Agenda
Regular Meeting of the City Commission

City of Kalamazoo

Monday, November 7, 2016 7:00 PM

City Commission Chambers - 241 W. South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: Reverend Steve Charnley, First United Methodist Church
2. Pledge of Allegiance
3. Introduction of Guests
4. Proclamations
    a. American Diabetes Month, November 2016

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. Calendar of Upcoming Meetings

E. PUBLIC HEARINGS

F. CONSENT AGENDA

(Action: Motion to approve Items "1-4," hold Items "5-8," and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a cooperative contract purchase of a Caterpillar 420F2 Wheeled Backhoe and appurtenances from Michigan Caterpillar, local authorized dealer through the State of Michigan's MiDeal Program, in the amount of $143,105.41.

2. Approval of a cooperative contract purchase of a Doosan DL 250 Front End Loader from Carleton Equipment Company, authorized dealer through the National Joint Powers Alliance, in the amount of $160,926.51.

3. Approval of a cooperative contract purchase of a Doosan 140 Tracked Excavator from Carleton Equipment Company, authorized dealer through the National Joint Powers Alliance, in the amount of $194,120.72.

4. Approval of the minutes from the City Commission meetings on September 6, September 19, September 26, October 3, October 17, and October 24, 2016.

5. Adoption of a resolution vacating a portion of Ampersee Avenue and an adjacent public alley. *(Hold until November 21, 2016)*

6. Approval of the sale of 636 Ada Street to Charlotte J. Ojediran for $120.00. *(Hold until November 21, 2016)*

7. Approval of the sale of the west half of 442 Drexel Place to Christopher and Maria Vogt for $120.00 and the sale of the east half of 442 Drexel Place to Bhaskar Pisipati for $120.00. *(Hold until November 21, 2016)*

8. Approval of the sale of 1115 Jefferson Avenue to Roderick G. O'Brien for $120.00. *(Hold until November 21, 2016)*

G. REGULAR AGENDA

H. REPORTS AND LEGISLATION

1. City Manager's Report

I. UNFINISHED BUSINESS

J. POLICY ITEMS

K. NEW BUSINESS

L. CITIZEN COMMENTS

M. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS

N. CLOSED SESSION

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

Commission Agenda Report
City of Kalamazoo

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

FROM: Scott A. Borling, City Clerk

PREPARED BY: Shelby Moss, Deputy City Clerk

DATE: 10/25/2016

SUBJECT: Calendar of Upcoming Meetings

INFORMATIONAL ITEMS

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

ATTACHMENTS:

	Type	Description
🗋	Meeting Schedule	Calendar of Upcoming Board, Commission, and Committee Meetings

Calendar of Upcoming Meetings

City of Kalamazoo

City Commission (next 30 days)

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

November 7th and December 5th

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

November 21st

Regular Work Sessions

November 28th at 6:00 p.m. in Conference Room A at the City's Harrison Street Facility, located at 1415 North Harrison Street.

Advisory Boards, Commissions and Committees (next two weeks)

The **Parks and Recreation Advisory Board** will meet on Tuesday, November 8, 2016 at 5:20 p.m., in the in the Parks and Recreation Community Room at Mayors' Riverfront Park, located at 251 Mills Street.

The **Employee Retirement System Board of Trustees** will meet on Wednesday, November 9, 2016 at 8:00 a.m., in the Third Floor Conference Room at City Hall.

The **Kalamazoo Historic Preservation Commission** will meet on Tuesday, November 9, 2016 at 7:00 p.m., in the Third Floor Conference Room at City Hall.

The **Traffic Board** will meet on Thursday, November 10, 2016 at 2:00 p.m., in the Public Services Conference Room, located at 415 Stockbridge Avenue.

The **Community Development Act Advisory Committee** will meet on Thursday, November 10, 2016 at 6:30 p.m., in the Community Room at City Hall.

The **Kalamazoo Historic District Commission** will meet on Tuesday, November 15, 2016 at 5:00 p.m., in the Community Room at City Hall.

The **Environmental Concerns Committee** will meet on Wednesday, November 16, 2016 at 4:30 p.m., in the Community Room at City Hall.

The **Local Development Finance Authority** will meet on Wednesday, November 16, 2016 at 7:30 a.m., at the Southwest Michigan Innovation Center, located at 4717 Campus Drive.

The **Economic Development Corporation** will meet on Thursday, November 17, 2016 at 7:30 a.m., in the Community Room at City Hall. The **Brownfield Redevelopment Authority** will meet immediately following.

The **Building Board of Appeals** will meet on Thursday, November 17, 2016 at 2:00 p.m., in the Commission Chambers at City Hall.

The **Kalamazoo Municipal Golf Association** will meet on Thursday, November 17, 2016 at 5:30 p.m., in the clubhouse at Milham Park Golf Course, located at 4200 Lovers Lane.

The **Downtown Development Authority** will meet on Monday, November 21, 2016 at 3:00 p.m., in the Community Room at City Hall.

Commission Agenda Report

City of Kalamazoo

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

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

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

PREPARED BY: James H. Cornell, Wastewater Superintendent

DATE: 10/25/2016

SUBJECT: Purchase of Wheeled Backhoe

RECOMMENDATION

It is recommended that the City Commission approve the purchase of a Caterpillar 420F2 Wheeled Backhoe and appurtenances from Michigan Caterpillar, 7700 Caterpillar Ct., Grand Rapids, MI 49548 for $143,105.41.

BACKGROUND

The City of Kalamazoo, Public Services Department, Wastewater Division is seeking approval for the purchase of a Wheeled Backhoe for our sewer collections repair crew. The equipment is for sewer repair construction needs.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

Funds have been budgeted for this expenditure in the Public Services 2016 CIP budget.

ALTERNATIVES

Public Services is utilizing the State of Michigan MI Deal Cooperative Contract Number #071B1300092. The above mentioned equipment could be purchased through the City of Kalamazoo bid process, however, inquiries with equipment providers have shown the City realizes a savings by participating in the use of the cooperative bid process.

By purchasing equipment through this program, the City is also able to eliminate several hours of manpower required to process an individual bid for each piece of equipment.

Commission Agenda Report
City of Kalamazoo

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

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

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

PREPARED BY: James H. Cornell, Wastewater Superintendent

DATE: 10/25/2016

SUBJECT: Purchase of a Front End Loader

RECOMMENDATION

It is recommended that the City Commission approve the purchase of a Doosan DL 250 Front End Loader from Carleton Equipment Company, 4704 S. 29th Street, Kalamazoo, MI 49048 in the amount of $160,926.51.

BACKGROUND

The City of Kalamazoo, Public Services Department, Wastewater Division is seeking approval for the purchase of a Front Loader for our sewer collections repair crew. The equipment necessary to perform sewer repair construction.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

Funds have been budgeted for this expenditure in the Public Services 2016 CIP budget.

ALTERNATIVES

Public Services is utilizing the National Joint Power Alliance cooperative bid contract number #04281-CEC.The above mentioned equipment could be purchased through the City of Kalamazoo bid process, however, inquiries with equipment providers have shown the City realizes a savings by participating in the use of the cooperative bid process.

By purchasing equipment through this program, the City is also able to eliminate several hours of manpower required to process an individual bid for each piece of equipment.

Commission Agenda Report
City of Kalamazoo

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

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

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

PREPARED BY: James H. Cornell, Wastewater Division Manager

DATE: 10/25/2016

SUBJECT: Purchase of a Tracked Excavator

RECOMMENDATION

It is recommended that the City Commission approve the purchase of a Doosan 140 Tracked Excavator from Carleton Equipment Company, 4704 S. 29th Street, Kalamazoo, MI 49048 for $194,120.72.

BACKGROUND

The City of Kalamazoo, Public Services Department, Wastewater Division is seeking approval for the purchase of a Front Loader for our sewer collections repair crew. The equipment is for sewer repair construction needs.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

Funds have been budgeted for this expenditure in the Public Services 2016 CIP budget.

ALTERNATIVES

Public Services is utilizing the National Joint Power Alliance cooperative bid contract number #04281-CEC.The above mentioned equipment could be purchased through the City of Kalamazoo bid process, however, inquiries with equipment providers have shown the City realizes a savings by participating in the use of the cooperative bid process.

By purchasing equipment through this program, the City is also able to eliminate several hours of manpower required to process an individual bid for each piece of equipment.

Commission Agenda Report

City of Kalamazoo

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

FROM: Scott A. Borling, City Clerk

DATE: 11/3/2016

SUBJECT: Approval of City Commission Minutes

RECOMMENDATION

It is recommended that the City Commission approve the minutes from its meetings on September 6, September 19, September 26, October 3, October 17, and October 24, 2016.

ATTACHMENTS:

Type	Description
🗋	Minutes September 6, 2016 Business Meeting
🗋	Minutes September 19, 2016 Neighborhood Meeting
🗋	Minutes September 19, 2016 Business Meeting
🗋	Minutes September 26, 2016 Work Session
🗋	Minutes October 3, 2016 Business Meeting
🗋	Minutes October 17, 2016 Neighborhood Meeting
🗋	Minutes October 17, 2016 Business Meeting
🗋	Minutes October 24, 2016 Work Session

A regular meeting of the Kalamazoo City Commission was held on Tuesday, September 6, 2016 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell
Vice Mayor Don Cooney
Erin Knott
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT: David Anderson
Matt Milcarek

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

Commissioner Excused

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

Invocation

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

Update from the Central County Transportation Authority

Linda Teeter, Chair of the Central County Transportation Authority, and Garrylee McCormick, Chair of the Kalamazoo Transit Authority Board, announced the beginning of late-night and expanded services, including Sunday service beginning on September 12th. Ms. Teeter distributed buttons and flyers advertising the expanded services.

Report on the LaCrone Park Playground Program

Park and Recreation Program Coordinator Peter Aerts and Cynthia Moore, Assistant Program Supervisor, provided a report on the successful LaCrone Park Supervised Playground Program. Children who participated were present and described what they liked about the program.

Proclamation

Commissioner Sykes read a proclamation commemorating the *Kalamazoo Drop-In Child Care Center 25th Anniversary, September 6, 2016*. Executive Director Kathy McNinch accepted the proclamation.

Adoption of the Agenda

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

Communications

City Manager Ritsema reported the Memorandum of Understanding (MOU) for the Foundation for Excellence (FFE) was being reviewed by the donors. City Manager Ritsema stated the MOU might not be ready for presentation to the City Commission on September 19th, in which case it would be on business meeting agenda for October 3rd. City Manager Ritsema also reported a citizen survey had been conducted, and 80% of residents supported the FFE. City Manager Ritsema indicated the survey results would be available on the City's website that week.

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the city:

-	approval of a one-year contract extension with Alexander Chemical Corporation for the purchase of sodium hypochlorite in the amount of $176,800.	Consent Agenda (cont'd)
-	adoption of a **RESOLUTION** designating James J. Baker, PE, as the Street Administrator for the City of Kalamazoo.	Resolution 16-28
-	adoption of **RESOLUTIONS #1, 2, and 3** for the purpose of approving the 2015 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of $15.848. The adoption of Resolution 3 schedules a public hearing for October 17, 2016.	Resolutions 16-29, 16-30, and 16-31
-	adoption of a **RESOLUTION** recognizing Heritage Community of Kalamazoo as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.	Resolution 16-32
-	adoption of a **RESOLUTION** recognizing Kalamazoo Friends of Recreation as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.	Resolution 16-33
-	adoption of a **RESOLUTION** recognizing the Corporal Christopher Kelly Willis Foundation as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.	Resolution 16-34
-	approval of a two-year agreement with the Central County Transportation Authority for the City to provide dedicated Public Safety services at the Kalamazoo Transportation Center.	
-	authorization for the City Manager execute a lease with the Central County Transportation Authority for four (4) parcels of land currently used by the City for Metro Transit operations. This lease has been drafted under the terms of the Comprehensive Transition Agreement to facilitate the transfer of Metro Transit operations to the Authority.	
-	authorization for the City Manager to sign a "Uniform Video Service Local Franchise Agreement" with Comcast of Michigan I, LLC, d/b/a Comcast.	
-	adoption of amendments to the FY2016 Budget.	
-	approval of an Ingress and Egress Easement Agreement with Youth for Christ of the Kalamazoo Area at 122 West Crosstown Parkway.	
-	approval of the minutes from the City Commission meetings on July 28, August 1, and August 15, 2016.	
-	approval of a special permit for a miniature pig to be kept at 517 Walnut Court, subject to compliance with applicable statutes, ordinances and health codes.	

Consent Agenda (cont'd)

Commissioner Sykes, 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.

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

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

Resolution 16-35 re: a Complete Streets Policy

City Planner Rebekah Kik reviewed *A Resolution Supporting the Creation of a Complete Streets Policy* and indicated City staff would submit a policy to the City Commission for consideration by April, 2017. Ms. Kik stated the City would continue to work through the Imagine Kalamazoo 2025 process to gather community input on Complete Streets, and staff would be creating a street construction manual that incorporated Complete Streets principles.

When an opportunity was given for citizens to comment on a resolution supporting the creation of a Complete Streets Policy by April 2017, the following people addressed the City Commission:

> Paul Selden, non-resident, expressed support for the resolution and stated he was confident City staff would follow Complete Streets principles and continue to gather community input. Written remarks submitted by Mr. Selden were filed with the papers for this meeting.

Commissioner Knott, seconded by Commissioner Sykes, moved to adopt a **RESOLUTION** supporting the creation of a Complete Streets Policy by April 2017.

Commissioner Urban distributed and reviewed a document that contained amendments to the text of the proposed resolution. A copy of the document was filed with the papers for this meeting.

Motion to Amend the Resolution

Commissioner Urban, seconded by Commissioner Sykes, moved to amend the proposed resolution as indicated in the document entitled *Resolution on Complete Streets Policy to be taken up at Sept. 6 Meeting*.

An opportunity was given for citizens to comment on the motion to amend, but no comments were offered.

With a roll call vote the motion to amend passed.

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

NAYS: None

Resolution 16-35 re: a Complete Streets Policy (cont'd)

With a roll call vote the motion to adopt the amended resolution passed.

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

NAYS: None

Ordinance re: Minimum Distance for Vehicles Passing Bicycles

When an opportunity was given for citizens to comment on an ORDINANCE to amend Sections 36-99 and 36-100 of the Kalamazoo City Code to provide that motorists provide a minimum 3-foot distance when overtaking and passing a bicyclist, the following people addressed the City Commission:

> Bonnetta Packard, City resident, expressed opposition to the proposed ordinance and stated bicyclists needed to follow the rules of the road just like motorists.
>
> Doug Kirk, City resident, asked the City Commission to amend the proposed ordinance to require that vehicles grant a 5-foot minimum passing distance when passing bicycles.
>
> David Jones, City resident and Treasurer for the League of Michigan Bicyclists, indicated both the League of American Bicyclists and the League of Michigan Bicyclists supported a 5-foot passing zone.
>
> Paul Selden, non-resident and Director of Road Safety for the Kalamazoo Bicycle Club, stated it was not fair to judge an entire class of people for the actions of a few, and he noted some states required motorists to grant bicyclists an entire lane when passing.
>
> Zach Lassiter, City resident, stated a 5-foot passing distance did not allow enough room for two cars to pass on narrow streets with parked cars.

