Coronavirus. Commissioner Hess thanked City Manager Ritsema for reopening City parks.

Commissioner Urban expressed support for Ms. Chomis's idea of organizing a group of volunteers to clean up the City.

Commissioner Praedel thanked City Clerk Borling and Deputy City Clerk Moss for their great work in elections and for adapting to the times. Commissioner Praedel asked people to keep providing input on the marihuana ordinances. Commissioner Praedel expressed concern about the impact of the COVID-19 pandemic on kids over the long term, as they were out of school and opportunities for activities over the summer would be greatly reduced. Commissioner Praedel urged people to give their time, talents and treasure to work with kids and help them through this time. Commissioner Praedel encouraged people to support non-profit organizations, especially those that were struggling because of COVID-19.

Vice Mayor Griffin gave a shout out to young people and parents who were learning at home and to Kalamazoo Public School teachers and staff who were working with students. Vice Mayor Griffin thanked Mayor Anderson for his work with local shelters and for making sure there were quarantine spaces and additional day shelter space. Vice Mayor Griffin expressed condolences to anyone dealing with loss at this time. Vice Mayor Griffin thanked the City Commission, City staff, and essential workers for their work to keep the City running. Vice Mayor Griffin encouraged people to check-in on each other and continue social distancing. Vice Mayor Griffin urged people to watch the live stream events presented by the Truth, Racial Healing, and Transformation initiative, and she announced her daughter would be leading a KYDNET live stream event on May 6th.

In response to Mayor Anderson, City Attorney Robinson indicated he would provide Commissioners an answer to Mr. Messer's question about virtual meetings.

Mayor Anderson remarked that a virtual Day of Prayer event would take place on Thursday, and V-E Day was Friday. Mayor Anderson stated he was blessed to serve with great people like the City Commissioners and City staff.

The meeting adjourned at 9:14 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

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A regular meeting of the Kalamazoo City Commission was held on Monday, May 18, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-48 issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT:	Mayor David Anderson Vice Mayor Patrese Griffin Eric Cunningham Jeanne Hess Erin Knott Chris Praedel Jack Urban
COMMISSIONERS ABSENT:	None

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

Invocation

The invocation was given by Michelle Scheidt of the Fetzer Institute.

Adoption of the Agenda

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

2020-0138
Public Hearing re: Amendments to the Zoning Code re: Adult Use Marihuana Uses

At 7:05 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance to amend the text of Appendix A and Chapter 50, the Zoning Ordinance, to allow adult use and medical marihuana uses.

City Attorney Clyde Robinson reviewed amendments to the ordinance that were being proposed by staff to clarify changes made at the May 4th meeting and to correct an inconsistency regarding separation distances for Safety Compliance Facilities.

Public comments were received next.

Ryan Reedy, City resident, asked that Retail and Safety Compliance facilities be permitted uses in Zone CCBD.

Sandy, a City resident, asked that the City not allow marihuana businesses to operate in close proximity to churches, parks, and drug rehab facilities.

Joey Kejbou, non-resident, stated the City had broad authority to adopt ordinances regulating the time, place, and manner of marihuana facility operations. Mr. Kejbou asked that the City add buffers around churches and drug rehab centers for adult use marihuana establishments. Mr. Kejbou expressed concern about oversaturation in the marihuana market and stated oversaturation would work against the City's social equity goals.

Omar Fakhouri, non-resident, indicated the City's proposed ordinance was one of the most lenient in the state. Mr. Fakhouri asked that buffers be expanded to libraries, parks, and churches. Mr. Fahkouri spoke about the dangers of market oversaturation.

At 7:19 p.m. Mayor Anderson closed the public hearing.

2020-0138
Ordinance 2007
Amending the Zoning Code re: Adult Use Marihuana Uses

Commissioner Hess, seconded by Commissioner Knott, moved to adopt an **ORDINANCE** to amend the text of Appendix A and Chapter 50, the Zoning Ordinance, to allow adult use and medical marihuana uses.

Commissioner Urban, seconded by Commissioner Cunningham, moved to amend the proposed ordinance by adding the following definitions to Section 50-1.3:

> PLAYGROUND means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swingsets, and teeterboards.
>
> YOUTH CENTER means any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.

And by adding the phrase "except Safety Compliance Facilities" to the end of the introductory clause of Section 50-4.4 F (1) (b).

With a roll call vote the motion to amend the proposed ordinance passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Commissioner Praedel thanked City staff for their work on these ordinances, and specifically City Planner Anderson for the data and maps she provided regarding the impact of adding playgrounds, community pools and youth centers as buffered uses. Commissioner Praedel stated the addition of these buffered uses was a good compromise between input received from the community and the City's social equity goals.

Mayor Anderson reviewed the history of the proposed marihuana ordinances and asked staff if they had any comments in response to Mr. Reedy.

City Attorney Robinson explained the Planning Commission removed the CCBD Zone as a permitted zone for marihuana uses because the City would be initiating a comprehensive review of downtown zoning, and the Planning Commission did not want to create a situation that could result in non-conforming uses.

City Planner Anderson stated the downtown zoning review could probably be done over the summer, with a proposed ordinance ready for action by early fall.

With a roll call vote the motion to adopt the ordinance, as amended, passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Public Comments

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

Linda, a City resident, stated she was asthmatic and asked the City to regulate marihuana use in apartment buildings.

Brian, a City resident, expressed concern about oversaturation of the marihuana market in Kalamazoo and what this would mean for the career prospects of marihuana business employees.

Linda, a City resident, asked that the City Commission use legislation to protect vulnerable people from marihuana use by others.

City Attorney Robinson explained state statute did not authorize marihuana use in public places or in places where the property owner had prohibited its use. City Attorney Robinson noted there was a county ordinance prohibiting cigarette smoking within proximity to doors and windows, but it referred to smoking tobacco, not marihuana.

Consent Agenda

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

2020-0139

- approval of a sole source purchase in the amount of $115,275.00 with Solterra Group, LLC of Newark, DE to purchase odor suppressant chemicals.

2020-0140

- approval of the resolution of a settlement for a dispute with AT&T that will result in credits to the City's accounts in the amount of $157,071.16.

2020-0141
Resolution 20-28

- adoption of a **RESOLUTION** confirming the 2020 Assessment Roll.

2020-0142
Resolution 20-29

- adoption of a **RESOLUTION** approving the request of the Downtown Development Authority to levy a tax rate of 1.9638 mills.

2020-0143
Resolution 20-30

- adoption of a **RESOLUTION** supporting pursuit of any needed approvals and funding to design and build U.S. 131 interchange as recommended by Michigan Department of Transportation.

2020-0144

- acceptance of a 2020 grant award in the amount of $39,749 from the Office of Highway Safety Planning for pedestrian and bicycle safety enforcement and education.

2020-0145

- acceptance of the 2019 Bulletproof Vest Grant award in the amount of $25,756.92 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Regular Agenda Items were considered next.

2020-0146
Ordinance 2000 re: the Permitting and Regulation of Adult Use Marihuana Businesses

Commissioner Urban, seconded by Commissioner Cunningham, moved to adopt an **ORDINANCE** to amend Chapter 20B of the Kalamazoo City Code to provide for the permitting and regulation of adult-use marihuana businesses.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0147
Adoption of a Social Equity Policy for Marihuana Businesses and Resolution 20-31 re: Fees for Marihuana Business Operating Permits

Commissioner Cunningham, seconded by Commissioner Hess, moved to adopt a Social Equity Policy for Marihuana Businesses; and a **RESOLUTION** setting the annual fees for Marihuana Business Operating Permits.

Commissioner Cunningham, seconded by Commissioner Urban, moved to amend the proposed Social Equity Policy by adding the following language as a third bullet point under sections B(1) and B(2): "An applicant, or a majority of the applicant-owners is an African American City resident for the 3 years prior to applying for a marihuana business permit."

Commissioner Cunningham explained the purpose of his amendment was to allow for a larger pool of social equity applicants.

Prior to a vote on the motion and in response to questions from Commissioner Knott, City Attorney Robinson recommended against approving the amendment because it made a classification based on race, which was unconstitutional under the 14th amendment. City Attorney Robinson stated approval of the policy amendment would likely lead to litigation, and the City would probably not prevail in that litigation based on current case law. City Attorney Robinson indicated the proposed amendment would not have a direct impact on the lawsuit pending against the City, but approval of the policy amendment might require changes to the zoning ordinance to make sure the policy and ordinance were synchronized. City Attorney Robinson explained that modifications to the zoning ordinance would be substantial changes that could not be adopted until the next meeting in two weeks, and this timing could impact the judge's ruling in the current lawsuit. City Attorney Robinson reported there were a variety of cases at the state and federal level involving contracting and education in which the courts had struck down the granting of preference based on suspect classifications.

Commissioner Praedel stated Commissioner Cunningham knew the challenges involved with his amendment, and his decision to bring it forward, despite the challenges, demonstrated his level of concern regarding the disproportionate impact of marihuana laws and enforcement on people of color and African Americans. Commissioner Praedel expressed admiration for Commissioner Cunningham and stated his motion was courageous.

2020-0147
Adoption of a Social Equity Policy for Marihuana Businesses and Resolution 20-31 re: Fees for Marihuana Business Operating Permits (cont'd)

Commissioner Urban stated it was unfair to ignore the disparities in how people of color will have access to the marihuana industry. Commissioner Urban stated the City Commission needed to address the issue of racial disparities but questioned whether access to a morally questionable industry was the best opportunity. Commissioner Urban stated he would vote no on the amendment.

Commissioner Hess stated the City Commission needed to address the issue of race but noted the legal fees would be high at a time when the City was facing budget challenges. Commissioner Hess expressed support for allowing the current social equity provisions to have an impact.

In response to a question from Vice Mayor Griffin, City Attorney Robinson stated the zoning ordinance included separation distances for people who qualified under the Social Equity Policy, so changes to the qualifying criteria in the policy would require changes in the zoning ordinance.

Vice Mayor Griffin noted there were no constitutional protections when people of color were disproportionately impacted by marihuana enforcement. Vice Mayor Griffin asked Commissioners when the time would be right to press for change on the issue of racial disparities. Vice Mayor Griffin stated people will say, "Not this time," and "Maybe when the next issue comes along," but then years pass, and communities are devastated. Vice Mayor Griffin expressed respect for Commissioner Cunningham for being bold and trying to take advantage of an opportunity to bring about change.

Commissioner Cunningham stated he had met with his colleagues, when staff were present, to discuss this issue, and it was the consensus that everyone was passionate about addressing racial disparities. Commissioner Cunningham stated the City Attorney had told him the amendment would not be a substantial change, and now he was saying it would be a substantial change.

Mayor Anderson stated the City Commission was in a heartbreaking position, as the existence of generational inequity was an indisputable fact. Mayor Anderson noted Commissioner Cunningham had been transparent, comprehensive and inclusive in his outreach and discussions with Commissioners and staff on this issue. Mayor Anderson stated there was a lot of work to be done.

With a roll call vote the motion to amend failed 2-5.

AYES: Commissioner Cunningham and Vice Mayor Griffin

NAYS: Commissioners Hess, Knott, Praedel, Urban, Mayor Anderson

At the time of the vote, Commissioner Urban indicated he had experienced technical difficulties that prevented him from hearing the previous four minutes of the meeting.

With a roll call vote the motion to adopt the Social Equity Plan and fee resolution passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0148
City Manager's Report – Budget Update

Chief Financial Officer Steve Vicenzi delivered a presentation entitled *Budget Impacts*, which provided an overview of projected budget shortfalls for Fiscal Year 2020 due to the COVID-19 pandemic. CFO Vicenzi also reviewed proposed employee furloughs through the federal Work Share Program. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to questions from Mayor Anderson, CFO Vicenzi explained the state had two revenue estimating conferences each year, and he stated the furloughs would be in effect through the third week in July.

City Manager Ritsema reported the City Administration was looking to reopen City facilities beginning June 1st with the following limited hours: Monday, Tuesday, and Thursday – 9:00 a.m. – 3:00 p.m.; Wednesday – 12:00 – 6:00 p.m.; and Friday – 9:00 a.m. – 1:00 p.m.

City Commissioner Comments

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

Commissioner Cunningham stated the vote against his amendment to the Social Equity Policy did not mean the City Commission was against social equity, and he cited reasons why Commissioners may have voted against the amendment. Commissioner Cunningham discussed how social equity ideas were built into the adult use marihuana law approved by voters in 2018. Commissioner Cunningham noted when the racial minorities on the Commission thought it was the right issue and right time to address racial inequity, it was something to be considered. Commissioner Cunningham suggested the City could have found someone to donate funds to fight a lawsuit. Commissioner Cunningham stated it was his expectation there would be a deeper dialogue about the economic recovery from COVID-19. Commissioner Cunningham remarked on the death of Vonte Griffin and asked that the community continue to have a discussion around gun violence.

Commissioner Urban expressed frustration that his audio failed at an important moment in the meeting.

Commissioner Hess thanked Commissioner Cunningham for his courage and his voice. Commissioner Hess stated this was a watershed moment, and she was looking forward to working with Director of Diversity, Equity, and Inclusion Dorla Bonner on social equity issues. Commissioner Hess noted May was National Mental Health Awareness Month, and she stated there would be a discussion about how COVID-19 was affecting people of color.

Commissioner Knott remarked on a statewide petition drive to amend the Elliot-Larsen Civil Rights Act, and she urged people to sign an electronic petition at fairandequalmichigan.com.

Commissioner Praedel offered remarks about people who were being laid off from their jobs and were and facing income insecurity. Commissioner Praedel stated the City would need to be creative to ensure people in the community had what they needed to live after COVID-19. Commissioner Praedel expressed condolences to Commissioner Urban on the death of his wife Carol. Commissioner Praedel reported Michigan currently ranked 4th in Census responses, which was good, but community leaders needed to keep pushing to make sure everyone was counted. Commissioner Praedel noted June was National Anti-Bullying Month. Commissioner Praedel thanked staff for their work on the marihuana ordinances.

City Commissioner Comments (cont'd)

Vice Mayor Griffin urged people to continue to wear masks and be kind to each other. Vice Mayor Griffin thanked staff for their work on the marihuana ordinances. Vice Mayor Griffin noted marginalized people were often expected to be the change agents when they achieved positions of power, and this meeting was an example of the fact that creating change was not easy.

Mayor Anderson expressed condolences to Commissioner Urban on the death of his wife Carol. Mayor Anderson urged people to recognize in a deep way the work that still needed to be done to make the world a better place.

Adjournment

The meeting adjourned at 8:46 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

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A regular meeting of the Kalamazoo City Commission was held on Monday, June 1, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-75 issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

Invocation

The invocation was given by Bishop Daniel S. Cunningham of The Empowerment Center.

Proclamations
2020-149

Commissioner Hess proclaimed June 2020 *Justice Against Bullying @ School Awareness Month*. Gwendolyn Hooker was present to receive the proclamation.

Commissioner Urban proclaimed June 5, 2020 *National Gun Violence Awareness Day*.

Adoption of the Agenda

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

Communications: Public Safety Update on George Floyd Protests

City Manager Ritsema stated the City stood in solidarity with people who were protesting the death of George Floyd in Minneapolis. City Manager Ritsema asked the community for patience and expressed support for Chief Thomas and the work she was doing.

Public Safety Chief Karianne Thomas provided an update on protests that had taken place over the weekend and used video footage to show and explain why Kalamazoo Department of Public Safety (KDPS) officers had used certain tactics in various situations.

Public Comments

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

Tom Beech, City resident, asked about the City's use-of-force policy for Public Safety Officers and the discipline and termination of officers for violation of that policy.

Stacey Ledbetter, non-resident, spoke about the history of racism in the deployment of public safety services. Ms. Ledbetter asked the City to do more focused listening and voluntary transparency.

Sarah Ruggles, City resident, asked why the City stopped sending KDPS recruits to the police academy at Kalamazoo Valley Community College (KVCC), which included training on racism and anti-police bias through

Public Comments (cont'd)

the Truth, Racial Healing, and Transformation (TRHT) program. Ms. Ruggles asked why KDPS was hiring when the City budget was being cut.

Tanya Bellamy, City resident, spoke about the partnership between the KVCC police academy and TRHT and asked why KDPS recruits were not being sent to KVCC anymore.

Sholanna Lewis, City resident, spoke about the need to value the lives of black people. Ms. Lewis reported conversations between ISAAC and a group of landlords had been productive, and she urged the City to move forward with the anti-discrimination housing ordinance.

Shardea Chambers, City resident, expressed displeasure with KDPS for using officers in riot gear to respond to peaceful protests over the weekend.

Nakia Baylis, non-resident, stated the only way to stop injustice against people of color was to close the power- and wealth-gaps in society.

Rachel Meyer, non-resident, stated she participated in the George Floyd protests over the weekend, and she expressed displeasure with KDPS officers for wearing riot gear to engaging peaceful protesters.

Caren Dybek, City resident, spoke about the partnership between the KVCC Policy Academy and TRHT and asked why KDPS recruits were being sent to other police academies.

Carrie Pickett-Erway, President and CEO of the Kalamazoo Community Foundation, expressed opposition to racism, solidarity with communities of color, and a desire to work with community leaders through the TRHT initiative and Anti-Racism Transformation Team to make Kalamazoo the most equitable place to live.

Casey Coker, City resident, stated Kalamazoo needed to address its policing issues and systemic racism. Ms. Coker asked why KDPS recruits were sent to a police academy in Lansing rather than the KVCC Police Academy. Ms. Coker stated the City needed to listen to members of the black community regarding law enforcement and to compensate participants in listening sessions for their time.

Patrick O'Brien, City resident, spoke about the lack of affordable housing and stated that adding laws and regulations to housing providers would increase costs for both providers and people needing housing. Mr. O'Brien stated zoning changes were needed to allow for micro housing and greater density. Mr. O'Brien stated the proposed housing ordinance would create new risks for housing providers, which would increase costs.

Zack Lassiter, City resident, expressed disagreement with Chief Thomas's explanation of the tactics used by KDPS officers over the weekend and stated the Chief needed to be held accountable.

Ed Genesis, City resident, asked why KDPS was not sending its police recruits to KVCC, where they would benefit from the partnership with TRHT.

Consent Agenda

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

2020-150

- approval of the purchase of Microsoft Office 365 annual licenses from CDWG through the MiDeal cooperative purchasing program in the amount of $142,507.95.

2020-151

- approval of a sole source purchase with Ferguson Water Works for the installation of 12 Water Meter Gateway Collectors, in the amount of $273,720.

2020-152

- approval of a professional service agreement with Peerless Midwest, Inc. for Well 46A Completion in the amount of $146,545.50.

2020-153
Resolution 20-32

- adoption of a **RESOLUTION** setting a public hearing on the 2019-2023 Consolidated Plan and 2019 Action Plan Substantial Amendment and DRAFT 2020 Action Plan and Budget required by the U.S. Department of Housing and Urban Development.

2020-154
Resolution 20-33

- adoption of a **RESOLUTION** to authorize membership in the Michigan Water/Wastewater Agency Response Network.

2020-155

- approval of an amendment to the recently adopted Social Equity Policy so as to be consistent with recent changes to the State's social equity program.

2020-156

- authorization of the settlement of a claim from Icon Properties for a sewer backup that occurred in August 2019 at 1319 Lafayette Street in the amount of $26,454.54.

2020-157

- authorization for the City Manager to execute the proposed Extension of the Wastewater Agreement with the Village of Vicksburg.

2020-158

- approval of a recommendation to postpone until June 15, 2020 consideration of the sale of a portion of Eastern Hills Golf Course to the State of Michigan in the amount of $9,400 for the construction of a roundabout located at Gull Road (M 343) and G Avenue.

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

Neighborhood Activator Katie Reilly and Peter Kushner, President of the Oakland/Winchell Neighborhood Association, provided an overview of the Winchell Neighborhood Plan and the process used to develop the plan.

2020-0159
Resolution 20-34 Approving the Winchell Neighborhood Plan

Commissioner Urban, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** affirming the adoption of the Winchell Neighborhood Plan 2020 as a subplan to the City of Kalamazoo's Comprehensive Plan.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Community Investment Manager Antonio Mitchell provided an overview of the proposed Kalamazoo Micro-Enterprise Grant Fund program.

2020-0160
Approval of Funding for the Kalamazoo Micro-Enterprise Grant Fund Program

Commissioner Cunningham, seconded by Commissioner Praedel, moved to approve the use of $300,000 from the City of Kalamazoo Business Development Fund budget funded from the Foundation for Excellence Aspiration Fund to create the Kalamazoo Micro-Enterprise Grant Fund (KMEG); and approval of a budget amendment to allocate the same amount from fund balance.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

City Clerk Borling reported absent ballot applications for the August 3rd election had been mailed to voters on the Permanent Application List at the end of the prior week. City Clerk Borling stated approximately 11,300 voters were on that list, compared to 4,600 who were on the permanent list in January.

City Clerk's Report

In response to questions from Mayor Anderson, City Clerk Borling explained the format of the August 3rd election and stated voters could use the absentee ballot application for the August election to also request a ballot for the November election.

City Attorney Robinson explained the changes to the marihuana Social Equity Policy, which the City Commission had approved on the Consent Agenda. City Attorney Robinson reported he was asked to join a group of attorneys who were developing recommendations for changes to the Open Meetings Act regarding virtual meetings.

City Attorney's Report

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

City Commissioner Comments

Commissioner Cunningham stated staff did try to address and respond to questions from citizens, and he stated Commissioners did not ask Chief Thomas questions earlier in the meeting because they had been in conversations with her over the course of the day. Commissioner Cunningham thanked people who were involved

City Commissioner Comments (cont'd)

with the protests to keep the peace, and he especially acknowledged Stephanie Moore for her role and actions. Commissioner Cunningham thanked Mayor Anderson, Vice Mayor Griffin, Commissioner Knott, and KDPS for staying in communication with him throughout the process. Commissioner Cunningham expressed excitement about the positive energy he was seeing. Commissioner Cunningham observed that the problems were not just in KDPS or certain City departments but across the board. Commissioner Cunningham stated he needed help from community leaders and the public, and he encouraged people to ask their leaders, "What are you doing to improve the quality of life for African Americans?" Commissioner Cunningham indicated community leaders should be able to give measurable actions and timelines in response to that question. Commissioner Cunningham asked people to come to the table and engage in a constructive way, and he identified Public Safety Officers, economic improvement, and generational wealth for African Americans as the primary issues that needed to be addressed. Commissioner Cunningham offered remarks on social equity in the marihuana industry. Commissioner Cunningham acknowledged there would be a youth rally on Friday, and he stated the questions about the KVCC police academy were important too.

Commissioner Knott noted June was Pride Month, and she explained that LGBTQ Pride had its origins in riots and resistance in New York City. Commissioner Knott described the challenges faced by the LGBTQ community and communities of color. Commissioner Knott stated the country was in crisis, and with a lack of leadership at the national level it was the responsibility of state and local officials to bring attention to implicit bias and historical inequities for people of color. Commissioner Knott stated the City needed to communicate better than it did over the weekend, where 48 hours went by before she was able to get answers to the questions she had been asking concerning the protests. Commissioner Knott remarked on the gap in official, real-time communication, which led to social media taking over that space and shaping the narrative.

Commissioner Praedel commended Chief Thomas for her care for the community. Commissioner Praedel remarked on the events of the weekend and the paradox of seeing a successful launch of astronauts into space, while on earth there was rioting and destruction and people fighting each other. Commissioner Praedel stated the space launch showed that humans could do hard things, and he contrasted the small group of experts who launched people into space with the need for every person to be part of the hard work to address racism. Commissioner Praedel stated white Americans had perpetuated systemic racism for generations, and they bore a greater responsibility to recognize the existence of systemic and institutional racism in our community and around the country. Commissioner Praedel stated he felt the pain, trauma, and emotional burden borne by people of color, and he urged everyone to care for themselves spiritually and emotionally.

Commissioner Hess expressed gratitude to Chief Thomas and KDPS. Commissioner Hess stated the country was experiencing two pandemics: COVID-19 and systemic racism, which was a type of bullying. Commissioner Hess commented that Kalamazoo was big enough to have an impact when addressing racism but small enough to make it work. Commissioner Hess stated education and dialogue were the way out. Commissioner Hess remarked the current City Commission was one of great power.

Commissioner Urban state he was impressed with the young people who showed up to rally and protest, and he remarked that it would be great if more older people

City Commissioner Comments (cont'd)

participated in these gatherings. Commissioner Urban offered comments on the increased speed of news and information because of social media, and he urged people to be patient for complete and accurate information to come out.

Vice Mayor Griffin noted this day was the 99th anniversary of the 1921 Tulsa Massacre. Vice Mayor Griffin spoke about how revolution and creating change often involved pain. Vice Mayor Griffin expressed appreciation to the organizers of the protests and acknowledged the work that was required to organize these events. Vice Mayor Griffin urged people who were thinking about organizing such an event to contact people who had experience doing that work. Vice Mayor Griffin stated the community needed to see the videos Chief Thomas showed at the beginning of the meeting, and she indicated she had asked Chief Thomas about the procedures for the Crowd Management Team. Vice Mayor Griffin encouraged people to keep up the same energy and effort, as the work for equity and justice was a marathon, not a sprint. Vice Mayor Griffin stated the community we needed real healing, not band aids.

Mayor Anderson stated it was much better to do this work with seven, smart people. Mayor Anderson stated City Commissioners needed each other and everyone in the community. Mayor Anderson noted there would be ongoing protests and gatherings, and he asked people to speak their minds and build up rather than destroy and tear down. Mayor Anderson called for real action steps.

Commissioner Cunningham expressed appreciation to Mayor Anderson and encouraged people to reach out and share their opinions. Commissioner Cunningham stated some people were calling for the City Commission to adopt a resolution regarding George Floyd. Commissioner Cunningham stated resolutions were fine, but now was a time for action and engagement.

Adjournment

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

A regular meeting of the Kalamazoo City Commission was held on Monday, June 15, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-75 by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

Also present were City Manager James Ritsema, City Attorney Clyde Robinson, and Deputy City Clerk Shelby Moss.

Invocation

The invocation was given by Howard M. Robinson from Faith Temple Church of God.

Adoption of the Agenda

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

Manager Ritsema requested that approval of the sale of a portion of Eastern Hills Golf to the State of Michigan in the amount of $9,400 be added to the Consent Agenda.

2020-0161
Reports and Presentations re: the City's Response to Community Events and Protests Surrounding the Death of George Floyd

Manager Ritsema introduced Public Safety Chief Karianne Thomas and Deputy Public Safety Chief Ryan Tibbets, who provided an update regarding resent community events surrounding the death of George Floyd.

Chief Thomas presented information regarding recent protests in Downtown Kalamazoo from June 1st to June 4th. Chief Thomas described some of the events as civil unrest and not protests. Chief Thomas reviewed the actions taken by Public Safety in response to the crowds that developed in the downtown area, including use of the Kalamazoo Department of Public Safety (KDPS) Crowd Management Team, the decision to use tear gas, the need for Citywide curfew, the presence of the National Guard to help with staffing, and the need for KDPS Officers to wear protective crowd control gear. Chief Thomas stated the National Guard was not armed, and the protective equipment used by KDPS officers was not "riot gear" as it did not offer ballistic protection did not include shields. Chief Thomas explained KDPS Officers carried pepper spray, but they did not use rubber bullets. Chief Thomas stated the Crowd Management Team was trained by the Federal Government in best crowd control practices, and only members of this team were authorized to use tear gas. Chief Thomas stated it was not KDPS's intention to intimidate or frighten anyone, and she offered her apologies to the community.

Chief Thomas delivered a presentation on the 21st Century Policing Strategic Plan, KDPS policies/accreditation, de-escalation tactics, reporting mechanisms, 8CantWait policing reform, and Campaign Zero. Chief Thomas stated KDPS had already implemented 7 of the 8CantWait policing strategies, they did not conduct no-knock search warrants, and they continued working with the City Attorney to turn criminal offenses into civil infractions. Chief Thomas identified areas of

2020-0161
Reports and Presentations re: the City's Response to Community Events and Protests Surrounding the Death of George Floyd (cont'd)

improvement for the department including the expansion of the Ethical Policing is Courageous peer intervention training program; improvements regarding the use of body cameras; better communication, including the hiring of a communications officer; and continued efforts in community education and dialogue. A copy of the slides from this presentation was filed with the paperwork for this meeting.

In response to questions from Commissioner Cunningham, Chief Thomas stated the Crowd Control Management Team was formed in July of 2018 and then started training shortly thereafter.

In response to questions from Commissioner Hess, Chief Thomas stated the traffic study was conducted in 2013, and a new traffic study was being considered.

In response to questions from Commissioner Praedel, Chief Thomas stated the discipline of police officers for not following police policy or protocol varied in degree depending on the offence, and she stated disciplinary action increased based on the number of offences and how often they occurred. Chief Thomas expounded on police training and policies and provided insight into the actions and decisions made by KDPS on the nights of June 1st to June 4th. Chief Thomas stated KDPS intelligence had indicated people were in the area to cause trouble and damage property. In discussing the KDPS response Chief Thomas covered the Medicine Model for Community Policing, the safety of KDPS officers in protective equipment, de-escalation tactics, the arrest of crowd instigators, and the use of force policy and reporting.

In response to questions from Commissioners, Attorney Robinson stated the City could not require police officers live within the City limits.

In response to questions from Vice Mayor Griffin, Chief Thomas stated she was happy to work with organizers and had successfully connected and worked with several organizer who reached out to KDPS. Chief Thomas stated she would review KDPS policies and the procedures for releasing those policies to the public.

Deputy Chief Tibbets offered remarks on the fires that occurred on June 2nd in the City. Deputy Chief Tibbets stated the fires were under investigation, but it was thought the fires were set intentionally because neither building had utilities turned on.

City Manager Ritsema thanked Chief Thomas and Deputy Public Safety Chief Tibbets for their presentation and stated the process of listening to community voices was just beginning.

Next, City Manager Ritsema and Diversity, Equity and Inclusion Director Dorla Bonner delivered a presentation entitled *Commitment to an Equitable and Responsive Public Safety Department and City Government*. Director Bonner stated the plan presented was coming from voices in the community and included increased training for Public Safety Officers and City of Kalamazoo staff. A copy of the slides from this presentation was filed with the papers for this meeting.

2020-0161
Reports and Presentations re: the City's Response to Community Events and Protests Surrounding the Death of George Floyd (cont'd)

Mayor Anderson thanked City Manager Ritsema and Director Bonner for their presentation and then explained the roles and responsibilities of the City Manager form of government.

Commissioner Cunningham expressed frustration regarding the available analytics from KDPS and the lack of review and response to the data. Commissioner Cunningham expressed concerns regarding the KDPS hiring process, and he stated cultural competencies needed to be the cornerstone of the hiring process for officers. Commissioner Cunningham stated the Commission wanted to help with the hiring process of KDPS Officers and with the reporting of data by KDPS. Commissioner Cunningham stated all City Policies needed to be reviewed though an equity lens.