Vice Mayor Cooney, seconded by Commissioner Urban, moved to adopt an ORDINANCE to amend Sections 36-99 and 36-100 of the Kalamazoo City Code to provide that motorists provide a minimum 3-foot distance when overtaking and passing a bicyclist.

Prior to a vote on the motion, discussion took place about changing the minimum passing distance to 5 feet.

Motion to Amend the Ordinance

Commissioner Urban, seconded by Commissioner Knott, moved to amend the proposed ordinance to require a minimum 5-foot distance when overtaking and passing a bicyclist.

Commissioner Sykes stated the opposition to a 5-foot passing distance seemed to come from a sense of inconvenience, and she asked for additional explanations of the hesitancy to approve a 5-foot distance.

Commissioner Knott expressed support for the amendment and noted it would benefit people who rode bicycles to be "green" or because they could not afford cars, and not just sport cyclists.

Motion to Amend the Ordinance (cont'd)

In response to questions from Mayor Hopewell, Public Safety Chief Jeff Hadley stated it was illegal to walk in the street if a sidewalk was provided, and Public Safety Officers would enforce traffic laws with motor vehicles before they would enforce them with bicycles.

In response to a question from Mayor Hopewell, City Attorney Robinson indicated the Kalamazoo City Code allowed people to ride bicycles on City sidewalks. City Attorney Robinson advised against reliance on the state legislature to adopt a statewide minimum passing distance, and he reported that only three states had a minimum passing distance greater than 3 feet. City Attorney Robinson also noted the law allowed cyclists to ride two-abreast.

In response to a question from Commissioner Urban, City Attorney Robinson stated the motion to amend could be reconsidered, but the motion would need to be made by a Commissioner who was absent or who voted with the "winning" side on the original vote.

With a roll call vote the motion to amend the ordinance passed 4-1.

AYES: Commissioners Knott, Sykes, Urban, Mayor Hopewell

NAYS: Vice Mayor Cooney

Mayor Hopewell announced the passing distance ordinance, as amended, would be considered for final adoption at the next regular City Commission business meeting.

City Manager's Report

Community Planning and Development Director Laura Lam delivered a PowerPoint presentation entitled *Imagine Kalamazoo 2025 Progress Report – September 6, 2016*. A copy of the presentation was filed with the papers for this meeting.

Policy Items

Next, policy items were considered.

Resolution 16-36 re: Enbridge Pipelines in the Straights of Mackinaw

When an opportunity was given for citizens to comment on a resolution supporting legislative efforts calling for the Governor and Attorney General to shut down the twin Enbridge pipelines that run beneath the Straits of Mackinaw, the following people addressed the City Commission and expressed support for the resolution:

Frank Warren, City resident
Chris Wahmhoff, City resident
Tammy Hibner, City resident
Kaitlyn Martin, City resident

Commissioner Knott, seconded by Commissioner Sykes, moved to adopt a **RESOLUTION** supporting legislative efforts calling for the Governor and Attorney General to shut down the twin Enbridge pipelines that run beneath the Straits of Mackinaw.

Prior to a vote on the motion, Commissioners Sykes, Urban, and Vice Mayor Cooney expressed support for the resolution.

Resolution 16-36 re: Enbridge Pipelines in the Straights of Mackinaw (cont'd)

Commissioner Urban stated he did not think the Enbridge pipelines would fail due to corrosion, but he expressed concerns about them being a terrorist target and being damaged by ship anchors.

With a roll call vote this motion passed.

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

NAYS: None

Citizen Comments

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

Frank Warren, City resident, spoke about panhandlers in the City and vandalism at Riverside Cemetery.

Laura Livingstone McNellis and Mary Lee McNellis, City residents, thanked City leaders for being forward thinking and stated she was grateful to live in a caring community.

The following residents of the Bella Vista Condominiums spoke about the dangers of using Betsy Ann Place in the winter, and they asked the City to open and certify the road through Crane Park as a seasonal road from November through March to provide a safer ingress/egress:

Doug Campbell, City resident
David Antoniotti, City resident
Pedro Griswold, City resident
Virginia Antoniotti, City resident
Blanca Ortiz-Skelding and Christopher Skelding, City residents

Jeff Messer, City resident, called political signs "street spam" and noted it was illegal to put signs in the public rights of way.

Nathan Dannison, City resident, expressed support for the Foundation for Excellence and spoke about the death of James Dunigan.

Corey Smith, City resident, expressed concern about the "X-Train" problem in the Northside Neighborhood on Friday and Saturday nights. Mr. Smith remarked on the litter surrounding The Polar Bear convenience store on North Westnedge Avenue.

Mattie Jordan-Woods, City resident, expressed support for the Foundation for Excellence. Ms. Jordan-Woods offered remarks on the roundabout planned for Harrison and North Streets, a fence that had been torn down in Verberg Park, and the need for Public Safety Officers take enforcement action early in the formation of the X-Train.

City Commissioner Comments

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

Commissioner Urban reported he had been receiving requests for a citizen comment time at the beginning of Commission meetings, and he suggested implementing a 20-minute period of shorter citizen comments at the beginning of business meetings.

Commissioner Sykes thanked Commissioner Urban for his leadership. Commissioner Sykes offered condolences to the families of Marsavious Frazier and Daquarion Hunter who were shot and killed on September 5th. Commissioner Sykes stated the in-custody death of James Dunigan and the City's response were failures. Commissioner Sykes thanked the community for helping her family during a recent crisis.

Vice Mayor Cooney remarked on the lives and deaths of Marsavious Frazier and Daquarion Hunter and offered condolences to their families.

Mayor Hopewell explained the City Commission had eliminated a time for citizen comments at the beginning of meetings so the Commission could address its scheduled business first before allowing citizens to bring forward new business. Mayor Hopewell also stated he liked the idea of people sitting through meetings to see the business that was conducted. Mayor Hopewell spoke about the need to end youth violence.

Closed Session

Vice Mayor Cooney, seconded by Commissioner Urban, moved that the City Commission go into closed session to discuss material exempt from discussion or disclosure by state or federal statute.

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

With a roll call vote this motion passed.

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

NAYS: None

Adjournment

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 7, 2016

Approved by: ______________________________
Bobby J. Hopewell, Mayor
Dated: November 7, 2016

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A neighborhood meeting of the Kalamazoo City Commission was held on Monday, September 19, 2016 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.

Roll Call

COMMISSIONERS PRESENT:	Mayor Bobby J. Hopewell Vice Mayor Don Cooney David Anderson Erin Knott Matt Milcarek Shannon Sykes Jack Urban
COMMISSIONERS ABSENT:	None

Also present were Deputy City Manager Jeff Chamberlain, City Attorney Clyde Robinson, and City Clerk Scott Borling.

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:

<u>Eastside Neighborhood Association</u>
Mike Seals, Board President
Pat Taylor, Executive Director

<u>West Main Hill Neighborhood Association</u>
Louise Wright, President

Eastside Neighborhood Association

The Eastside Neighborhood Association representatives:

- reported the results of the recent board elections.

- asked if a decision had been made about how the funds previously allocated to the Stuart Neighborhood would be reallocated.

- discussed the association’s partnerships with the E-NET Coalition and Habitat for Humanity.

- reported the Association had sponsored and/or participated in 11 public events over the past few months.

- described planned improvements to Rockwell Park.

- stated it was a challenge to balance non-revenue generating services with revenue generating activities.

- reported the Association was creating a tool lending program.

Eastside Neighborhood Association (cont'd)

In response to a question from Commissioner Anderson, Ms. Taylor stated there were no concerns from residents about the "tiny house" being built at 1325 Charles St.

Vice Mayor Cooney spoke about the community partners involved at Northeastern Elementary School.

West Main Hill Neighborhood Association

The West Main Hill Neighborhood Association representative:

- reported on the Association's activities for the year.
- expressed appreciation to Commissioners for their availability and for the assistance received from the Parks and Recreation Department and Planning Division.
- expressed concerns about ongoing cut-through traffic and parking issues.
- reported Kalamazoo College would be attending the next Traffic Board meeting to request angled parking at bottom of the hills on Lovell and Academy Streets.
- stated the Association was concerned about the City's budget shortfall and indicated they were discussing solutions with the Oakland/Winchell Neighborhood Association, such as combining an income tax with the Foundation for Excellence.
- commented that several homes in the Neighborhood had been on the market for quite a while but had not sold.
- remarked on an abandoned house on Greenlawn Avenue.

In response to a question from Commissioner Anderson, Ms. Wright reported a group had been created to address quality of life issues related to misuse of the basketball court at the Henderson Tot Lot, but the group had not met yet because the issues were so divisive.

Vice Mayor Cooney thanked Ms. Wright for her work on the issue of gun violence.

Citizen Comments

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

Esther Polmanteer, City resident, asked the City to put a sidewalk on Sage Street.

Commissioner Comments

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

Deputy City Manager Jeff Chamberlain introduced Steve Brown, the City's new Grants Coordinator.

Commissioner Urban suggested Mr. Brown might be a good fit on the Kalamazoo County Public Art Commission.

Adjournment

The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 7, 2016

Approved by: ______________________________
Bobby J. Hopewell, Mayor
Dated: November 7, 2016

This page was left blank intentionally.

A regular meeting of the Kalamazoo City Commission was held on Monday, September 19, 2016 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

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

COMMISSIONERS ABSENT: None

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

Invocation

The invocation, given by the Reverend Dr. Seth Weeldreyer, Kalamazoo First Presbyterian Church, 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 with authorization for the City Manager to sign on behalf of the city:

- approval of a one-year contract extension with Student Haulers for the removal and disposal of trash, nuisances and garbage collected pursuant to the enforcement of various city ordinances (15A, 22-3, 22-4 and 22-5) in the amount of $120,000.

- approval of a contract extension with Stap Brothers for mowing and trimming at City Parks in the amount of $121,105.00.

- approval of professional engineering design services by Jones and Henry Engineers for the design of an access road to the Southwest and Portage Sanitary Sewer Interceptors between Kilgore Road and Stockbridge Avenue within the City of Kalamazoo in the amount of $144,000.

- approval of a contract with Brasco International, Inc. for the purchase of up to 30 small bus passenger shelters, up to 5 large bus passenger shelters, and optional accessories like bike racks and garbage cans over a five- year period for an amount up to $160,000.

- approval of a two-year contract with Solenis, LLC for Cationic Emulsion Polymer in the amount of $344,476. Approval of a three-year contract with Cruisers West to provide emergency vehicle equipment installation and repair services in the amount of $405,610.15.

- adoption of a **RESOLUTION** approving an application to the Michigan Liquor Control Commission for a special license to serve alcohol at the 100 Extraordinary Women event on Wednesday, October 19th at the Kalamazoo Institute of Arts to raise money for the Bronson Park 21st Century Campaign.

Resolution 16-37

- approval of a Transit Services Agreement between the Oshtemo Township, the City of Kalamazoo, and the Central County Transportation Authority.

- approval and acceptance of an easement with Impact Label Corporation at 8875 Krum Avenue in Comstock Township for water main installed as part of the Impact Label Building Construction Project.

- approval of a recommendation to hold until October 17, 2016 the adoption of a resolution to vacate the east 135.75 feet of the public alley located between Beacon and Center Street.

Commissioner Urban, seconded by Commissioner Anderson, 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 Anderson, Knott, Milcarek, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

Ordinance 1942
Requiring a 5-Foot
Minimum Distance for
Vehicles Passing Bikes

An opportunity was given for citizens to comment on an ordinance to amend Sections 36-99 and 36-100 of the Kalamazoo City Code to provide that motorists provide a minimum 5-foot distance when overtaking and passing a bicyclist, but no comments were offered.

Commissioner Knott, seconded by Commissioner Milcarek, moved to adopt an **ORDINANCE** to amend Sections 36-99 and 36-100 of the Kalamazoo City Code to provide that motorists provide a minimum 5-foot distance when overtaking and passing a bicyclist.

Prior to a vote on the motion, Vice Mayor Cooney stated he would support the ordinance, even though he thought a 3-foot passing distance was more reasonable.

Commissioner Milcarek encouraged City staff to see this ordinance as a challenge to build roadways that were safe for both vehicles and bikes.

Commissioner Urban stated there were both economic and social benefits to making the City more bike-friendly, and both cyclists and motorists could be more courteous to each other.

Ordinance 1942 Requiring a 5-Foot Minimum Distance for Vehicles Passing Bikes (cont'd)

With a roll call vote this motion passed unanimously.

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

NAYS: None

City Manager's Report

City Manager Ritsema provided the following reports and updates:

- Departmental Reports and Project Updates
- *Inside the City Newsletter*, September 2016 edition
- August 2016 Purchases

City Manager Ritsema reported he was planning to present the Foundation for Excellence Memorandum of Understanding to the City Commission for discussion and consideration on October 3rd, but he would not be sure of that date until the beginning of the following week. City Manager Ritsema noted the month of October was the last month for monthly, curbside bulk trash pick-up, and he explained this service was moving to a bi-monthly pick-up schedule.

Citizen Comments

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

> Frank Warren, City resident, offered remarks on an 8-year old girl who raised and donated over $1,000 to the Honor Flight.
>
> Marta Lehman, City resident, expressed opposition to the Fountain of the Pioneers in Bronson Park and the Foundation for Excellence. Ms. Lehman expressed concern about the circumstances surrounding the in-custody death of James Dunigan.

City Commissioner Comments

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

Commissioner Urban commented on the Fountain of the Pioneers.

Commissioner Anderson offered remarks on the life and death of Victor Van Fleet.

Vice Mayor Cooney commended the Hispanic American Council for its successful Community Fiesta, and he offered remarks on the funeral services for Daquarion Hunter.

At the request of Mayor Hopewell, Parks and Recreation Director Sean Fletcher provided details of the work being done to implement the Bronson Park Master Plan, including plans to provide an interactive interpretive experience for the Fountain of the Pioneers.

Commissioner Urban read prepared remarks regarding the Foundation for Excellence. A copy of Commissioner Urbans remarks were filed with the papers for this meeting.

Closed Session

Commissioner Knott, seconded by Vice Mayor Cooney, moved that the City Commission go into closed session to discuss labor negotiations and material exempt from discussion or disclosure by state or federal statute.

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

With a roll call vote this motion passed unanimously.

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

NAYS: None

Adjournment

The meeting adjourned at 7:39 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 7, 2016

Approved by: ____________________________
Bobby J. Hopewell, Mayor
Dated: November 7, 2016

A special work session of the Kalamazoo City Commission was held on Monday, September 26, 2016 at 6:00 p.m. in the Community Room at City Hall. The purpose of the meeting was to discuss the concept of "Committee of the Whole" meetings and to take action on items related to the transfer of public transportation services from the City of Kalamazoo to the Kalamazoo County Transportation Authority.

Roll Call

COMMISSIONERS PRESENT:	Mayor Bobby Hopewell David Anderson Erin Knott Matt Milcarek Shannon Sykes Jack Urban
COMMISSIONERS ABSENT:	Vice Mayor Don Cooney

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

Commissioner Excused

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

Communications

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

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 recommendation to the Kalamazoo County Board of Commissioners that Garylee McCormick be reappointed as one of the three City representatives on the Central County Transportation Authority.

- adoption of a "City of Kalamazoo Health Insurance Plan Unified Resolution," which allows the Central County Transportation Authority (CCTA) to participation in the City's health care insurance plan; and approval of an "Adoption Agreement for the Central County Transportation Authority Pension Plan to Participate in the City of Kalamazoo Group Trust," which allows the CCTA Pension Trust Fund to be created in the City's Group Trust Fund.

- approval and authorization for the City Manager to execute all documents necessary to facilitate and effectuate the transfer of Metro Transit operations and assets to the Central County Transportation Authority.

Resolution 16-38

- adoption of a **RESOLUTION** to authorize and direct the City Manager to submit an application to the Michigan State Housing Development Authority, State Historic Preservation Office for a Certified Local Government Grant in the amount of $54,000 to assist the City in planning the full rehabilitation of The Fountain of

Consent Agenda (cont'd)

the Pioneers in Bronson Park as part of the larger Bronson Park 21st Century Campaign. The resolution also authorizes the City Manager to sign the grant contract and any other documents related to the grant.

Prior to a vote on the motion, an opportunity was given for citizen comments, but no comments were offered.

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

With a roll call vote this motion passed.

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

NAYS: None

Discussion Items

Discussion Items were considered next.

Discussion of Committee of the Whole Meetings

At 6:05 p.m. Mayor Hopewell recessed the meeting to allow for a memo from City Attorney Robinson to be copied and distributed.

At 6:12 p.m. the meeting resumed.

City Attorney Robinson provided a synopsis of a memo dated August 22, 2016 and entitled *Committee of the Whole Process Overview*. A copy of the memo was filed with the papers for this meeting.

Commissioner Urban provided an overview of how Committee of the Whole (CoW) meetings worked with the Kalamazoo County Board of Commissioners, and he proposed the City Commission adopt a similar practice until at least the end of the year, or until there were solutions to the City's financial challenges. Commissioner Urban spoke about the importance of involving Commissioners in setting the agendas for CoW meetings. Commissioner Urban expressed support for the rules recommended by City Attorney Robinson in his memo.

Commissioner Milcarek expressed support for CoW meetings as proposed by Commissioner Urban, as they would allow for discussion of issues prior to those issues coming to the Commission for action. Commissioner Milcarek indicated he envisioned CoW meetings replacing the Commissioners' small group meetings.

In response to a question from Commissioner Anderson, Commissioner Urban stated he did not have an opinion on whether CoW meetings should replace the Commissioners' small group meetings.

Commissioner Anderson expressed concern that using CoW meetings for presentations and discussion would make the discussions less public, as these meetings would be held in a smaller venue and would not be broadcast. Commissioner Anderson stated CoW meetings would need to add value to the process, and he would not like them if the end result was

Discussion of Committee of the Whole Meetings (cont'd)

less discussion at business meetings. Commissioner Anderson cautioned that the discussions at CoW meetings and small group meetings were different types of discussions with different purposes.

In response to a question from Commissioner Anderson, City Attorney Robinson stated the Commission should amend its regular meeting schedule if the intent was to have regular, on-going CoW meetings.

Commissioner Knott stated she did not care what the meetings were called, but the first meeting topics should be the topics Commissioners had brought forward at the beginning of the summer.

Commissioner Sykes expressed interest in eliminating the small group meetings and holding CoW meetings out in the community to make them more accessible.

Mayor Hopewell stated he wanted the Commission to meet when there were issues to discuss and did not want meetings for the sake of having meetings. Mayor Hopewell expressed disagreement with the rule banning actions at CoW meetings.

Motion to Schedule Committee of the Whole Meetings

Commissioner Urban, seconded by Commissioner Sykes, moved that the City Commission have Committee of the Whole meetings at least once per month in addition to its regular meetings at a time to be determined in the evenings and at accessible locations with rules similar to the Kalamazoo County Board of Commissioners and incorporating the recommendations from the City Attorney.

Prior to a vote on the motion and in response to a question from Commissioner Anderson, City Attorney Robinson explained that Roberts Rules of Order prohibited taking votes on items during CoW meetings, as the purpose of the CoW was to make recommendation to the legislative body. City Attorney Robinson read the Kalamazoo County rules for CoW meetings.

In response to a question from Commissioner Milcarek, City Attorney Robinson stated time-sensitive action items could be handled at special meetings before or after CoW meetings. City Attorney Robinson expressed concern about the potential confusion between the proposed CoW meetings and the purpose and rules for CoW meetings under parliamentary rules. City Attorney Robinson suggested the John Carver Rules for Governance, which called for two-hour meetings, with the first hour dedicated to action items and a second hour for presentations and discussion.

Mayor Hopewell suggested scheduling work sessions on specific dates through the end of the year if there were specific topics to be addressed.

Commissioner Urban expressed support for Mayor Hopewell's suggestion and City Attorney Robinson's idea of having discussions at business meetings. Commissioner Urban withdrew his motion.

Commissioner Sykes withdrew her support.

Addition of Work Sessions to the City Commission Meeting Schedule

Commissioner Milcarek, seconded by Commissioner Knott, moved that the City Commission's meeting schedule be amended to add work sessions at 6:00 p.m. on the 4th Mondays of each month between October 2016 and March 2017.

Commissioner Sykes noted Commissioners had generated a list of discussion topics at the beginning of the summer, and she suggested these be the topics for the first few work sessions. Commissioner Sykes asked about holding the work sessions in different venues around the City.

Mayor Hopewell expressed support for having the work sessions in different locations.

When an opportunity was given for citizens to comment on the motion to add work sessions to the City Commission's meeting schedule, the following people addressed the Commission:

> Zach Lassiter, City resident, stated the work sessions needed to be broadcast and/or recorded, as the City Commission would be arriving at decisions, even if a formal vote was not taken.

With a roll call vote the motion passed.

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

NAYS: None

Citizen Comments

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

> Aaron Johnson, City resident, described his arrest and probation sentence and stated the Mobile Video Recorded (MVR) recording of the incident showed inconsistencies between what happened and the written incident report.

Commissioner Comments

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

Commissioner Sykes asked if the work sessions could be broadcast and/or recorded.

Mayor Hopewell noted it would be a lot more difficult to broadcast and record meetings if the venue changed month-to-month.

Commissioner Urban stated it was more important that meetings be recorded and in regular locations. Commissioner Urban indicated that holding meetings in different locations would be acceptable if the meetings could be recorded.

In response to a question from Commissioner Anderson, Deputy City Manager Moore stated Mr. Johnson's case was being appealed to the Community Public Safety Review and Appeal Board.

Adjournment

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 7, 2016

Approved by: ______________________________
Bobby J. Hopewell, Mayor
Dated: November 7, 2016

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A regular meeting of the Kalamazoo City Commission was held on Monday, October 3, 2016 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

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

COMMISSIONERS ABSENT: Shannon Sykes

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

Commissioner Excused

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

Invocation

The invocation, given by Pastor David Nichols, First Baptist Church of Kalamazoo, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

Introduction of Guests: Report on the 2016 Summer Youth Employment Program

Karen Carlisle of Youth Opportunities Unlimited distributed and reviewed the 2016 *Summer Youth Employment Program Dashboard*. A copy of this report was filed with the papers for this meeting.

In response to a question from Commissioner Anderson, Ms. Carlisle stated the limitation on the program was funding for wages.

Mayor Hopewell noted the Summer Youth Employment Program was funded through the City budget and a donation from William Johnston.

Vice Mayor Cooney remarked that the number of applicants indicated there were many young people in the community who wanted to work.

Ms. Carlisle and Mayor Hopewell presented awards to the following businesses involved with the Summer Youth Employment Program:

<u>Career Day/Talent Tours</u>
Bronson Health
Kalamazoo Department of Public Safety
Kalamazoo RESA-Education for Employment
Kalamazoo RESA-MiTech Department
WMU School of Medicine

<u>Landscape Projects</u>
Briar Patch
Handley’s Tree Service & Hardwoods
Wenke Greenhouses
WMU Landscape Services

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 the purchase of two, all-purpose rear dump stainless steel bodies with hoist and scrapers from Arista Truck Systems for a total cost of $128,936.

- approval of the purchase of two non-heated dump bodies with scraper, wing blades and spreaders from Shults Equipment in the amount of $153,190.

- approval of an additional month-to-month contract extension with Republic Services for curbside recycling from October 2016 thru March 2017 in the amount of $460,827.37; and a change order for the current extension in the amount of $150,410.41 to cover services thru September 2016.

- adoption of a **RESOLUTION** authorizing the issuance of Hospital Revenue Refunding Bonds on behalf of Bronson Healthcare Group, Inc and its subsidiaries for an aggregate principle amount not to exceed $135,000,000. Resolution 16-38

- adoption of a **RESOLUTION** authorizing city staff to continue applying for and receiving the necessary permits to perform work within Michigan Department of Transportation rights-of-way. Resolution 16-39

- acceptance of a 2016 Justice Assistance Grant award in the amount of $78,332 from the U.S. Justice Department.

- approval of a recommendation to the Kalamazoo County Board of Commissioners that Jerome Kisscorni be reappointed as the City's Representative on the Kalamazoo County Land Bank Authority Board.

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

With a roll call vote this motion passed.

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

NAYS: None

City Manager's Report

City Manager Ritsema reported that work was continuing on a Memorandum of Understanding (MOU) regarding the Foundation for Excellence. City Manager Ritsema stated the MOU should be ready by the October 17th City Commission meeting, but the document might not be ready for public distribution with as much lead time as desired.

Mayor Hopewell suggested the work session on October 24th be used to discuss the MOU.

City Manager's Report (cont'd)

Commissioner Urban expressed support for discussing the MOU on October 24th, and he requested that the document be made available online so people would have the same opportunity to review it as Commissioners.

By consensus Commissioners agreed that the topic for the October 24th work session should be the MOU for the Foundation of Excellence.

City Attorney's Report

City Attorney Robinson reported on several bills that were recently signed into state law regarding medical marijuana provisioning centers. City Attorney Robinson noted the laws would not become effective until December of 2016, and the state licensing board responsible for issuing licenses would not begin considering applications until December of 2017. City Attorney Robinson stated an applicant for a license would need to receive local approval before getting a license from the state. City Attorney Robinson indicated the City would need to address zoning issues and a local approval process if the Commission wanted to allow provisioning centers within the City.

In response to a question from Commissioner Anderson, City Attorney Robinson stated the current medical marijuana law allowed caregivers to grow only 72 plants, while the new laws effectively permitted commercial grow operations. City Attorney Robinson indicated he would need to study how the new laws interacted with the City Charter section on marijuana dispensaries.

Citizen Comments

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

> Frank Warren, City resident, spoke about his efforts to recognize an 8-year old girl who raised over $1,500 for the Honor Flight.
>
> Jevin Weyenberg, non-resident, asked the City Commission to allow medical marijuana provisioning centers in the City under recently passed state laws.
>
> Monica Padula, City resident, asked the City to adopt an "Indigenous Person Day" resolution in lieu of recognizing Columbus Day. Ms. Padula expressed opposition to the Fountain of the Pioneers in Bronson Park.
>
> Jonathan McKinney, City resident, expressed opposition to the Fountain of the Pioneers in Bronson Park.
>
> Doug Kirk, City resident, expressed concern about the lack of provisions for bike signs in a new signage policy being developed by the City of Kalamazoo, City of Portage, and Kalamazoo County Road Commission.

City Commissioner Comments

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

Commissioner Milcarek thanked City Attorney Robinson for following and reporting on developments with medical marijuana statutes.

City Commissioner Comments (cont'd)

Commissioner Milcarek expressed hope that the City Commission would honor the wishes of Kalamazoo voters regarding medical marijuana.

Commissioner Urban spoke about the proposed bike signage policy.

Commissioner Knott thanked Community Planning and Development Director Laura Lam for the responsiveness of her staff in dealing with some urgent issues.

Commissioner Anderson remarked on items from the Consent Agenda, including the Justice Assistance Grant and Hospital Finance Authority Bonds.

Vice Mayor Cooney invited people to attend upcoming community events.

Mayor Hopewell recognized Western Michigan University students who were in attendance.

Adjournment

The meeting adjourned at 8:13 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on October 17, 2016

Approved by: ____________________________
Bobby J. Hopewell, Mayor
Dated: October 17, 2016

A neighborhood meeting of the Kalamazoo City Commission was held on Monday, October 17, 2016 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.

Roll Call

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

COMMISSIONERS ABSENT: None

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

Commissioner Excused

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

Communications

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

Neighborhood Communications

Neighborhood communications were received next.

Representatives from the following neighborhood associations were scheduled to address the City Commission but were not present:

- Downtown Citizens' Advisory Council
- Northside Association for Community Development

Citizen Comments

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

Nehemiah Scudder, City resident, spoke about fluoridation of the water supply and stated there was evidence for the benefits of fluoride but not the side effects.

Hubert Mitchell, City resident, expressed concerns about bicycle passing distance ordinance and suggested the City license bicycles and use the fee revenue to maintain bike paths.

Commissioner Comments

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

Adjournment

The meeting adjourned at 6:10 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 7, 2016

Approved by: ______________________________
Bobby J. Hopewell, Mayor
Dated: November 7, 2016

A regular meeting of the Kalamazoo City Commission was held on Monday, October 17, 2016 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

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

COMMISSIONERS ABSENT: None

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

Invocation

The invocation, given by Pastor David Nichols, First Baptist Church of Kalamazoo, was followed by the Pledge of Allegiance.

Presentation by Rob Collier from the Council of Michigan Foundations

Rob Collier, President and CEO of the Council of Michigan Foundations, delivered a presentation on potential options for the structure, governance, and operations of the Foundation for Excellence (FFE). Mr. Collier indicated he had submitted a letter to the Mayor and City Manager with his observations and recommendations. A copy of the letter was filed with the papers for this meeting.

In response to a question from Commissioner Urban, Mr. Collier stated the FFE could contract with the Kalamazoo Community Foundation to handle paperwork and back office functions.