2020-0162
Motion to Develop a Standard Skill Set for New Hires to KDPS

Commissioner Cunningham, seconded by Commissioner Praedel, moved that within the next six months the City Commission work with the Community to draft a standard skill set for new hires to the Kalamazoo Department of Public Safety.

Vice Mayor Griffin expressed concern regarding the length of time to develop a standard skill set. Vice Mayor Griffin stated action was needed now, as the community had been waiting long enough for answers. Vice Mayor Griffin expressed concerns with the lack of action after prior listening sessions and the 2013 Traffic Study. Vice Mayor Griffin suggested the City provide compensation to individuals for any additional interviews and necessary listening sessions.

Commissioner Cunningham suggested a consultant help with the work of developing the standard skill set for new KDPS hires. Commissioner Cunningham stated the standard skill set would include cultural competencies and the disciplinary action that would be taken if the standards were not met. Commissioner Cunningham expressed concerns regarding prior listening sessions and the need to expand topics for listening sessions.

Commissioner Urban expressed support for the motion, and he stated it was time to learn from our mistakes of the past.

Commissioner Praedel expressed support for the motion, as it would provide a clear understanding and picture of what the City was looking for in new hires to KDPS.

In response to questions from City Manager Ritsema, Commissioner Cunningham stated the standard skill set report needed to provide a clear understanding of data collection steps and expectations of the traits and characteristics of the ideal KDPS officer.

In response to a question from Vice Mayor Griffin, Chief Thomas stated KDPS currently had twelve vacancies, and twelve more vacancies were expected by the end of the year. Chief Thomas stated the hiring process took eleven to fourteen months and she expected maintaining minimum staffing levels would be a challenge over the next few years.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0162
Motion to Develop a Standard Skill Set for New Hires to KDPS (cont'd)

Commissioner Cunningham stated the City needed to look beyond the 2013 Traffic Study and provide more usable analytics.

2020-0163
Motion to Identify KDPS Analytics to be Reported to the City Commission

Commissioner Cunningham, seconded by Commissioner Urban, moved that within the next six months the City Administration, the City Commission, and the community work together to identify what analytics for the Kalamazoo Department of Public Safety should be reported yearly to the City Commission.

Commissioner Praedel expressed support for the motion.

Vice Mayor Griffin expressed a desire to have the work on analytics completed within 30 days. Discussion followed.

Vice Mayor Griffin, seconded by Commissioner Cunningham, moved that the initial motion be amended from a six-month timeline to a 30-day timeline.

With a roll call vote the motion to amend passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

In response to a request from Mayor Anderson, Deputy City Clerk Moss read the amended motion:

> Commissioner Cunningham, seconded by Commissioner Urban, moved that within the next 30 days the City Administration, the City Commission, and the community work together to identify what analytics for the Kalamazoo Department of Public Safety should be reported yearly to the City Commission.

With a roll call vote the motion, as amended, passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Continued Discussion of Public Safety/ Community Issues

Commissioner Cunningham requested Chief Thomas develop a comprehensive report regarding the data available for reporting and measurement.

In response to questions from City Manager Ritsema, Commissioner Cunningham stated the report should include benchmark analytics, which would be used to measure a police officer officers' performance.

Vice Mayor Griffin expressed continued frustration with the lack of immediate action to address the community's issues.

Continued Discussion of Public Safety/ Community Issues (cont'd)

City Attorney Robinson expressed concern with in-person community interviews or listening sessions due to the COVID-19 safety guidelines and restrictions.

Commissioner Hess stated any data reported had to be tied to real change for the community.

Commissioner Urban expressed support for the 30-day timeline and stated a lot could be done in one month.

Commissioner Praedel expressed support for the 30-day timeline and stated unprecedented times called for an unprecedented response. Commissioner Praedel requested the Community Public Safety Review and Appeals Board (CPSRAB) be involved in this work.

In response to questions from Commissioner Hess, City Manager Ritsema explained the funding sources of KDPS and Kalamazoo Public Schools (KPS). City Manager Ritsema stated KPS is not funded by the City and the only funding relationship between the two was the school resource officer provided by KDPS to Lox Norrix High School.

Vice Mayor Griffin stated incidents of police brutality had to stop. Vice Mayor Griffin stated regular reports to the City Commission needed regular progress reports, and continued community conversations were needed to bring change and provide results. Vice Mayor Griffin expressed support for CPSRAB and asked that the board have more opportunity to provide input and guidance to the Commission, the City Administration, and the community. Vice Mayor Griffin requested that updates from the independent investigations related to protest of May 30th to June 2nd be provided to the community every two weeks and that the City provide a forum for community feedback. Vice Mayor Griffin stated the Commission would provide guidance to the City Manager on the best practices to communicate with the community.

City Manager Ritsema thanked the City Commission for their support and expressed appreciation for the efforts to bring all our work together.

Recess

The meeting recessed at 10:03 p.m.
The meeting resumed at 10:13 p.m.

2020-0164
Public Hearing re: the 2020 HUD Action Plan

At 10:14 p.m. Mayor Anderson opened a public hearing to receive comments regarding the Program Year 2020 Action Plan and the Substantial Amendment to the 2019 Consolidated Plan and Action CDBG-CV funds in response to the COVID-19 Pandemic.

Compliance Specialist Vanessa Collins-Smith provided an overview of the allocation recommendation in the 2020 Action Plan, citizen participation plan updates, PY2019 amendments relating to COVID-19 Pandemic, and funding recommendations related to the City of Kalamazoo Competitive Application. A copy of the slides from this presentation was filed with the paperwork for this meeting.

Megan Buwalda, member of the Community Development Advisory Committee (CDAAC), expressed support for the Action Plan.

2020-0164
Public Hearing re: the 2020 HUD Action Plan (cont'd)

An opportunity was given for public comments on the Draft 2020 Action Plan and the Substantial Amendment to the 2019 Consolidated Plan and Action CDBG-CV funds in response to the COVID-19 Pandemic, but no comments were offered.

In response to a question from Vice Mayor Griffin, Compliance Specialist Collins-Smith explained the Blight Prevention Program dealt with demolition and code enforcement. Compliance Specialist Collins-Smith stated the code enforcement budget program had been reduced by $25,000, but there had been no additional conversations about reducing the code enforcement allocation.

Vice Mayor Griffin requested a report on the Blight Prevention Program.

Commissioner Cunningham thanked CDAAC and City Staff for their hard work and praised the committee for their very inclusive application process.

In response to a question from Mayor Anderson, Compliance Specialist Collins-Smith stated the needs of the community were being met even with of the shortened timeline. Compliance Specialist Collins-Smith indicated the City was aiding the most vulnerable populations during the COVID-19 pandemic through payment assistance and assistance to help businesses develop reopening plans.

Mayor Anderson closed the public hearing at 10:37 p.m.

2020-0164
Approval of the 2020 HUD Action Plan

Commissioner Urban, seconded by Commissioner Cunningham, moved to 1) accept the budget recommendations of the Community Development Act Advisory Committee (CDAAC); 2) adopt the Program Year 2020 Action Plan and the Substantial Amendment to the 2019 Consolidated Plan and Action CDBG-CV funds in response to the COIVD-19 Pandemic; and 3) authorize the Director of Community Planning and Economic Development to act as the official representative of the City and to sign all required U.S. Department of Housing and Urban Development (HUD) documents.

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Knott, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

ABSTAIN: Commissioner Praedel*

*At the time of the vote Commissioner Praedel disclosed a potential conflict of interest and abstained from the vote.

Citizen Comments

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

> The following people expressed frustration regarding the handling of events from May 30th to June 4th by the Kalamazoo Department of Public Safety, offered remarks on their personal experiences with police brutality and requested the following: an independent investigation into the events of May 30th to June 4th by KDPS; the release of policing policies and the police union contracts; the release of the KDPS budget

Citizen Comments (cont'd)

broken down by division; that KDPS be defunded; that CSPRAB report to the City Commission; funding for the sustainable black direction findings; implementation of the 8CantWait policing strategy; that KDPS recruits attend the Kalamazoo Valley Community College Police Academy; that KDPS discontinue the use of tear gas; and public apologies from KDPS to the youth and young protesters in Kalamazoo.

Tammi Rey, City resident
Coreen Ellis, City resident
Morgan Ramon, City resident
May Lansing, non-resident
Rabbi Simone Schicker, Temle B'nal Israel, City resident
Casey Coker, City resident
Andy Argo, City resident
Mya, City resident
Michele Johnson, City resident
Reverend Rachel Longberg, People's Church of Kalamazoo
Tanya Bellamy, City
Wendy Flora, City resident, Member of ISAAC Executive Committee, and Group Violence Intervention Board
Morgan Ramon, City resident
Mya, City resident
Victoria Marcetti, City resident
Marissa Klee-Peregon, City resident
Shardae, Chambers, City resident
Dr. Regena Nelson, City resident, member of ISAAC
Erin Bensinger, City resident
Trent, City resident
Kenny Johnson, City resident
Kaitlin Martin, City resident
Jeremy Terpening, City resident
Kalyn Campbell, City resident
Alexandra VanHeest, City resident
Dianna McMunn, City resident
Dr. Charlae Davis, City resident, Executive Director of ISAAC
Joshua Mayer, non-resident
Brian Lonberg, City resident
Reverend Nathan Dannison, City resident
Tobi Hanna-Davies, City resident, member of ISAAC
Selva Chang, non-resident
Sarah, City resident
Kaitlin, City resident
Remy Harrington, City resident
Elliot Gonzalez, non-resident
Emma, City resident
Zach Lassiter, City resident
Richard Brant, City resident
Nathan Smith, City resident
Sarah Ruggles, City resident, Chair of the Vine Neighborhood Association
Seaniece Johnson, City resident
Elijah Wickline, City resident
William Baker, City resident
Nicole Allen, City resident

Citizen Comments (cont'd)

Khadijah Brown, non-resident
Lyonel LaGrone, non-resident
Maylynn, resident
Member of the public, resident
Evan Asher, City resident
Erin Bensinger, City resident
Mary-Ellen Parmenter, non-resident
Elliot Gonzalez, non-resident
Johnathon W., City resident
Sam Demorest, City resident
Ellis Taylor, City resident
Lori, City resident
Ben Staples, City resident
Maggie Adams, City resident
Rick Matheny, City resident
Nathan Smith, City resident
Matt Milcarek, City resident
Victoria Marcetti, City resident
Emily Hazel, City resident
Robert Zimmer, City resident
Lori, City resident
Ruby Hensley, City resident
Jessica Balden, non-resident
Josilyn K. City resident
Kaitlin, City resident
Andrew Chaponda, ISAAC Board Member
Michael Riser, City resident
Katie Cramer, City resident
Evan O'Donnell, City resident
Member of the public, City resident
James Karoe, City resident

The following people expressed support for the Kalamazoo Department of Public Safety:

Richard Stewart, City resident
Mary Tenhave, City resident

Ben Stanley, City resident, expressed concern regarding need repair maintenance and lack of water access at the City dog park.

Alice Taylor, City resident, expressed concern regarding the X-Train and the safety of residents on the Northside of Kalamazoo.

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the city:

- approval of a contract with Corby Energy Services, Inc. for Sanitary Sewer Rehabilitation by Lining through Cooperative Purchase National IPC in the amount of $600,000. **2020-0165**

- approval of a two-year contract extension with GHD for environmental consulting services for the Cork St. Landfill in the amount of $146,425. **2020-0166**

2020-0167	-	approval of a one-year contract extension with Water Solutions Unlimited for the purchase of sodium hexametaphosphate in the amount of $139,920.
2020-0168	-	approval of a one-year contract extension with Monoform, LLC for sanitary manhole sewer rehabilitation in the amount of $396.273.40.
2020-0169	-	approval of the purchase of three new Ford trucks with Gorno Ford through the MIDEAL cooperative purchasing program in the amount of $153,132.
2020-0170	-	approval of a cooperative contract with P.K. Contracting, Inc. for the annual repainting of pavement lines and specialty pavement markings in the amount of $168,087.60
2020-0171	-	approval of a one-year contract extension and purchase order with RathCo Safety and Supply, Inc. for sign installation, maintenance, and removals in the amount of $234,475.
2020-0172 Resolution 20-35	-	adoption of a **RESOLUTION** recognizing Skydive Broncos as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.
2020-0173 Resolution 20-36	-	adoption of a **RESOLUTION** approving an Act 381 Brownfield Redevelopment Plan for the redevelopment project located at 3406 Stadium Drive.
2020-0174	-	acceptance of funding from Cooper Township for drinking water contaminant remediation in the amount of $184,854; and approval of an amendment to the Water Fund Capital Improvement budget by the same amount.
2020-0175	-	acceptance of a grant by the Brownfield Redevelopment Authority in the amount of $300,000 from the Michigan Department of Environment, Great Lakes, and Energy for a Brownfield Redevelopment Grant for the Harrison Circle Project.
2020-0176	-	acceptance of funds from the 2020 Bureau of Justice Assistance Coronavirus Supplemental Funding Program in the amount of $225,950.
2020-0177	-	approval of a grant agreement in the amount of $283,000 between the City of Kalamazoo, Brownfield Redevelopment Authority, and Harrison Circle Limited Dividend Housing Association Limited Partnership.
2020-0178	-	approval of a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on July 3 and 4, 2020.
2020-0179	-	approval of a request from the Kalamazoo County Club for a permit to publicly display fireworks at 1609 Whites Road on Saturday, July 4, 2020 with a rain date of Sunday, July 5th.

- approval a stormwater easement agreement at Davis Creek Business Park between the City of Kalamazoo, City Brownfield Redevelopment Authority, and Harbor Farms Real Estate, LLC. **2020-0180**

- approval of a recommendation the sale of a portion of Eastern Hills Golf Course to the State of Michigan in the amount of $9,400. The property is needed for the construction of a roundabout located at Gull Road (M 343) and G Avenue. **2020-0181**

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

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Praedel*, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

ABSENT: Commissioner Knott

*At the time of the vote Commissioner Praedel abstained from voting on Item G-8, a resolution recognizing Skydive Broncos as a non-profit organization for the purpose of obtaining a charitable gaming license, due to a conflict of interest.

Regular Agenda items were considered next.

Regular Agenda

2020-0182
Digital Access for All Agreement

Foundation for Excellence Coordinator Steven Brown reviewed the five-party Digital Access for All agreement between the City of Kalamazoo, Kalamazoo Public Library, The Kalamazoo Promise, and The Kalamazoo Community Foundation for the 2020/21 school year. Coordinator Brown stated this program would provide internet access for those in the Kalamazoo Public School District that would not have access to learning opportunities without the internet. Coordinator Brown thanked the community partners involved who made the program a reality under a very short timeline.

In response to questions from Commissioner Praedel, Coordinator Brown explained the need was established using a survey to KPS families. Coordinator Brown explained the internet access points would be loaned to students through KPL using the students' student ID cards, which were also their library cards. Coordinator Brown stated members of the public could donate to the project through the Kalamazoo Community Foundation.

Commissioner Hess, seconded by Commissioner Urban, moved to approve the five-party Digital Access for All agreement between the City, Kalamazoo Public Schools, Kalamazoo Public Library, Kalamazoo Promise, and Kalamazoo Community Foundation for a period of June 30, 2020 to August 31, 2021; to approve an amendment to the budget to allocate $200,000 from fund balance of the Foundation for Excellence Aspirational Find; to authorize the City Attorney to negotiate the partnership agreement; and to authorize the City Manager to sign all related documents.

With a roll call vote this motion passed.

2020-0182
Digital Access for All Agreement (cont'd)

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

ABSENT: Commissioner Knott

City Commissioner Comments

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

Commissioner Urban remarked on the need for creative thinking to address community safety and policing standards, and he urged his fellow Commissioners to not be afraid of big changes to address the community's needs. Commissioner Urban asked for commitments from City Manager Ritsema and Chief Thomas to produce change and end institutional racism and police brutality.

Commissioner Praedel thanked the Commission, City staff, and members of the community for their patience and commitment to the City. Commissioner Praedel highlighted the Digital Access for All program and expressed hoped the media would report on it.

Vice Mayor Griffin highlighted the following topics raise by people during the public comment time: defunding of the police department; moving funding to cultural-autonomous mission-based work from black-lead initiatives, community programs for youth, community programs for LGBTIQA+, and affordable housing programs; providing the community with a breakdown of police funding by division; banning the use of tear gas; addressing trauma for children; making KDPS accountable to the community; explaining why policing polices are not in the Code of Ordinance and available online; addressing the X-Train on the Northside of Kalamazoo without adding to incarceration rates; communicating to the community about the fires that took place from May 30th to June 4th and why the remaining structures were demolished so quickly; clarifying for the public why a State of Emergency was declared and the National Guard called in to assist; and providing weekly updates on the independent investigation into the events of May 30th to June 4th and the conduct of KDPS during those events. Vice Mayor Griffin stated she heard an outcry from the community to address these concerns and address them now. Vice Mayor Griffin stated six months was too long to wait for answers, as the City had the resources to create change in a much faster timeline than the past. Vice Mayor Griffin asked the City Administration to respond to questions from the public in a timely manner and requested a response within 48 hours on the question of why KDPS recruits did not attend the KVCC police academy.

Commissioner Cunningham stated there was an obvious sense of urgency after hearing from members of the community. Commissioner Cunningham expressed support for defunding the police and dismantling the policing program, if that was the answer to change. Commissioner Cunningham stated all options needed to be available in order to end systemic racism and police brutality. Commissioner Cunningham asked Commissioners to stay engaged with the process to make change happen because the Commission was responsible for creating change. Commissioner Cunningham asked for an expedited timeline on the independent review. Commissioner Cunningham highlighted community events to draw attention to BlackLivesMatter. Commissioner Cunningham

City Commissioner Comments (cont'd)

expressed support for Chief Thomas and KDPS. Commissioner Cunningham stated his comments had not been a personal attack, but police policy and tactics needed an overhaul. Commissioner Cunningham thanked Vice Mayor Griffin for her leadership and partnership during these challenging times.

Commissioner Hess thanked Vice Mayor Griffin and Commissioner Cunningham, and the public speakers for sharing their experiences and hard work.

Mayor Anderson thanked the Commission for their hard work and expressed love for the Community of Kalamazoo.

Adjournment

The meeting adjourned at on June 16, 2020 at 1:35 a.m.

Respectfully submitted,

Shelby Moss
Deputy City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

A regular meeting of the Kalamazoo City Commission was held on Monday, July 6, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-129 (COVID19) issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: Erin Knott

Also present were Deputy City Manager Patsy Moore, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioner Excused

Commissioner Cunningham, seconded by Commissioner Hess, moved to excuse the absence of Commissioner Knott. With a voice vote the motion passed.

Invocation

The invocation was given by Michelle Scheidt of the Fetzer Institute.

Adoption of the Agenda

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

2020-0183
Public Hearing re: an Emergency Ordinance to Temporarily Remove Minimum Off-Street Parking Requirements

At 7:08 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance to temporarily remove the required minimum off-street parking requirements of Section 507.2 *Required Vehicular Off-Street Parking Spaces* through November 1, 2020 to allow existing parking areas to be used for outdoor sales, dining, and gathering in the wake of COVID19.

Jeff Messer, City resident, expressed support for the proposed ordinance and asked if there were limits to the number of parking spaces that could be used for outdoor sales, dining, and gathering.

At 7:12 p.m. Mayor Anderson closed the public hearing.

2020-0183
Ordinance 2009 re: the Temporary Removal of Minimum Off-Street Parking Requirements

Commissioner Urban, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** to temporarily remove the required minimum off-street parking requirements of Section 507.2 Required Vehicular Off-Street Parking Spaces through November 1, 2020 to allow existing parking areas to be used for outdoor sales, dining, and gathering in the wake of COVID19.

Prior to a vote on the motion, City Planner Christina Anderson described the communication and outreach efforts by the City and Downtown Kalamazoo Partnership to downtown businesses and businesses outside the Central Business District. A communication will go out to businesses tomorrow, and CPED has set up a streamlined application process for businesses that wanted to take advantage of the new ordinance. City Planner Anderson indicated there was no anticipated problem with reduced parking capacity.

In response to a question from Commissioner Praedel, City Planner Anderson stated the proposed ordinance did not allow alcohol sales or service in these areas.

2020-0183
Ordinance 2009 re: the Temporary Removal of Minimum Off-Street Parking Requirements

City Attorney Robinson reported the Michigan Liquor Control Commission had loosened its regulations and created a free special license that allowed businesses to serve alcohol in their own adjacent parking lots. City Attorney Robinson explained a license allowing alcohol service in the public right-of-way (ROW) had limits, and approval would be needed from the City, or the state if the ROW is a trunkline.

In response to a question from Commissioner Praedel, City Planner Anderson confirmed the ordinance applied to the whole City, not just the downtown area. City Planner Anderson stated the proposed ordinance would probably have a greater impact outside the Central Business District because those businesses had private parking lots.

In response to a question from Commissioner Hess, City Planner Anderson stated a plan was in place to close the Kalamazoo Mall starting on Friday evening through the weekend.

In response to a question from Commissioner Cunningham, City Planner Anderson stated the downtown one-way street conversion project was in its last stages. City Planner Anderson reported the last public meeting on this topic took place on March 4th or 5th, and a preferred conversion option had been identified. City Planner Anderson stated the consultant was doing a technical review of the preferred option.

Commissioner Cunningham spoke about the positive effects of converting one-way streets to two-way streets.

In response to Mayor Anderson, City Planner Anderson stated businesses would need to apply for a ROW encroachment if they wanted to use sidewalks and on-street parking for dining or seating areas.

City Attorney Robinson noted the proposed ordinance was an emergency measure, which required five affirmative votes to adopt.

With a roll call vote the motion passed.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Public Comments

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

William Hoffman, non-resident, explained why landlords needed criteria for selecting tenants and asked that landlords be part of the conversation about the Fair Chance Ordinance.

Nathaniel, a City resident, asked the City Commission to adopt a resolution submitted by the Greater Kalamazoo Renters Union (GKRU).

Emily, a City resident, asked that the City Commission adopt the GKRU resolution.

Public Comments (cont'd)

Laura Sprague, City resident, spoke about her Freedom of Information request that was partially denied and asked about the retention of police videos and the process for designating videos as "evidence."

Katie Johnson, City resident, expressed support for the GKRU resolution.

Sarah Joshi, non-resident, presented herself as a candidate for Kalamazoo County Clerk/Register of Deeds.

Jackie Hoffman, non-resident, expressed concern about some of the provisions of the proposed Fair Chance Ordinance. Ms. Hoffman asked that landlords be consulted before the proposed changes were enacted and that consideration of ordinance be put off until after COVID19 passed.

Parker James, expressed support for the Fair Chance Ordinance and GKRU resolution.

2020-0184

Andrew Argo, City resident, asked the City Commission to adopt the GKRU resolution (the "Ithaca Resolution") and use Foundation for Excellence (FFE) funds to keep Kalamazoo renters from being evicted. Mr. Argo indicated a copy of the resolution and an information packet had been sent to Commissioners.

Stephanie Hoffman, City resident, expressed support for the Housing Equity Ordinance and urged the City Commission to take action.

Kathy Mason, City resident, expressed support for the Housing Equity Ordinance and urged the City Commission to take action soon.

Tobi Hannah-Davies, City resident, asked the City Commission to adopt the Housing Equity Ordinance as soon as possible.

Charlae Davis, City resident and Executive Director of ISAAC, spoke about the collaboration between community partners that developed the proposed Housing Equity Ordinance, and she urged the City Commission to adopt the ordinance soon.

Lillian Slack, City resident, asked the City Commission to adopt the resolution proposed by the GKRU.

Andrew Argo, City resident, spoke about the events in Kalamazoo between May 30th and June 4th and offered remarks on racial equity and police brutality.

Ed Genesis, City resident, spoke about pop-up events being organized by community leaders.

Tiffany White, non-resident, expressed support for the Housing Equity Ordinance.

Jacob Johnson, City resident, requested a conversation with City Manager Ritsema and Mayor Anderson regarding a reparations agenda, affordable housing, and rental properties.

Public Comments (cont'd)

Rebecca McCleary, City resident, expressed support for the Housing Equity Ordinance.

Michelle Davis, Executive Director of Housing Resources, Inc., expressed support for the Housing Equity Ordinance and asked the City Commission to adopt it as soon as possible.

Jeff Messer, City resident, spoke about the problem of illegal parking in residential areas that had resulted from the suspension of neighborhood parking enforcement.

Consent Agenda

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

- approval of a professional service agreement with Prein & Newhof for construction engineering services for the Richland Township Water Main Loops – Contract 3 in the amount of $136,300. **2020-0185**

- approval of a one-year contract extension with GHD for environmental consulting services for the Cork St. Landfill in the amount of $146,425. **2020-0186**

- approval of a professional service agreement with Prein & Newhof for the Cooper Township Water Main and Service Installations and Glendale Boulevard Water Main Replacement – Contract 2 in the amount of $273,000. **2020-0187**

- approval of a professional service agreement with Prein & Newhof for construction engineering services for the Cooper Township Water Main and Service Installations – Contract 1 in the amount of $364,000. **2020-0188**

- approval of a professional service agreement with Prein & Newhof for engineering services for the 2020 Eastside Non-Copper Replacement Project in the amount of $441,500. **2020-0189**

- approval a contract with Payjay Excavating Inc. for the Richland Township Water Main Loops – Contract 3, in the amount of $1,674,825. **2020-0190**

- approval a contract with USA Earthworks, LLC for the Cooper Township Water Main and Services Installation and Glendale Boulevard Water Main Replacement – Contract 2, in the amount of $3,390,105. **2020-0191**

- approval of a contract with Lounsbury Excavating for the Cooper Township Water Main and Services Installation – Contract 1 in the amount of $4,599,651. **2020-0192**

- approval of a contract with CB&I Storage Tank Solutions, LLC for the construction of the Super High-Pressure District Elevated Water Storage Tank in the amount of $4,899,500. **2020-0193**

- approval of a contract with SWT Excavating, Inc. for the Eastside Non-Copper Water Service Replacement Project in the amount of $8,606,594.30. **2020-0194**

2020-0195
Resolution 20-37

- adoption of a **RESOLUTION** from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission recommending approval of an On-Premises Tasting Room License for The Roche' Collection, LLC at 1311 Portage Street, Unit 1327.

2020-0196
Resolution 20-38

- adoption of a **RESOLUTION** designating the polling facility location for Precinct 6 to be used during the election on August 4, 2020 and at each election thereafter.

2020-0197

- approval of a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on July 24 and 31, and August 7, 15, and 28, 2020.

2020-0198

- approval of the Mayor's appointments to the following boards and commissions:

  - the appointment of **Jamauri Bogan** to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2026.

  - the appointment of **Lucas Middleton** to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2026.

  - the appointment of **Karla Ragainis** to the Historic District Commission for a term expiring on January 1, 2023.

  - the appointment of **Eric Stucky** to the Historic District Commission for a term expiring on January 1, 2023.

  - the appointment of **Fred Edison** to the Historic Preservation Commission for a term expiring on March 31, 2023.

  - the appointment of **Katherine White** to the Historic Preservation Commission for a term expiring on March 31, 2023.

2020-0199

- approval and acceptance of a public utility easement agreement with Richard N. Schmitt for property at 3127 Lovers Lane (Parcel #0626373008) in the amount of $830.

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

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

2020-0200
Ordinance 2010 re: the Issuance of Water Revenue Bonds

Commissioner Cunningham, seconded by Commissioner Praedel, moved to adopt an **ORDINANCE** authorizing Water Supply System Revenue Bonds, Series 2020B in an amount not to exceed $23,500,000.

Prior to a vote on the motion, and in response to a question from Commissioner Praedel, City Attorney Robinson explained that bonding was done through outside counsel and there was a process that needed to be followed to in order to issue bonds.

Mayor Anderson noted these were Water Revenue Bonds, which were paid for by the users of water system.

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0201
Resolution 20-39 re: the Issuance of CIP Bonds

Commissioner Urban, seconded by Commissioner Cunningham, moved to adopt a RESOLUTION for the issuance of General Obligation Limited Tax Bonds in an amount not to exceed $14.5 million ($11,750,000 for the Project and $2,750,000 for the refunding), for the purpose of financing FY 2020 capital projects and refunding the City's 2010 Capital Improvement Bonds and 2011 Building Authority Refunding Bonds.

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2020-0202
City Manager's Report

Deputy City Manager Jeff Chamberlain provided an update on the Public Safety Action Plan presented on June 15. Deputy City Manager Chamberlain displayed a preview of a webpage that would go live in a week that would consolidate information and documents on various topics related to the Kalamazoo Department of Public Safety.

City Clerk Borling reported absentee ballots were available for the August 4th Primary election, and he reviewed the various ways voters were able to request absentee ballots.

In response to a question from Commissioner Praedel, City Clerk Borling highlighted the fact that the polling location for Precinct 6 was being moved from Friendship Village to KRESA's West Campus facility.

City Commissioner Comments

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

Commissioner Cunningham spoke about the need for affordable housing and the flood of evictions that might happen when the statewide eviction moratorium expired. Commissioner Cunningham stated he wanted to see comprehensive change at the Kalamazoo Department of Public Safety (KDPS) in the areas of

City Commissioner Comments (cont'd)

communications, accountability, and standards. Commissioner Cunningham indicated the City Commission needed to be leaders in this. Commissioner Cunningham stated he was honored to be part of a team that was bringing the brothers of George Floyd to Kalamazoo for a march and rally in Bronson Park on Saturday, and he noted this would bring Kalamazoo national attention.

Commissioner Hess encouraged people to wear masks and to have open hearts and spirits. Commissioner Hess stated there needed to be a sea change on the current Commission's watch. Commissioner Hess reported she would be going on a ride-along with KDPS to get their perspective but noted the Commission would be looking at ways to hold KDPS accountable. Commissioner Hess expressed sympathy for those who had lost loved ones to COVID. Commissioner Hess asked people to check on friends, neighbors and family during the intense heat. Commissioner Hess thanked people who were working to make the City a better place to live, and she thanked the people who had called and made comments.

Commissioner Praedel conveyed residents' concerns about speeding and reckless driving and encouraged people to report incidents to KDPS. Commissioner Praedel urged people to wear masks. Commissioner Praedel asked people to give feedback regarding the Public Safety dashboard on the City's website. Commissioner Praedel reminded people the new ordinance about parking spaces applied citywide. Commissioner Praedel stated it had been 42 days since death of George Floyd, and he thanked people for taking action and maintaining focus on this issue.

Commissioner Urban spoke about income inequality. Commissioner Urban expressed concerns about the cultural competence of new KDPS recruits and stated he wanted to see evidence the City was not hiring the same type of people who were being hired 30 years ago.