In response to questions from Vice Mayor Cooney and Commissioners Urban and Milcarek, Mr. Collier indicated other cities had foundations, but not one like the City of Kalamazoo was proposing, which was unique in that it would provide one-third of the City's general fund budget. Mr. Collier explained that most cities with foundations had a strong-mayor form of government, and these foundations were actually under the purview of the mayors. Mr. Collier stated the FFE would raise the bar for private/public partnerships and create an opportunity to address service enhancements as well as basic services.

Proclamation

Commissioner Anderson read a proclamation commemorating the *Pretty Lake Camp 100th Anniversary*. Executive Director Eric Wembly accepted the proclamation.

Adoption of the Agenda

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

City Attorney Robinson requested the addition of a resolution to the Consent Agenda that would approve the appointment of City Manager Ritsema to the Hospital Finance Authority (HFA) and the reappointment of himself and Management Services Director Tom Skrobola to the HFA.

Vice Mayor Cooney requested that Item F-4, a resolution decertifying a portion of Crane Avenue, be moved to the Regular Agenda.

Communications

City Manager Ritsema announced there would be a City Commission work session on Monday, October 24th at 6:00 p.m. in Room 126 at Anna Whiten Hall on the Arcadia Commons Campus of Kalamazoo Valley Community College. City Manager Ritsema stated the Memorandum of Understanding (MOU) for the Foundation for Excellence would be the topic of the work session, and the MOU document would be released for public distribution the next morning.

Public Hearing re: the 2015 Kalamazoo Mall Maintenance Assessment

At 7:24 p.m. Mayor Hopewell opened a public hearing to receive comments on a RESOLUTION (Resolution #4) for the purpose of approving the 2015 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of $15.164.

At 7:25 p.m. Mayor Hopewell closed the public hearing.

Resolution 16-40 Approving the 2015 Kalamazoo Mall Maintenance Assessment

Vice Mayor Cooney, seconded by Commissioner Milcarek, moved to adopt a **RESOLUTION** (Resolution #4) for the purpose of approving the 2015 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of $15.164.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the city:

- approval of a contract with Republic Services for packer truck rental in the amount of $135,387.00.

- approval of a contract with Pel GC for Phase 1 of City Hall renovations in the amount of $127,778.

- approval of an MDOT Maintenance Contract for the Downtown section of the Kalamazoo River Valley Trail.

- adoption of a **RESOLUTION** to vacate the east 135.75 feet of the public alley located between Beacon and Center Street. (Resolution 16-41)

- approval of the Mayor's appointment of Sue Robinson to the Historic Preservation Commission for a term expiring on March 31, 2018.

- approval of the appointment of Matt Lager to the Zoning Board of Appeals as Alternate #1 for a term expiring on March 31, 2018.

Resolution 16-42

- adoption of a **RESOLUTION** confirming the appointment of James K. Ritsema and the reappointments of Clyde J. Robinson and Thomas C. Skrobola to the City of Kalamazoo Hospital Finance Authority.

Commissioner Urban, 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 Anderson, Knott, Milcarek*, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

*At the time of the vote Commissioner Milcarek abstained from voting on Item F-7, appointment to the Zoning Board of Appeals, due to a conflict of interest.

Regular Agenda

Next, Regular Agenda items were considered.

Resolution 16-43
Decertifying 438' of
Crane Avenue

When an opportunity was given for citizens to comment on a resolution to decertify 438' of Crane Avenue from Grandview Avenue to Betsy Ann Place, the following people addressed the City Commission:

The following people expressed opposition to the proposed resolution and requested that the City keep open the portion of Crane Avenue through Crane Park as a seasonal road:

Blanca Skelding, City resident
Chris Skelding, City resident
Virginia Antoniotti, City resident
David Antoniotti, City resident
Pedro Griswold, City resident

The following people expressed support for the proposed resolution and opposition to opening the portion of Crane Avenue through Crane Park:

Jennifer Ward, City resident
Chris Patchell, City resident
Lynn Houghton, City resident
Susan Beute, City resident
Gail Walter, City resident
Derek Wissner, City resident
Eileen Schoenfeld, City resident
Sean Ansett, City resident
Joel Schneck, City resident
Mike Muscara, City resident
Nehemiah Scudder, City resident

Resolution 16-43 Decertifying 438' of Crane Avenue (cont'd)

Commissioner Urban, seconded by Commissioner Anderson, moved to adopt a **RESOLUTION** to decertify 438' of Crane Avenue from Grandview Avenue to Betsy Ann Place in accordance with Public Act 51 of 1951.

Prior to a vote on the motion, Commissioner Milcarek expressed opposition to the resolution and the City's interim plan for making Betsy Ann Place safer in the winter. Commissioner Milcarek stated he agreed that there should not be a road through Crane Park, but the City had a responsibility to make Betsy Ann Place safe. Commissioner Milcarek stated the City had been disingenuous in some ways, as it was known that the road through the park had been a through-street for years and open to traffic.

Commissioner Urban expressed support for the resolution and for the City's interim plan to make Betsy Ann Place more drivable in winter. Commissioner Urban stated the City needed to be prepared to implement a permanent solution for making Betsy Ann Place safe.

In response to questions from Commissioners, Public Service Director James Baker made the following points:

- because the road through Crane Park had been closed to thru traffic since 2008 the Michigan Department of Transportation (MDOT) wanted the City to either reopen the road or decertify it within 30 days. Failure to take action could result in the City losing some of its Act 51 funding.

- the best the City could do with Betsy Ann Place was to regrade the road to a 6.8% grade, which would cost $300,000 - $500,000.

- the drive off of Maple Street referenced by Mr. Muscara was an ingress/egress created by the contractor during the construction of the condominiums; it was not a public street. The City would consider making curb cuts on Maple Street if the condominium association wanted to pay for the construction of a street.

- if the City moved the boulders and gate to block Betsy Ann Place at the top of the hill and open the road through Crane Park, the City would need to decertify Betsy Ann Place.

- MDOT allowed roads to be certified as "seasonal roads," but usually these roads were closed in the winter and open during the rest of the year.

In response to questions from Commissioners Milcarek and Sykes, Deputy City Manager Jeff Chamberlain reported the City still had the $48,000 deposited by the condominium developer, and he explained the intended use of this money was to resurface Betsy Ann Place once construction was complete. Deputy City Manager Chamberlain stated a street reconstruction project was much different than a resurfacing project and much more expensive. Deputy City Manager Chamberlain stated Betsy Ann Place was connected to Crane Park, and improvements to the street would be part of the significant Crane Park upgrades planned for 2018.

Resolution 16-43 Decertifying 438' of Crane Avenue (cont'd)

Commissioner Anderson observed that decertifying the road through Crane Park did not diminish or reduce the City's options for addressing Betsy Ann Place or the needs of the condominium residents.

Mayor Hopewell requested that the City's plan for handling Betsy Ann Place during the 2016-17 and 2017-18 winter seasons be put in writing, including how the plan would be operationalized. Mayor Hopewell stated having first responders stop at the gate at Grandview Avenue and then use the unplowed, snow covered road through Crane Park was not a good emergency plan, and he asked the City to develop a new one.

Vice Mayor Cooney stated opening the road through Crane Park was not the answer, and he expressed support for the resolution and Mayor Hopewell's request for a written plan regarding Betsy Ann Place.

Commissioner Sykes stated she wished the City had a better short term plan for Betsy Ann Place, and she expressed support for allowing the condominium residents to use the park path during the winter.

Mayor Hopewell stated he would want to see the road through Crane Park reopened if the City was not going to do anything about Betsy Ann Place. However, the City had both a short term and long term plan.

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

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

NAYS: Commissioners Sykes and Milcarek

City Manager's Report

City Manager Ritsema provided the following reports and updates:

- Departmental Reports and Project Updates
- *Inside the City Newsletter*, October 2016 Edition
- September 2016 Purchases

City Manager Ritsema invited people to attend an Imagine Kalamazoo 2025 "Plan It" workshop on Thursday, October 27th at 5:30 p.m. at St. Joseph's Church on Lake Street.

Citizen Comments

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

Ed Nickerson, City resident, spoke about being harassed by the police while he was protesting outside the county building.

Corey Smith, City resident, requested that high school students be able to ride Metro Transit busses for free, like Western Michigan University students.

Dean Hauck, City resident, expressed support for the Foundation for Excellence and noted there would be a meeting on October 20th where citizens could give input on MDOT's proposed projects for the downtown area.

Citizen Comments (cont'd)

Frank Warren, City resident, spoke about Veterans' Day and stated local veterans would be honoring a young girl who raised and donated funds for the Honor Flights.

Nehemiah Scudder, City resident, remarked on Pretty Lake Camp.

City Commissioner Comments

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

Commissioner Milcarek thanked staff for their work on the scene of a fire at a blighted house on Skinner Avenue.

Commissioner Urban read prepared remarks on the Urban Growth Initiative. Commissioner Urban's written remarks were filed with the papers for this meeting.

In response to a question from Commissioner Knott, City Manager Ritsema confirmed the Foundation for Excellence MOU would be available to the public on October 18th.

Commissioner Sykes thanked the City Clerk for the work of his office to prepare for the November 8th election, and she asked the City Clerk and City Manager to consider having extended evening and/or weekend hours to help address the late mailing of absentee ballots.

Vice Mayor Cooney requested information on the incident involving Mr. Nickerson and offered remarks on the life of Dr. Michael Liepman.

Mayor Hopewell explained that Western Michigan University paid for its students' bus fares, and transportation issues were now handled by the county through the Central County Transportation Authority. Mayor Hopewell remarked on the life of Dr. Liepman, and he expressed support for the work of Deputy City Manager Chamberlain.

Adjournment

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 7, 2016

Approved by: ______________________________
Bobby J. Hopewell, Mayor
Dated: November 7, 2016

A work session of the Kalamazoo City Commission was held on Monday, October 24, 2016 at 6:00 p.m. in Room 128 of Anna Whitten Hall, located at 202 North Rose Street on the Arcadia Commons Campus of Kalamazoo Valley Community College.

Roll Call

COMMISSIONERS PRESENT: Mayor Bobby Hopewell
Vice Mayor Don Cooney
David Anderson
Erin Knott
Matt Milcarek
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT: None

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

Adoption of the Agenda

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

Communications

When an opportunity was offered for general communications, City Manager Ritsema announced the October meeting of the Transportation Parking and Mobility Committee would be open to the public and would take place on October 26, 2016 at 8:00 a.m. in the Discover Kalamazoo Conference Room – second floor, located at 141 E. Michigan Avenue.

Regular Agenda

Regular Agenda Items were considered next.

Approval of a Memorandum of Understanding re: the Foundation for Excellence

City Manager Ritsema delivered a PowerPoint presentation entitled Kalamazoo City Commission Work Session: *Kalamazoo Foundation for Excellence Memorandum of Understanding*. A copy of this presentation was filed with the papers for this meeting.

In response to a question from Commissioner Anderson, City Attorney Robinson stated the proposed Memorandum of Understanding (MOU) was an attempt to capture the flavor of the discussions between the Mayor, the City Manager, and the donors as well as the commitments made during those discussions.

In response to a question from Commissioner Sykes, City Manager Ritsema stated there might be a need for some adjustments to the budget stabilization portion of the Foundation for Excellence (FFE) funding plan in the years beyond 2019 due to inflationary expenditure increases.

When an opportunity was given for citizens to comment on the Memorandum of Understanding for the proposed Foundation for Excellence, the following people addressed the Commission:

Bob Cinabro, City resident and President of the Union of Retired Government Employees (URGE), expressed support for the FFE both personally and on behalf of URGE.

Approval of a Memorandum of Understanding re: the Foundation for Excellence (cont'd)

Gary Hettrick, City resident, expressed support for the FFE.

Joanna Dales, Vice President for Donor Relations with the Kalamazoo Community Foundation (KCF), expressed support for the FFE and stated the KCF was ready to support the City in whatever capacity was needed.

Peter Battani, City resident, expressed support for the FFE.

Mattie Jordan-Woods, City resident, expressed support for the FFE.

Mary Balkema, City resident and Kalamazoo County Treasurer, expressed support for the FFE.

Chris Wahmhoff, City resident, questioned how the donors had helped the community with their taxes, spoke about the need for the City to better communicate with residents, and stated there was no trust in the community.

Richard Light, City resident, expressed support for the FFE and urged the City to communicate about the FFE with precision and clarity to keep the community on the same page.

Bill Lindsey, City resident, stated the FFE was a great gift that placed a great responsibility on the City's leaders.

Max Tibbitts, City resident, expressed support for the FFE and suggested the FFE documents include language that would give the City the flexibility to address future needs.

Gerry Albertson, City resident, remarked on the ways the FFE could dovetail with other community initiatives like the United Way, the KCF, and The Kalamazoo Promise.

Zachary Lassiter, City resident, expressed support for the FFE and noted an income tax was rejected by the Blue Ribbon Revenue Panel.

Doris McClain, City resident, urged City to take a "trust but verify" approach to the FFE.

Bruce Martin, City resident, stated he had concerns about the FFE, but he was impressed that City leaders were able to get a commitment from the donors.

Kennedy, a City resident, stated she did not feel comfortable with a public/private partnership unless the donors were willing to commit to solving the City's budget problem in a permanent way.

Chan Pratt, City resident, stated the City needed to get more input from neighborhood residents and from diverse groups of people.

Approval of a Memorandum of Understanding re: the Foundation for Excellence (cont'd)

Evan Driscoll, City resident, stated there needed to be better and more diverse forms of communications between the City and residents.

Dana Underwood, City resident, questioned why the donors did not work through an existing community foundation. Ms. Underwood stated it was human nature to look differently at people who made large donations, and she expressed concern about this relative to the FFE.

Ricky Thrash, City resident, expressed support for the FFE.

Dean Houck, City resident, stated she had received a lot of feedback on the FFE from her customers at the Michigan News Agency, and she reported that people wanted the City Commission to manage the FFE correctly, be smart about how it was setup and used, and create a separate board to manage the FFE.

Mark Fricke, City resident, remarked on the uniqueness of the FFE and urged people to participate in the IK2025 process.

John Schmitt, City resident, expressed support for the FFE and especially the aspirational projects.

Vice Mayor Cooney, seconded by Commissioner Knott, moved to approve the Memorandum of Understanding for the proposed Foundation for Excellence and authorize the Mayor, the City Manager, the City Attorney, and the City Clerk to sign all documents on behalf of the City.

Prior to a vote on the motion, Commissioner Milcarek stated he wanted to see the model for the FFE moving forward and asked the following questions: will $500 million be enough to sustain the goals of the FFE beyond the initial three years?; do City leaders really want to make on-third of the general fund budget dependent on the stock market?; how will the FFE plan be sustained in perpetuity with the growth potential of the tax base by 40% because of the millage reduction?

Commissioner Urban noted that approval of the MOU was the first step in the process to create the FFE, and there were a lot of details that still needed to be worked out. Commissioner Urban indicated the MOU was a memorial of the work of the Mayor, the City Manager, and the donors, and it represented an agreement to go in a certain direction. Commissioner Urban indicated his support for the MOU but indicated he was content to wait on the approval to allow time for people to reflect on the import of the action the Commission was being asked to take. Commissioner Urban noted the MOU would take discussion of an income tax off the table for 3 years, but it would be an option the FFE was not realized. Commissioner Urban urged people to participate in the IK2025 process, to give to the FFE, to support businesses in the City, and to engage in community projects.

Approval of a Memorandum of Understanding re: the Foundation for Excellence (cont'd)

Commissioner Sykes stated she had hoped to see more detail in the MOU, but it was not the intent for the MOU to include a lot of details. Commissioner Sykes indicated it would be incredibly important for City leaders and the community to pay attention to every detail of the FFE design, and she asked that the FFE design details be made available to Commissioners and the public well in advance of any future Commission actions. Commissioner Sykes stated she would not be in favor of having City staff and donors on the board of the FFE. Commissioner Sykes expressed support for the aspirational goal of ending generational poverty, but she asked people to consider the amount of work and resources needed to achieve this goal.

Commissioner Anderson stated money alone would not address the needs of the community, and he spoke about the need for the community to support initiatives like The Kalamazoo Promise and the FFE. Commissioner Anderson stated many children in the City lived in poverty and deserve to have safe streets, great parks, and recreational and educational programs, but there had been zero capacity for the City to address these needs and others. Commissioner Anderson offered remarks on risk management and contrasted the failure of property taxes to offer a stable revenue source with the tremendous success of the City's pension fund investments. Commissioner Anderson stated public/private partnerships could be done with transparency, and he expressed confidence that every City Commissioner and City official wanted the FFE to be a transparent, intelligent, well managed program. Commissioner Anderson stated people would remember this moment, and it was exciting to have a chance to shape how the FFE would look.

Vice Mayor Cooney offered remarks on the City's fiscal challenges and stated the City and its people were in trouble because of the economy and poverty. Vice Mayor Cooney spoke about the need to address poverty in order to remove roadblocks to success for both individuals and initiatives like The Kalamazoo Promise. Vice Mayor Cooney stated the FFE was a chance to get resources for the City, and he thanked the Mayor, the City Manager, Mr. Johnston, and Mr. Parfet.

Commissioner Milcarek requested a timeframe for when the City could begin exploring an income tax if it became apparent the FFE was not going to work. Commissioner Milcarek also requested a timeframe for when the City would put forward a ballot question to make the 12 mill property tax levy permanent.

Mayor Hopewell spoke about historic moments when the City's aspirations seemed "too big" and stated Kalamazoo was up to the challenge. Mayor Hopewell stated the City had been reaching out to the community through the media, through social media, through the IK2025 process, and through direct contact. Mayor Hopewell noted the FFE was proposed by the City, not the donors. Mayor Hopewell indicated a lot of work had been done on the FFE, and a lot of heavy lifting remained to be done. Mayor Hopewell expressed confidence in the City Attorney, the City Manager, the City Commission, and the community to do this work.

Approval of a Memorandum of Understanding re: the Foundation for Excellence (cont'd)

With a roll call vote the motion passed 6-1.

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

NAYS, Commissioners: Milcarek

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

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

Commissioner Milcarek explained he voted "no" on the MOU because he wanted be a voice for the skeptics in the community. Commissioner Milcarek stated he was committed to work on the FFE going forward.

Commissioner Anderson offered the following quote from a recent TED Talk by Mia Birdsong: "Optimism is a form of resistance."

Commissioner Urban asked that recommendations from Rob Collier, President and CEO of the Council of Michigan Foundations, be put on the City's website so people could more fully participate in future discussions of the FFE.

Commissioner Sykes stated she had planned on voting "no," on the MOU but explained that comments from citizens had made a difference. Commissioner Sykes indicated she still had philosophical concerns about privatizing a portion of the City's budget, but she was excited to move forward.

Mayor Hopewell thanked Bill Johnston and Bill Parfet for their investments in the community over the years, including the FFE.

Adjournment

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 7, 2016

Approved by: ______________________________
Bobby J. Hopewell, Mayor
Dated: November 7, 2016

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Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Laura Lam, Director CP&D

PREPARED BY: Rob Bauckham, Senior Development Planner

DATE: 10/7/2016

SUBJECT: Vacation of a Portion of Ampersee Avenue and an Adjacent Public Alley

RECOMMENDATION

It is recommended that the City Commission adopt a resolution vacating a portion of Ampersee Avenue between E. Michigan Avenue and the Norfolk Southern Railroad, and a public alley north of 701 E. Michigan Avenue.

BACKGROUND

All street vacation requests are subject to the requirements of the city's Street Vacation Policy, which was adopted in 1992. The Planning Commission is required to hold a public hearing to review each request, and then provide a recommendation to the City Commission. The City Commission provides the final decision on all such requests. The applicant has submitted all necessary forms and supporting documents for the request.

The Public Safety Department and Public Services Department have both been contacted regarding this request. No objections were raised by staff from these offices for the Ampersee Street segment vacation or for the public alley vacation. The Public Services Department would like to be provided with an easement for any underground utilities in the street segment and public alley for maintenance purposes, and to make adjustments to the utilities as needed. No buildings could be constructed over the utilities.

For most street vacation requests, recipients of the property are required to pay to the city the fair market value of the land that is vacated, or another amount as directed by the City Commission. The City Assessor's office has determined that the fair market value of the Ampersee Street segment is $22,000. If it is vacated, this amount would need to be paid to the city in order to transfer ownership of the land. Normally, such vacated property is split down the middle with each half going to the respective adjacent property owners. MDOT owns some of the land that abuts the street segment and would be entitled to receive half of it. If MDOT is not interested in it, Consumers Energy would be able to acquire all of the street segment. The public alley was previously sold to the owners of Arcadia Ales. As such, no payment would need to be made to the city if the alley is vacated.

COMMUNITY RESOURCES CONSULTED

A Planning Commission public hearing notice was mailed to all property owners and occupants within 300 feet of the property to be vacated. The notice of the hearing was also published in the Kalamazoo Gazette prior to the meeting.

FISCAL IMPACT

The City Assessor's office has determined that the fair market value of the Ampersee Street segment is $22,000. If it is vacated, this amount would need to be paid to the city in order to transfer ownership of the land.

ALTERNATIVES

The City Commission has the option of not approving the vacation request. City staff has indicated the street segment is not needed for city purposes. It is recommended that the City Commission approve the street vacation request.

ATTACHMENTS:

	Type	Description
🗋	Resolution	Resolution
🗋	Project Description	Legal description
🗋	Minutes	PC minutes
🗋	Map – Existing Zoning	Zoning map
🗋	Aerial Photo	Aerial photo
🗋	Map	Black and White map

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO.

A RESOLUTION VACATING AMPERSEE STREET NORTH OF EAST MICHIGAN AVENUE AND THE PUBLIC ALLEY LOCATED NORTH OF 701 EAST MICHIGAN AVENUE IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN

Minutes of a regular meeting of the City Commission of the City of Kalamazoo held on __________, 2016, at 7:00 o'clock p.m., local time at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

Recitals:

A. The City of Kalamazoo is empowered with the authority to vacate a street pursuant to City Charter Sections 150 and 171, the Constitution of the State of Michigan 1963, Article VII, Section 29, and the Land Division Act, MCL 560.256.

B. The City received a request from ENMAR, LLC to vacate Ampersee Street north of East Michigan Avenue and the public alley located north of 701 East Michigan Avenue.

C. ENMAR, LLC purchased the property at 701 East Michigan Avenue from the City of Kalamazoo Brownfield Redevelopment Authority in 2013, which included the public alley.

D. The public alley was not vacated to ENMAR, LLC as part of the purchase, and it needs to be vacated.

E. The segment of Ampersee Street north of East Michigan Avenue is occasionally blocked by the vehicles of patrons of the business at 701 East Michigan Avenue, which hinders access to 410, 415, 416, and 419 Ampersee Street.

F. Vacating this segment of Ampersee Street to the abutting parcels would allow the owners to regulate access to the parcels.

G. The City provided Notice of the Public Hearing before the Planning Commission on vacating the segment of Ampersee Street and the public alley by: (i) publication in the Kalamazoo Gazette; and (ii) mailing the notice first class with postage pre-paid to all listed homeowners and/or property owners of parcels of land abutting the segment of Ampersee Street and the public alley and located within three hundred (300) feet from any point on the boundary line of the street segment and public alley.

H. A public hearing was held on September 1, 2016 by the Planning Commission where the public was able to provide testimony pertaining to the vacation of the street segment and public alley.

I. The Planning Commission unanimously recommended that the City Commission vacate the segment of Ampersee Street north of East Michigan Avenue and the public alley, and that the two halves of the street segment be combined with the four abutting parcels.

G. The City Commission finds that the Department of Public Services and Public Safety Department no longer require that this section of the street and public alley remain a public street.

H. Under City Commission policy, the property owners of 410, 415, 416, and 419 Ampersee Street have agreed to pay the $22,000 fair market value of this vacated portion of the public street, which was calculated by the Assessor's Office.

I. The City Commission determined that the best interest of the health, welfare, comfort and safety of the citizens of Kalamazoo are met by the vacation of the segment of Ampersee Street north of East Michigan Avenue and the public alley north of 701 East Michigan Avenue as set forth in this resolution.

THEREFORE, IT IS RESOLVED:

1. The segment of Ampersee Street north of East Michigan Avenue and the public alley north of 701 East Michigan Avenue, as depicted in the attached Exhibit A and map, are hereby vacated and discontinued as a public street and alley subject to the following conditions: (a) the Ampersee Street segment shall be divided in half and combined with the parcels at 410, 415, 416, and 419 Ampersee Street, (b) an easement shall be provided to the Public Services Department by the owners of the four parcels for the continued maintenance of any underground utilities located in this section of the street, (c) the public alley shall be combined with the parcel at 701 East Michigan Avenue.

2. The City Manager is authorized to sign any additional documents besides this resolution that are necessary to reflect this right-of-way vacation.

3. Upon receipt of evidence that the condition set forth above is met, the City Clerk of the City of Kalamazoo shall record certified copies of this resolution with the Kalamazoo County Register of Deeds and the State Treasurer.

The above resolution was offered by Commissioner______and supported by Commissioner __________/

AYES, Commissioners:

NAYS, 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 _________________, 2016. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

____
Scott A. Borling, City Clerk

EXHIBIT A

Vacated Alley:

The north twenty (20) feet of the parcel of land located in the Southeast 1/4 of Section 15, Town 2 South Range 11 West, being a part of UNION ADDITION, Liber 3 of Plats Page 26, and being a part of HARRIS'S PLAT ON UNION ADDITION, Liber 3 of Plats Page 26, more particularly described as follows: commencing at the East 1/4 post of Section 15; thence South 00 degrees 14 minutes 04 seconds East 89.37 feet along the east line of Section 15 to the south line of a 100 foot railroad right-of-way and the point of beginning for the following; thence 95.89 feet along the south line of said railroad right-of-way on a curve to right with a radius of 3500 feet and a chord of South 82 degrees 52 minutes 51 seconds East 95.88 feet to the west line of Ampersee Street; thence South 03 degrees 19 minutes 58 seconds East 20.19 feet along the west line of Ampersee Street; thence 134.10 feet along the south line of a 19.8 feet alley on a curve to left with a radius of 3480.20 feet and a chord of North 83 degrees 08 minutes 07 seconds West 134.09 feet; thence South 03 degrees 19 minutes 58 seconds East 62.61 feet parallel to the west line of Ampersee; thence North 86 degrees 40 minutes 02 seconds East 4.0 feet; thence South 03 degrees 19 minutes 58 seconds East 145.98 feet parallel to the west line of Ampersee 145.98 feet to the north line of East Michigan Avenue; thence 65.43 feet along the north line of East Michigan Avenue on a curve to right with a radius of 640.0 feet and a chord of South 81 degrees 11 minutes 20 seconds West 65.40 feet; thence South 84 degrees 06 minutes 54 seconds West 277.74 feet along the north line of East Michigan Avenue; thence North 31 degrees 57 minutes 04 seconds West 330.75 feet to the south line of a 100 foot railroad right-of-way; thence 537.45 feet along the south line of said railroad right-of-way on curve to right with radius of 3500 feet and a chord of South 88 degrees 03 minutes 54 seconds East 536.93 feet to the point of beginning.

Vacated Portion of Ampersee Street:

The entire portion of Ampersee Street that lies between the north line of East Michigan Avenue and south line of the one hundred (100) foot railroad right-of-way.

City of Kalamazoo
PLANNING COMMISSION
Minutes
September 1, 2016
DRAFT

Second Floor, City Hall
Community Room
241W. South Street, Kalamazoo, MI 49007

Members Present:	Rachel Hughes-Nilsson, Chair, Geoffrey Cripe, Emily Greenman Wright, Tracy Hall, Gregory Milliken, Derek Wissner
Members Excused:	Charley Coss, Vice-Chair; Joshua Cook
City Staff:	Rob Bauckham, Senior Development Planner; Carmela Hostiguin, Recording Secretary
Guests:	None

A. CALL TO ORDER

Commissioner Hughes-Nilsson called the meeting to order at 7:04 p.m.

B. ROLL CALL

Planner Bauckham proceeded with roll call and determined that the aforementioned members were present.

C. ADOPTION OF FORMAL AGENDA

Postpone H. 1. Imagine Kalamazoo Update to October agenda.

Commissioner Hall, supported by Commissioner Greenman Wright, moved approval of the September 1, 2016 Planning Commission agenda as amended. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

In the "Call to Order" section of the August 4, 2016 meeting minutes, change Commissioner Cripe to Commissioner Coss.

Commissioner Milliken, supported by Commissioner Hall, moved approval of the June 2, 2016 Planning Commission minutes as amended. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Bauckham introduced Recording Secretary Carmela Hostiguin who is filling in for Wendee Mayes.

F. PUBLIC HEARINGS

P.C. #2016.10: Request to vacate the east 135.75 feet of a public alley located between Southworth Terrace and Beacon Street. [Recommendation: motion to recommend to the City Commission to approve the vacation request with one condition.]

Planner Bauckham presented the staff report. The request is for a vacation of a basically undeveloped, narrow alley. Applicant owns the property to the south of the alley. The purpose of the request is to have a second access to his garage and to increase the size of his lot. Applicant is asking for the east 135.75 feet of the public alley to be vacated to him. There are two properties on the Northside of the alley. The house to the northeast is vacant and condemned. The house to the northwest is occupied. The owners of both properties have been contacted by both the applicant and the City Planning department to ask if there were any objections and if they had interest in receiving the north half of the alley segment if it is vacated. No response has been received from the neighbors. The adjacent property owners will have until the meeting of the City Commission to express interest in the alley. The one condition to the vacation would be that the Public Services Department be provided with an easement to access any underground utilities in the alley segment for maintenance purposes. The fair market value of this portion of the alley has been estimated at $1,100. That would be paid to the City if it is vacated.