Vice Mayor Griffin thanked people who offered comments and expressed excitement about the GKRU resolution. Vice Mayor Griffin stated the Housing Equity Ordinance was about discrimination, and people were either for discrimination or not – there was no in-between. Vice Mayor Griffin stated it was possible to be a landlord, not discriminate, and still make money. Vice Mayor Griffin spoke about the issues of racism and gun violence and noted people could be opposed to both at the same time. Vice Mayor Griffin announced there would be a pop-up event at Daysha's to talk about registering to vote, voting, and holding people accountable after the election. Vice Mayor Griffin thanked Shared Prosperity Kalamazoo (SPK) Coordinator Kevin Ford for leading the City to a radical social transformation that was systemic and not just programmatic. Vice Mayor Griffin expressed support for the KDPS dashboard, but she indicated the City needed to improve their communications. Vice Mayor Griffin noted she had not received answers to specific questions she had asked on June 15th, when she had requested a response within 48 hours. Vice Mayor Griffin indicated speeding was a problem on the Northside, and residents were setting up their own barricades.

Mayor Anderson apologized for falling behind on email responses and stated he read all of his messages but did not always get to respond. Mayor Anderson encouraged people to call 311 for needs that could be addressed by City staff, such as filling potholes. Mayor Anderson noted the 30th anniversary of the Americans with Disabilities Act was coming up. Mayor Anderson expressed appreciation for City staff and their hard work.

The meeting adjourned at 9:06 p.m.

Adj

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

A regular meeting of the Kalamazoo City Commission was held on Monday, July 20, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-154 (COVID19) issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

Invocation

The invocation was given by Dr. Pradip Sagdeo.

Proclamations

Commissioner Hess read a proclamation recognizing the *League of Women Voters of the Kalamazoo Area 100th Anniversary*. Fran Eckenrode, Co-President, received the proclamation on behalf of the League.

Vice Mayor Griffin proclaimed July 23, 2020 *National Summer Learning Day*. Stacy Jackson, Out-of-School Time Program Development Coach, received the proclamation on behalf of KYDNet.

Mayor Anderson read a proclamation *Honoring Phillip Arthur Blanks*.

Adoption of the Agenda

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

2020-0203
Presentation on Draft Civil Rights and Fair Housing Ordinances

City Attorney Robinson, Community Planning and Economic Development Director Rebekah Kik, and Director of Diversity, Equity and Inclusion Dorla Bonner delivered a presentation entitled *Chapter 18 Civil Rights Ordinance & Chapter 18A Fair Housing Ordinance: Draft Introduction*. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to a question from Commissioner Hess, Director Kik stated the Facebook Town Hall would be widely publicized and available through the City's website.

In response to a question from Commissioner Praedel, Director Kik stated feedback on the proposed ordinances should be directed to her at kikr@kalamazoocity.org or to hello@kalamazoocity.org.

Vice Mayor Griffin thanked Director Kik, Director Bonner, and City Attorney Robinson for their work to improve the draft ordinance. Vice Mayor Griffin noted the investigative powers of the Civil Rights Board had been removed in the updated ordinance. Vice Mayor Griffin stated Director Bonner would need to have support and staff assistance to do the investigative work.

Public Comments

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

The following people expressed support for the proposed fair housing/housing equity ordinance:

Shaquise Robertson, City resident
Stephanie Hoffman, City resident
Matt Smith, City resident
Tobi Hanna-Davies, City resident
Ray Sweany, City resident
Ben Brown, City resident
Ed Genesis, City resident
Matthew Lechel, City resident
Dr. Charlae Davis, City resident and Executive Director of ISAAC
Katherine Mason, City resident
Jacob Johnson, City resident
Sholanna Lewis, City resident
Valerie Brooks, City resident
Andrew, a non-resident
Gwendolyn Hooker, City resident

Tom Jangula, City resident, criticized the lack of response from Commissioners to anti-Semitic remarks made at a rally in Bronson Park on Saturday, July 11th. Mr. Jangula called for the City Commission to make an open and public declaration against anti-Semitism.

Timothy Bonds, non-resident, stated he was a paraplegic and was experiencing housing discrimination at the 58 West Apartments.

Benjamin Stanley, City resident, asked whether the Kalamazoo Department of Public Safety was able to enforce policies enacted by the City Manager.

Jeff Messer, City resident, asked that the City Commission start holding its meetings as hybrid in-person/electronic meetings, beginning with the meeting scheduled for August 3rd.

Marissa Harrington, City resident, stated the GARE study provided evidence of housing discrimination in the City of Kalamazoo.

Dr. Michelle Johnson, City resident, thanked Patrise Griffin and Stephanie Hoffman for their work on the housing equity ordinance. Dr. Johnson noted she had not received an apology from KDPS for tear-gassing young people at a public rally, and she had not heard an update on the independent investigation into KDPS actions.

Victoria Marcetti, City resident, asked about the City's plans for reparations and affordable housing.

William Roland, City resident, expressed concerns about the volume and speed of traffic in the Northside Neighborhood and asked that something be done. Mr. Roland stated residents were very dissatisfied with the lack of traffic control in the neighborhood.

Public Comments (cont'd)

Lionel LeBrown, City resident, expressed support for the housing equity ordinance. Mr. LeBrown encouraged the City to be careful when working with the Fair Housing Center, and he asked why the complaint filing period was reduced in the current draft of the ordinance from 180 to 91 days.

Jacob Johnson, City resident, noted Kalamazoo County had declared racism a public health crisis and asked the Mayor and City Manager to discuss reparations and a specific black agenda.

Consent Agenda

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

2020-0204

- approval of the purchase of video conferencing equipment from TRACE3 through the MIDeal cooperative purchasing program in the amount of $121,890.65.

2020-0205
Resolution 20-40

- adoption of a **RESOLUTION** designating the polling facility location for Precincts 1 and 3 to be used during the election on August 4, 2020 and at each election thereafter.

2020-0206

- approval and acceptance of a permanent easement with Oakland Ridge Estates for the consideration amount of $4,592; and a Temporary Grading Permit for the consideration amount of $1,674.

2020-0207

- approval and acceptance of a permanent easement from Phi Nguyen at 2108 E. Cork Street (parcel #0635227002) for the consideration amount of $1,026.

2020-0208

- approval and acceptance of a public easement from Jerome Jr. and Donna M. Wilinski at 2122 E. Cork Street (parcel #0635227001) for the consideration amount of $1,026.

2020-0209

- approval and acceptance of a permanent easement from Kalamazoo Valley Non-Profit Housing Corporation at 2208 E. Cork Street (parcel #0635228003) for the consideration amount of $1,539.

2020-0210

- approval of the following appointment and reappointment to the Environmental Concerns Committee:
  - the appointment of **Wayne Bond** for a term expiring on January 1, 2023.
  - the reappointment of **Aaron Wright** for a term beginning on January 1, 2020 and expiring on January 1, 2023.

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

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

Consent Agenda (cont'd)

NAYS: None

City Manager reported the Citizens Public Safety Review and Appeals Board (CPSRAB) would be assisting with the selection of an independent investigator to review the response of the Kalamazoo Department of Public Safety to public rallies and protests that took place at the end of May and beginning of June. City Manager Ritsema reported KDPS would start sending recruits to the Police Academy at Kalamazoo Valley Community College.

City Manager's Report

City Clerk Borling provided an update on preparations for the August 4th Primary election and answered Commissioners' questions.

City Clerk's Report

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

City Commissioner Comments

Commissioner Urban described his Public Safety ride-along experience from the past weekend and stated he had a new appreciation for the issue of nuisance parties. Commissioner Urban encouraged Commissioners to go on a ride-along with a Public Safety Officer.

Commissioner Cunningham encouraged the Commission to explore hybrid meetings. Commissioner Cunningham stated the City should explore expanding its ban-the-box policy. Commissioner Cunningham reported the event with the brothers of George Floyd was successful, and he stated anti-Semitic comments were not appropriate anywhere. Commissioner Cunningham expressed support for the housing equity ordinance. Commissioner Cunningham noted there were a lot of conversations happening about reparations and adopting resolutions, but he remarked that resolutions and committees did not accomplish much. Commissioner Cunningham stated there was a need for transformative, systemic change in the City Administration, KDPS, and the City's relationships with outside organizations, such as the Sheriff's Office, the County Prosecutor, the County Administration, and the juvenile justice system.

Commissioner Praedel spoke about a man named Jerry who had expressed concern about the lack of sidewalks on Cork Street. Commissioner Praedel stated the easements approved tonight would result in the installation of sidewalks on Cork Street. Commissioner Praedel thanked City Clerk's Office staff for their work and offered well-wishes to the candidates on the August 4th ballot. Commissioner Praedel noted the moratorium on evictions ended on July 15th, and he explained Housing Resources Incorporated (HRI) was the local agency designated to funnel eviction assistance funding from the state to renters in Kalamazoo. Commissioner Praedel provided the contact information for HRI.

Commissioner Hess reported on the various meetings and events she had attended since the last Commission meeting. Commissioner Hess stated the issues facing the community were complex, but she expressed confidence in the City Commission and City staff. Commissioner Hess thanked people for calling and offering comments, and she stated the community was doing the work together.

Vice Mayor Griffin expressed support for continued online meetings, as online meetings had actually increased public participation. Vice Mayor Griffin stated

City Commissioner Comments (cont'd)

she wanted the community to be involved with policing, and there were people who wanted to be involved. Vice Mayor Griffin asked how this could happen, how the community could me be merged with policing. Vice Mayor Griffin observed that speeding traffic seemed to be a problem in every neighborhood and described how a neighbor had put up traffic barriers, which worked. Vice Mayor Griffin questioned why Public Safety ride-alongs always took place in the Northside Neighborhood between 10:00 p.m. – 2:00 a.m. Vice Mayor Griffin suggested City Commissioners do "live-alongs" where they spent some normal time with people who lived in that neighborhood. Vice Mayor Griffin stated she was not aware that anti-Semitic comments were made at the rally in Bronson Park, and she did not know what those comments were. Vice Mayor Griffin stated she did not support discrimination.

Mayor Anderson explained the government was not able to issue a blanket "no rent due" order. Mayor Anderson confirmed HRI was the non-profit organization that was distributing ESG funds for non-payment of rent. Mayor Anderson stated the funds were not in-hand yet, so HRI might be issuing letters of commitment. Mayor Anderson noted renters did not need to provide a Summons and Complaint in order to get assistance; a Notice to Quit was sufficient. Mayor Anderson stated he was part of the US Conference of Mayors, and he reported the mayor of Louisville, Kentucky had asked for federal legislation on reparations. Mayor Anderson remarked that the conversation around reparations was broached by Abraham Lincoln in 1863-1864, and he recommended the book *From Here to Equality* by William Darity and A. Kirsten Mullen. Mayor Anderson stated times were difficult: there were issues with speeding traffic and nuisance parties in some neighborhoods, but there was a reticence to police those neighborhoods. Mayor Anderson stated the community must move forward. Mayor Anderson suggested selective visits to neighborhoods were not necessarily good. Mayor Anderson remarked on neighborhoods that had suffered for years from lack of investment and stated it was startling to go from street-to-street and see the differences. Mayor Anderson stated the City need to take real action to address these differences.

Adjournment

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

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A regular meeting of the Kalamazoo City Commission was held on Monday, August 3, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-154 (COVID19) issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: None

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

Invocation

The invocation was given by Bishop Daniel Cunningham of The Empowerment Center.

Announcements

Mayor Anderson announced former City Commissioner Lance Ferraro passed away on Saturday, August 1st.

Mayor Anderson and Vice Mayor Griffin read statements regarding recent shootings in the City. Copies of these statements were included with the papers for this meeting.

Adoption of the Agenda

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

2020-0211
Presentation and Discussion on the Public Safety Action Plan

City Manager Ritsema expressed concern about the increasing level of gun violence and asked Public Safety Chief Karianne Thomas to speak to this issue.

Chief Thomas reported there had been 41 shootings and 8 persons killed by gun violence in 2020, with 23 of those shootings and 4 deaths having occurred since June 1st. In addition, there had been 78 reports of shots fired since June 1st. Chief Thomas stated the Kalamazoo Department of Public Safety needed the community's help to address this issue.

City Manager Ritsema delivered a presentation entitled, *Commitment to an Equitable and Responsive Public Safety Department and City Government* in which he provided an update to the Public Safety Action Plan. A copy of the updated Public Safety Action Plan was included with the papers for this meeting.

Deputy City Manager Patsy Moore reviewed the expanded role being pursued for the Citizens Public Safety Review and Appeals Board (CPSRAB).

Dorla Bonner, Director of Diversity, Equity, and Inclusion, provided an update on work being done in the areas of training for Public Safety Officers and building stronger relationships with the community.

City Manager Ritsema reviewed actions being taken in response to the motions approved by the City Commission on June 15th, including skill sets for new hires

2020-0211
Presentation and Discussion on the Public Safety Action Plan (cont'd)

into the Public Safety Department, and data analytics. City Manager noted the plan was a work in progress. City Manager Ritsema stated there had been over 1,800 views of the transparency page since it was created in June, and he reported the data link was the most clicked link on the page.

Commissioner Cunningham noted there were a lot of moving parts to the Action Plan, and he asked that this item be placed on a City Commission agenda so that the entire Commission could check in on the plan.

In response to questions from Commissioner Praedel, Assistant Chief David Boysen reported District Court would be hearing its first trials next week after being closed because of the COVID-19 pandemic; Circuit Court would not have any jury trials until October; the police were not able to lodge any new offenders at the county jail; low bond amounts were being given to keep numbers down at the jail, and parole and probation employees were working from home. Assistant Chief Boysen stated KDPS was not able to have a Group Violence Intervention (GVI) call-in at the beginning of March, when the gun violence started to grow, and outreach workers had not been in the field because of COVID-19. Assistant Chief Boysen indicated KDPS would start doing individual GVI call-ins that week. Assistant Chief Boysen reported over half of the shootings and homicides in 2020 were group involved, and he stated solving homicide cases was more difficult this year compared to 2019 because people were not willing to press charges or come forward as witnesses due to a lack of trust in the police.

In response to a question from Commissioner Praedel, Chief Thomas stated Public Safety Officers (PSO's) were never really off-duty, and the trauma that was affecting the community affected them too. Chief Thomas stated officers felt a lack of support as a profession, and she expressed concern for their safety and well-being. Chief Thomas remarked she was questioning how to give officers the tools they needed to do their job.

Vice Mayor Griffin reported a young man boy had just been shot on Lulu Street near her house.

In response to questions from Vice Mayor Griffin, Chief Thomas explained KDPS would saturate an area with officers if there was a shooting and retaliation was expected, but the biggest challenge in doing this was staffing – having adequate resources to deploy. Chief Thomas indicated officers were retiring early at rate she had never seen before, and the KDPS was trying to regroup and strategize. Chief Thomas stated many of the shootings were coming from cars, which made it difficult to enforce. Chief Thomas explained that officers had not been directed to not enforce because of Black Lives Matter. However, officers were more at risk because of the national climate, and they had been encouraged to weigh the risk versus the reward when pursing enforcement – was it worth the risk to press hard with regard to a misdemeanor, for example.

Vice Mayor Griffin noted there were many community members doing the work of group violence intervention. Vice Mayor Griffin stated the City needed to invest more in this work, even when initiatives like GVI were not able to operate.

In response to a question from Commissioner Hess, Assistant Chief Boysen stated the GVI outreach workers were approximately seven people involved with local non-profits. Assistant Chief Boysen noted they were a key part of the GVI strategy.

2020-0211
Presentation and Discussion on the Public Safety Action Plan (cont'd)

Commissioner Cunningham initiated a discussion about systematically building accountability into KDPS.

City Manager Ritsema stated he was accountable to the City Commission, and the City Commission was accountable to City residents. City Manager Ritsema indicated there would be some direct accountability to citizens through the sharing of date with the Citizens Public Safety Review and Appeals Board (CPSRAB). City Manager Ritsema stated the City Administration wanted to be accountable, transparent, and honest about what was going on, and they wanted to make sure the data provided was relevant. City Manager Ritsema stated he would share CPSRAB meeting minutes with the City Commission, and that information could precipitate questions and discussion.

Commissioner Cunningham stated the City Commission needed to have wholistic accountability for each PSO, and he suggested CPSRAB be given a role in the day-to-day accountability of KDPS. Commissioner Cunningham referenced the traffic stop study as an example of an action that led to good changes at KDPS but lacked follow-up because there was no accountability. Commissioner Cunningham stated the City Commission was responsible for each department and should set 15-20 goals or metrics for departments to reach. Commissioner Cunningham requested that the Commission be allowed to act as an appellate body to CPSRAB and have consenting power over citizen complaints. Commissioner Cunningham indicated receiving CPSRAB meeting minutes was not enough, as discussions would not happen unless Commissioners maintained a high degree of focus. Commissioner Cunningham questioned how differences of opinion between KDPS, CPSRAB, and the City Manager would be reconciled.

City Manager Ritsema stated CPSRAB was an administrative board created by the City Manager. City Manager Ritsema indicated he took CPSRAB input seriously, and he reported his decisions back to the board. Regarding KDPS policies, City Manager Ritsema stated there was an iterative process with CPSRAB. City Manager Ritsema stated the City Commission would be able to see what CPSRAB was seeing, which was another level of accountability.

Commissioner Cunningham indicated the level of accountability suggested by the City Manager was not acceptable, as the City Commission needed to know what was happening, needed more accountability regarding citizen complaints, and needed to take responsibility for outcomes. Commissioner Cunningham stated he wanted direct, relevant information without extraneous details. Commissioner Cunningham recommended that CPSRAB have oversight regarding KDPS policies and procedures. Commissioner Cunningham stated the City needed to be responsive in real-time, and he suggested monitoring citizen complaints for consistent complaints that might identify areas to investigate. Commissioner Cunningham asked if there was a community engagement process for KDPS policy changes.

Deputy City Manager Moore noted CPSRAB was very involved with the equipment selection and policies for body cameras.

Chief Thomas stated the unbiased policing and consent to search policies taken to CPSRAB for review and feedback.

Commissioner Cunningham stated CPSRAB should have consenting responsibilities with regard to policies: if KDPS and CPSRAB did not agree then

2020-0211
Presentation and Discussion on the Public Safety Action Plan (cont'd)

the City Manager could mediate; and if the City Manager was not able to negotiate a solution the question should be put to the City Commission.

City Manager Ritsema stated he was not sure how this consent was meant to work, and he would need to check with the City Attorney regarding how this suggestion related to the City Charter and the Commission/Manager form of government.

City Attorney Robinson stated CPSRAB was a creation of the City Manager, which functioned like a sounding board. City Attorney Robinson stated there was no requirement for CPSRAB and the City Manager to agree, and ultimately it was the City Manager's decision how to proceed.

Commissioner Cunningham asked whether the City Manager was saying "no" to granting CPSRAB consenting approval for KPDS policies and procedures. Commissioner Cunningham stated there needed to be accountability and he asked if the only alternative was for the City Commission to its own appointed body.

City Manager Ritsema stated he was trying to be transparent, not obstinate. City Manager Ritsema expressed a commitment to improvement but stated he did not have an answer to the alternatives question at that moment.

Commissioner Cunningham indicated he also wanted CPSRAB to have consenting approval over promotions and new hires. Commissioner Cunningham indicated the City was not meeting the standard of having a police force that looked like the community it served, and he stated there needed to be accountability regarding this standard. Commissioner Cunningham requested an update on new hires.

Chief Thomas stated KDPS was always looking for diverse and local hires. Chief Thomas noted the department never filled all its vacancies. Chief Thomas explained that her team was continuously looking at each step in the process to see how the process itself was affecting applicants across all demographics Chief Thomas reported that this evaluation had led to changes in the application process. Chief Thomas stated it was the City Manager's job to hold her accountable.

Commissioner Cunningham stated cultural competency was the number one skill set a PSO recruit should have, and he asked if there was an opportunity for the community to help define "cultural competency" and what it looked like in the City's hiring process. Commission Cunningham stated it was also important for the people reviewing PSO applications to be culturally competent themselves and to know what cultural competencies were desired in new officers. Commissioner Cunningham asked that the City Commission be able to hold people accountable and that CPSRAB have an accountability role in officer promotions. Commissioner Cunningham asked people to think of alternatives if his ideas were out of step with the City Charter.

City Manager Ritsema stated he was always open to talk about the hiring process and how that data is reported out.

Commissioner Urban stated it was great to have this conversation together, in public. Commissioner Urban observed that most of the questions were about the relationship between KDPS and CPSRAB. Commissioner Urban stated trust needed to be a priority, which required timely communication. Commissioner Urban stated it was not enough to circulate CPSRAB minutes; the meetings needed to be videotaped.

2020-0211
Presentation and Discussion on the Public Safety Action Plan (cont'd)

Vice Mayor Griffin requested a timeframe for the City Manager to respond to the City Commission regarding the questions about CPSRAB and accountability.

City Manager Ritsema stated he would need to fold this work into the Action Plan and add it to the CPSRAB section.

Vice Mayor Griffin stated there was a feeling in the community that speeding was not being enforced, and she noted that enforcement was not profiling. Vice Mayor Griffin stated people were seeing officers in the community; what were they doing, and what opportunities were there for the community to have input on how they were policed?

Chief Thomas reported peoples' driving patterns and habits had changed with COVID-19, and the biggest complaint citywide was the lack of traffic enforcement. Chief Thomas explained there was one officer in the Traffic Division, and there was not enough staffing to dedicate more officers to traffic enforcement. Chief Thomas stated traffic stops were down over the past 90 days and calls for service were up significantly. Chief Thomas stated one of the concerns is that more traffic stops will look like officers are profiling.

Mayor Anderson reported he had been at a traffic event involving 100-200 people where there was speeding and exhibition driving that was out of control. Mayor Anderson stated people had come to the conclusion there would not be any traffic enforcement, and he expressed concern that people were going to get hurt.

Commissioner Cunningham recommended the City Commission create a Community Relations Advisory Board to help with this process.

Mayor Anderson explained the City operated with a constitution – the City Charter – which could only be changed by the citizens. Mayor Anderson noted the Charter was very clear that the City Commission was responsible for holding the City Administration accountable. Mayor Anderson observed that in the past when City Commissions have had concerns about specific areas, they have created subcommittees, and he suggested the creation of a subcommittee that could delve deeply into these topics and bring back recommendations to the City Commission.

Commissioner Praedel remarked this discussion had not been what he envisioned it would be. Commissioner Praedel stated Commissioners were getting answers to questions, but there had not been an opportunity to fully discuss these topics, and not all Commissioners had participated. Commissioner Praedel expressed frustration that there was never enough time to have a full discussion with the entire Commission. Commissioner Praedel stated it was not working to have dialogue with groups of just 2-3 Commissioners. Commissioner Praedel remarked that the City Commission needed to work together with the community to solve these issues.

Vice Mayor Griffin thanked the Mayor for lifting up power of the City Commission. Vice Mayor Griffin stated people might get tired during this meeting, but the community had been tired for a long time.

The meeting was recessed 9:14 p.m.
The meeting resumed at 9:21 p.m.

Public Comments

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

The following people expressed support for the Kalamazoo Department of Public Safety (KDPS) and Chief Thomas and opposition to defunding KDPS:

Michael, City resident
Elizabeth Niles, City resident
Larry VanPopering, non-resident and City business owner
Roger Ulman, Pastor of Calvary Chapel in the Edison Neighborhood
Robert Eisenhardt, non-resident
Cindy Galbraith, non-resident and City business owner
John Novak, non-resident
Joel Humphries, non-resident
Gena Gilligan, City resident
Carol Baas, non-resident
Matthew Gilligan, City resident
Amie Remmert, City resident
Pam Dunfee, non-resident
Toni Myer, non-resident
Sally Reynolds, City resident
Raymond Ryan, City resident
James Reed, City resident
David Lingg, non-resident
Christina Wolthuis, non-resident
Shirley Amos, non-resident
Brandon Valentine, non-resident
Michael, a non-resident
Heather Turner, a business owner in the City
Nick Turner, a business owner in the City
Richard Stewart, City resident

The following people expressed concerns about increasing gun violence, drug trafficking, reckless driving, and other crimes and the need for more police enforcement, especially in the Northside Neighborhood:

Jason Newton, non-resident and City property owner
Terry Walker, City resident
Ann Martinez, City resident
Josephine, non-resident and City property owner
Reminia Williams, City resident
Eddie Trent, City resident
Stephanie, City resident
Remenyi Williams, City resident
Wendy Fields, City resident
Madeline Alexander, non-resident
An anonymous City resident
Jackie Eatmon, City resident
Liz White, City resident
Angela, City resident
Mattie Jordan-Woods, City resident
Kiara, City resident
Will Roland, City resident
Deshon, City resident

Public Comments (cont'd)

The following people expressed support for the proposed housing equity ordinance and/or requested that the City create public safe sleeping zones:

Emily Demorest, City resident
Casey Coker, City resident
Joe Kaiser, non-resident

The following people expressed opposition to the traffic chicanes that were recently installed in the Northside Neighborhood and suggested speed bumps instead:

Stephanie, City resident
Nathaniel Stegall, City resident
Sarah Taylor, City resident
Alice Taylor, City resident

The following people asked the City Commission to adopt the Ithaca Resolution that was presented by the Greater Kalamazoo Renters Union:

Parker James, City resident
Erin Bensinger, City resident
Andrew Argo, City resident
Kay Lanting, City resident
Ryan Smith, non-resident
Emily Connor, City resident
Elliot Gonzales, non-resident
Margaret Wilson, City resident
Kevin Hayden, City resident
Hillary, a City resident

The following people expressed support for agenda item H-1, an ordinance and resolution creating Social Districts and Commons Areas in downtown Kalamazoo:

Nancy Schultz, non-resident and owner of Fuze Kitchen and Bar
Tori Calby, representing Greenleaf Hospitality
Matt O'Connor, owner of the Coney Island building
Bob Lewis, representing the Millennial Restaurant Group
Kenneth Newby, City resident and downtown business owner
Dave Szell, downtown business owner

Tom Jangula, City resident, spoke about anti-Semitic comments made at a rally in Bronson Park in July and the lack of response from the City Commission. Mr. Jangula stated the Anti-Defamation League would be making an investigation.

Melissa Ray, non-resident, expressed concern about violence, corruption, and the lack of leadership in Kalamazoo. Ms. Ray asked Mayor Anderson, Chief Thomas, and City Manager Ritsema to prioritize the safety of the community and address issues of racism and inequality.

Public Comments (cont'd)

Andy Argo, City resident, stated a hate group called The Proud Boys would be holding an event at the Arcadia Creek Festival Site in August, and he asked the City to address the issue.

Charlae Davis, City resident and the Executive Director of ISAAC, stated systemic racism existed in every institution, and she encouraged people to be involved in the work of community collaboration to dismantling systemic racism.

Linda, a City resident, asked about the easement with Bronson Hospital and expressed concern about the impact of the easement on the watershed.

Terri Walker, City resident, stated Interfaith Homes and Fox Ridge Apartments needed to be boarded up because there were a lot of problems there.

Jeremy Terpening, City resident, expressed support for the creation of a Public Information Officer position at KDPS, and he suggested KDPS hire social workers to resolve problems in the community.

Jeff Messer, City resident, asked the City Commission to consider holding their meetings as hybrid in-person/electronic meetings.

Matt Smith, City resident, stated the City Commission needed to pass a black reparations agenda.

Zachary Lassiter, City resident, stated he filed a Freedom of Information Act request for police body cam video from the June protests. Mr. Lassiter reported he did not receive a response, so he filed an appeal. Mr. Lassiter asked about the status of his appeal.

Bryant Cooper, City resident, spoke about the decline of the Northside Neighborhood and the need for more education and opportunities in that community.

Joe, a City resident, spoke about how KDPS officers beat and used tear gas on residents.

Consent Agenda

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

- approval of a Contract Supplemental and Change Order with SWT Excavating for 2019 New Service Lines. **2020-0212**

- approval of a contract with Mall City Mechanical, Inc for the Stockbridge Facility HVAC/Boiler upgrades in the amount of $928,500. **2020-0213**

- approval of a memorandum of understanding with the Kalamazoo Regional Education Service Agency, Youth Opportunities Unlimited (YOU), for YOU to administer the Summer Youth Employment Program in the amount of $825,000. **2020-0214**

2020-0215
Resolution 20-41

- adoption of a **RESOLUTION** setting a public hearing on August 17, 2020, to consider a request from Graphic Packaging International, LLC. for a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 12 years for real property valued at $191,000,000.

2020-0216

- approval of an easement with Bronson Methodist Hospital at 400 E. Lovell Street to allow construction of a segment of the Kalamazoo River Valley Trail.

2020-0217

- approval of a recommendation to postpone until August 17, 2020 consideration of the acquisition of eight tax-foreclosed properties from the Kalamazoo County Treasurer under first right of refusal, in an amount not to exceed $199,730.89.

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2020-0218
Ordinance 2011 and Resolution 20-42 Establishing Social Districts and Commons Areas

Deputy City Manager Jeff Chamberlain explained a recently adopted state law allowed for creation of social districts, and outdoor commons areas within those districts, where people could have open containers of alcohol. Deputy City Manager Chamberlain stated the idea behind the legislation was to help bars and restaurants, which currently had limited seating capacity. Deputy City Manager described the location of the proposed social districts.

In response to a question from Commissioner Hess, Andrew Haan, Executive Director of Kalamazoo Downtown Partnership, stated the law passed on July 1st was an economic recovery tool to help the hospitality industry. Director Haan reported 40% of downtown businesses were concerned about permanent closure, and 91% of customers indicated they felt more comfortable gathering outdoors. Director Haan explained the proposed commons areas would allow for more social distancing in an outdoor setting. Director Haan stated the rules in the resolution were not set in stone; they could be adjusted as necessary.

In response to a question from Commissioner Praedel, Director Haan confirmed the commons areas would include the Kalamazoo Mall, Bates Alley, and Michigan Avenue. Director Haan indicated the commons areas would have good signage, and there was a plan to address maintenance issues. Director Haan confirmed the hours for the commons areas would be Sunday-Thursday, from 10:00 a.m. to 10:00 p.m., and Friday and Saturday, from 10:00 a.m. – 12:00 midnight.

Mayor Anderson noted the ordinance was an emergency measure, which would require five affirmative votes to adopt.

2020-0218
Ordinance 2011 and Resolution 20-42 Establishing Social Districts and Commons Areas

Commissioner Hess, seconded by Commissioner Cunningham, moved to adopt an **ORDINANCE** amending Chapter 4A "ALCOHOLIC BEVERAGES" to permit the creation of Social Districts and Commons Areas.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Commissioner Cunningham, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** designating Social Districts containing Commons Areas and establishing a management and maintenance plan.

Prior to a vote on the motion, Commissioner Hess noted the focus of this strategy was to keep people employed.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

In response to a question from Commissioner Cunningham, Director Haan reported six downtown businesses or fewer had closed recently, with some of those closures related to the pandemic and some not. Director Haan stated the downtown was at a crisis point, and the current priority was to keep vacancies down.

City Manager's Report

City Manager Ritsema discussed the July 30th meeting regarding traffic calming measures in the Northside Neighborhood and noted there were no definitive answers as this was the first time discussing options with the community. City Manager Ritsema indicated he was working with KDPS on more traffic enforcement. City Manager Ritsema stated he was committed to working with KDPS and the City Commission.

City Clerk Borling reported all polling locations would be open on August 4th, and he encouraged people to turn in their absentee ballots or vote in person.