Commissioner Cripe asked if the houses to the west would no longer be able to use the alley to connect to South Burdick Street. Planner Bauckham clarified that they would not have access from the east end of the alley; however, they would still have access from the west end. Planner Bauckham went on to say that if the vacation is approved it would be up to the applicant if he wanted to continue to allow the other houses access from the east end of the alley. This action would vacate the City's interest and ownership of the property. Commissioner Milliken asked for clarification on the neighbor's rights as far as acquiring part of the vacation. Planner Bauckham responded that there have been two attempts to contact the adjacent property owners and there will be a third attempt. The abutting property owners are entitled to receive the north half of the alley segment if they want it. If there is no response by the time that the City Commission meets on the request, the neighbors will have waived their right to acquisition.

The applicant, Mr. Joshua Davis, reiterated that the reason for the request is to have rear access to his garage. The alley has been unused for decades. A car would not be able to drive from one end to the other as it would be blocked by trees and vegetation. One of the other houses has built a fence around the property making access from the alley impossible. Mr. Davis also mentioned that if he was not granted the entire 16-foot-wide segment of the alley he would accept an 8-foot-wide segment.

Commissioner Greenman Wright inquired as to if it was common for these alleys to be present in the neighborhoods and if there are many vacation requests. Planner Bauckham responded that there are many narrow alleys throughout the city and that there have been many vacations of them over the years. How often the vacations were granted usually depended on the response from neighbors and if the City needed to retain a portion or all of the land.

Commissioner Cripe questioned if the vacation is granted and a neighbor wanted to build a garage in the back over the former alley, could it be denied based on no access for emergency vehicles. Planner

Bauckham answered that a garage could not be built over any utilities, and emergency vehicle access would be reviewed as part of the approval process.

Commissioner Milliken, supported by Commissioner Wissner, moved to approve P.C. #2016.10: request to vacate the east 135.75 feet of a public alley located between Southworth Terrace and Beacon Street, with the condition that an easement be provided to the city for access to any underground utilities in the alley segment. With a roll call vote, the motion carried unanimously.

P.C. #2016.11: Request to vacate Ampersee Street north of E. Michigan Avenue and a public alley north of 701 E. Michigan Avenue. [Recommendation: motion to recommend to the City Commission to approve the vacation request with one condition.]

Planner Bauckham presented the staff report. This request is to vacate a portion of Ampersee Street north of East Michigan Avenue and a public alley north of 701 East Michigan Avenue. The Community Planning & Development Department is submitting this request with one condition, being that the City Public Services Department shall be provided with an easement for any underground utilities in the subject property for maintenance and to make adjustments as needed. An electrical sub-station for Consumers Energy is located to the west of the segment of Ampersee Street, and currently patrons of Arcadia Ales are parking their vehicles in this segment occasionally blocking access to the sub-station. If the street segment is vacated, Consumers Energy would be able to obtain at least the west half of it. They would then fence the property so that non-Consumers Energy vehicles would not be able to park on it and a gate would be included to allow Consumers Energy vehicles access. If vacated the property would be split down the middle with half being offered to Consumers Energy and half being offered to MDOT, which owns the property to the east of the road segment. The fair market value of the street segment is $22,000. If the street segment is vacated, this amout would be paid to the City by the two entities.

Also, a 20-foot-wide public alley exists on the north side of the Arcadia Ales property. The alley was deeded to the property owners in 2013 by the City Brownfield Redevelopment Authority, but it was not formally vacated by the city. The request is to vacate the alley so that it is no longer part of the city street system. Because this alley was already deeded to the owners of Arcadia Ales, no compensation would be owed to the City if it is vacated.

Both Public Services and Public Safety were contacted and neither presented any objections to the request. Public Services did request an easement for any underground utilities in the street segment and public alley for maintenance purposes and to make adjustments to the utilities as needed.

Commissioner Wissner asked who would be buying the Ampersee street segment and what is the purpose of the vacation. Planner Bauckham said Consumers Energy would take the west half of the street segment in order to fence it and prevent parking of the customers for Arcadia Ales. MDOT would take the east half and combine it with their parcel. Commissioner Cripe inquired about access to the storm sewer by the tracks. Planner Bauckham was not aware of where the specific access points are located; however, the condition of allowing the access easement to the Public Services Department would cover that issue. Commissioner Wissner wondered if there was interest in purchasing the Ampersee street segment. Planner Bauckham clarified that there is interest by Consumers Energy because it will give them the ability to secure the sub-station. Commissioner Milliken verified that this vacation would allow

Consumers Energy to block off the area to prevent the Arcadia Ales customers from using it for parking. Planner Bauckham answered that it will not help Arcadia Ales; however, it is currently a public street and should not be used to block access to an abutting property. This action would allow unhindered access for Consumers Energy to their sub-station.

Commissioner Wissner, supported by Commissioner Greenman Wright, moved to approve P.C. #2016. 11: request to vacate Ampersee Street north of E. Michigan Avenue and a public alley north of 701 E. Michigan Avenue, with the condition that an easement be provided to the city for access to the underground utilities. With a roll call vote, the motion carried unanimously.

G. CITIZENS' COMMENTS (Regarding non-agenda items)

None

H. UNFINISHED BUSINESS

The Imagine Kalamazoo presentation was postponed until the October meeting.

I. NEW BUSINESS

None

J. CITIZENS' COMMENTS

None

K. CITY PLANNER'S REPORT

Planner Bauckham reported on several site plan projects. Five more projects have come in since the report was printed for the Commissioners. The highlights are as follows:

- Project to extend the KRVT trail from Westnedge to Walbridge
- Change in use of 803 Riverview to Cash N-A-Flash
- Change in use of 806 Riverview to a liquor store by Happy Singh
- Construction of 5 new townhouse unites on Lafayette
- Cell tower upgrades at 4200 W Main Street
- Building addition for Aunt Millie's Bakeries on Portage Street
- Kalamazoo Probation Enhancement Program building a new coffee shop at Walnut and Park
- A new section of the KRVT trailway between Walnut and Lake
- Kalamazoo College has new football stadium lights - measurements were done and they meet the ordinance
- Chemical Bank is construcing a new building on Parkview Avenue
- Park Place of Kalamazoo is adding a new Rx Optical office building in its Park Street site
- Lakeside Academy is working on their new multi-purpose building
- Uccello's Restaurant is adding an outdoor seating area and two coolers at its Stadium Drive site
- The Family Health Center is building a new facility on Alcott Street

There are currently 40 site plans on file. This is on track to meet the goal for 2016.

For the October meeting there will be a multi-parcel rezoning request in the E. Michigan area. Currently, this area is mostly industrially zoned and the proposal is to rezone it to the Commercial Mixed Use zone. After meeting with some of the existing industrial property owners, there was concern that the rezoning would restrict their operations. The proposal allows such existing uses to be conforming and to expand with a special use permit from the Planning Commission. Consideration may be given to reducing the rezoning area by removing the Arvco Container property. Some of the property owners feel that the City is trying to push industrial out of the community. City staff assured them that is not the case as there are many vacant industrial parcels and facilities in other parts of the city that can be reutilized. However, the downtown area is expanding to the east and the rezoning is needed to accommodate the new residential and commercial uses that are anticipated.

There is a meeting to be held on September 27th at 5:30pm at the NACD office for Imagine Kalamazoo to look at goals for the process and summarize the data.

On October 27th at 5:30, a meeting will be held at the St. Joseph Church to start the Design It phase of Imagine Kalamazoo.

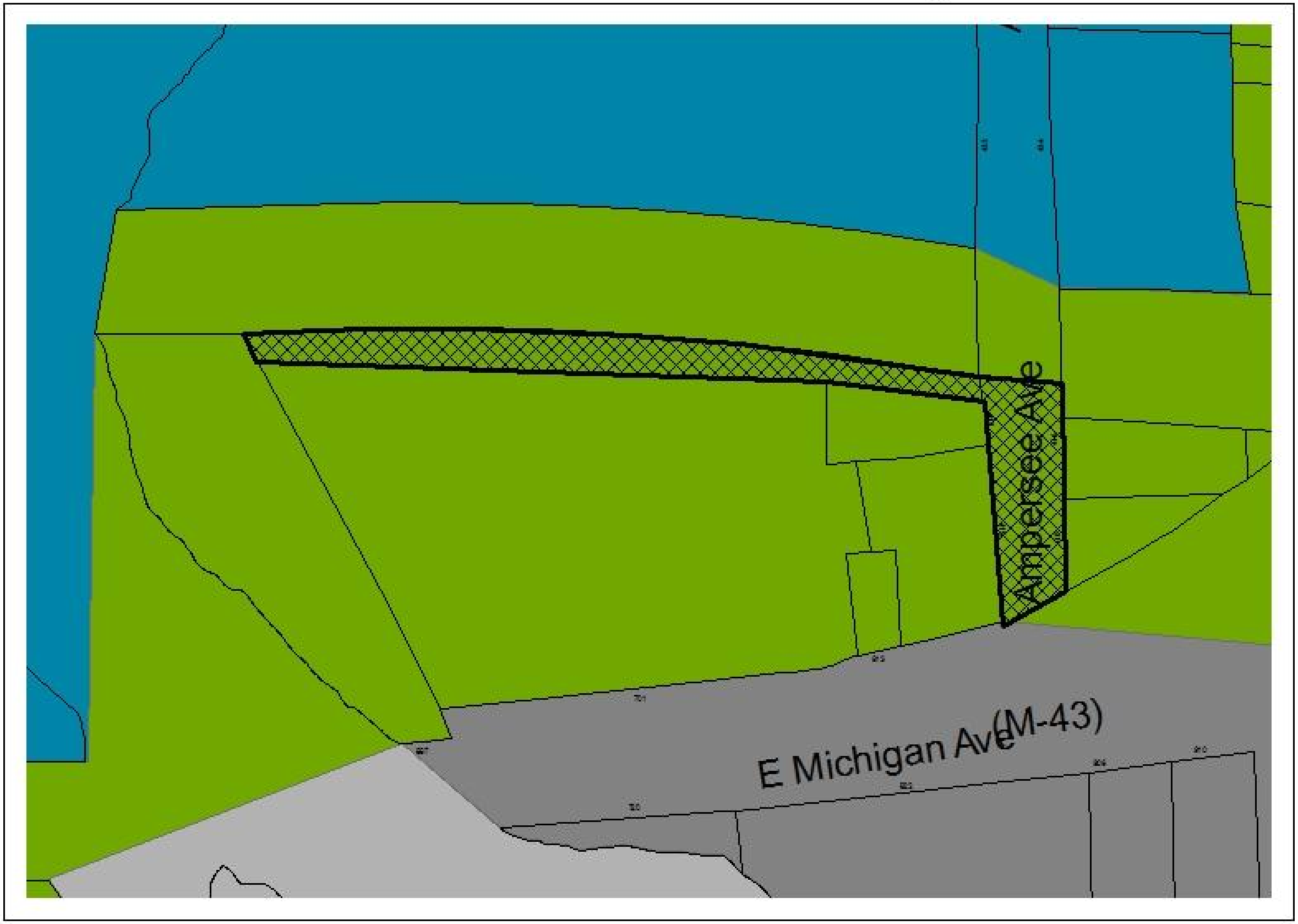
L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Milliken would hope that the Arvco site is part of the rezoning. They are marketing that site and he is interested in hearing their comments on the rezoning.

M. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

P. C. #2016.11 - Vacate Segment of Ampersee Street between E. Michigan Ave and the Norfolk Southern Railroad Property, and a 20-Foot-Wide Alley Located on the North Side of 701 E. Michigan Ave



CURRENT ZONING

- CBTR
- CC
- CCBD
- CMU
- CN-1
- CO
- M-1
- M-2
- PUD
- RD-19
- RM-15
- RM-15C
- RM-36
- RMU
- RS-5
- RS-7

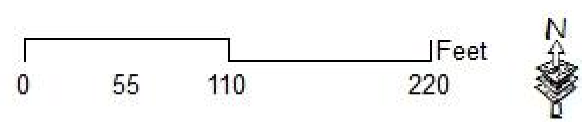
VACATE SEGMENT OF AMPERSEE STREET BETWEEN E. MICHIGAN AVE AND THE NORFOLK SOUTHERN RAILROAD PROPERTY, AND A 20-FOOT-WIDE ALLEY LOCATED ON THE NORTH SIDE OF 701 E MICHIGAN AVE

0 50 100 200 Feet

N

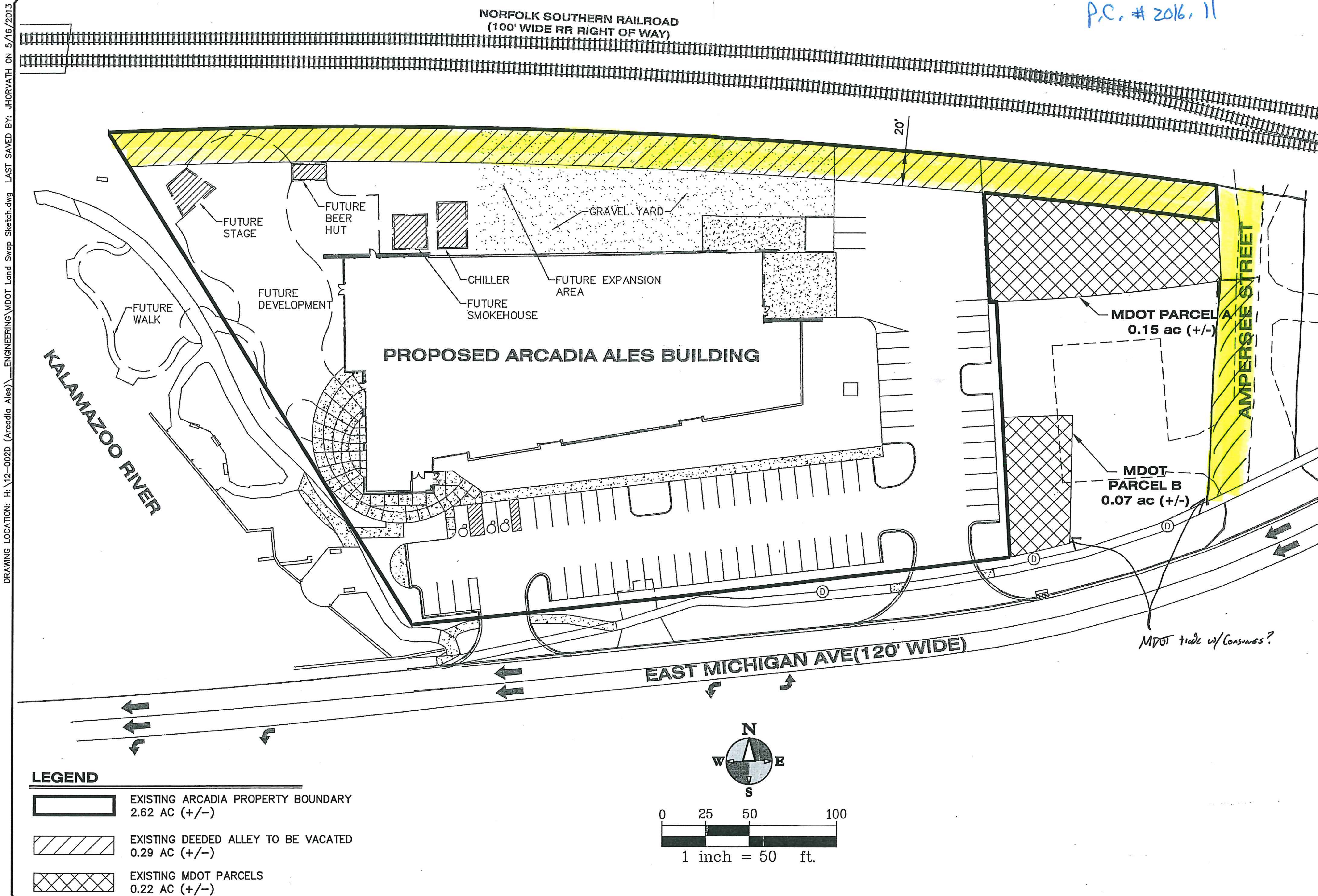
P. C. #2016.11 - Vacate Segment of Ampersee Street between E. Michigan Ave and the Norfolk Southern Railroad Property, and a 20-Foot-Wide Alley Located on the North Side of 701 E, Michigan Ave

VACATE SEGMENT OF AMPERSEE STREET BETWEEN E. MICHIGAN AVE AND THE NORFOLK SOUTHERN RAILROAD PROPERTY, AND A 20-FOOT-WIDE ALLEY LOCATED ON THE NORTH SIDE OF 701 E MICHIGAN AVE



DRAWING LOCATION: H:\12-002D (Arcadia Ales)_ENGINEERING\MDOT Land Swap Sketch.dwg LAST SAVED BY: JHORVATH ON 5/16/2013

P.C. # 2016. 11



hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

hurley & stewart

Job No.: 12-002D
Date: 5/16/2013
Scale: AS NOTED
P.M.: TAS
Dft: JMH
QA/QC: 5/16/2013

Title: EXISTING PROPERTIES
Project: ARCADIA ALES
Client: ENMAR, LLC.

Drawing No.
1

Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Laura Lam, Director, C.P. & D.

PREPARED BY: Peter Eldridge, Zoning Administrator, C. P. & D.

DATE: 10/10/2016

SUBJECT: Sale of City-owned vacant lot located at 636 Ada Street

RECOMMENDATION

It is recommended that the City Commission approve the sale of 636 Ada Street to Charlotte J. Ojediran for $120.00 and authorize the City Manager to sign all related documents.

BACKGROUND

This vacant lot is 33 feet in width with a depth of 66 feet. It was purchased through the delinquent tax reversion process of the State. The dilapidated dwelling was demolished in November of 2015. The lot is now vacant and will be combined with the developed property at 634 Ada Street.

The demolition was carried out with funds from the Michigan State Housing Development Authority (MSHDA) Neighborhood Stabilization Program 2 (NSP2) Program Income Grant. Community Development staff have verified that this sale complies with NSP2 requirements.

POLICY CONSIDERATIONS

None

COMMUNITY RESOURCES CONSULTED

None

FISCAL IMPACT

Vacant properties held by the Community Planning & Development Department with no intended community project will result in a tax liability to this Department. There are also seasonal mowing costs.

ALTERNATIVES

The City Commission may elect to deny the request to sell 636 Ada Street. This alternative is not recommended as a key outcome of advertising this substandard lot as available for purchase by the adjacent property owner was to place this lot in the hands of a responsible property owner.

ATTACHMENTS:

	Type	Description
🗋	Agreement	Purchase Agreement - 636 Ada Street

PURCHASE AGREEMENT

This Agreement is entered into between CHARLOTTE J. OJEDIRAN, a woman, whose address is 818 Nichols Road. Kalamazoo, Michigan 49006 ("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. On October 14, 2011 the City acquired the parcel of real estate from the County of Kalamazoo, identified as Parcel No. 06-16-281-007, with the address of 636 Ada Street ("Property"). The City demolished the home on the Property in 2015.

B. Considering the number of vacant, abandoned or foreclosed homes throughout the community and the number of vacant lots on which it is difficult to build a home, the City adopted a policy to offer such smaller vacant lots to adjacent property owners.

C. Purchaser is the owner of property at 634 Ada Street, which is adjacent to the Property. Purchaser has expressed a desire to purchase the Property from the City. The sale will serve the best interests of the City.

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

NOW, THEREFORE, the parties agree as follows:

1. <u>DESCRIPTION OF THE PROPERTY</u>. The Property, as described above, is located in the RS 5 zoning district and covers approximately .05 acres. The legal description for the Property is as follows:

The East 2 rods of Lot 9 and the East 2 rods of the north half of Lot 8 in the Addition of Balch and Thompson as recorded in Liber 5 or Plats, page 11, Kalamazoo County records.

2. <u>CONSIDERATION</u>. Purchaser agrees to purchase the Property from the City for the sum of One Hundred Twenty Dollars ($120.00) (the "Purchase Price"), and other good and valuable consideration as set forth in this Agreement. The City agrees to convey the Property by a covenant deed, in which the City covenants that it has not done or suffered anything that would have encumbered the Property during its ownership, to Purchaser simultaneously upon receipt of the Purchase Price.

3. <u>TITLE INSURANCE</u>. At the sole option and expense of Purchaser they 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 their 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.

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. Once Purchaser has signed this Agreement, they or their agents, consultants, and designees ("Purchaser's Agents") may inspect the Property or conduct other investigations prior to the closing - unless a shorter time period is specifically noted in another provision of this Agreement. Those inspections or investigations include, without limitation, site inspections, environmental investigations, title review, survey review, and other investigations (collectively "Due Diligence Activities").

5. CITY'S REPRESENTATIONS AND WARRANTIES. To the best of its knowledge, the City represents and warrants to Purchaser, now and through 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. There are no agreements, contracts, or leases, written or oral, which affect the Property in any manner other than this Agreement;

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

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 any inspections, environment assessments/reports or other Due Diligent Activities done on their behalf regarding the Property;

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

C. The City has 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 13, then Purchaser may terminate this Agreement by written notice to City.

7. ENVIRONMENTAL ASSESSMENT. Purchaser may, at their own expense and for their own benefit, conduct all appropriate environmental inquiry within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, (Act 451). If that 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, Environmental Assessments). Purchaser shall also maintain on file a Due Care Plan.

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

A. Provide copies of all available environmental reports for the Property. If there are any facts or conditions contained in the reports which are unacceptable to Purchaser they may terminate this Agreement by giving written notice to the City as provided in Paragraph 13.

B. 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.

9. PURCHASER COMMITMENTS. Purchaser agrees that within a reasonable time after closing, not to exceed 60 days, file the necessary documents or information to combine the Property with their property at 634 Ada Street into one parcel for tax purposes.

10. CLOSING. The closing shall occur within 60 days from the effective date of this Agreement under Paragraph14, unless extended under Paragraph 13.

11. POSSESSION. Purchaser shall be entitled to sole and exclusive possession upon payment of the purchase price and receipt of the covenant 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. TERMINATION – CONDITION OF PROPERTY. Within ten (10) days following the receipt of documents from the City or the completion of Due Diligent Activities Purchaser will provide City written notice of a list of any unacceptable conditions or matters ("Defects") relating to the Property ("Defect Notice"). Thereafter, City shall have 10 days to notify Purchaser in writing whether or not it will cure any the Defects contained in the Defect Notice. Purchaser shall then have 10 days to elect to waive the Defects and proceed to closing, extend the closing for 30 days, or 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 and to have waived the right to terminate this Agreement under this Paragraph 13. If Purchaser notifies the City of their intent to terminate this Agreement in accordance with this Paragraph 13, neither party shall have any further rights or obligations under this Agreement.

14. CITY APPROVAL. The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. If that approval is not made within 90 days after Purchaser has signed this Agreement, this Agreement is considered to have expired.

15. SURVEY. City makes no representations or warranties regarding the boundary lines of the Property. Purchaser, at their option and expense, may obtain an ALTA survey of the Property ("Survey").

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. As long as Purchaser, or any entity in which Purchaser has a controlling interest, owns the Property, Purchaser agrees to continue to maintain the property in accordance with all applicable federal, state or local laws, ordinances, specifically to include building, housing or zoning codes.

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:	Charlotte J. Ojediran 818 Nichols Road Kalamazoo, MI 49006
City:	City of Kalamazoo ATTN: City Manager 241 West South Street Kalamazoo, MI 49007 w/copies to the City Attorney at above address

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

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: _____________, 2016

City of Kalamazoo

By: _______________________
James K. Ritsema
Its: City Manager

Dated: August 26, 2016

Purchaser

____
Charlotte J. Ojediran

Prepared by:
John W. Kneas
Assistant City Attorney
241 W. South Street
Kalamazoo, MI 49007-4707
(269) 337-8185

K:Attydocs\JOHN\636Ada-Purch.Agmt.
08/04/16

Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Laura Lam, Director, C.P. & D.

PREPARED BY: Peter Eldridge, Zoning Administrator, C. P. & D.

DATE: 10/10/2016

SUBJECT: Sale of City-owned vacant lot located at 442 Drexel Place

RECOMMENDATION

It is recommended that the City Commission approve the sale of the west half of 442 Drexel Place to Christopher and Maria Vogt for $120.00 and authorize the City Manager to sign all related documents. Additionally, it is recommended that the City Commission approve the sale of the east half of 442 Drexel Place to Bhaskar Pisipati for $120.00 and authorize the City Manager to sign all related documents.

BACKGROUND

This vacant lot is 44 feet in width with a depth of 107 feet. It was purchased through the delinquent tax reversion process of the State. The dilapidated dwelling was demolished in July of 2016. The lot is now vacant and will be split and sold. The east 22 feet in width with a depth of 107 feet will be sold and combined with the developed property at 904 N. Westnedge Avenue. The west 22 feet in width with a depth of 107 feet will be sold and combined with the developed property at 438 Drexel Place

POLICY CONSIDERATIONS

None

COMMUNITY RESOURCES CONSULTED

None

FISCAL IMPACT

Vacant properties held by the Community Planning & Development Department with no intended community project will result in a tax liability to this Department There are also seasonal mowing costs.

ALTERNATIVES

The City Commission may elect to deny the request to sell 442 Drexel Place. This alternative is not recommended as a key outcome of the advertising this substandard lot as available for purchase by the adjacent property owners was to place this lot in the hands of responsible property owners.

ATTACHMENTS:

	Type	Description
🗋	Agreement	Purchase Agreement - West Half of 442 Drexel Pl.
🗋	Agreement	Purchase Agreement - East Half of 442 Drexel Pl.

PURCHASE AGREEMENT

This Agreement is entered into between CHRISTOPHER J. VOGT and MARIA R. VOGT, husband and wife, whose address is 238 Harvey Street, Lawton, Michigan 49007 ("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. On July 7, 2009 the City acquired the parcel of real estate from the State of Michigan, identified as Parcel No. 06-15-120-015, with the address of 442 Drexel Place ("Property"). When the City purchased the Property it included a home, which was demolished in July 2016, due to its deteriorated condition.

B. Considering the number of vacant, abandoned or foreclosed homes throughout the community and the number of vacant lots on which it is difficult to build a home, the City adopted a policy to offer vacant lots to adjacent property owners.

C. Purchaser is the owner of property at 904 North Westnedge Avenue, which is adjacent to the west half of the Property. Purchaser has expressed a desire to purchase the west half of the Property from the City ("Purchased Parcel"). The sale will serve the best interests of the City.

I. Purchaser and the City desire to enter into this Purchase Agreement ("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, as described above, is located in the CN 1 zoning district and covers approximately .108 acres. The legal description for the Purchased Parcel is as follows:

The West one-half (1/2) of Lot 15, of the Charles B. Hays Addition, according to that plat as recorded in Liber 5 of Plats, Page 18, Kalamazoo County Records.

2. CONSIDERATION. Purchaser agrees to purchase the Purchased Parcel from the City for the sum of One Hundred Twenty Dollars ($120.00) (the "Purchase Price"), and other good and valuable consideration as set forth in this Agreement. The City agrees to convey the Purchased Parcel by a covenant deed, in which the City covenants that it has not done or suffered anything that would have encumbered the Purchased Parcel during its ownership, to Purchaser simultaneously upon receipt of the Purchase Price.

3. TITLE INSURANCE. At the sole option and expense of Purchaser they 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 their 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.

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 Purchased Parcel.

4. INSPECTION. Once Purchaser has signed this Agreement, they or their agents, consultants, and designees ("Purchaser's Agents") may inspect the Purchased Parcel or conduct other investigations prior to the closing - unless a shorter time period is specifically noted in another provision of this Agreement. Those inspections or investigations include, without limitation, site inspections, environmental investigations, title review, survey review, and other investigations (collectively "Due Diligence Activities").

5. CITY'S REPRESENTATIONS AND WARRANTIES. To the best of its knowledge, the City represents and warrants to Purchaser, now and through the closing date, as follows:

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

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

C. There is no pending or proposed special assessment affecting or which may affect the whole or any part of the Purchased Parcel.

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

A. Purchaser's reasonable satisfaction with the results of any inspections, environment assessments/reports or other Due Diligent Activities done on their behalf regarding the Purchased Parcel;

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

C. The City has 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 13, then Purchaser may terminate this Agreement by written notice to City.

7. ENVIRONMENTAL ASSESSMENT. Purchaser may, at their own expense and for their own benefit, conduct all appropriate environmental inquiry within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, (Act 451). If that inquiry identifies the Purchased Parcel 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, Environmental Assessments). Purchaser shall also maintain on file a Due Care Plan.

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

A. Provide copies of all available environmental reports for the Purchased Parcel. If there are any facts or conditions contained in the reports which are unacceptable to Purchaser they may terminate this Agreement by giving written notice to the City as provided in Paragraph 13.

B. 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.

9. PURCHASER COMMITMENTS. Purchaser agrees that within a reasonable time after closing, not to exceed 60 days, file the necessary documents or information to combine the Purchased Parcel with its property at 904 North Westnedge Avenue into one parcel for tax purposes.

10. CLOSING. The closing shall occur within 60 days from the effective date of this Agreement under Paragraph14, unless extended under Paragraph 13.