In response to a question from Mayor Anderson, City Clerk Borling confirmed absentee ballots needed to be in the Clerk's Office by 8:00 p.m. in order to be counted.

City Commissioner Comments

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

Commissioner Cunningham stated the conversation earlier in the meeting was not about defunding KDPS or changing their day-to-day activities, and he noted the Commission did not have the authority to dictate how the Public Safety Chief or City Manager handled day-to-day operations. Commissioner Cunningham explained the conversation was about the City Commission being accountable for the actions of the City Manager and Public Safety Chief, and he stated a system for accountability needed to be put in place. Commissioner Cunningham indicated

City Commissioner Comments (cont'd)

issues of violence would not be solved by marches and prayers, as many of these issues started in homes and other environments. Commissioner Cunningham stated the time to influence people was when they were young. Commissioner Cunningham remarked there was no correlation between the conversation earlier in the meeting and an increase in violence.

Commissioner Urban stated he was glad the Commission had the discussion about Public Safety, and he indicated many such discussion would be needed moving forward.

Commissioner Praedel asked City Clerk Borling to talk about the hours at polling locations and at and City Hall the next day and about polling locations that had changed. Commissioner Praedel expressed regret for not speaking up about anti-Semitism at the July 20th meeting. Commissioner Praedel stated Commissioners Urban and Cunningham were social justice champions, and there was no place for anti-Semitism in the community. Commissioner Praedel urged people to show love for each other on August 15th, when a hate group would be holding a demonstration in the City.

In response to Commissioner Praedel, City Clerk Borling stated polling locations would be open from 7:00 a.m. to 8:00 p.m., and City Hall would be open the same hours for people to register to vote. City Clerk Borling reported the polling location for Precinct 6 had moved from Friendship Village to KRESA's West Campus, and the polling location for Precincts 1 and 3 had moved from First United Methodist Church to Faith Temple Church of God.

Commissioner Hess remarked on the funeral of U.S. Representative John Lewis. Commissioner Hess stated there was no place for anti-Semitism in the community. Commissioner Hess expressed support for Chief Thomas and KDPS, and she expressed trust in the City Manager form of government. Commissioner Hess remarked Kalamazoo was more than KDPS, and she talked about the complexity of the current environment.

Commissioner Knott commented on the need for people to model wearing masks.

Vice Mayor Griffin reported the 17-year old who was shot earlier was listed in stable condition. Vice Mayor Griffin stated 211 was able to give information regarding the eviction diversion program. Vice Mayor Griffin stated the public comments made it clear there were two experiences in the community regarding safety, and that needed to change. Vice Mayor Griffin remarked on the need for systemic shifts and for the City to invest in its communities and children. Vice Mayor Griffin observed that some commenters earlier in the meeting had used coded language, which should shock people as much as overtly racist comments. Vice Mayor Griffin stated there were multiple issues taking place at the same time, and they all needed to be addressed.

Mayor Anderson stated there was $1.3 million available for eviction diversion through the CARES Act for Kalamazoo County residents, and this funding was being channeled through the Kalamazoo County Continuum of Care and Housing Resources Incorporated. Mayor Anderson noted there was an additional $720,000 available for City residents. Mayor Anderson thanked all of the people who called and offered comments.

Adjournment

The meeting adjourned on August 4th at 12:05 a.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 16, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: November 16, 2020

Date: **11/16/2020**
Item: **G.11.**

City Commission Agenda Report

City of Kalamazoo

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

FROM: Clyde J. Robinson, City Attorney

DATE: November 16, 2020

SUBJECT: MDOT Property Acquisitions

RECOMMENDATION:

It is recommended that the City Commission authorize the City Manager to execute the acceptance of Good Faith Written Offers from the Michigan Department of Transportation to acquire easements and fee tittle to City-owned parcels adjacent to and within the I-94 right of way within the City. The City owns various parcels along I-94 that the State desires to acquire in fee or acquire temporary or permanent easements.

BACKGROUND:

The Michigan Department of Transportation is embarking on improvements to I-94. In connectio with the project it has tendered seven Good Faith Written Offers to the City as required whe exercising the power of eminent domain. The interests being acquired range from a small 255 sq grading easement to acquisition of abandoned Emerald Drive in the middle of I-94. The attache table provides a summary:

Parcel #	Location	Compensation	Area
778	4121 Pennway St	$40,300	Fee title to area east of Consumers Energy easement (1.052 acres); permanent highway easement along southerly portion of remainder of the City parcel west of the Consumers Energy easement
782	3602 Van Rick Dr	$2400	Grading easement over 13864 sq. ft (0.32 acre)
783	3330 Gembrit Circle	$600	Grading easement over 412 sq. ft
839	2300 Dorchester Ave	$600	Grading easement over 255 sq. ft
840	2301 Kilgore Rd	$600	Grading easement over 402 sq. ft
841	4131 Pennway St	$600	Grading easement over 2259 sq. ft/remove approx. 272' of ROW fence
842	Abandoned Emerald Dr	$11,700	Fee title to ROW across I-94

The only matter which is of interest is the fact that when the State built I-94 over what had bee Emerald Drive in the 1950s, there is no record that the property was acquired from the City c Kalamazoo Township. The City received the Emerald Drive right of way from the Township b quit claim deed when the Milwood area was annexed to the City. As such, the City is entitled t the compensation offered by the State for the 66' gap running across I-94.

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.

Discussion:

The City Commission could choose to contest the amount of compensation being offered. Such a challenge would not prevent the State from acquiring the property interests that are being sought. If the City were successful, it would be able to recoup its attorney fees. This is not recommended. The appraiser used by the State for a market study of the project is the former city of Battle Creek assessor and an individual the City has used as an appraiser/expert witness in the past. The appraisals done by a MDOT employee are consistent with the market study work. There is no reason to believe that the offers from the State are inconsistent with market trends for the location and type of property interest being acquired from the City.

FISCAL IMPACT:

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

November 5, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105886, Parcel 778
Address: 4121 Pennway St.
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire Fee rights and Highway Easement over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed appraisal. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 778 is itemized below:

Fee Acquistion	$39,000
Highway Easement	$1,300

Accordingly, the total amount that MDOT is offering for your property rights is $40,300.

Please note that this offer is valid only until December 5, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

Michigan Department
of Transportation
0645 (02/20)

ADDENDUM TO GOOD FAITH WRITTEN OFFER

This information required by P.A. 286 of 1964

NAME	NATURE OF INTEREST
City of Kalamazoo Public Services	Fee Owner
ADDRESS	**TELEPHONE NUMBERS**
241 W. South Street	269-370-8715

☐ SEE ATTACHED LIST FOR ADDITIONAL OWNERS

Price	A	The owner(s) agree to sell the following described property to the Michigan Department of Transportation for the sum of Thirty Nine Thousand Dollars ($39,000) and to deliver to the Michigan Department of Transportation a warranty deed clear of all encumbrances subject only to easements and restrictions of record.
Title	B	The owner(s) agree not to sell, convey, mortgage, or otherwise encumber the title to the land or any part thereof, or to permit any act or deed to diminish the value of the following described land.
Taxes	C	The owner(s) agree to pay all real estate taxes due and payable at the time of closing. The owner(s) also agrees to pay any special assessment levied at the time of closing. The owner(s) also agrees to pay any personal property taxes due and payable at the time of closing including all jeopardy assessments filed at the time of closing. Ad-valorem real taxes will be prorated in accordance with the provisions of Act 288, P.A. 1966.
Improvements	D	This sale includes all buildings, structures, trees and other improvements on the property.
Occupancy	E	The Michigan Department of Transportation will become the owner of the property upon payment of the price listed above. The owner(s) shall have the right to occupy the improvements on the property for a period of Zero (0) days after the closing. However, if the buildings become vacant subsequent to the acceptance of the Good Faith Offer, they will not be reoccupied.
Escrow Agent	F	The owners(s) agree that Devon Title will act as escrow agent in closing this sale. The escrow agent will deduct from the proceeds all sums necessary to satisfy and discharge all liens, encumbrances and taxes and secure and record the instruments sufficient to vest an unencumbered title in the name of the Michigan Department of Transportation, subject only to easements and restrictions of record.
Commitment	G	20005240
Delayed Payment	H	The owner(s) agree to await a later refund of prorated prepaid ad-valorem taxes.
Minerals	I	Fluid Mineral and Gas rights are ☒ included ☐ not included.
Special Provisions	J	None

Any personal property or fixtures that have not been removed by the date of a Notice to Quit to be issued by MDOT will become the property of MDOT and will be removed by MDOT, it's contractors, or its agents. This does not apply to hazardous material.

MDOT reserves its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE 3906-36-317-002

CONTROL SECTION	JOB NUMBER	PARCEL	NAME
39022	105885	778	City of Kalamazoo Public Services

Michigan Department
of Transportation
0643 (08/19)

ADDENDUM TO GOOD FAITH WRITTEN OFFER – HIGHWAY EASEMENT

This information required by P.A. 286 of 1964

NAME	NATURE OF INTEREST
City of Kalamazoo Public Services	Fee Owner
ADDRESS	**TELEPHONE NUMBERS**
241 W. South Street	269-370-8715
NAME	**NATURE OF INTEREST**
ADDRESS	**TELEPHONE NUMBERS**

Price	A	The owner(s) agree to grant an easement for highway purposes over the following described property to the Michigan Department of Transportation for the sum of One Thousand Three Hundred Dollars ($1,300) and to deliver to the Michigan Department of Transportation an easement subject to the following provisions: 1.The conveyance will include the consent of the grantors to the removal at any time of such trees, shrubs and vegetation as is, in the judgement of the Michigan Department of Transportation, necessary to construct and maintain the highway. Notice to the grantors of the removal is not required. 2. The grantors agree that no trees, shrubs or vegetation shall be cut or removed from the easement area by the grantors, their heirs, successors and assigns without the written permission of the Michigan Department of Transportation. 3. The grantors agree for themselves, their heirs, successors and assigns, that no billboard or advertising device shall be erected, permitted, or maintained on the right of way as described.
Title	B	The owner(s) agrees not to sell, convey, mortgage, or otherwise encumber the title to the land or any part thereof, or to permit any act or deed to diminish the value of the following described land.
Improvements	C	The easement includes all buildings, structures, trees, and other improvements, except no exceptions and when necessary the right to enter upon the remaining lands to remove said improvements.
Occupancy	D	The Michigan Department of Transportation will become the owner of the easement upon payment of the price listed above. The owner(s) shall have the right to occupy the improvements on the property for a period of Zero (0) days after the closing. However, if the buildings become vacant subsequent to the signing of this option, they will not be reoccupied.
Escrow Agent	E	The owners(s) agree that Devon Title will act as escrow agent in closing this agreement.
Commitment	F	20005240
Special Provisions	I	None

Any personal property or fixtures which have not been removed by the date of a Notice to Quit to be issued by MDOT will become the property of MDOT and will be removed by MDOT, its contractors, or its agents. This does not apply to hazardous material.

MDOT reserves its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

The mortgagee consents to the easement granted and hereby agrees that the mortgage shall be subordinate to the easement.

PROPERTY TAX CODE 3906-36-317-002

CONTROL SECTION	JOB NUMBER	PARCEL	NAME
39022	105885	778	City of Kalamazoo Pubilc Services

COVENANT DEED

The CITY OF KALAMAZOO, a Michigan public body corporate, whose address is 241 W. South Street, Kalamazoo, Michigan 49007 ("Grantor"), grant and conveys to the MICHIGAN DEPARTMENT OF TRANSPORTATION, whose address is 425 West Ottawa Street, P.O. Box 30050, Lansing, MI 48909 ("Grantee"), the following described premises situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan ("Property"):

See Attached Exhibit A
Survey Attached as Exhibit C

together with all improvements, buildings, facilities, structures and real estate fixtures located on the Property, and subject to the easements, building, use and zoning restrictions, and limitations of record and those exceptions under **Exhibit B**.

In consideration of: Thirty Nine Thousand Dollars ($39,000)

Further, Grantor covenants that it has not done, committed, or knowingly or willingly suffered to be done or committed, any act or matter while it was owner of the Property causing the Property to be charged or encumbered in title, estate, or otherwise.

The Grantor grants to the Grantee the right to make zero (0) divisions, if any, permitted under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

This conveyance is exempt from taxation under the provisions of MCL 207.505(h)(*i*), and MCL 207.526(h)(*i*).

Effective Date: _____

SIGNATURE AND ACKNOWLEDGEMENT INTENTIONALLY ON NEXT PAGE

EXHIBIT A

(PARTIAL FEE TAKE) out of: 3906-36—317-002

Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

MDOT FEE ACQUISITION LEGAL DESCRIPTION

That part of the following described PARENT PARCEL which lies within a parcel described as: A parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows: To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 870.02 feet to the point of beginning; thence continuing S.88°-56'-13"E., on said North line, 363.27 feet to a Limited Access Right-of-Way line, restricting all ingress and egress; thence continuing S.88°-56'-13"E., on said North line, 57.87 feet to the Existing Limited Access Right-of-Way line of U.S. Highway I-94; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 402.73 feet to the Easterly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records and said Limited Access Right-of-Way line; thence N.24°-50'-42"W., on said Easterly line and Limited Access Right-of-Way line, 25.00 feet; thence continuing N.24°-50'-42"W., on said Easterly line, 106.29 feet; thence N.00°-28'-40"E., parallel with said West Section line, 55.89 feet to the point of beginning.

ALSO, that part of the following described PARENT PARCEL which lies within a parcel described as: a parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows: To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 572.41 feet; thence S.00°-28'-40"W., parallel with said West Section line, 315.05 feet to a Limited Access Right-of-Way line restricting all ingress and egress, and the point of beginning; thence N.65°-28'-04"E., on said Limited Access Right-of-Way line and parallel with the Existing Limited Access Right-of-Way line of U.S. Highway I-94, 298.57 feet to the Westerly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records; thence S.24°-50'-42"E., on said Westerly line and continuing on said Limited Access Right-of-Way line, 25.00 feet to said Existing Limited Access Right-of-Way line; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 310.37 feet; thence N.00°-28'-40"E., parallel with said West Section line, 27.59 feet to the point of beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

There shall be no right of direct ingress and egress, to and from and between the lands herein described, over and across the above described Limited Access Right-of-Way lines. The lands above described in fee contain 45,817 square feet (1.052 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

PARENT PARCEL LEGAL DESCRIPTION

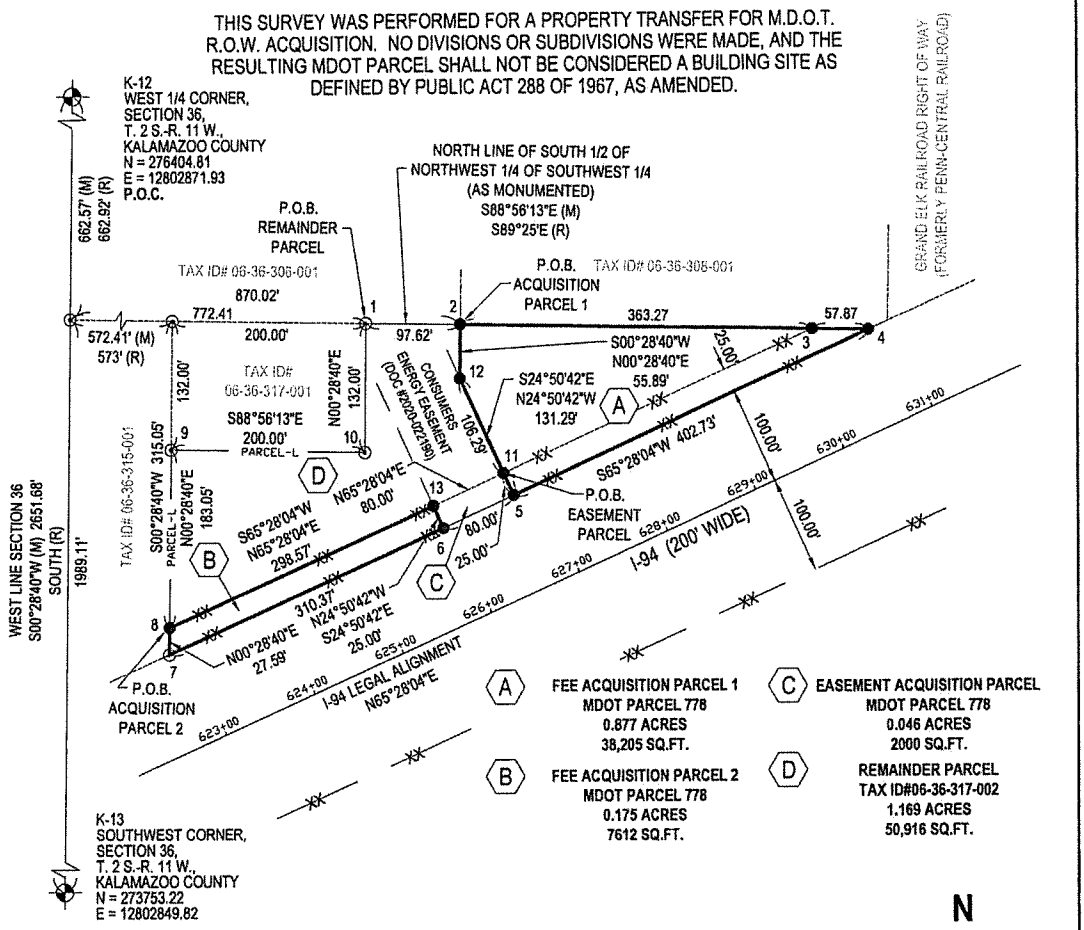
Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan described as follows:

All that part of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South Range 11 West lying West of the Pennsylvania Railroad, excluding the West 577 feet thereof which lies North of a line 100 Northwesterly of and measured at right angles and parallel to the survey line of US Highway 12 – Kalamazoo South Belt. Also excluding commencing at the West 1/4 post of Section 36, Town 2 South Range 11 West, thence South 662.92 feet along the West line of Section 36; thence South

Exhibit "C"

CERTIFICATE OF SURVEY

THIS SURVEY WAS PERFORMED FOR A PROPERTY TRANSFER FOR M.D.O.T. R.O.W. ACQUISITION. NO DIVISIONS OR SUBDIVISIONS WERE MADE, AND THE RESULTING MDOT PARCEL SHALL NOT BE CONSIDERED A BUILDING SITE AS DEFINED BY PUBLIC ACT 288 OF 1967, AS AMENDED.



BASIS OF BEARINGS:
MICHIGAN COORDINATE SYSTEM
SOUTH ZONE (2113)

N

0 150'
SCALE: 1" = 150'

CALCULATED COORDINATES (MCS83)			FOUND / SET MONUMENTATION		
POINT#	NORTHING	EASTING	MONUMENT	OFFSET FROM CALC PT	PRECISION
1	275727.93	12803638.68	FOUND IRON	0.25' WEST	0.04'
2	275726.12	12803736.28	SET IRON WITH CAP #51487	NONE	0.02'
3	275719.38	12804099.49	SET IRON WITH CAP #51487	NONE	0.02'
4	275718.31	12804157.34	SET IRON WITH CAP #51487	NONE	0.02'
5	275551.09	12803790.97	SET IRON WITH CAP #51487	NONE	0.02'
6	275517.88	12803718.19	SET IRON WITH CAP #51487	NONE	0.02'
7	275389.01	12803435.84	FOUND IRON	0.40' SOUTH	0.04'
8	275416.60	12803436.07	SET IRON WITH CAP #51487	NONE	0.02'
9	275599.64	12803437.60	FOUND IRON	0.10' SOUTHWEST	0.04'
10	275595.93	12803637.58	FOUND IRON	0.25' SOUTH	0.04'
11	275573.78	12803780.47	SET IRON WITH CAP #51487	NONE	0.03'
12	275670.23	12803735.81	SET IRON WITH CAP #51487	NONE	0.03'
13	275540.56	12803707.69	SET IRON WITH CAP #51487	NONE	0.03'

LEGEND:

- ● SET 5/8" IRON WITH CAP #51487 (UNLESS OTHERWISE NOTED)
- ✦ SECTION CORNER
- ⊙ FOUND IRON
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- (R) RECORD
- (M) MEASURED

STATE OF MICHIGAN
ANTHONY D. THELEN
PROFESSIONAL SURVEYOR
No. 51487
LICENSED PROFESSIONAL SURVEYOR

I, Anthony D. Thelen, being a Surveyor Licensed in the State of Michigan, hereby certify that I have surveyed and mapped the above parcel of land, that the relative positional precision of each corner, as shown on the included coordinate table, are within the limits accepted by the practice of professional surveying, and that I have complied with the regulations of P.A. 132 of 1970 as amended.

Anthony D Thelen

ANTHONY D. THELEN, P.S. 08-10-2020
LICENSED PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 51487

FOR: MDOT Michigan Department of Transportation

CS: 39022	JN: 105885C
ROUTE: I-94	DATE: 08-10-2020
DRAWN BY: JAB	PARCEL: 778
CHECKED BY: TDT	SHEET: 1 OF 3

PREPARED BY:
SURVEYING SOLUTIONS, INC.
1000 S. U.S. 27
ST. JOHNS, MICHIGAN 48879

CERTIFICATE OF SURVEY

REMAINDER PARCEL LEGAL DESCRIPTION
MDOT PARCEL 778, CONTROL SECTION 39022
A parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows:

To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 772.41 feet to the point of beginning; thence continuing S.88°-56'-13"E., on said North line, 97.62 feet; thence S.00°-28'-40"W., parallel with said West Section line, 55.89 feet to the Easterly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records; thence S.24°-50'-42"E., on said Easterly line, 131.29 feet to an Existing Limited Access Right-of-Way line of U.S. Highway I-94; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 80.00 feet to the Westerly line of said Consumers Energy easement and a Limited Access Right-of-Way line, restricting all ingress and egress; thence N.24°-50'-42"W., on said Westerly line and Limited Access Right-of-Way line, 25.00 feet; thence S.65°-28'-04"W., continuing on said Limited Access Right-of-Way line and parallel with said Existing Limited Access Right-of-Way, 298.57 feet; thence N.00°-28'-40"E., parallel with said West Section line, 183.05 feet; thence S.88°-56'-13"E., parallel with said North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4, 200.00 feet; thence N.00°-28'-40"E., parallel with said West Section line, 132.00 feet to the point of beginning.

There shall be no right of direct ingress and egress, to and from and between the lands herein described, over and across the above described Limited Access Right-of-Way line. The lands above described in fee contain 50,916 square feet (1.169 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

NOTES:
1. Bearing are based on Grid North for Michigan Coordinate System, South Zone (2113).
2. Coordinate system is Michigan Coordinate System, South Zone (2113).
3. The measured distances shown on this survey and expressed in the Acquisition Parcel Description are **Grid distances**.
4. Average Combined Scale Factor for the project is 0.99993223.
5. Ground Distance = Grid Distance / Average Combined Scale Factor.
6. The coordinate system (NAD 83) was established by GPS measurement based on MDOT Job Number 105885C.
7. Parcels are subject to any rights-of-way, easements, or restrictions recorded or unrecorded, if any.
8. Legal Alignment established from Design Survey completed for MDOT Job Number 105885C.
9. Record bearings shown hereon, denoted with an (R), are from the Schedule C Legal Description, Title Commitment 20005240, Devon Title Agency.
10. Precision measures the relative positional precision defined as the length of the semi-major axis, expressed in feet, of the error representing the uncertainty due to random errors in measurement at the 95 percent confidence level ($2\sum$).

REFERENCES:
1. Title Commitment 20005240, Devon Title Agency, dated October 11, 2019

GOVERNMENT CORNER INFORMATION:
WITNESS BEARINGS REPORTED ARE MAGNETIC.
DISTANCES REPORTED ARE GROUND MEASUREMENTS.

WEST 1/4 CORNER (K-12)
SECTION 36, T.2 S.-R.11 W.
FOUND IRON MONUMENT, PER L.1, P.757
WITNESSES:

N50°W	39.06'	FOUND PK NAIL IN SW FACE OF UTILITY POLE
NORTH	15.46'	FOUND NAIL & TAG IN WEST FACE OF 24" CHERRY
S60°W	53.10'	SOUTHEAST CORNER OF GARAGE
WEST	45.95'	NORTHEAST CORNER OF GARAGE

SOUTHWEST CORNER (K-13)
SECTION 36, T.2 S.-R.11 W.
FOUND HARRISON MONUMENT WITH KALAMAZOO COUNTY REMONUMENTATION CAP IN MONUMENT BOX, PER L.3, P.567
WITNESSES:

N65°W	77.55'	SOUTHEAST CORNER OF CATCH BASIN
N40°E	78.10'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP
S70°W	121.92'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP
S50°E	60.38'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP

FOR: MDOT Michigan Department of Transportation	
CS: 39022	JN: 105885C
ROUTE: I-94	DATE: 08-10-2020
DRAWN BY: JAB	PARCEL: 778
CHECKED BY: TDT	SHEET: 3 OF 3
PREPARED BY: SURVEYING SOLUTIONS, INC. 1000 S. U.S. 27 ST. JOHNS, MICHIGAN 48879	

LEGAL DESCRIPTION

(HIGHWAY EASEMENT PCL 778)

Lands located in the City of Kalamazoo, County of Kalamazoo described as:

MDOT EASEMENT ACQUISITION LEGAL DESCRIPTION

That part of the following described PARENT PARCEL which lies within a parcel described as: A parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows: To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 870.02 feet; thence S.00°-28'-40"W., parallel with said West Section line, 55.89 feet to the Easterly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records; thence S.24°-50'-42"E., on said Easterly line, 106.29 feet to the point of beginning; thence continuing S.24°-50'-42"E., on said Easterly line, 25.00 feet to an Existing Limited Access Right-of-Way line of U.S. Highway I-94; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 80.00 feet to the Westerly line of said Consumers Energy easement; thence N.24°-50'-42"W., on said Westerly line, 25.00 feet; thence N.65°-28'-04"E., parallel with said Existing Limited Access Right-of-Way-line, 80.00 feet to the point of beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands above described in easement contain 2,000 square feet (0.046 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

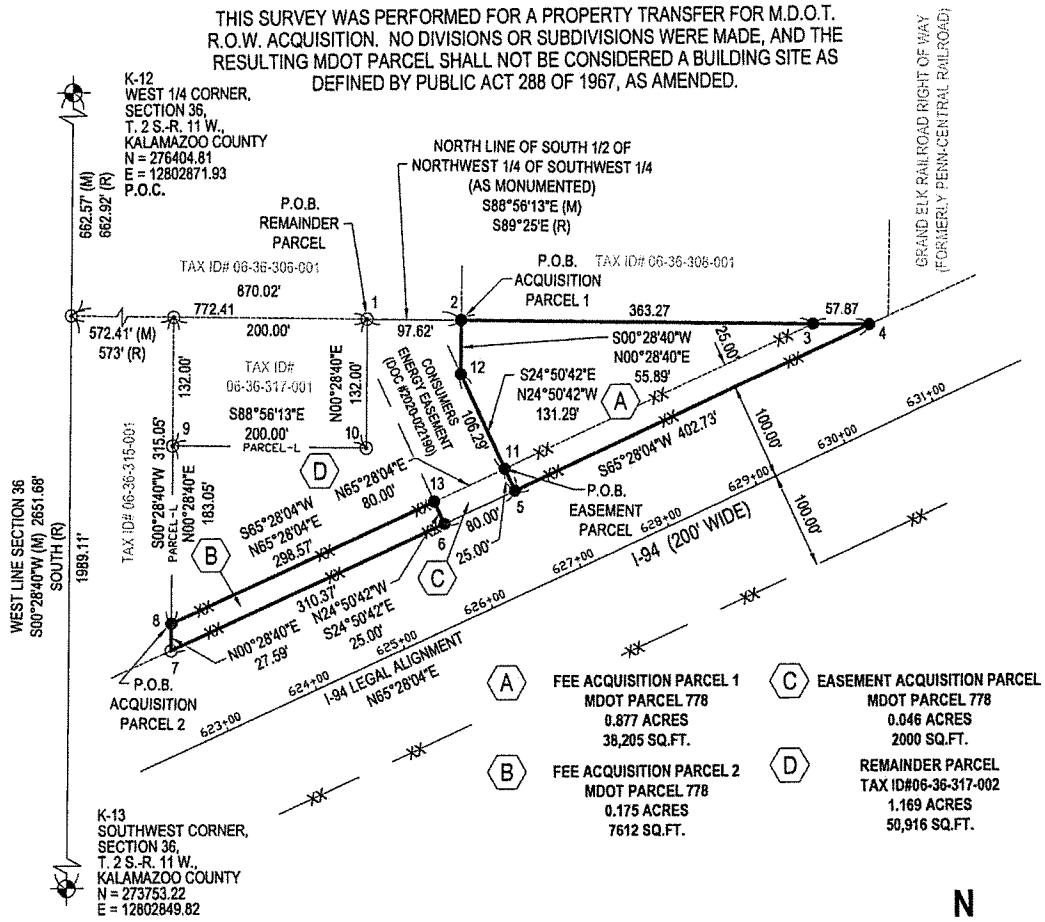
PARENT PARCEL LEGAL DESCRIPTION
Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan described as follows:

All that part of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South Range 11 West lying West of the Pennsylvania Railroad, excluding the West 577 feet thereof which lies North of a line 100 Northwesterly of and measured at right angles and parallel to the survey line of US Highway 12 – Kalamazoo South Belt. Also excluding commencing at the West 1/4 post of Section 36, Town 2 South Range 11 West, thence South 662.92 feet along the West line of Section 36; thence South 89 degrees 25 minutes East 573 feet to the point of beginning of said exclusion; thence South 89 degrees 25 minutes East 200 feet; thence South 132 feet; thence North 89 degrees 25 minutes West 200 feet; thence North 132 feet to the point of beginning of this exclusion.

EXHIBIT "A"

CERTIFICATE OF SURVEY

THIS SURVEY WAS PERFORMED FOR A PROPERTY TRANSFER FOR M.D.O.T. R.O.W. ACQUISITION. NO DIVISIONS OR SUBDIVISIONS WERE MADE, AND THE RESULTING MDOT PARCEL SHALL NOT BE CONSIDERED A BUILDING SITE AS DEFINED BY PUBLIC ACT 288 OF 1967, AS AMENDED.



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SOUTH ZONE (2113)

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- P.O.B. POINT OF BEGINNING
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STATE OF MICHIGAN
ANTHONY D. THELEN
PROFESSIONAL SURVEYOR
No. 51487
LICENSED PROFESSIONAL SURVEYOR

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Anthony D Thelen

ANTHONY D. THELEN, P.S. 08-10-2020
LICENSED PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 51487

FOR: MDOT Michigan Department of Transportation

CS: 39022	JN: 105885C
ROUTE: I-94	DATE: 08-10-2020
DRAWN BY: JAB	PARCEL: 778
CHECKED BY: TDT	SHEET: 1 OF 3

PREPARED BY:
SURVEYING SOLUTIONS, INC.
1000 S. U.S. 27
ST. JOHNS, MICHIGAN 48879

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WITNESSES:

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FOUND HARRISON MONUMENT WITH KALAMAZOO COUNTY REMONUMENTATION CAP IN MONUMENT BOX, PER L.3, P.567
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S70°W	121.92'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP
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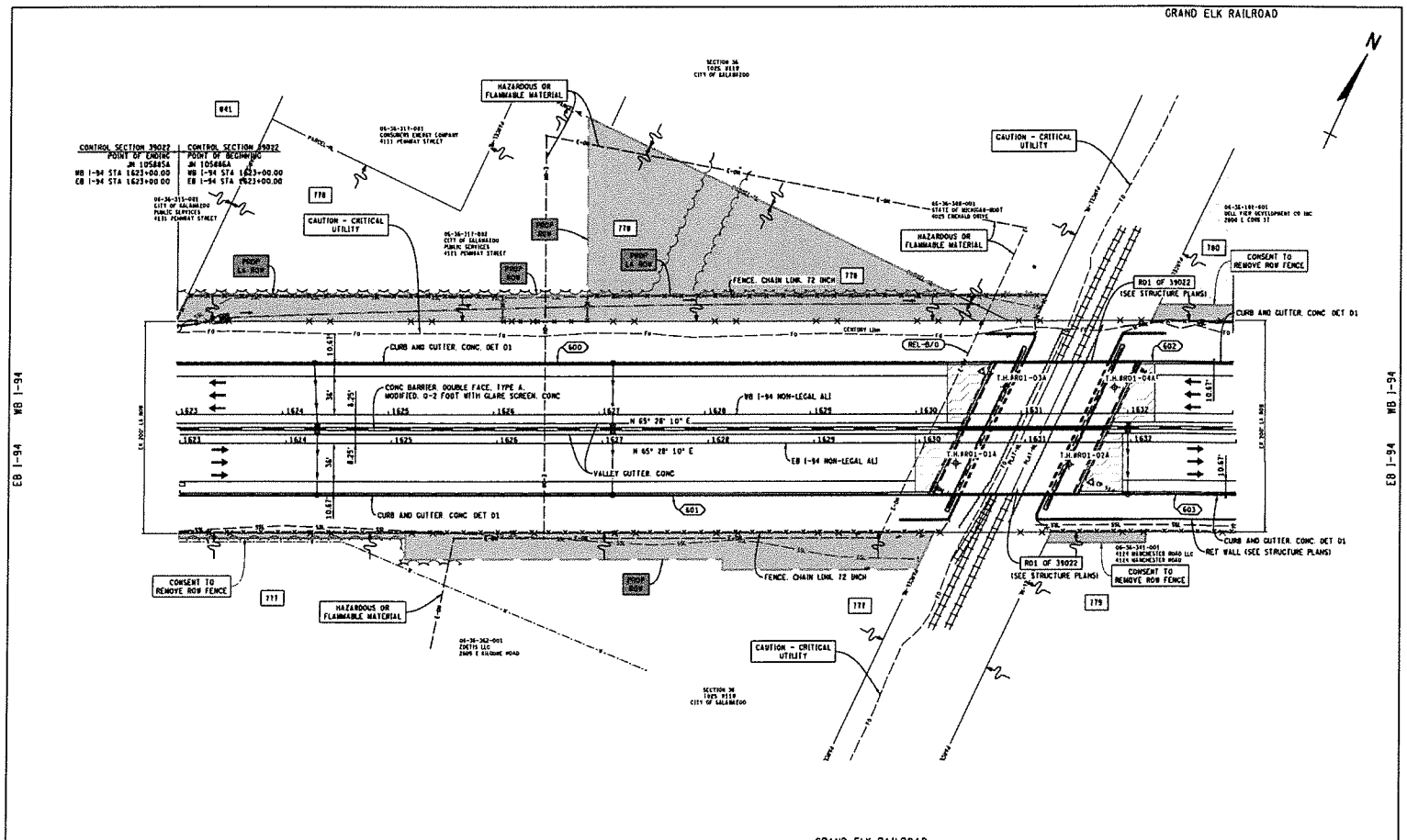
FOR: MDOT Michigan Department of Transportation	
CS: 39022	JN: 105885C
ROUTE: I-94	DATE: 08-10-2020
DRAWN BY: JAB	PARCEL: 778
CHECKED BY: TDT	SHEET: 3 OF 3
PREPARED BY: SURVEYING SOLUTIONS, INC. 1000 S. U.S. 27 ST. JOHNS, MICHIGAN 48879	



GRAND ELK RAILROAD

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

fishbeck | MDOT

0 HORZ. (FT) 60

FILE: 105885_194_CONOD8.dgn

DATE: 06/24/20
DESIGN UNIT: STTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105886A

CONSTRUCTION	DRAWING	SHEET
EB I-94 STA 1623+00 TO STA 1633+00	194 CON 8	SECT 1 173
WB I-94 STA 1623+00 TO STA 1633+00		

Michigan Department
Of Transportation
0631A (02/15)

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY	STATE	ZIP CODE
Kalamazoo	MI	49007

Right(s) to be acquired:			
	$	39,000.00	Fee – Real Property
	$	1,300.00	Easement
	$		Consent
	$		Cost to Cure
Total Compensation	$	**40,300.00**	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below 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 I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of 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 to donate said property and:

  ☐ Waive just compensation and waive the right to an appraisal and property inspection.

  OR

  ☒ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- 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 Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION	PARCEL	NAME
39022	778	City of Kalamazoo Public Services
JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
105886	NA	NA

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105886, Parcel 782
Address: 3602 Van Rick Dr.
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire a Consent over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 782 is itemized below:

Consent	$2,400.00

Accordingly, the total amount that MDOT is offering for your property rights is $2,400.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT 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 have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely,

David Ricard

Digitally signed by: David Ricard
DN: CN = David Ricard email = ricardd@michigan.gov C = US O = Michigan Department of Transportation OU = Real Estate
Date: 2020.10.15 12:46:11 -04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of $2,400.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105886	782	City of Kalamazoo

COMPENSATION SUMMARY

	Square Footage		Price Per Square Foot		Total		Rate of Return or Discount		Total Value	Total Compensation
GRADING	13,854	x	0.80	=	$11,083.20	x	10%	=	$1,108	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
				=				=		
							Total	=	$1,108	$1,200

Total Compensation Offered (Two Years)

TOTAL $2,400

CS:	39022	JN:	105886	PARCEL:	782	NAME:	City of Kalamazoo

CONSENT TO GRADE

MDOT 0640C (11/18)

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
This information required by Act 286, P.A. of 1964, in order to grant Michigan Department of Transportation access to property.

For the sum of Two Thousand, Four Hundred and 00/100 Dollars ($2,400.00)

the grantors City of Kalamazoo Public Services

241 W. South St., Kalamazoo, MI 49007

grant to the Michigan Department of Transportation, whose address is 425 W. Ottawa, P.O. Box 30050, Lansing, MI 48909, consent to grade including, but not limited to, the right to any drainage structure replacement or repair, the right to remove trees, shrubs, and vegetation as necessary in the judgment of the Michigan Department of Transportation and the right of temporary occupancy by public utilities upon a parcel of land situated in the City of Kalamazoo
City/Township
County of Kalamazoo State of Michigan, described as:

See attached legal description.

This consent is effective from beginning to end of construction.
Signed this day of , 20[20]

X
Grantor -
Title -

X
Grantor –
Title –

X
Grantor -
Title -

X
Grantor –
Title –

MDOT reserved its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE		STATIONING
(Part of) 3906-36-268-001		See attached sketches
CONTROL SECTION	PARCEL	NAME
39022	782	City of Kalamazoo Public Services

JOB NO	FEDERAL ITEM NO	FEDERAL PROJECT
105886	N/A	N/A

LEGAL DESCRIPTION

(CONSENT) Parcel 782

CONSENT TO GRADE

Lands Located in the City of Kalamazoo, County of Kalamazoo, described as:

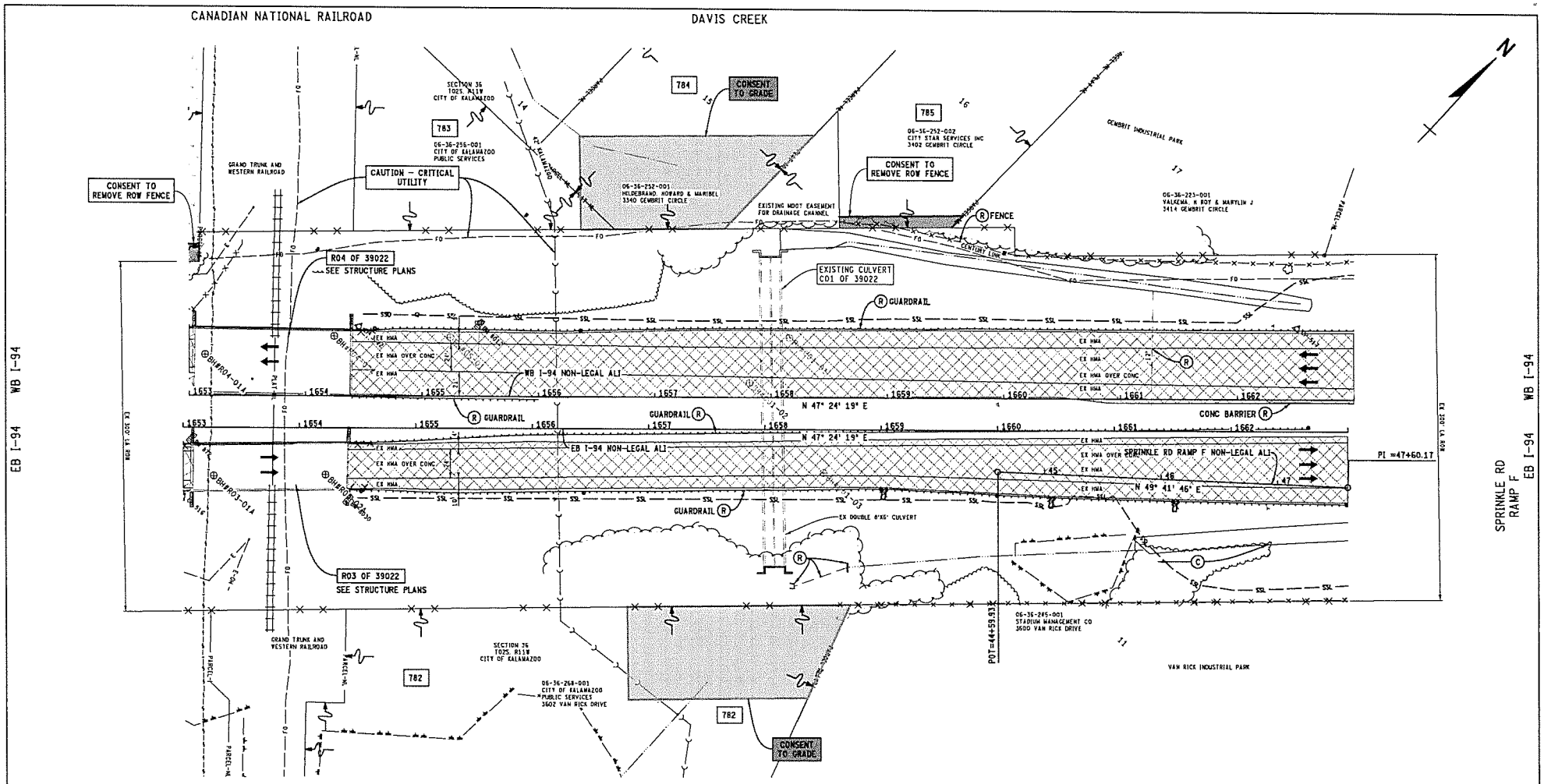
All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Center Post of Section 36, Township 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 15' 41" East along the West line of the Northeast 1/4 of said Section 36 a distance of 66.45 feet to a point on the Legal Alignment of Highway I-94 (per MDOT JN 105885A), said point also being a point on a 5692.87 foot radius curve to the left; thence Northeasterly along said Legal Alignment of Highway I-94 and the arc of said curve to the left an arc distance of 469.04 feet (chord bearing North 49° 06' 47" East, chord distance of 468.91 feet) to the point of tangency of said curve; thence North 46° 45' 10" East along said Legal Alignment of Highway I-94 a distance of 547.06 feet; thence South 43° 14' 50" East perpendicular to said Legal Alignment of Highway I-94 a distance of 150.00 feet to a point on the existing Southeasterly Limited Access right-of-way line of Highway I-94 (restricting all ingress and egress) and the Point of Beginning; thence North 46° 45' 10" East along said existing Southeasterly Limited Access right-of-way line of Highway I-94 a distance of 192.09 feet to the Easterly line of TRACT "A"; thence South 17° 56' 31" East along said Easterly line of TRACT "A" a distance of 88.49 feet; thence South 46° 45' 10" West parallel with said existing Southeasterly Limited Access right-of-way line of Highway I-94 a distance of 154.26 feet; thence North 43° 14' 50" West a distance of 80.00 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands described above for grading purposes contain 13,854 square feet, more or less.

TRACT "A": Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan described as follows:

All that part of the West 1/2 of the Northeast 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, lying Northeasterly of the Grand Trunk Western Railroad right of way and which lies Southerly of a line 150 feet Southerly of (measured at right angles) and parallel to a line described as: Beginning at a point on the East line of said Section 36, which is South 00°31'22" East a distance of 42.56 feet from the Northeast corner of said Section 36; thence South 45°36'38" West a distance of 3100 feet to a Point of Ending and which lies Southwesterly of a line described as: Beginning at a point on the East and West 1/4 line of said Section 36 which is South 89°52'13" West a distance of 1165.05 feet from the East 1/4 corner of said Section 36; thence North 44°28'02" West a distance of 200.00 feet; thence North 31°28'17" West a distance of 200.00 feet; thence North 45°15'32" West a distance of 200.00 feet; thence North 19°05'02" West a distance of 400.00 feet to a Point of Ending.



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

fishbeck

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

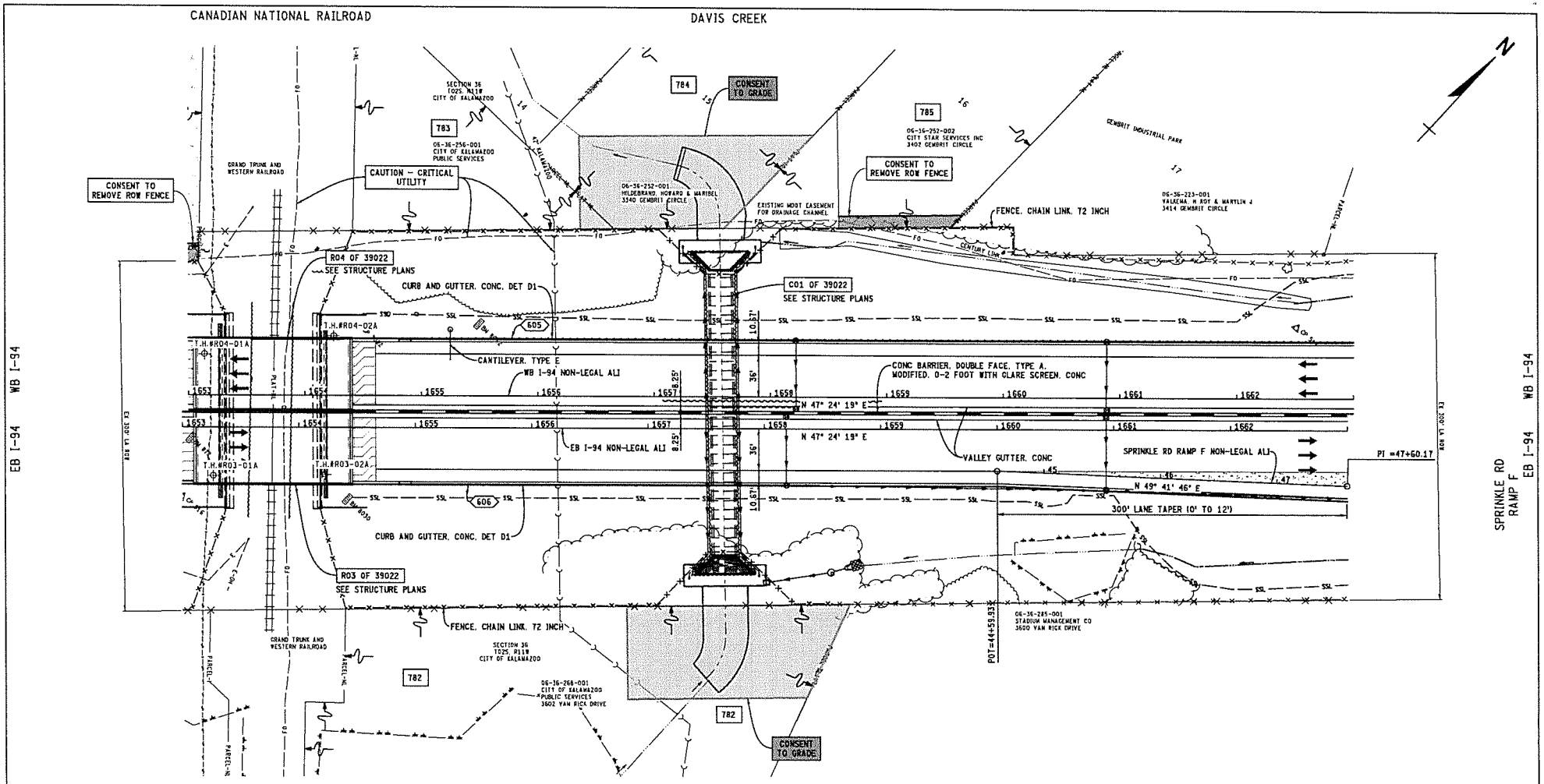
FILE: 105885_194_REM011.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105886A

REMOVAL
EB I-94 STA 1653+00 TO STA 1663+00
WB I-94 STA 1653+00 TO STA 1663+00

DRAWING: 194 REM 11
SHEET: SECT 1 192



CANADIAN NATIONAL RAILROAD DAVIS CREEK

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

fishbeck

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

FILE: 105885_194_CON011.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105886A

CONSTRUCTION	DRAWING	SHEET
EB I-94 STA 1653+00 TO STA 1663+00	194 CON 11	SECT 1
WB I-94 STA 1653+00 TO STA 1663+00		193

MDOT 0626 (11/18)

RELOCATION ELIGIBILITY NOTICE

DISPLACEE: City of Kalamazoo Public Services

Based on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.

NON-RESIDENTIAL

☑ **BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES $ TO BE DETERMINED

OR

FIXED PAYMENT $ TO BE DETERMINED

RESIDENTIAL

☐ **HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING $

LESS ACQUISITION PRICE (125% of fair market value) $

=

MAXIMUM HOUSING SUPPLEMENT $

☐ **RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES $ _____ per month x 42 mo's $

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME $ _____ per month x 42 mo's $

c) RENTAL SUPPLEMENT ("a" minus "b") $

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or $7,200) $

☑ **MOVING EXPENSES**

SELF MOVE - FIXED COST $TO BE DETERMINED

OR

COMMERCIAL MOVE $ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	**Bedrooms**	**Rental Address**	**Bedrooms**

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST	PROPERTY ANALYST SIGNATURE	DATE
David Ricard	David Ricard	10/15/20
REGION AGENT	**ADDRESS**	**PHONE**
Erik T. Kayser	1501 E. Kilgore Rd., Kalamazoo, MI 49001	(269) 337-3964

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105886	782	City of Kalamazoo Public Service

Michigan Department
Of Transportation
0631A (02/15)

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY	STATE	ZIP CODE
Kalamazoo	MI	49007

Right(s) to be acquired:	$	Fee – Real Property
	$	Easement
	$ 2,400.00	Consent
	$	Cost to Cure
Total Compensation	$ **2,400.00**	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below 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 I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of 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 to donate said property and:

  ☒ Waive just compensation and waive the right to an appraisal and property inspection.

  OR

  ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- 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 Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION	PARCEL	NAME
39022	782	City of Kalamazoo Public Services
JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
105886	NA	NA

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105886, Parcel 783
Address: 3330 Gembrit Circle
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire a Consent over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 783 is itemized below:

Consent to Grade	$600.00

Accordingly, the total amount that MDOT is offering for your property rights is $600.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT 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 have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely,

David Ricard

Digitally signed by: David Ricard
DN: CN = David Ricard email = ricardd@michigan.gov C = US O = Michigan Department of Transportation OU = Real Estate
Date: 2020.10.15 13:02:26 -04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of $600.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105886	783	City of Kalamazoo Public Services

COMPENSATION SUMMARY

	Square Footage		Price Per Square Foot		Total		Rate of Return or Discount		Total Value	Total Compensation
GRADING	412	x	0.80	=	$329.60	x	10%	=	$33	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
				=				=		
							Total	=	$33	$300

Total Compensation Offered (Two Years)

TOTAL $600

CS:	39022	JN:	105886	PARCEL:	783	NAME:	City of Kalamazoo

MDOT 0640C (11/18)

CONSENT TO GRADE

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION

This information required by Act 286, P.A. of 1964, in order to grant Michigan Department of Transportation access to property.

For the sum of Six Hundred and 00/100 Dollars ($600.00)

the grantors City of Kalamazoo Public Services

241 W. South St., Kalamazoo, MI 49007

grant to the Michigan Department of Transportation, whose address is 425 W. Ottawa, P.O. Box 30050, Lansing, MI 48909, consent to grade including, but not limited to, the right to any drainage structure replacement or repair, the right to remove trees, shrubs, and vegetation as necessary in the judgment of the Michigan Department of Transportation and the right of temporary occupancy by public utilities upon a parcel of land situated in the City of Kalamazoo.

City/Township

County of Kalamazoo State of Michigan, described as:

See attached legal description.

This consent is effective from beginning to end of construction.

Signed this day of , 20[20]

X _____ X _____

Grantor - Grantor –

Title - Title –

X _____ X _____

Grantor - Grantor –

Title - Title –

MDOT reserved its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE		STATIONING
(Part of) 3906-36-256-001		See attached sketches
CONTROL SECTION	PARCEL	NAME
39022	783	City of Kalamazoo Public Services

JOB NO	FEDERAL ITEM NO	FEDERAL PROJECT
105886	N/A	N/A

LEGAL DESCRIPTION

(CONSENT) Parcel 783

CONSENT TO GRADE

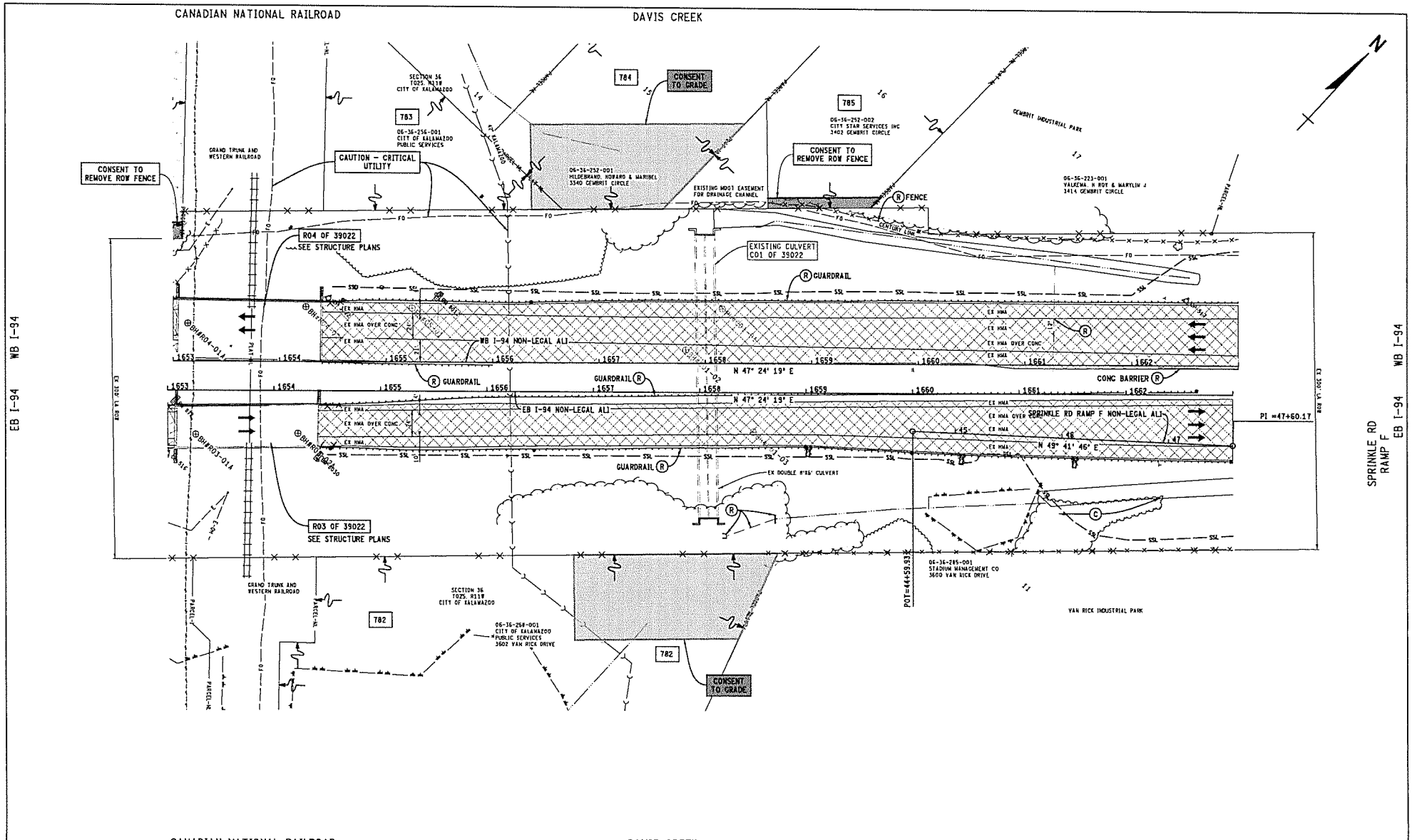
Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Center Post of Section 36, Township 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 15' 41" East along the West line of the Northeast 1/4 of said Section 36 a distance of 66.45 feet to a point on the Legal Alignment of Highway I-94 (per MDOT JN 105885A), said point also being a point on a 5692.87 foot radius curve to the left; thence Northeasterly along said Legal Alignment of Highway I-94 and the arc of said curve to the left an arc distance of 469.04 feet (chord bearing North 49° 06' 47" East, chord distance of 468.91 feet) to the point of tangency of said curve; thence North 46° 45' 10" East along said Legal Alignment of Highway I-94 a distance of 511.83 feet; thence North 43° 14' 50" West perpendicular to said Legal Alignment of Highway I-94 a distance of 175.00 feet to a point on the existing Northwesterly Limited Access right-of-way line of Highway I-94 (restricting all ingress and egress) and the Point of Beginning; thence continuing North 43° 14' 50" West a distance of 80.00 feet; thence North 46° 45' 10" East parallel with said existing Northwesterly Limited Access right-of-way line of Highway I-94 a distance of 201.58 feet to a point on the East line of Lot 15 of the Plat of Gembrit Industrial Park, according to the recorded Plat thereof recorded in Liber 26 of Plats, Page 29, Kalamazoo County Records; thence South 01° 01' 54" West along said East line of Lot 15 of said Plat a distance of 111.74 feet to a point on the existing Northwesterly Limited Access right-of-way line of Highway I-94; thence South 46° 45' 10" West along said existing Northwesterly Limited Access right-of-way line of Highway I-94 a distance of 123.53 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands described above for grading purposes contain 412 square feet, more or less.

TRACT "A": Part of the West 1/2 of the Northeast 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, lying Northeasterly of the Grand Trunk Western Railroad right of way and lying Southerly of a line described as follows: Beginning at a point on the East line of said Section 36, which is South 0°31'22" East a distance of 42.56 feet from the Northeast corner of said Section; thence South 45°36'38" West, 2504.71 feet; thence North 44°23'22" West, 25 feet; thence North 88°25'22" West, 625.57 feet to a Point of Ending and lying Northwesterly of a line 175 feet Northwesterly of (as measured at right angles) and parallel to a line described as: Beginning at a point on the East line of said Section 36 which is South 0°31'22" East a distance of 42.56 feet from the Northeast corner of said Section; thence South 45°36'38" West, 3100 feet to a Point of Ending.



CANADIAN NATIONAL RAILROAD DAVIS CREEK

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

fishbeck MDOT Michigan Department of Transportation

0 HORZ. (FT) 60

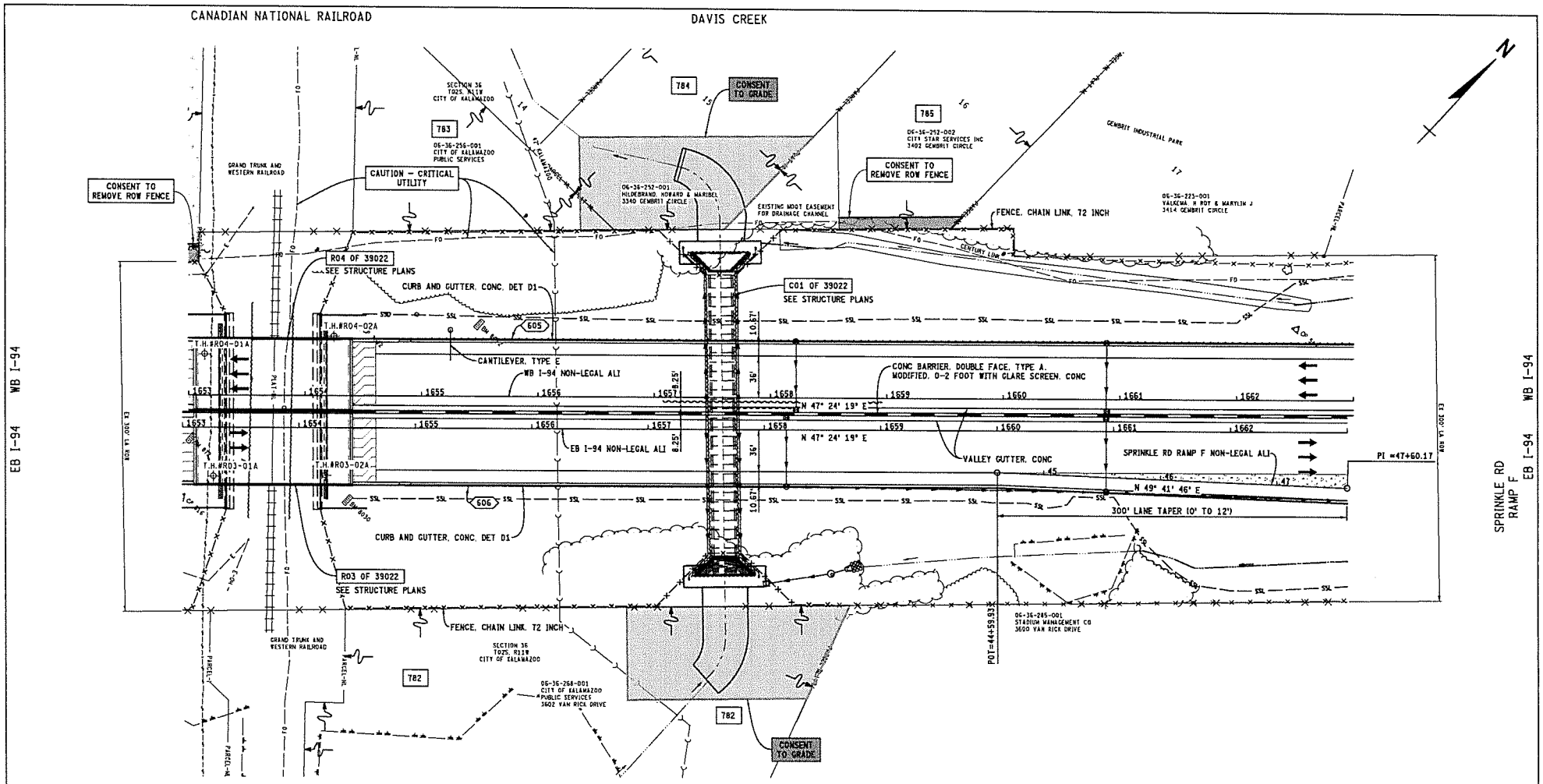
FILE: 105885_I94_REM011.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105886A

REMOVAL
EB I-94 STA 1653+00 TO STA 1663+00
WB I-94 STA 1653+00 TO STA 1663+00

DRAWING: I94 REM 11
SHEET: SECT 1 192



CANADIAN NATIONAL RAILROAD

DAVIS CREEK

FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

fishbeck

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

FILE: 105885_194_CON011.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105886A

CONSTRUCTION	DRAWING	SHEET
EB I-94 STA 1653+00 TO STA 1663+00	194 CON 11	SECT 1 193
WB I-94 STA 1653+00 TO STA 1663+00		

MDOT 0626 (11/18)

RELOCATION ELIGIBILITY NOTICE

DISPLACEE: City of Kalamazoo Public Services

Based on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.