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

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

13. TERMINATION – CONDITION OF PURCHASED PARCEL. Within ten (10) days following the receipt of documents from the City or the completion of Due Diligent Activities Purchaser will provide City written notice of a list of any unacceptable conditions or matters ("Defects") relating to the Purchased Parcel ("Defect Notice"). Thereafter, City shall have 10 days to notify Purchaser in writing whether or not it will cure any the Defects contained in the Defect Notice. Purchaser shall then have 10 days to elect to waive the Defects and proceed to closing, extend the closing for 30 days, or terminate the Agreement.

If written notice is not timely given to the City, Purchaser is considered to have accepted the Purchased Parcel in its "AS IS" condition and to have waived the right to terminate this Agreement under this Paragraph 13. If Purchaser notifies the City of their intent to terminate this Agreement in accordance with this Paragraph 13, neither party shall have any further rights or obligations under this Agreement.

14. CITY APPROVAL. The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. If that approval is

not made within 90 days after Purchaser has signed this Agreement, this Agreement is considered to have expired.

15. SURVEY. City makes no representations or warranties regarding the boundary lines of the Purchased Parcel. Purchaser, at their option and expense, may obtain an ALTA survey of the Purchased Parcel ("Survey").

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. As long as Purchaser, or any entity in which Purchaser has a controlling interest, owns the Purchased Parcel, Purchaser agrees to continue to maintain the Purchased Parcel in accordance with all applicable federal, state or local laws, ordinances, specifically to include building, housing or zoning codes.

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:	Christopher J. and Maria R. Vogt 238 Harvey St. Lawton, MI 49065
City:	City of Kalamazoo ATTN: City Manager 241 West South Street Kalamazoo, MI 49007 w/copies to the City Attorney at above address

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

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: _____________, 2016

City of Kalamazoo

By: ________________________
James K. Ritsema
Its: City Manager

Dated: 9/17, 2016

Purchaser

____
Christopher J. Vogt

____
Maria R. Vogt

Prepared by:
John W. Kneas
Assistant City Attorney
241 W. South Street
Kalamazoo, MI 49007-4707
(269) 337-8185

K:Attydocs\JOHN\442DrexelPl-Purch.Agmt.(Vogt)
09/08/16

PURCHASE AGREEMENT

This Agreement is entered into between BHASKAR PISIPATI, a single man, whose address is 6639 Trotwood Avenue, Portage, Michigan 49024 ("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. On July 7, 2009 the City acquired the parcel of real estate from the State of Michigan, identified as Parcel No. 06-15-120-015, with the address of 442 Drexel Place ("Property"). When the City purchased the Property it included a home, which was demolished in July 2016, due to its deteriorated condition.

B. Considering the number of vacant, abandoned or foreclosed homes throughout the community and the number of vacant lots on which it is difficult to build a home, the City adopted a policy to offer vacant lots to adjacent property owners.

C. Purchaser is the owner of property at 438 Drexel Place, which is adjacent to the east half of the Property. Purchaser has expressed a desire to purchase the east half of the Property from the City ("Purchased Parcel"). The sale will serve the best interests of the City.

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

NOW, THEREFORE, the parties agree as follows:

1. <u>DESCRIPTION OF THE PROPERTY</u>. The Property, as described above, is located in the CN 1 zoning district and covers approximately .108 acres. The legal description for the Purchased Parcel is as follows:

The East one-half (1/2) of Lot 15, of the Charles B. Hays Addition, according to that plat as recorded in Liber 5 of Plats, Page 18, Kalamazoo County Records.

2. <u>CONSIDERATION</u>. Purchaser agrees to purchase the Purchased Parcel from the City for the sum of One Hundred Twenty Dollars ($120.00) (the "Purchase Price"), and other good and valuable consideration as set forth in this Agreement. The City agrees to convey the Purchased Parcel by a covenant deed, in which the City covenants that it has not done or suffered anything that would have encumbered the Purchased Parcel during its ownership, to Purchaser simultaneously upon receipt of the Purchase Price.

3. <u>TITLE INSURANCE</u>. At the sole option and expense of Purchaser he 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 his 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.

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 Purchased Parcel.

4. INSPECTION. Once Purchaser has signed this Agreement, he or his agents, consultants, and designees ("Purchaser's Agents") may inspect the Purchased Parcel or conduct other investigations prior to the closing - unless a shorter time period is specifically noted in another provision of this Agreement. Those inspections or investigations include, without limitation, site inspections, environmental investigations, title review, survey review, and other investigations (collectively "Due Diligence Activities").

5. CITY'S REPRESENTATIONS AND WARRANTIES. To the best of its knowledge, the City represents and warrants to Purchaser, now and through the closing date, as follows:

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

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

C. There is no pending or proposed special assessment affecting or which may affect the whole or any part of the Purchased Parcel.

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

A. Purchaser's reasonable satisfaction with the results of any inspections, environment assessments/reports or other Due Diligent Activities done on his behalf regarding the Purchased Parcel;

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

C. The City has 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 13, then Purchaser may terminate this Agreement by written notice to City.

7. ENVIRONMENTAL ASSESSMENT. Purchaser may, at his own expense and for his own benefit, conduct all appropriate environmental inquiry within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, (Act 451). If that inquiry identifies the Purchased Parcel 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, Environmental Assessments). Purchaser shall also maintain on file a Due Care Plan.

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

A. Provide copies of all available environmental reports for the Purchased Parcel. If there are any facts or conditions contained in the reports which are unacceptable to Purchaser they may terminate this Agreement by giving written notice to the City as provided in Paragraph 13.

B. 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.

9. PURCHASER COMMITMENTS. Purchaser agrees that within a reasonable time after closing, not to exceed 60 days, file the necessary documents or information to combine the Purchased Parcel with its property at 438 Drexel Place into one parcel for tax purposes.

10. CLOSING. The closing shall occur within 60 days from the effective date of this Agreement under Paragraph14, unless extended under Paragraph 13.

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

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

13. TERMINATION – CONDITION OF PURCHASED PARCEL. Within ten (10) days following the receipt of documents from the City or the completion of Due Diligent Activities Purchaser will provide City written notice of a list of any unacceptable conditions or matters ("Defects") relating to the Purchased Parcel ("Defect Notice"). Thereafter, City shall have 10 days to notify Purchaser in writing whether or not it will cure any the Defects contained in the Defect Notice. Purchaser shall then have 10 days to elect to waive the Defects and proceed to closing, extend the closing for 30 days, or terminate the Agreement.

If written notice is not timely given to the City, Purchaser is considered to have accepted the Purchased Parcel in its "AS IS" condition and to have waived the right to terminate this Agreement under this Paragraph 13. If Purchaser notifies the City of his intent to terminate this Agreement in accordance with this Paragraph 13, neither party shall have any further rights or obligations under this Agreement.

14. CITY APPROVAL. The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. If that approval is

not made within 90 days after Purchaser has signed this Agreement, this Agreement is considered to have expired.

15. SURVEY. City makes no representations or warranties regarding the boundary lines of the Purchased Parcel. Purchaser, at their option and expense, may obtain an ALTA survey of the Purchased Parcel ("Survey").

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. As long as Purchaser, or any entity in which Purchaser has a controlling interest, owns the Purchased Parcel, Purchaser agrees to continue to maintain the Purchased Parcel in accordance with all applicable federal, state or local laws, ordinances, specifically to include building, housing or zoning codes.

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:	Bhaskar Pisipati 6639 Trotwood Ave. Portage, MI 49024
City:	City of Kalamazoo ATTN: City Manager 241 West South Street Kalamazoo, MI 49007 w/copies to the City Attorney at above address

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

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 his 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: _____________, 2016

City of Kalamazoo

By: ________________________
James K. Ritsema
Its: City Manager

Dated: 9-13-16, 2016

Purchaser

____
Bhaskar Pisipati

Prepared by:
John W. Kneas
Assistant City Attorney
241 W. South Street
Kalamazoo, MI 49007-4707
(269) 337-8185

K:Attydocs\JOHN\442DrexelPl-Purch.Agmt.(Pisipati)
09/08/16

Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Laura Lam, Director, C.P. & D.

PREPARED BY: Peter Eldridge, Zoning Administrator, C. P. & D.

DATE: 10/10/2016

SUBJECT: Sale of City-owned vacant lot located at 1115 Jefferson Avenue

RECOMMENDATION

It is recommended that the City Commission approve the sale of 1115 Jefferson Avenue to Roderick G. O'Brien for $120.00 and authorize the City Manager to sign all relate documents.

BACKGROUND

This vacant lot is 60 feet in width with a depth of 59 feet. It was purchased through the delinquent tax reversion process of the State. The dilapidated dwelling was demolished in July of 2016. The lot is now vacant and will be combined with the developed property at 1111 Jefferson Avenue.

COMMUNITY RESOURCES CONSULTED

None

FISCAL IMPACT

Vacant properties held by the Community Planning & Development Department with no intended community project will result in a tax liability to this Department. There are also seasonal mowing costs.

ALTERNATIVES

The City Commission may elect to deny the request to sell 1115 Jefferson Avenue. This alternative is not recommended as a key outcome of advertising this lot as available for purchase by the adjacent property owner was to place this lot in the hands of a responsible property owner.

ATTACHMENTS:

Type	Description
Aerial Photo	Purchase Agreement for 1115 Jefferson Avenue

PURCHASE AGREEMENT

This Agreement is entered into between RODERICK G. O'BRIEN, trustee, of the REVOCABLE LIVING TRUST AGREEMENT OF RODERICK G. O'BRIEN, under a document dated January 26, 1996 as restated October 18, 2004, whose address is 9636 East Shore Drive, Portage, Michigan 49002 ("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. On July 7, 2009 the City acquired the parcel of real estate from the State of Michigan, identified as Parcel No. 06-16-329-078, with the address of 1115 Jefferson Avenue ("Property"). When the City purchased the Property it included a home, which was demolished in July of 2016, due to its deteriorated condition.

B. Considering the number of vacant, abandoned or foreclosed homes throughout the community and the number of vacant lots on which it is difficult to build a home, the City adopted a policy to offer vacant lots to adjacent property owners.

C. Purchaser is the owner of property at 1111 Jefferson Avenue, which is adjacent to the Property. Purchaser has expressed a desire to purchase the Property from the City. The sale will serve the best interests of the City.

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

NOW, THEREFORE, the parties agree as follows:

1. <u>DESCRIPTION OF THE PROPERTY</u>. The Property, as described above, is located in the RD 19 zoning district and covers approximately .081 acres. The legal description for the Property is as follows:

The North one-half (1/2) of Lot 78, of the 2nd Revised Plat of Doubleday's Addition, according to that plat as recorded in Liber 5 of Plats, Page 14, Kalamazoo County Records.

2. <u>CONSIDERATION</u>. Purchaser agrees to purchase the Property from the City for the sum of One Hundred Twenty Dollars ($120.00) (the "Purchase Price"), and other good and valuable consideration as set forth in this Agreement. The City agrees to convey the Property by a covenant deed, in which the City covenants that it has not done or suffered anything that would have encumbered the Property during its ownership, to Purchaser simultaneously upon receipt of the Purchase Price.

3. <u>TITLE INSURANCE</u>. 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 its 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.

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. Once Purchaser has signed this Agreement, the trust or its agents, consultants, and designees ("Purchaser's Agents") may inspect the Property or conduct other investigations prior to the closing - unless a shorter time period is specifically noted in another provision of this Agreement. Those inspections or investigations include, without limitation, site inspections, environmental investigations, title review, survey review, and other investigations (collectively "Due Diligence Activities").

5. CITY'S REPRESENTATIONS AND WARRANTIES. To the best of its knowledge, the City represents and warrants to Purchaser, now and through 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. There are no agreements, contracts, or leases, written or oral, which affect the Property in any manner other than this Agreement;

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

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 any inspections, environment assessments/reports or other Due Diligent Activities done on its behalf regarding the Property;

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

C. The City has 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 13, then Purchaser may terminate this Agreement by written notice to City.

7. ENVIRONMENTAL ASSESSMENT. Purchaser may, at its own expense and for its own benefit, conduct all appropriate environmental inquiry within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, (Act 451). If that 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, Environmental Assessments). Purchaser shall also maintain on file a Due Care Plan.

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

A. Provide copies of all available environmental reports for the Property. If there are any facts or conditions contained in the reports which are unacceptable to Purchaser they may terminate this Agreement by giving written notice to the City as provided in Paragraph 13.

B. 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.

9. PURCHASER COMMITMENTS. Purchaser agrees that within a reasonable time after closing, not to exceed 60 days, file the necessary documents or information to combine the Property with its property at 1111 Jefferson Avenue into one parcel for tax purposes.

10. CLOSING. The closing shall occur within 60 days from the effective date of this Agreement under Paragraph14, unless extended under Paragraph 13.

11. POSSESSION. Purchaser shall be entitled to sole and exclusive possession upon payment of the purchase price and receipt of the covenant 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. TERMINATION – CONDITION OF PROPERTY. Within ten (10) days following the receipt of documents from the City or the completion of Due Diligent Activities Purchaser will provide City written notice of a list of any unacceptable conditions or matters ("Defects") relating to the Property ("Defect Notice"). Thereafter, City shall have 10 days to notify Purchaser in writing whether or not it will cure any the Defects contained in the Defect Notice. Purchaser shall then have 10 days to elect to waive the Defects and proceed to closing, extend the closing for 30 days, or 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 and to have waived the right to terminate this Agreement under this Paragraph 13. If Purchaser notifies the City of its intent to terminate this Agreement in accordance with this Paragraph 13, neither party shall have any further rights or obligations under this Agreement.

14. CITY APPROVAL. The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. If that approval is not made within 90 days after Purchaser has signed this Agreement, this Agreement is considered to have expired.

15. SURVEY. City makes no representations or warranties regarding the boundary lines of the Property. Purchaser, at its option and expense, may obtain an ALTA survey of the Property ("Survey").

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. As long as Purchaser, or any entity in which Purchaser has a controlling interest, owns the Property, Purchaser agrees to continue to maintain the property in accordance with all applicable federal, state or local laws, ordinances, specifically to include building, housing or zoning codes.

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:	Roderick G. O'Brien, Trustee 9636 East Shore Drive Portage MI 49002
City:	City of Kalamazoo ATTN: City Manager 241 West South Street Kalamazoo, MI 49007 w/copies to the City Attorney at above address

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

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 its 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.

E. The trustee signing this Agreement on behalf of Purchaser is authorized under the trust document to purchase the Property.

Dated: _____________, 2016

City of Kalamazoo

By: ______________________
James K. Ritsema
Its: City Manager

Dated: Sept 22, 2016

Revocable Living Trust Agreement of Roderick G. O'Brien

By: Roderick G. O'Brien
Roderick G. O'Brien
Its: Trustee

Prepared by:
John W. Kneas
Assistant City Attorney
241 W. South Street
Kalamazoo, MI 49007-4707
(269) 337-8185

K:Attydocs\JOHN\1115Jefferson-Purch.Agmt.
09/08/16