NON-RESIDENTIAL

☑ **BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES $ TO BE DETERMINED

OR

FIXED PAYMENT $ TO BE DETERMINED

RESIDENTIAL

☐ **HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING $

LESS ACQUISITION PRICE (125% of fair market value) $

=

MAXIMUM HOUSING SUPPLEMENT $

☐ **RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES $ _____ per month x 42 mo's $

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME $ _____ per month x 42 mo's $

c) RENTAL SUPPLEMENT ("a" minus "b") $

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or $7,200) $

☑ **MOVING EXPENSES**

SELF MOVE - FIXED COST $TO BE DETERMINED

OR

COMMERCIAL MOVE $ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	**Bedrooms**	**Rental Address**	**Bedrooms**

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST	PROPERTY ANALYST SIGNATURE	DATE
David Ricard	David Ricard	10/15/20
REGION AGENT	ADDRESS	PHONE
Erik T. Kayser	1501 E. Kilgore Rd., Kalamazoo, MI 49001	(269) 337-3964

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105886	783	City of Kalamazoo Public Service

Michigan Department
Of Transportation
0631A (02/15)

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY	STATE	ZIP CODE
Kalamazoo	MI	49007

Right(s) to be acquired:	$	Fee – Real Property
	$	Easement
	$ 600.00	Consent
	$	Cost to Cure
Total Compensation	$ **600.00**	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below 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 I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of 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 to donate said property and:

  ☒ Waive just compensation and waive the right to an appraisal and property inspection.

  OR

  ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- 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 Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION	PARCEL	NAME
39022	783	City of Kalamazoo Public Services
JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
105886	NA	NA

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

September 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105885, Parcel 839
Address: 2300 Dorchester Ave.
County: Kalamazoo

Dear: Mr. Baker,

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire a Consent over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 839 is itemized below:

Consent	$600.00

Accordingly, the total amount that MDOT is offering for your property rights is $600.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT 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 have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely, David Ricard Digitally signed by: David Ricard DN: CN = David Ricard email = ricardd@michigan.gov C = US O = Michigan Department of Transportation OU = Real Estate Date: 2020.10.15 12:38:43 -04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of $600.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	839	City of Kalamazoo

COMPENSATION SUMMARY

	Square Footage		Price Per Square Foot		Total		Rate of Return or Discount		Total Value	Total Compensation
GRADING	255	x	1.28	=	$326.40	x	10%	=	$33	$300
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
				=				=		
							Total	=	$33	$300

Total Compensation Offered (Two Years)

TOTAL $600

CS:	39022	JN:	105885	PARCEL:	839	NAME:	City of Kalamazoo

CONSENT TO GRADE

MDOT 0640C (11/18)

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
This information required by Act 286, P.A. of 1964, in order to grant Michigan Department of Transportation access to property.

For the sum of Six Hundred and 00/100 Dollars ($600.00)

the grantors City of Kalamazoo Public Services

241 W. South St., Kalamazoo, MI 49007

grant to the Michigan Department of Transportation, whose address is 425 W. Ottawa, P.O. Box 30050, Lansing, MI 48909, consent to grade including, but not limited to, the right to any drainage structure replacement or repair, the right to remove trees, shrubs, and vegetation as necessary in the judgment of the Michigan Department of Transportation and the right of temporary occupancy by public utilities upon a parcel of land situated in the City of Kalamazoo.
City/Township
County of Kalamazoo State of Michigan, described as:

See attached legal description.

This consent is effective from beginning to end of construction.
Signed this day of , 20[20]

X
Grantor -
Title -

X
Grantor –
Title –

X
Grantor -
Title -

X
Grantor –
Title –

MDOT reserved its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE		STATIONING
(Part of) 3906-36-320-001		See attached sketches
CONTROL SECTION	PARCEL	NAME
39022	839	City of Kalamazoo Public Services

JOB NO	FEDERAL ITEM NO	FEDERAL PROJECT
105885	N/A	N/A

LEGAL DESCRIPTION

(CONSENT)

Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

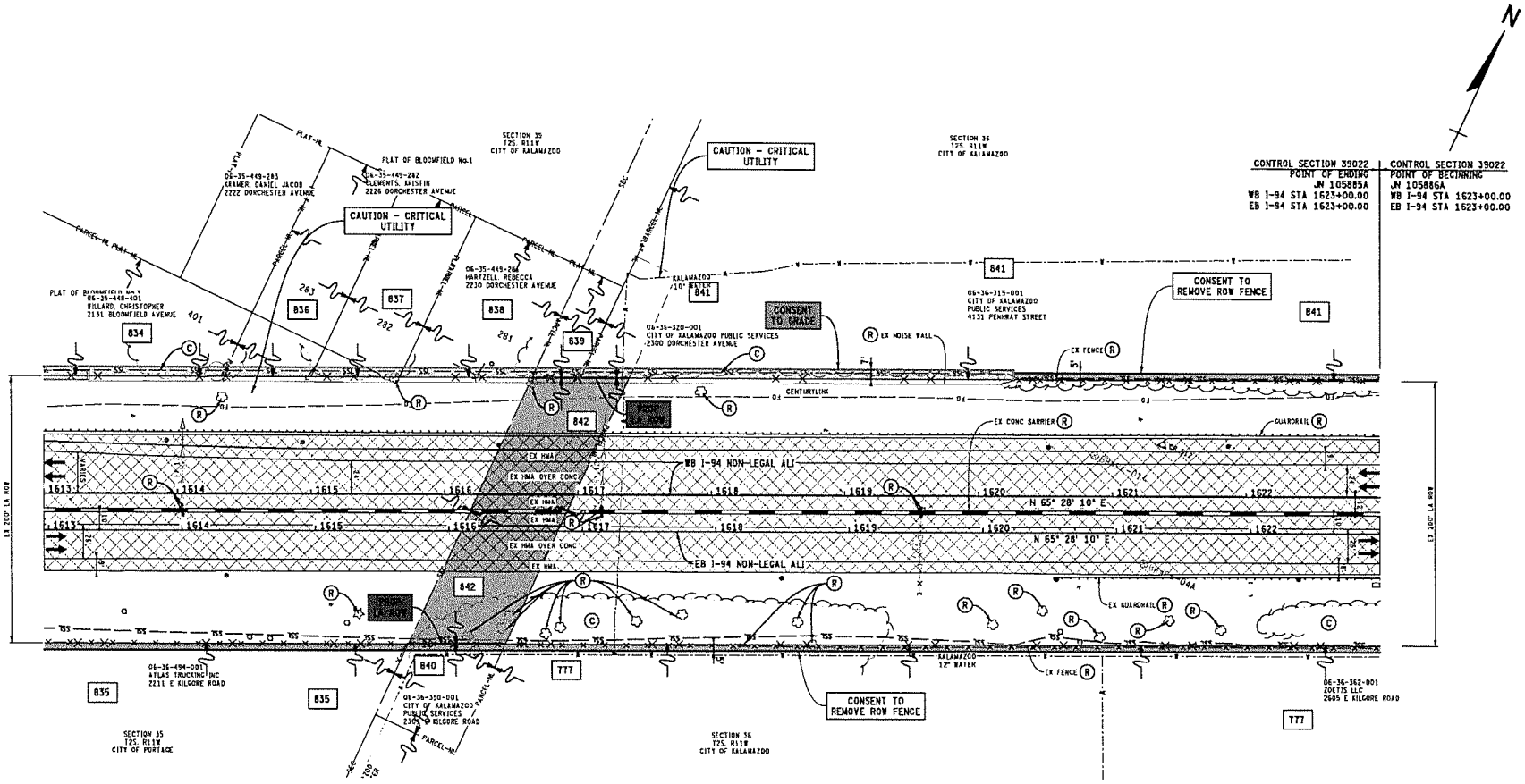
All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Southeast corner of Section 35, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the East line of the Southeast 1/4 of said Section 36 a distance of 1373.60 feet to a point on the existing Northwesterly Limited Access Right-of-Way line of Highway I-94 and the Point of Beginning; thence South 65° 28' 04" West along said existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 1023.20 feet; thence South 68° 25' 00" West along the existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 425.57 feet; thence continuing along said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange South 73° 38' 51" West a distance of 252.58 feet; thence continuing along said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange South 87° 12' 30" West a distance of 223.64 feet; thence continuing along said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange North 88° 58' 16" West a distance of 356.52 feet to the West line of Outlet "F" of the Plat of Bloomfield No. 2, recorded in 19 of Plats, Page 31, Kalamazoo County Records; thence North 00° 37' 34" East along said West line of Outlet "F" of the Plat of Bloomfield No. 2 a distance of 3.00 feet; South 88° 58' 16" East parallel with the existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 356.44 feet; thence North 87° 12' 30" East parallel with said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 99.77 feet; thence North 00° 37' 34" East a distance of 2.00 feet; thence North 73° 38' 51" East parallel with said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 259.96 feet; thence North 68° 25' 00" East parallel with said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 425.07 feet; thence North 65° 28' 04" East parallel with the existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 1026.59 feet to a point on the East line of the Southeast 1/4 of said Section 36; thence South 00° 28' 40" West along said East line of the Southeast 1/4 of said Section 36 a distance of 7.72 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands described above for grading purposes contain 255 square feet, more or less.

TRACT "A": East 33 feet of Lot 281 of the Plat of Bloomfield No. 1, Kalamazoo County Records.

This is not part of the Tract "A" description for MDOT Parcel 239. This is note to show an error in the legal description for TIN # 3906-36-315-001 (being MDOT Parcel 841) – the property legal description for TIN # 3906-36-320-001 covers property described in the legal description for TIN # 3906-36-315-001 (MDOT Parcel 841). I think the legal description for TIN # 3906-36-315-001 (MDOT Parcel 841) should read as follows: Beginning in the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan, which is 33 feet East of the West line of Section 36; thence East 540 feet along said North line; thence South 343.87 feet parallel to said West line to the North line of Highway US12 (Kalamazoo South Belt); thence Southwesterly thereon to the West line of Section 36; thence North along said West line to a point 33 feet West and 525.08 feet South of the Place of Beginning; thence East 33 feet; thence North 525.08 feet to the Point of Beginning, EXCEPT the East 33 feet of Lot 281 of the Plat of Bloomfield No. 1.



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

AECOM

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

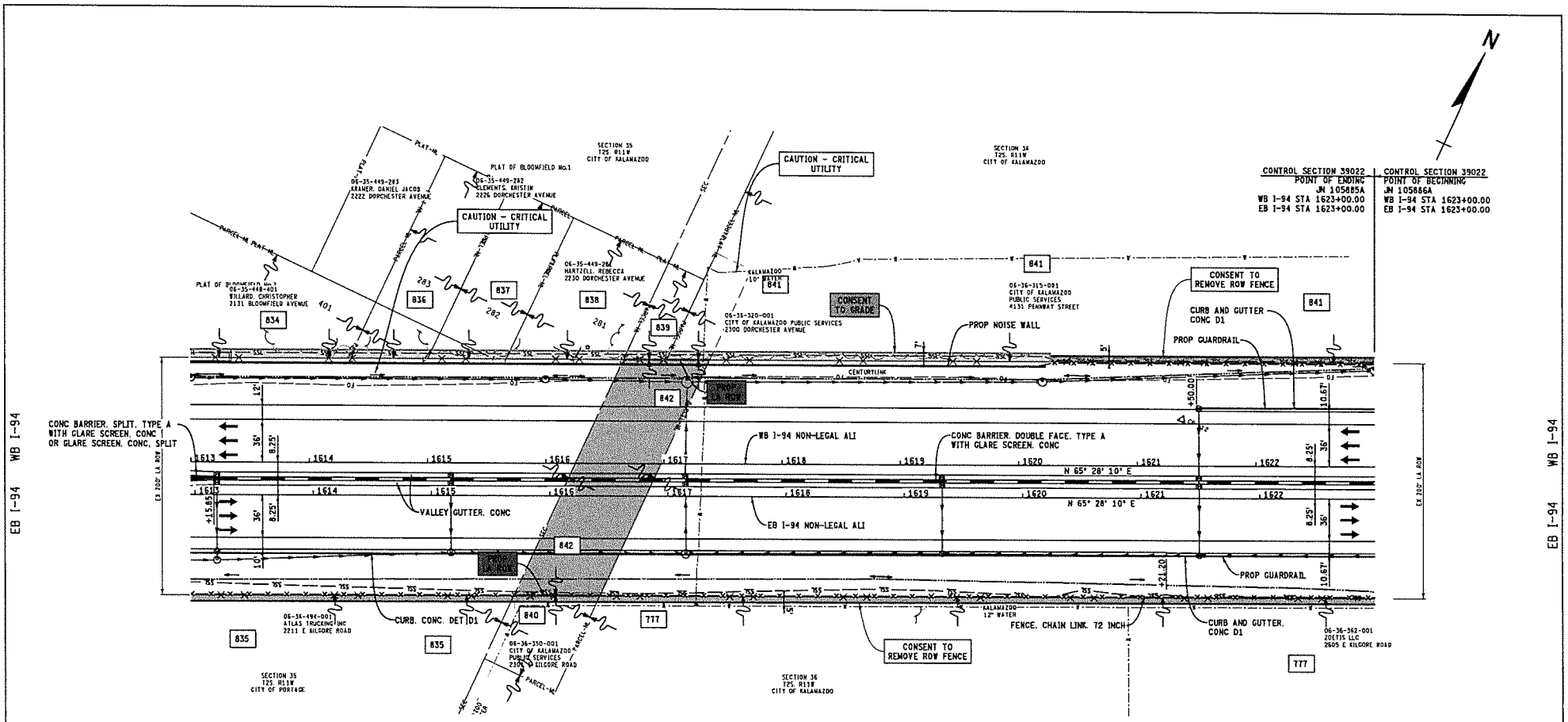
FILE: 105885_I-94_161300.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105885A

REMOVAL
EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

DRAWING: 194 REM 7
SHEET: SECT 1 164



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

AECOM

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

FILE: 105885_I-94_161300.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
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CS: 39022
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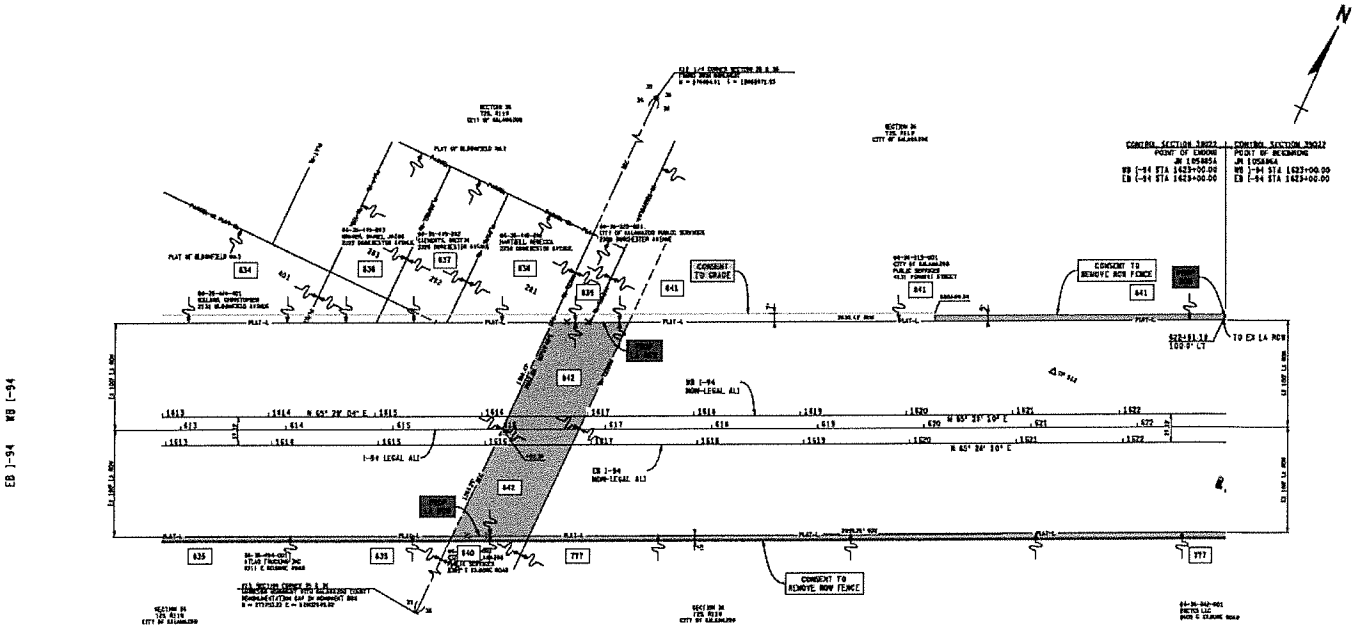
REMOVAL
EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

DRAWING: 194 REM 7
SHEET: SECT 1 165

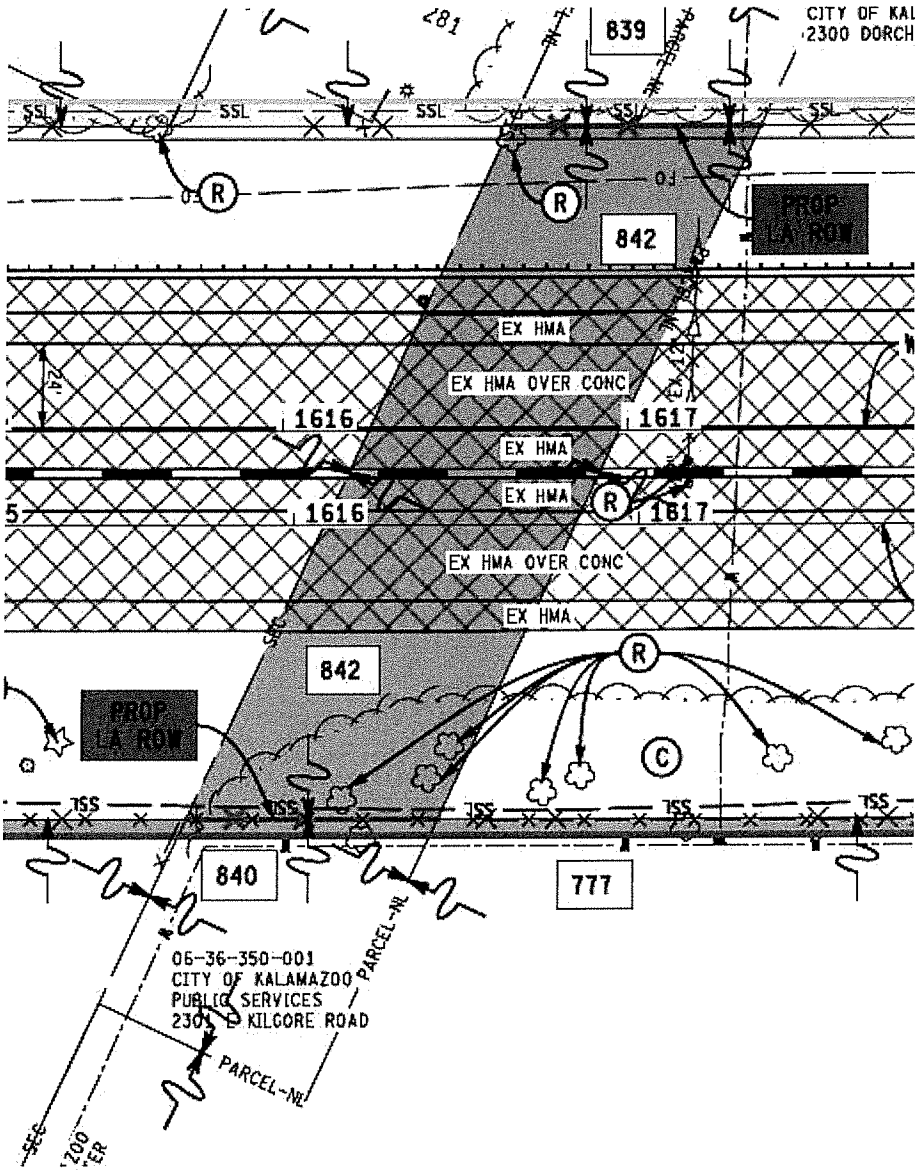
SUBJECT SKETCH



ALIGNMENT SHEET

CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	839	City of Kalamazoo

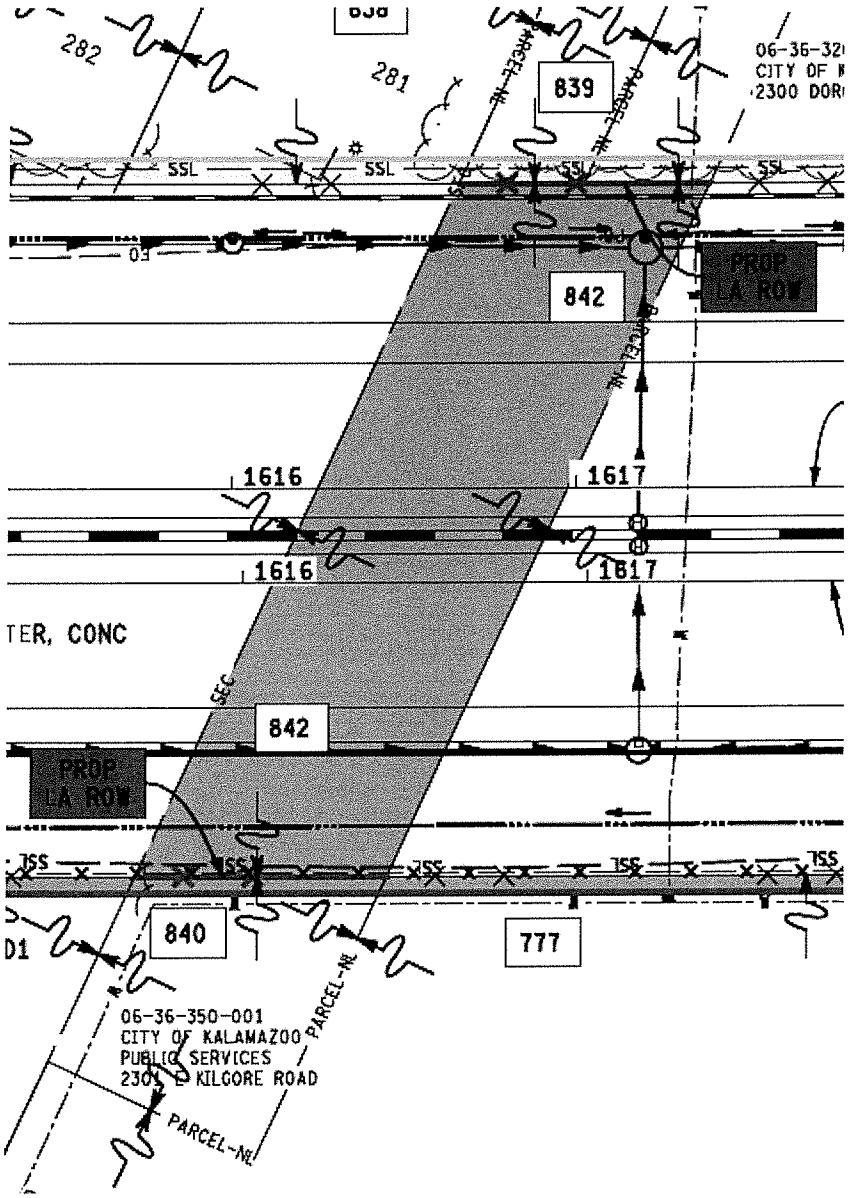
SUBJECT SKETCH



REMOVAL SHEET

CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	839	City of Kalamazoo

SUBJECT SKETCH



CONSTRUCTION SHEET

CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	839	City of Kalamazoo

MDOT 0626 (11/18)

RELOCATION ELIGIBILITY NOTICE

DISPLACEE: City of Kalamazoo Public Services

Based on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.

NON-RESIDENTIAL

☑ **BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES $ TO BE DETERMINED

OR

FIXED PAYMENT $ TO BE DETERMINED

RESIDENTIAL

☐ **HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING $

LESS ACQUISITION PRICE (125% of fair market value) $

=

MAXIMUM HOUSING SUPPLEMENT $

☐ **RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES $ _____ per month x 42 mo's $

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME $ _____ per month x 42 mo's $

c) RENTAL SUPPLEMENT ("a" minus "b") $

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or $7,200) $

☑ **MOVING EXPENSES**

SELF MOVE - FIXED COST $TO BE DETERMINED

OR

COMMERCIAL MOVE $ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	**Bedrooms**	**Rental Address**	**Bedrooms**

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST	PROPERTY ANALYST SIGNATURE	DATE
David Ricard	David Ricard	10/15/20
REGION AGENT	**ADDRESS**	**PHONE**
Erik T. Kayser	1501 E. Kilgore Rd., Kalamazoo, MI 49001	(269) 337-3964

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	839	City of Kalamazoo Public Servic

Michigan Department
Of Transportation
0631A (02/15)

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY	STATE	ZIP CODE
Kalamazoo	MI	49007

Right(s) to be acquired:	$	Fee – Real Property
	$	Easement
	$ 600.00	Consent
	$	Cost to Cure
Total Compensation	$ **600.00**	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below 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 I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of 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 to donate said property and:

  ☒ Waive just compensation and waive the right to an appraisal and property inspection.

  OR

  ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- 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 Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION	PARCEL	NAME
39022	839	City of Kalamazoo Public Services
JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
105885	NA	NA

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105885, Parcel 840
Address: 2301 E. Kilgore Rd.
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire a Consent over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 840 is itemized below:

Consent to Remove ROW Fence	$600.00

Accordingly, the total amount that MDOT is offering for your property rights is $600.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT 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 have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely,

David Ricard

Digitally signed by: David Ricard
DN: CN = David Ricard email = ricardd@michigan.gov C = US O = Michigan Department of Transportation OU = Real Estate
Date: 2020.10.15 12:45:23 -04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of $600.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	840	City of Kalamazoo Public Services

COMPENSATION SUMMARY

	Square Footage		Price Per Square Foot		Total		Rate of Return or Discount		Total Value	Total Compensation
GRADING	402	x	0.80	=	$321.60	x	10%	=	$32	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
				=				=		
							Total	=	$32	$300

Total Compensation Offered (Two Years)

TOTAL $600

CS:	39022	JN:	105885	PARCEL:	840	NAME:	City of Kalamazoo

CONSENT TO GRADE

MDOT 0640C (11/18)

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
This information required by Act 286, P.A. of 1964, in order to grant Michigan Department of Transportation access to property.

For the sum of Six Hundred and 00/100 Dollars ($600.00)

the grantors City of Kalamazoo Public Services

241 W. South St., Kalamazoo, MI 49007

grant to the Michigan Department of Transportation, whose address is 425 W. Ottawa, P.O. Box 30050, Lansing, MI 48909, consent to Remove R.O.W. Fence including, but not limited to, the right to any drainage structure replacement or repair, the right to remove trees, shrubs, and vegetation as necessary in the judgment of the Michigan Department of Transportation and the right of temporary occupancy by public utilities upon a parcel of land situated in the City of Kalamazoo.
City/Township
County of Kalamazoo State of Michigan, described as:

See attached legal description.

This consent is effective from beginning to end of construction.
Signed this day of , 20[20]

X _____
Grantor -
Title -

X _____
Grantor –
Title –

X _____
Grantor -
Title -

X _____
Grantor –
Title –

MDOT reserved its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE		STATIONING
(Part of) 3906-36-350-001		See attached sketches
CONTROL SECTION	PARCEL	NAME
39022	840	City of Kalamazoo Public Services

JOB NO	FEDERAL ITEM NO	FEDERAL PROJECT
105885	N/A	N/A

LEGAL DESCRIPTION

(CONSENT)

CONSENT TO REMOVE R.O.W. FENCE

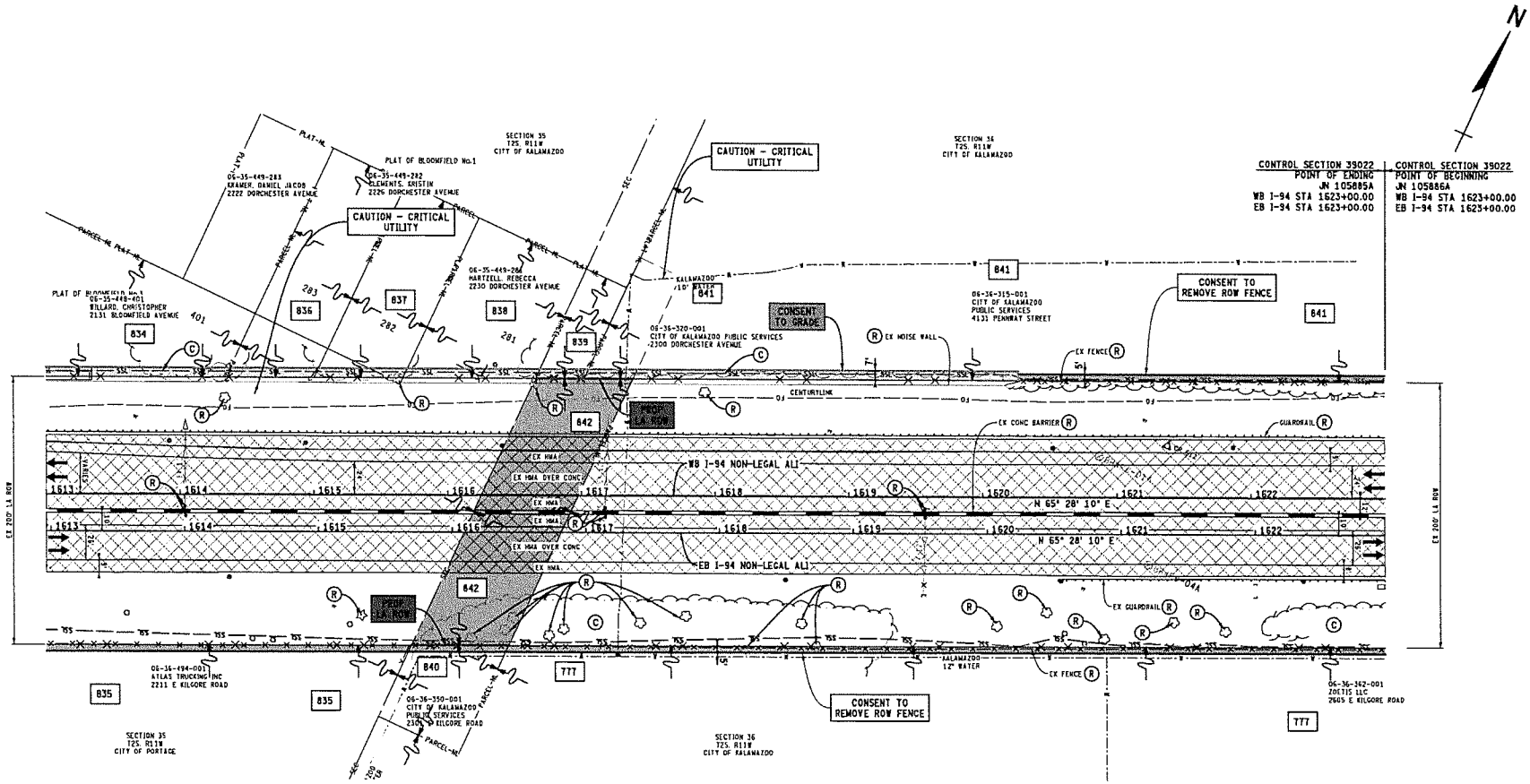
Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

A consent to remove the existing right-of-way fence, over and across the following described TRACT "A", said consent area for right-of-way fence removal is more particularly described as follows: Commencing at the Southwest corner of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the West line of the Southwest 1/4 of said Section 36 a distance of 1152.91 feet to a point on the existing Southeasterly Limited Access Right-of-Way line of Highway I-94 and the Point of Beginning; thence North 65° 28' 04" East on said existing Southeasterly Limited Access Right-of-Way line of Highway I-94 a distance of 72.83 feet to a point on the East line of the West 66.00 feet to the Southwest 1/4 of said Section 36; thence South 00° 28' 40" West along said East line of the West 66.00 feet to the Southwest 1/4 of Section 36 a distance of 5.52 feet; thence South 65° 28' 04" West parallel to said existing Southeasterly Limited Access Right-of-Way line of Highway I-94 a distance of 72.83 feet to a point on the West line of Southwest 1/4 of said Section 36; thence North 00° 28' 40" East along said West line of the Southwest 1/4 of Section 36 a distance of 5.52 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands above described for Right-of-Way fence removal contain 402 square feet, more or less.

TRACT "A": Commencing at a point 66 rods North of the Southwest corner of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence running thence East 66 feet; thence North to the Southerly line of US-12 Kalamazoo South Belt, thence Southwesterly along said Highway to the West line of said Section; thence Southerly along said Section line to the Beginning.



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

AECOM

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

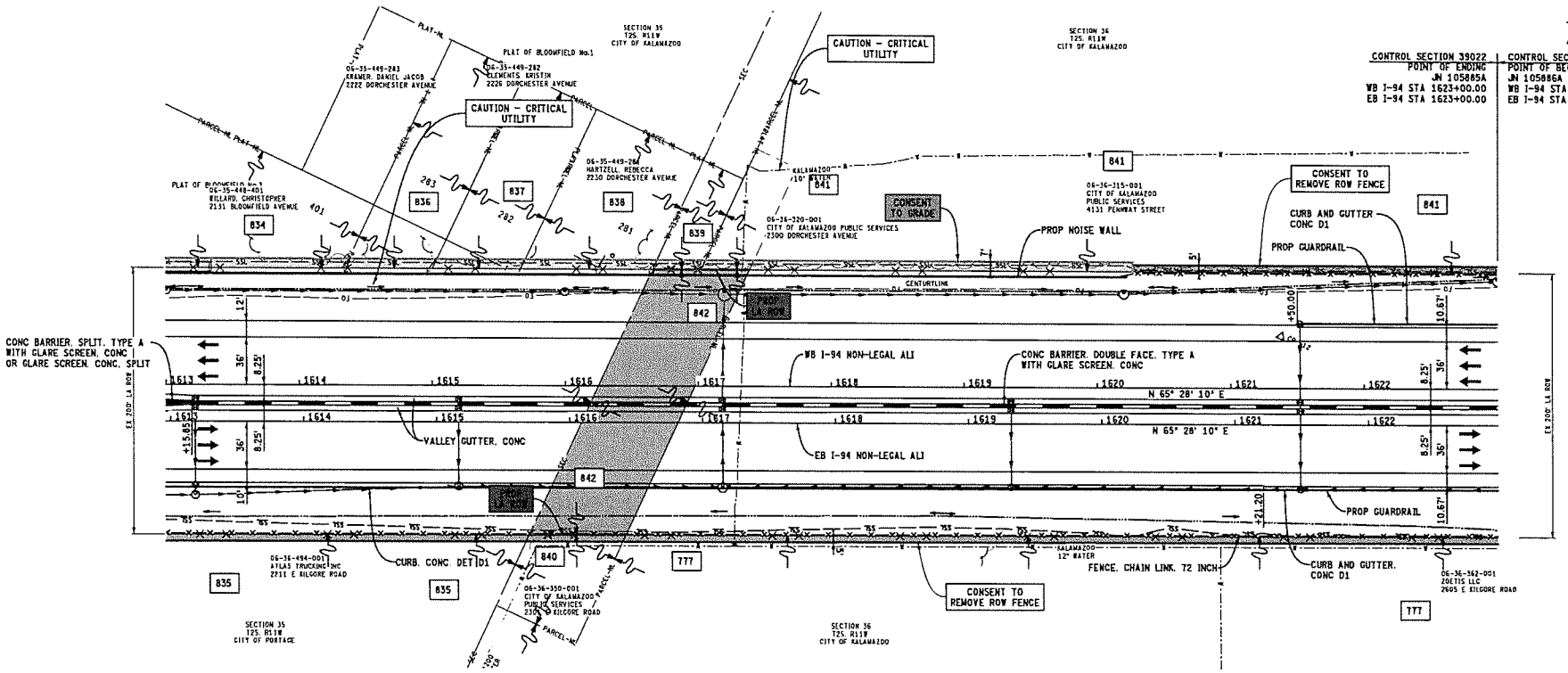
FILE: 105885_I-94_161300.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105885A

REMOVAL
EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

DRAWING: 194 REM 7
SHEET: SECT 1 164



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

AECOM

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

FILE: 105885_I-94_161300.dgn

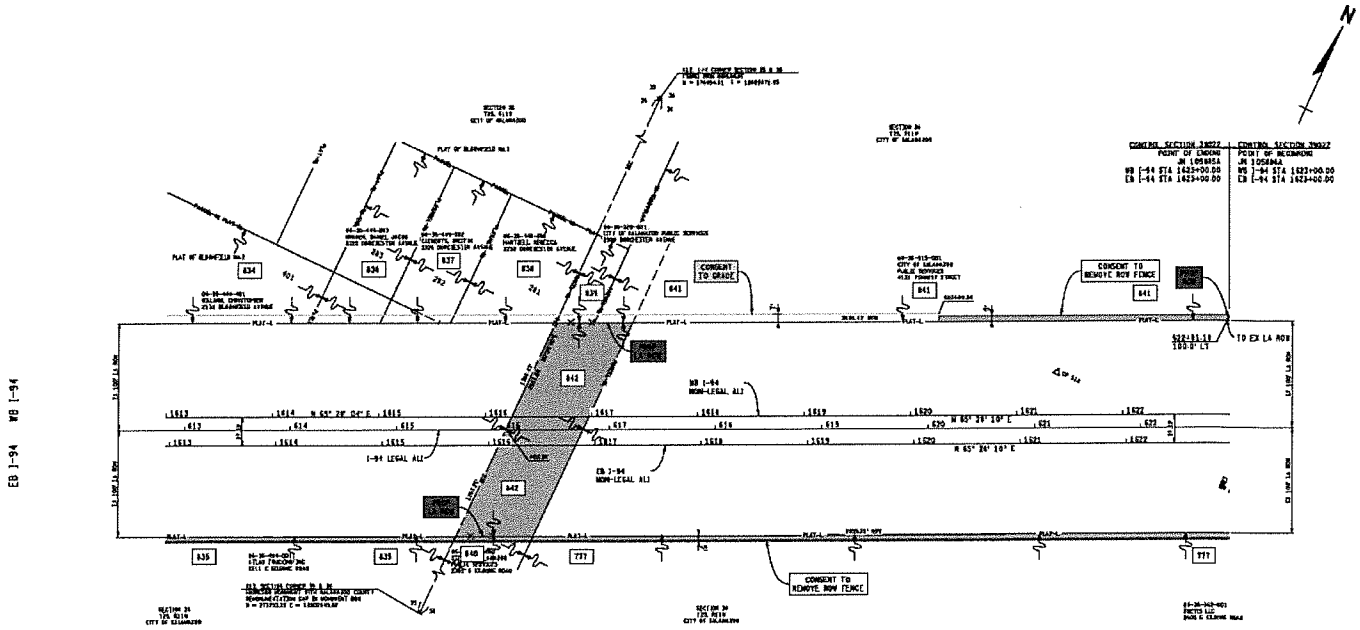
DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105885A

REMOVAL
EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

DRAWING	SHEET
194 REM 7	SECT 1 165

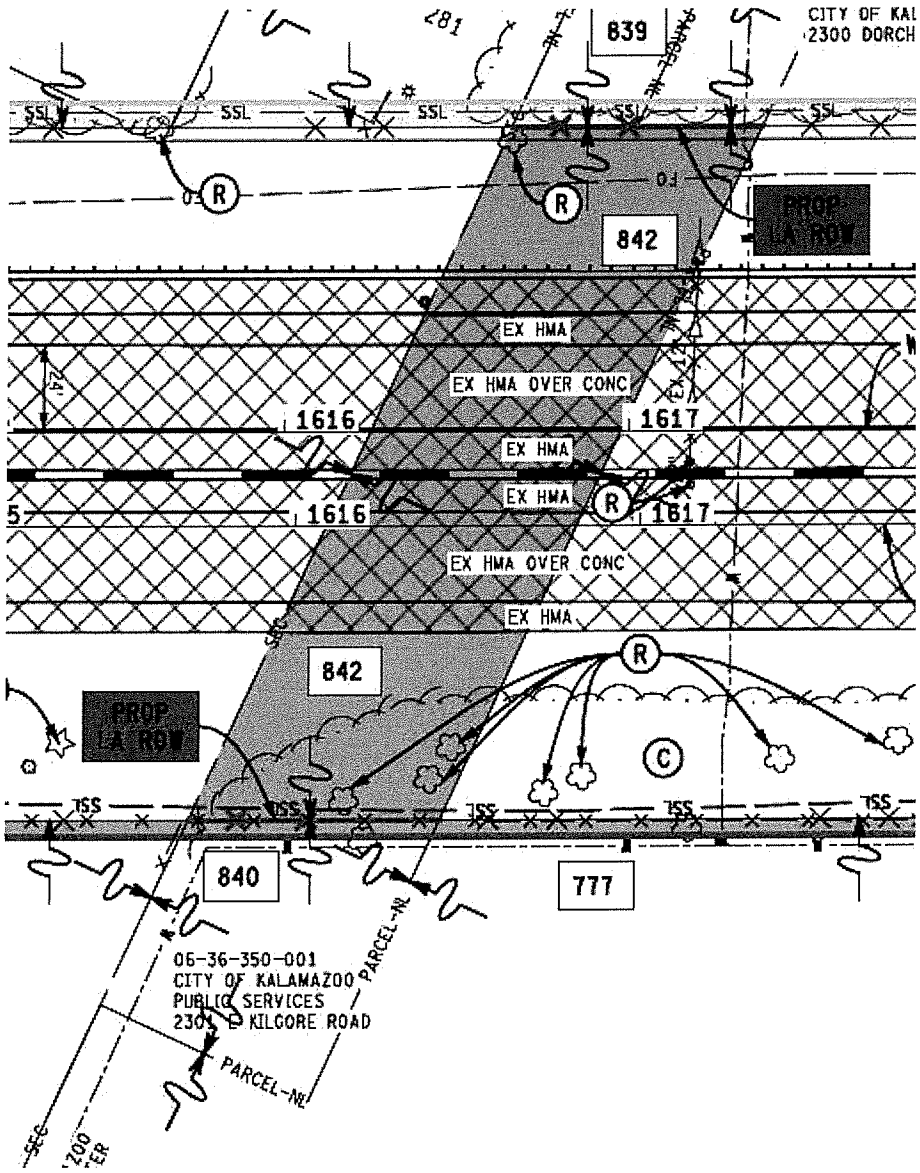
SUBJECT SKETCH



ALIGNMENT SHEET

CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	840	City of Kalamazoo

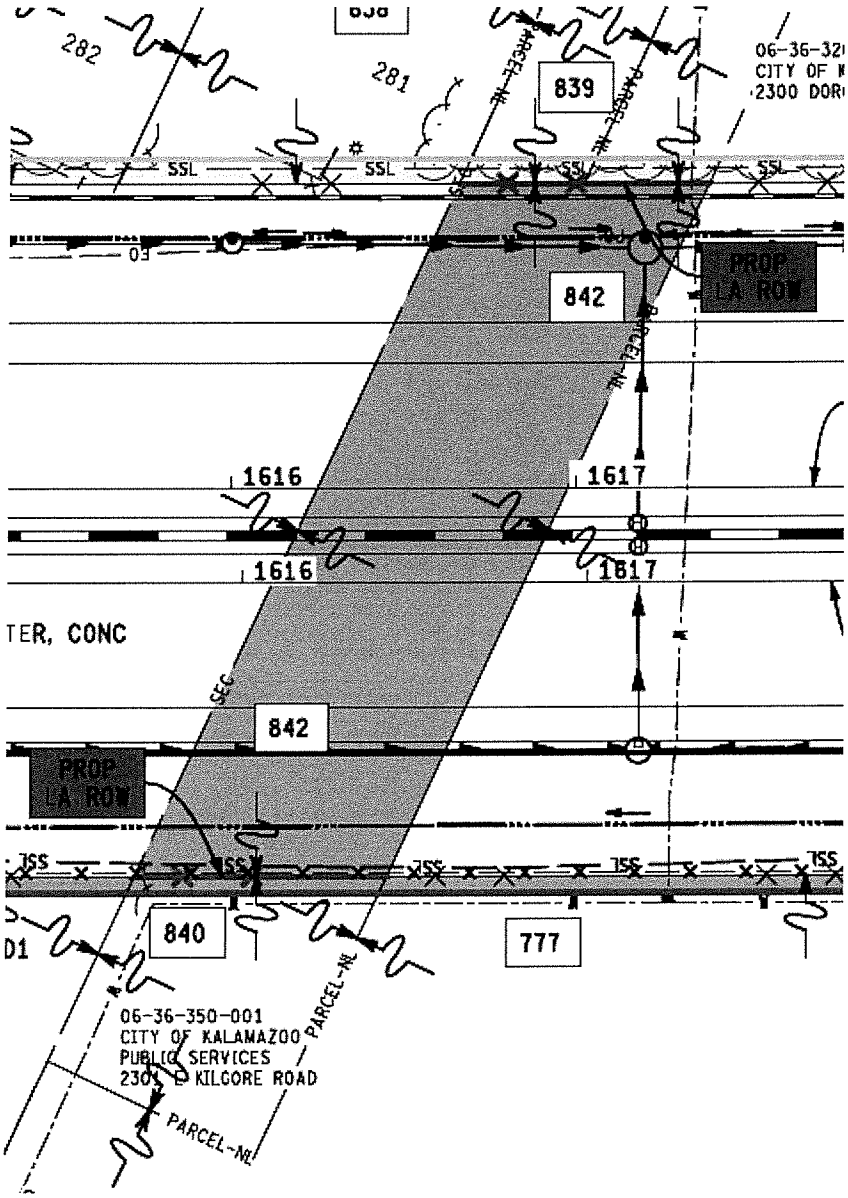
SUBJECT SKETCH



REMOVAL SHEET

CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	840	City of Kalamazoo

SUBJECT SKETCH



CONSTRUCTION SHEET

CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	840	City of Kalamazoo

MDOT 0626 (11/18)

RELOCATION ELIGIBILITY NOTICE

DISPLACEE: City of Kalamazoo Public Services

Based on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.

NON-RESIDENTIAL

☑ **BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES $ TO BE DETERMINED

OR

FIXED PAYMENT $ TO BE DETERMINED

RESIDENTIAL

☐ **HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING $

LESS ACQUISITION PRICE (125% of fair market value) $

=

MAXIMUM HOUSING SUPPLEMENT $

☐ **RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES $ _____ per month x 42 mo's $

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME $ _____ per month x 42 mo's $

c) RENTAL SUPPLEMENT ("a" minus "b") $

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or $7,200) $

☑ **MOVING EXPENSES**

SELF MOVE - FIXED COST $TO BE DETERMINED

OR

COMMERCIAL MOVE $ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	**Bedrooms**	**Rental Address**	**Bedrooms**

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST	PROPERTY ANALYST SIGNATURE	DATE
David Ricard	David Ricard	10/15/20
REGION AGENT	**ADDRESS**	**PHONE**
Erik T. Kayser	1501 E. Kilgore Rd., Kalamazoo, MI 49001	(269) 337-3964

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	840	City of Kalamazoo Public Service

Michigan Department
Of Transportation
0631A (02/15)

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY	STATE	ZIP CODE
Kalamazoo	MI	49007

Right(s) to be acquired:		
	$	Fee – Real Property
	$	Easement
	$ 600.00	Consent
	$	Cost to Cure
Total Compensation	$ **600.00**	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below 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 I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of 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 to donate said property and:
  - ☒ Waive just compensation and waive the right to an appraisal and property inspection.

    OR

  - ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- 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 Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION	PARCEL	NAME
39022	840	City of Kalamazoo Public Services
JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
105885	NA	NA

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105885, Parcel 841
Address: 4131 Pennway St.
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire two Consents over your property as described in the attached legal descriptions.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 841 is itemized below:

Consent to Grade & Consent to Remove ROW Fence	$600.00

Accordingly, the total amount that MDOT is offering for your property rights is $600.00.

Please note that this offer is valid only until November 16, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT 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 have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely,

David Ricard

Digitally signed by: David Ricard
DN: CN = David Ricard email = ricardd@michigan.gov C = US O = Michigan Department of Transportation OU = Real Estate
Date: 2020.10.15 12:42:22 -04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of $600.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	841	City of Kalamazoo Public Services

COMPENSATION SUMMARY

	Square Footage		Price Per Square Foot		Total		Rate of Return or Discount		Total Value	Total Compensation
GRADING	2,259	x	0.80	=	$1,807.20	x	10%	=	$181	
GRADING	1,364	x	0.80	=	$1,091.20	x	10%	=	$109	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
				=				=		
							Total	=	$290	$300

Total Compensation Offered (Two Years)

TOTAL $600

CS:	39022	JN:	105885	PARCEL:	841	NAME:	City of Kalamazoo

CONSENT TO GRADE

MDOT 0640C (11/18)

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
This information required by Act 286, P.A. of 1964, in order to grant Michigan Department of Transportation access to property.

For the sum of Six Hundred and 00/100 Dollars ($600.00)

the grantors City of Kalamazoo Public Services

241 W. South St., Kalamazoo, MI 49007

grant to the Michigan Department of Transportation, whose address is 425 W. Ottawa, P.O. Box 30050, Lansing, MI 48909, consent to grade & Consent to Remove ROW Fence including, but not limited to, the right to any drainage structure replacement or repair, the right to remove trees, shrubs, and vegetation as necessary in the judgment of the Michigan Department of Transportation and the right of temporary occupancy by public utilities upon a parcel of land situated in the City of Kalamazoo
City/Township
County of Kalamazoo State of Michigan, described as:

See attached legal descriptions.

This consent is effective from beginning to end of construction.
Signed this day of , 20[20]

X _____
Grantor -
Title -

X _____
Grantor –
Title –

X _____
Grantor -
Title -

X _____
Grantor –
Title –

MDOT reserved its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE		STATIONING
(Part of) 3906-36-315-001		See attached sketches
CONTROL SECTION	PARCEL	NAME
39022	841	City of Kalamazoo Public Services

JOB NO	FEDERAL ITEM NO	FEDERAL PROJECT
105885	N/A	N/A

LEGAL DESCRIPTION

(CONSENTS)

CONSENT TO GRADE

Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Southwest corner of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the West line of the Southwest 1/4 of said Section 36 a distance of 1373.60 feet to a point on the existing Northwesterly Limited Access Right-of-Way line of Highway I-94 and the Point of Beginning; thence continuing North 00° 28' 40" East along the West line of the Southwest 1/4 of said Section 36 a distance of 7.72 feet; thence North 65° 28' 04" East parallel with the existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 357.44 feet; South 24° 28' 04" East perpendicular to said existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 7.00 feet to a point on said existing Northwesterly Limited Access Right-of-Way line of Highway I-94; thence South 65° 28' 04" West along said existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 360.70 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands described above for grading purposes contain 2,259 square feet, more or less.

TRACT "A": Beginning in the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan, which is 33 feet East of the West line of Section 36; thence East 540 feet along said North line; thence South 343.87 feet parallel to said West line to the North line of Highway US12 (Kalamazoo South Belt); thence Southwesterly thereon to the West line of Section 36; thence North along said West line to a point 33 feet West and 525.08 feet South of the Place of Beginning; thence East 33 feet; thence North 525.08 feet to the Point of Beginning.

CONSENT TO REMOVE R.O.W. FENCE

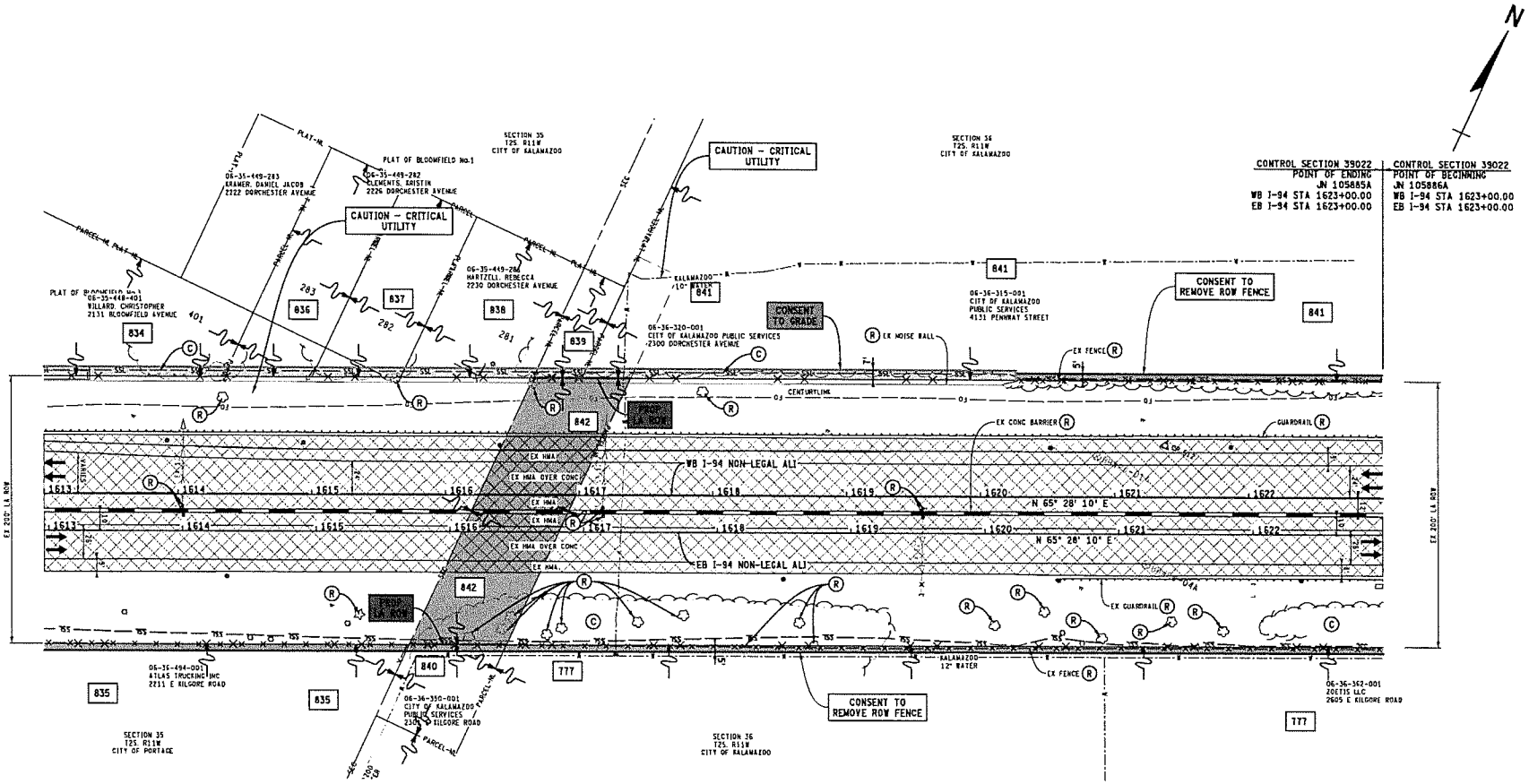
Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

A consent to remove the existing right-of-way fence, over and across the following described TRACT "A", said consent area for right-of-way fence removal is more particularly described as follows: Commencing at the Southwest corner of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the West line of the Southwest 1/4 of said Section 36 a distance of 1373.60 feet to a point on the existing Northwesterly Limited Access Right-of-Way line of Highway I-94; thence North 65° 28' 04" East on said existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 360.70 feet and the Point of Beginning; thence North 24° 31' 56" West perpendicular to said existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 5.00 feet; thence North 65° 28' 04" East parallel with the existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 273.91 feet to a point on the East line of the West 573.00 feet of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 36; thence South 00° 28' 40" West along the East line of the West 573.00 feet of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 36 a distance of 5.52 feet to a point on the existing Northwesterly Limited Access Right-of-Way line of Highway I-94; thence South 65° 28' 04" West along said existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 271.58 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands above described for Right-of-Way fence removal contain 1,364 square feet, more or less.

TRACT "A": Beginning in the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan, which is 33 feet East of the West line of Section 36; thence East 540 feet along said North line; thence South 343.87 feet parallel to said West line to the North line of Highway US12 (Kalamazoo South Belt); thence Southwesterly thereon to the West line of Section 36; thence North along said West line to a point 33 feet West and 525.08 feet South of the Place of Beginning; thence East 33 feet; thence North 525.08 feet to the Point of Beginning.



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

AECOM

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

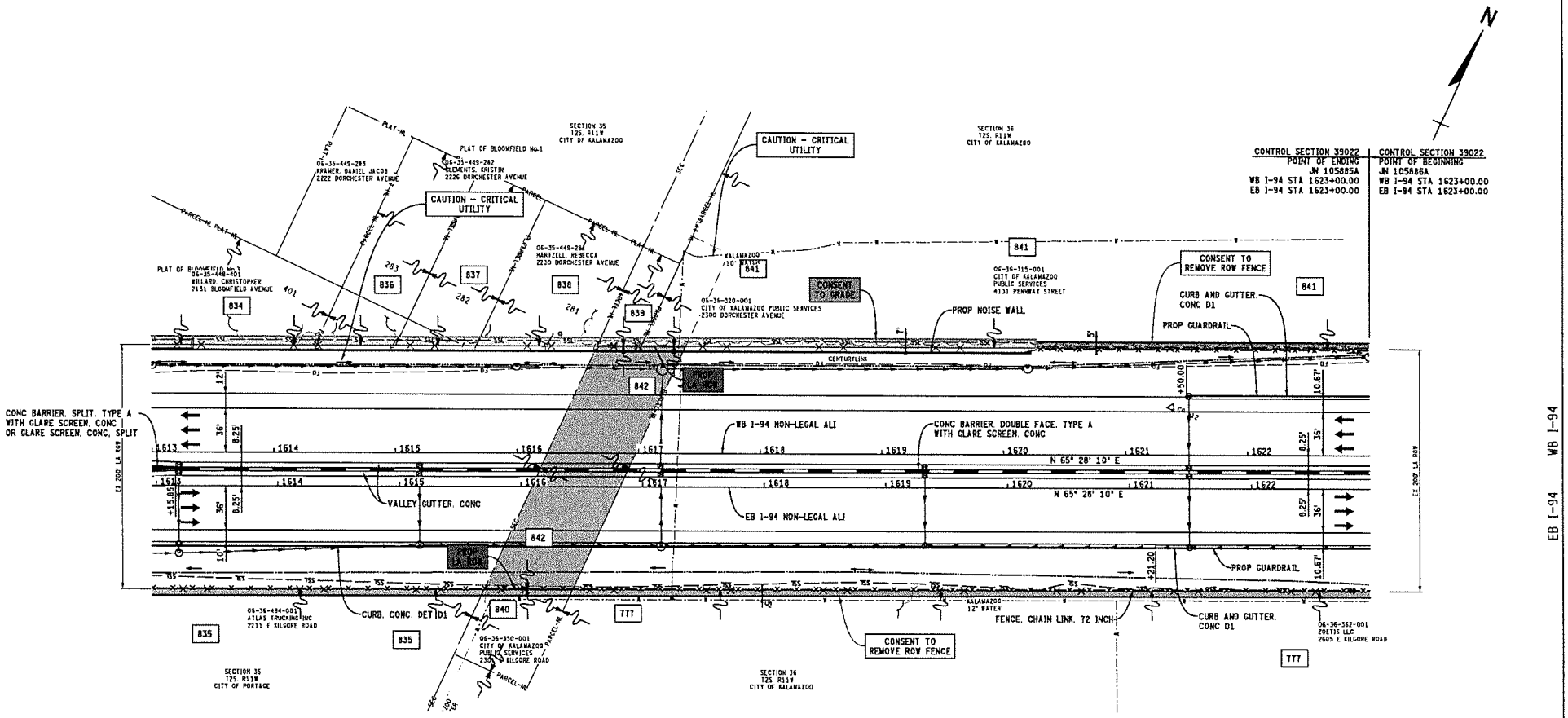
FILE: 105885_I-94_161300.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105885A

REMOVAL
EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

DRAWING: 194 REM 7
SHEET: SECT 1 164



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

AECOM

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

FILE: 105885_I-94_161300.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105885A

REMOVAL
EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

DRAWING 194 REM 7

SHEET SECT 1 165

MDOT 0626 (11/18)

RELOCATION ELIGIBILITY NOTICE

DISPLACEE: City of Kalamazoo Public Services

Based on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.

NON-RESIDENTIAL

☑ **BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES $ TO BE DETERMINED

OR

FIXED PAYMENT $ TO BE DETERMINED

RESIDENTIAL

☐ **HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING $

LESS ACQUISITION PRICE (125% of fair market value) $

=

MAXIMUM HOUSING SUPPLEMENT $

☐ **RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES $ per month x 42 mo's $

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME $ per month x 42 mo's $

c) RENTAL SUPPLEMENT ("a" minus "b") $

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or $7,200) $

☑ **MOVING EXPENSES**

SELF MOVE - FIXED COST $ TO BE DETERMINED

OR

COMMERCIAL MOVE $ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	**Bedrooms**	**Rental Address**	**Bedrooms**

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST David Ricard	PROPERTY ANALYST SIGNATURE David Ricard	DATE 10/15/20
REGION AGENT Erik T. Kayser	ADDRESS 1501 E. Kilgore Rd., Kalamazoo, MI 49001	PHONE (269) 337-3964

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	841	City of Kalamazoo Public Service

Michigan Department
Of Transportation
0631A (02/15)

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY	STATE	ZIP CODE
Kalamazoo	MI	49007

Right(s) to be acquired:	$	Fee – Real Property
	$	Easement
	$ 600.00	Consent
	$	Cost to Cure
Total Compensation	$ **600.00**	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below 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 I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of 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 to donate said property and:

  ☒ Waive just compensation and waive the right to an appraisal and property inspection.

  OR

  ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- 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 Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION	PARCEL	NAME
39022	841	City of Kalamazoo Public Services
JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
105885	NA	NA

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105885, Parcel 842
Address: 66 foot gap in I-94 ROW
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire permanent Fee rights over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

If you choose, you have the right to request an appraisal be completed to determine the market value of the property rights being acquired. The appraisal will then become the basis for a revised written Good Faith Offer.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 842 is itemized below:

Fee Acquisition	$11,700.00

Accordingly, the total amount that MDOT is offering for your property rights is $11,700.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT 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 have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, and also agree to the terms and conditions set forth in the attached addendum(a), please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely,

David Ricard

Digitally signed by: David Ricard
DN: CN = David Ricard email = ricardd@michigan.gov C = US O = Michigan Department of Transportation OU = Real Estate
Date: 2020.10.15 13:20:20 -04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of $11,700.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	842	City of Kalamazoo

Michigan Department
of Transportation
0645 (02/20)

ADDENDUM TO GOOD FAITH WRITTEN OFFER

This information required by P.A. 286 of 1964

NAME	NATURE OF INTEREST
City of Kalamazoo Public Services	Fee Owner
ADDRESS	**TELEPHONE NUMBERS**
241 W. South Street	269-370-8715

☐ SEE ATTACHED LIST FOR ADDITIONAL OWNERS

Price	A	The owner(s) agree to sell the following described property to the Michigan Department of Transportation for the sum of Eleven Thousand Seven Hundred Dollars ($11,700) and to deliver to the Michigan Department of Transportation a warranty deed clear of all encumbrances subject only to easements and restrictions of record.
Title	B	The owner(s) agree not to sell, convey, mortgage, or otherwise encumber the title to the land or any part thereof, or to permit any act or deed to diminish the value of the following described land.
Taxes	C	The owner(s) agree to pay all real estate taxes due and payable at the time of closing. The owner(s) also agrees to pay any special assessment levied at the time of closing. The owner(s) also agrees to pay any personal property taxes due and payable at the time of closing including all jeopardy assessments filed at the time of closing. Ad-valorem real taxes will be prorated in accordance with the provisions of Act 288, P.A. 1966.
Improvements	D	This sale includes all buildings, structures, trees and other improvements on the property.
Occupancy	E	The Michigan Department of Transportation will become the owner of the property upon payment of the price listed above. The owner(s) shall have the right to occupy the improvements on the property for a period of Zero (0) days after the closing. However, if the buildings become vacant subsequent to the acceptance of the Good Faith Offer, they will not be reoccupied.
Escrow Agent	F	The owners(s) agree that Devon Title will act as escrow agent in closing this sale. The escrow agent will deduct from the proceeds all sums necessary to satisfy and discharge all liens, encumbrances and taxes and secure and record the instruments sufficient to vest an unencumbered title in the name of the Michigan Department of Transportation, subject only to easements and restrictions of record.
Commitment	G	20009375
Delayed Payment	H	The owner(s) agree to await a later refund of prorated prepaid ad-valorem taxes.
Minerals	I	Fluid Mineral and Gas rights are ☒ included ☐ not included.
Special Provisions	J	

Any personal property or fixtures that have not been removed by the date of a Notice to Quit to be issued by MDOT will become the property of MDOT and will be removed by MDOT, it's contractors, or its agents. This does not apply to hazardous material.

MDOT reserves its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE (Part of) 3906-36-350-001 & 3906-36-320-001

CONTROL SECTION	JOB NUMBER	PARCEL	NAME
39022	105885	842	City of Kalamazoo Public Services

LEGAL DESCRIPTION
Lands located in the City/Township of: Kalamazoo County of: Kalamazoo described as:

See attached Legal Description.

INSTRUCTIONS TO ESCROW AGENT

FEE	$11,700.00	OTHER	
PA 367 & 439		OTHER	
RELEASE OF DAMAGES		OTHER	

PROPERTY TAX CODE (Part of) 3906-36-350-001 & 3906-36-320-001			
CONTROL SECTION 39022	JOB NUMBER 105885	PARCEL 842	NAME City of Kalamazoo Public Services

COVENANT DEED

The CITY OF KALAMAZOO, a Michigan public body corporate, whose address is 241 W. South Street, Kalamazoo, Michigan 49007 ("Grantor"), grant and conveys to the MICHIGAN DEPARTMENT OF TRANSPORTATION, whose address is 425 West Ottawa Street, P.O. Box 30050, Lansing, MI 48909 ("Grantee"), the following described premises situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan ("Property"):

See Attached Exhibit A

together with all improvements, buildings, facilities, structures and real estate fixtures located on the Property, and subject to the easements, building, use and zoning restrictions, and limitations of record and those exceptions under **Exhibit B**.

In consideration of: Eleven Thousand, Seven Hundred and 00/100 Dollars ($11,700.00).

Further, Grantor covenants that it has not done, committed, or knowingly or willingly suffered to be done or committed, any act or matter while it was owner of the Property causing the Property to be charged or encumbered in title, estate, or otherwise.

The Grantor grants to the Grantee the right to make zero (0) divisions, if any, permitted under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

This conveyance is exempt from taxation under the provisions of MCL 207.505(h)(*i*), and MCL 207.526(h)(*i*).

Effective Date: _____

SIGNATURE AND ACKNOWLEDGEMENT INTENTIONALLY ON NEXT PAGE

Dated: _____

CITY OF KALAMAZOO

By: _____
James K. Ritsema

Its: City Manager

CORPORATE ACKNOWLEDGMENT

STATE OF MICHIGAN }
}
COUNTY OF KALAMAZOO }

The foregoing instrument was acknowledged before me on _____, by _____, chair of the CITY OF KALAMAZOO BROWNFIELD REDEVELOPMENT AUTHORITY, on its behalf.

_____
Notary Public
Kalamazoo County, Michigan
My commission expires: _____

This Instrument Drafted By and Return To:
David Ricard
Michigan Department of Transportation
Southwest Region
1501 E. Kilgore Rd.
Kalamazoo, MI 49001

EXHIBIT A

(PARTIAL FEE TAKE) out of: 3906-36-350-001 & 3906-36-320-001

Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Southeast corner of Section 35, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the East line of the Southeast 1/4 of said Section 35 a distance of 1152.91 feet, said point being South 00° 28' 40" West, 110.35 feet (as measured along the West line of Southwest 1/4 of said Section 36) of the Legal Alignment of Highway I-94 per MDOT JN 105885A and the Point of Beginning; thence continuing North 00° 28' 40" East on the East line of the Southeast 1/4 of said Section 35 a distance of 220.70 feet to the Point of Beginning of a Limited Access Right-of-Way line (restricting all ingress and egress); thence North 65° 28' 04" East along said Limited Access Right-of-Way line a distance of 72.83 feet to a Point of Ending of Limited Access Right-of-Way line; thence South 00° 28' 40" West a distance of 220.70 feet to a point, said point also being the Point of Beginning of a Limited Access Right-of-Way line (restricting all ingress and egress); thence South 65° 28' 04" West along said Limited Access Right-of-Way line a distance of 72.83 feet to the Point of Beginning, said point also being the Point of Ending of said Limited Access Right-of-Way line.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

There shall be no right of direct ingress and egress, to and from and between the lands herein described, over and across the above described Limited Access Right-of-Way lines. The lands above described in fee contain 14,566 square feet (0.334 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

TRACT "A": Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan described as follows:

A portion of US Highway 94 described on the Michigan Department of Transportation Right of Way Map as Parcel 75.

More particularly described in Quit-Claim Deed recorded in Liber 718 on Page 578 being land Quit-Claimed by consideration of annexation to the City of Kalamazoo (grantee) by the Township of Kalamazoo (grantor) and described as follows:

TENTH

The East thirty-three (33) feet of Lot two hundred eight-one (281) of the recorded plat of "Bloomfield No. 1". Also unplatted land located in the Southwest quarter (SW¼) of Section 36, T. 2 S., R. 11 W., and more particularly described as follows: Beginning at a point in the East line of the recorded plat of "Bloomfield No. 1", which point is five hundred (500) feet South of the North line of the South half (S½) of the Northwest quarter (N.W.¼) of the Southwest quarter (SW¼) of said Section 36 (said point being in the East line of Emerald Drive and thirty-three (33) feet East of the West line of said Section 36 and running thence East parallel to the West line of said Section 36 about three hundred ninety-five (395) feet to the South line of the North fourteen (14) rods of the Southwest quarter (SW¼) of the Southwest quarter (SW¼) of said Section 36; thence West along said South line Sixty-six (66) feet to the West line of said Section; thence North along the West line of said Section two hundred seventy-nine and seven hundredths (279.07) feet to the Southerly line of Lot two hundred eighty-one (281) of said "Bloomfield No. 1"; thence Northeasterly along the Southerly line of said Lot two hundred eight-one (281) thirty-six and forty-two hundredths (36.42) feet to the Southeasterly corner of said Lot two hundred eighty-one (281); thence North along the East line of said lot two hundred eight-one (281) and along the east line of said Emerald Drive on hundred and thirty-eight hundredths (100.38) feet to the place of beginning.

EXHIBIT B
SPECIFIC EXCEPTIONS

1. Any provisions contained in any instruments of record which provisions pertain to the transfer of divisions under Section 109(3) of the Subdivision Control Act of 1967, as amended.

2. Grantee accepts the Property in it "AS IS, WHERE IS" condition.

COMPENSATION SUMMARY

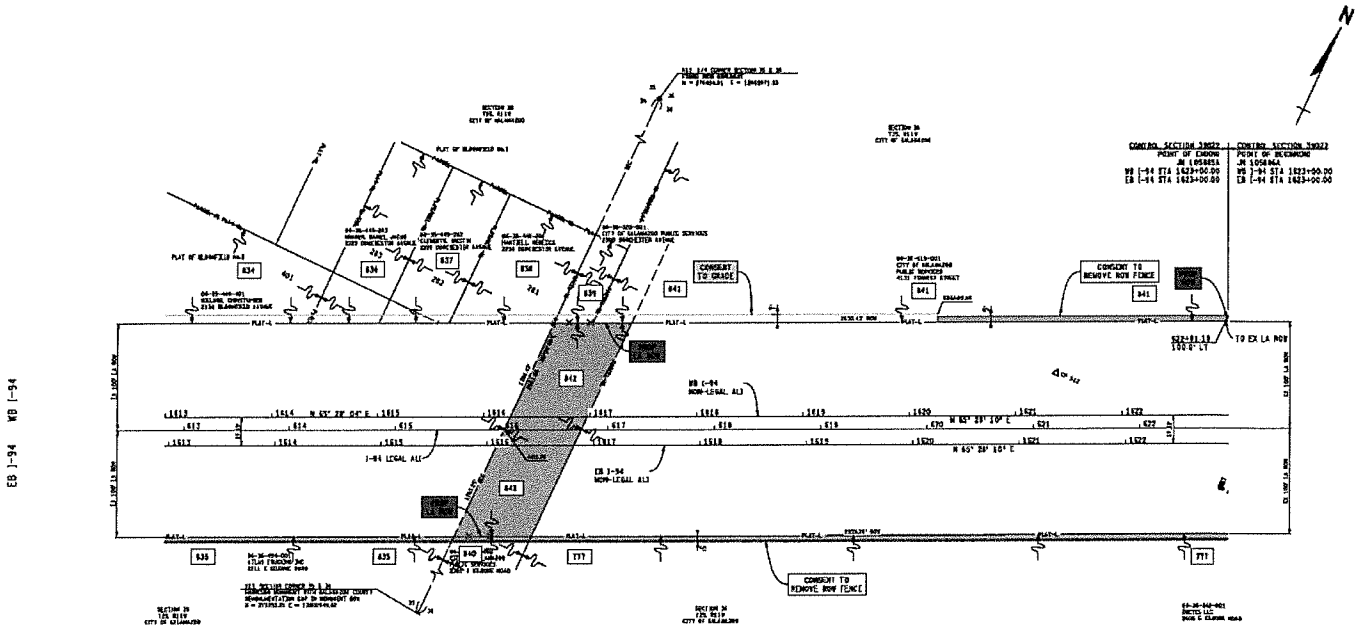
	Square Footage		Price Per Square Foot		Total		Rate of Return or Discount		Total Value	Total Compensation
FEE	14,566	x	0.80	=	$11,652.80	x	100%	=	$11,653	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
		x		=	$0.00	x		=	$0	
				=				=		
							Total	=	$11,653	$11,700

Total Compensation Offered

TOTAL $11,700

CS:	39022	JN:	105885	PARCEL:	842	NAME:	City of Kalamazoo

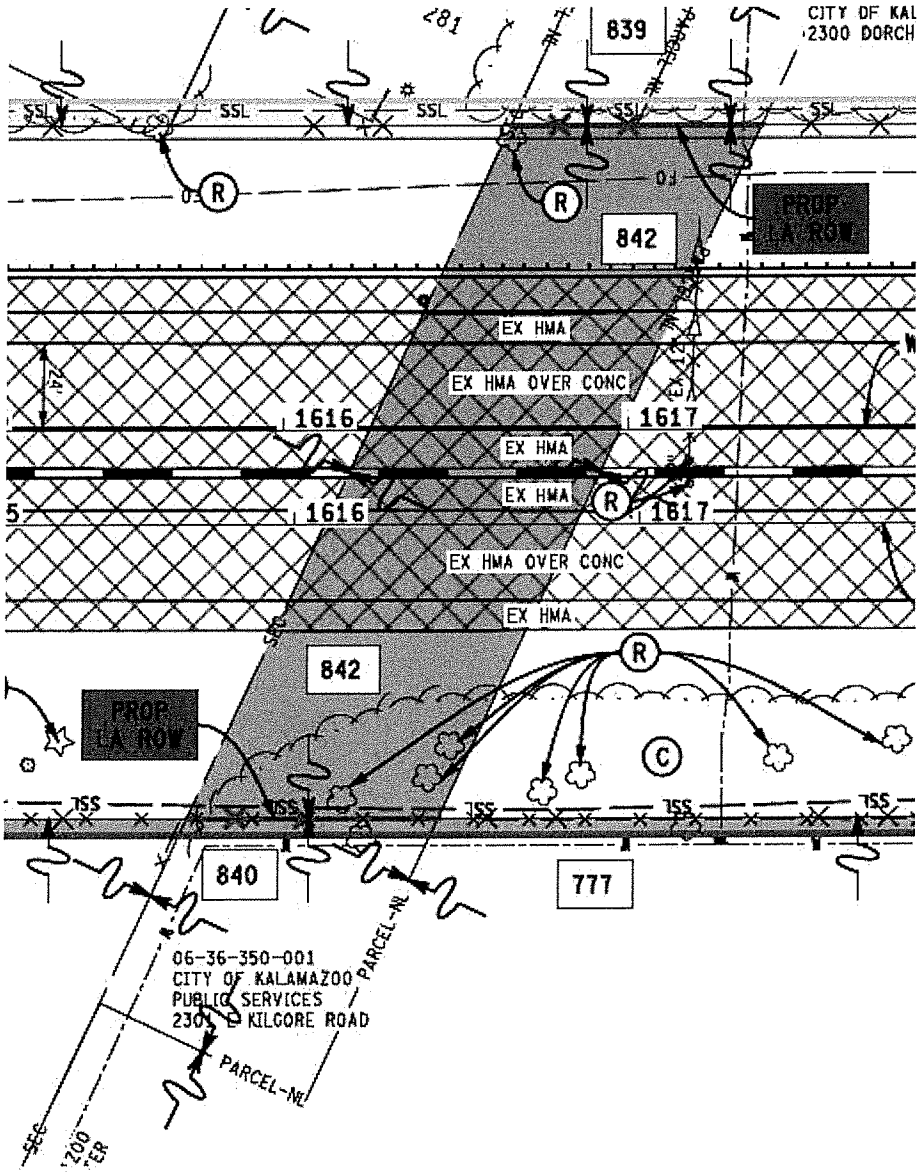
SUBJECT SKETCH



ALIGNMENT SHEET

CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	842	City of Kalamazoo

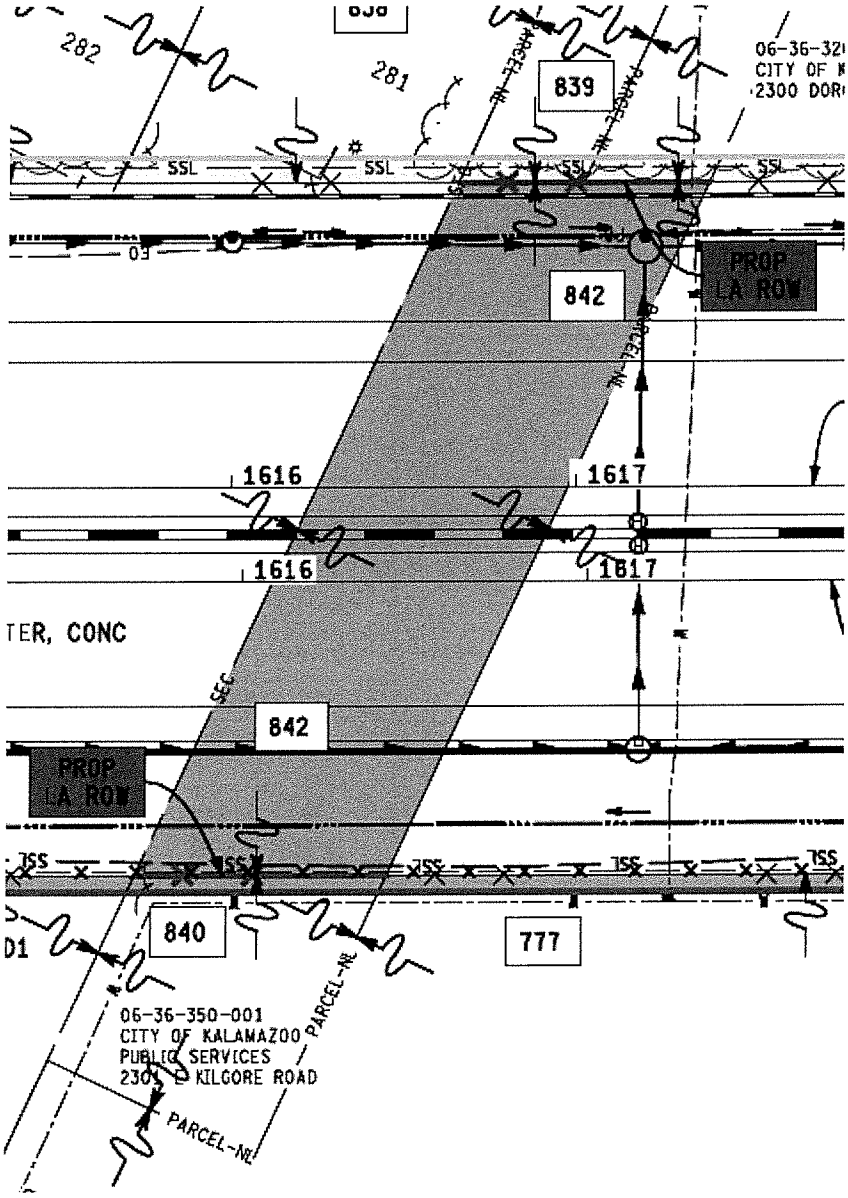
SUBJECT SKETCH



REMOVAL SHEET

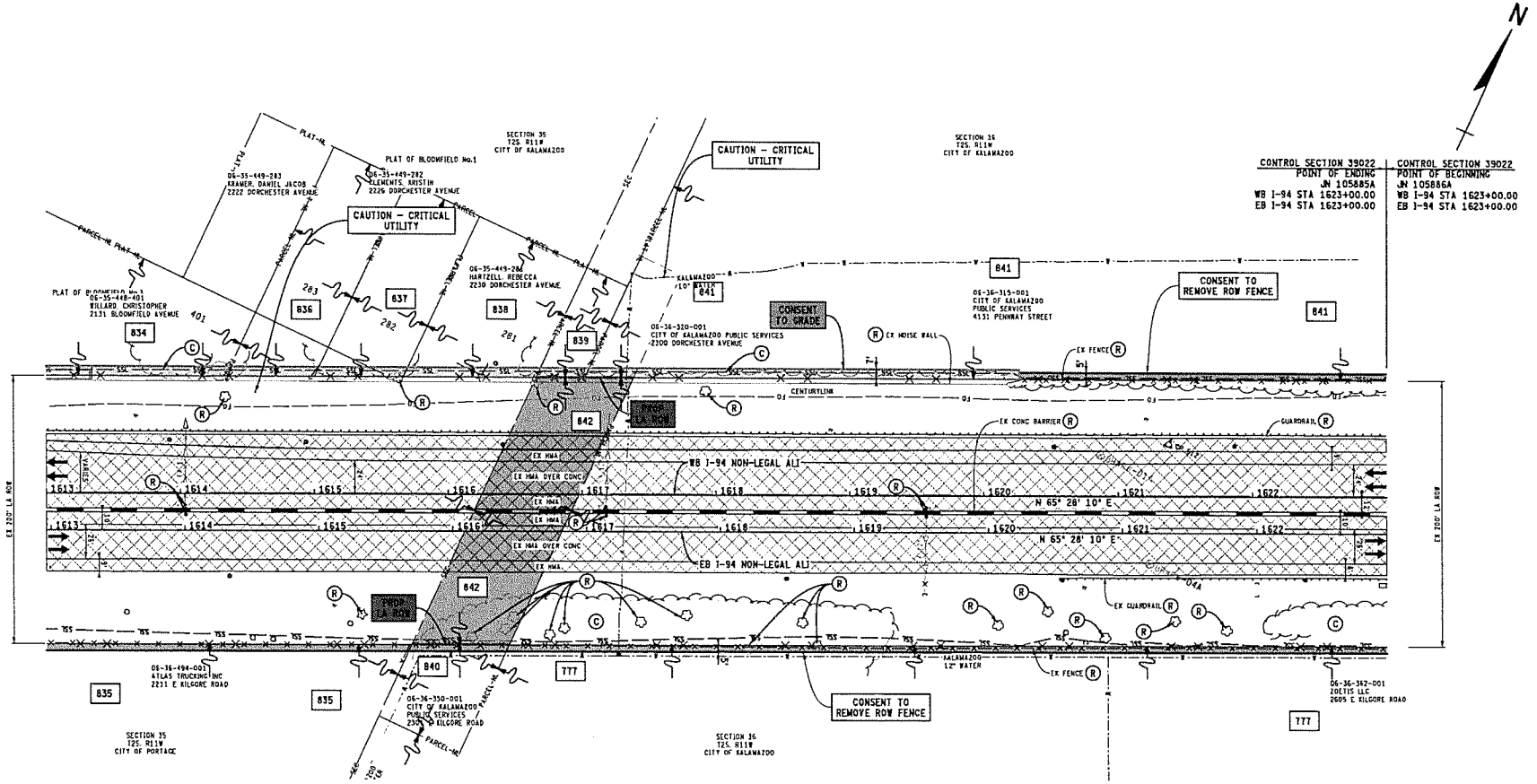
CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	842	City of Kalamazoo

SUBJECT SKETCH



CONSTRUCTION SHEET

CONTROL SECTION:	JOB NUMBER:	PARCEL :	NAME:
39022	105885	842	City of Kalamazoo



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

AECOM

MDOT Michigan Department of Transportation

0 HORZ. (FT) 80

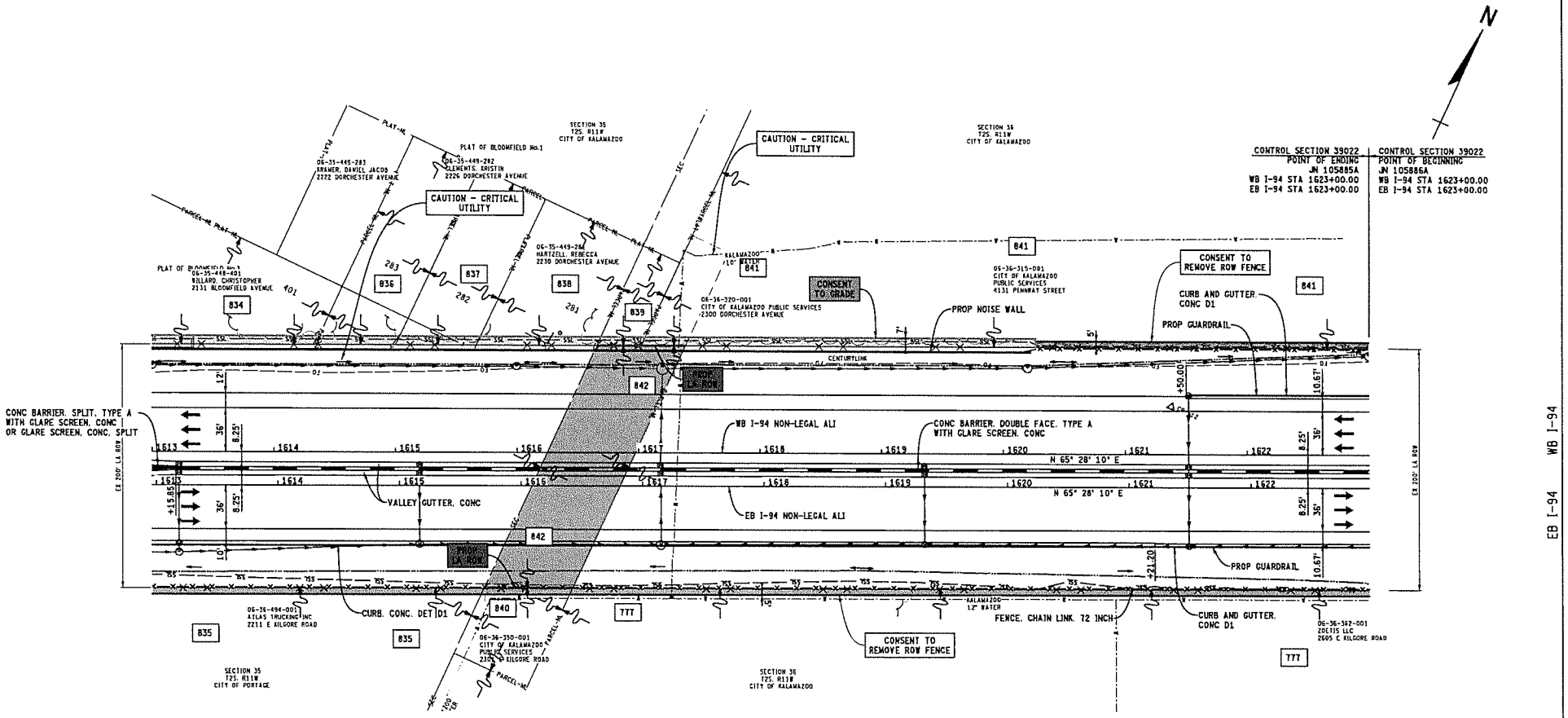
FILE: 105885_I-94_161300.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105885A

REMOVAL
EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

DRAWING	SHEET
194 REM 7	SECT 1 164



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)							
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

AECOM

MDOT Michigan Department of Transportation

0 HORZ. (FT) 60

FILE: 105885_I-94_161300.dgn

DATE: 06/24/20
DESIGN UNIT: SYTSMA
TSC: KALAMAZOO

CS: 39022
JN: 105885A

REMOVAL
EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

DRAWING: 194 REM 7
SHEET: SECT 1 165

MDOT 0626 (11/18)

RELOCATION ELIGIBILITY NOTICE

DISPLACEE: City of Kalamazoo

Based on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.

NON-RESIDENTIAL

☑ **BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES $ TO BE DETERMINED

OR

FIXED PAYMENT $ TO BE DETERMINED

RESIDENTIAL

☐ **HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING $

LESS ACQUISITION PRICE (125% of fair market value) $

=

MAXIMUM HOUSING SUPPLEMENT $

☐ **RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES $ _____ per month x 42 mo's $

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME $ _____ per month x 42 mo's $

c) RENTAL SUPPLEMENT ("a" minus "b") $

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or $7,200) $

☑ **MOVING EXPENSES**

SELF MOVE - FIXED COST $TO BE DETERMINED

OR

COMMERCIAL MOVE $ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	**Bedrooms**	**Rental Address**	**Bedrooms**

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST	PROPERTY ANALYST SIGNATURE	DATE
David Ricard	David Ricard	10/15/20
REGION AGENT	**ADDRESS**	**PHONE**
Erik T. Kayser	1501 E. Kilgore Rd., Kalamazoo, MI 49001	(269) 337-3964

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	842	City of Kalamazoo

Michigan Department
Of Transportation
0631A (02/15)

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY	STATE	ZIP CODE
Kalamazoo	MI	49007

Right(s) to be acquired:	$	Fee – Real Property
	$ 11,700.00	Easement
	$	Consent
	$	Cost to Cure
Total Compensation	$ **11,700.00**	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below 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 I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of 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 to donate said property and:

  ☒ Waive just compensation and waive the right to an appraisal and property inspection.

  OR

  ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- 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 Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION	PARCEL	NAME
39022	842	City of Kalamazoo Public Services
JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
105885	NA	NA