



# Agenda

## Regular Meeting of the City Commission

City of Kalamazoo

Monday, May 20, 2013

7:00 p.m.

City Commission Chambers – 241 West South Street

**A. CALL TO ORDER/ROLL CALL**

**B. OPENING CEREMONY**

1. Invocation: **Pastor Kim Karl Sandelin**, Agape Christian Church
2. Pledge of Allegiance
3. Introduction of Guests
  - a. Public Safety Explorers
4. Proclamations

**C. ADOPTION OF FORMAL AGENDA**

**D. COMMUNICATIONS**

1. The public is invited to attend the following meetings of boards and commissions:
  - a. The **Kalamazoo Historic District Commission** will meet on Tuesday, May 21, 2013 at 5:00 p.m., in the Third Floor Conference Room at City Hall.
  - b. The **Kalamazoo Municipal Golf Association** will meet on Tuesday, May 21, 2013 at 7:00 p.m., in the Third Floor Conference Room at City Hall.
  - c. The **Investment Committee of the Retirement System & Perpetual Care Investment Committee** will meet on Wednesday, May 22, 2013 at 9:30 a.m. at the Kalamazoo County Administration Building, located at 201 W. Kalamazoo Avenue, Room 207A.
  - d. The **Kalamazoo Transit Authority Board** will meet on Friday, May 24, 2013 at 8:15 a.m., in the Metro Transit Governing Board Room, located at 530 N. Rose.
2. The City Commission will meet in special session on Tuesday, May 21, 2013 at 12:00 p.m. in the Community Room at City Hall for the purpose of interviewing candidates for the City Manager position.

3. City Hall will be closed on Monday, May 27<sup>th</sup> in observance of the Memorial Day holiday. Offices will reopen on Tuesday, May 28<sup>th</sup> at 8:00 a.m.
4. The City is accepting applications for appointment to various city Commission advisory boards and commissions. Interested citizens are encouraged to contact the City Clerk's Office at 337-8792 to request an application form or to obtain additional information on board vacancies.

**E. PUBLIC HEARINGS**

**F. CONSENT AGENDA**

**(Action: Motion to approve items "1-12" and hold items "13-15" until June 3, 2013)**

1. Consideration of recommendation to approve a one-year contract extension to purchase Powdered Activated Carbon from Cabot Norit Americas Incorporated in the amount of \$1,608,000.
2. Consideration of a recommendation to approve the purchase of one (1) 544K Loader from AIS Construction Equipment Company in the amount of \$135,885.76.
3. Consideration of a recommendation to adopt a RESOLUTION from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission to approve Rupert's Brew House LLC Micro Brewer License and outdoor service area at 773 West Michigan Avenue.
4. Consideration of a recommendation to adopt a RESOLUTION to set a public hearing on June 3, 2013 to consider the establishment of a PA 198 Industrial Development District (IDD) around the perimeter of property at 3301 Research Way, 4502 Parkview Avenue, and 4590 Campus Drive located in Western Michigan University's Business Technology and Research Park.
5. Consideration of a recommendation to approve an "Annual Delegation of School Inspection Authority to a Local Unit of Government" for Lakeside Academy, and authorize the Mayor to sign on behalf of the City.
6. Consideration of a recommendation to approve the Second Amendment to the Neighborhood Stabilization Program 2 Agreement for the Marketplace development and authorize the City Manager to sign the Amendment and related documents.

7. Consideration of a recommendation to authorize the City Manager to execute Addendum #3 to the District Court Consolidation Agreement on behalf of the City of Kalamazoo.
8. Consideration of a recommendation to accept a Michigan Blight Elimination Program Grant from the State of Michigan of up to \$380,000 and authorize the City Manager to sign and submit all appropriate documents.
9. Consideration of a recommendation to accept funding from the Kalamazoo Amateur Athletic Foundation for \$7,800 for field rental, operating supplies and/or capital improvement projects for Versluis-Dickinson Park softball fields.
10. Consideration of a recommendation to accept a grant from the Kalamazoo Community Foundation/Alex Wolf Fund in the amount of \$2,719 to assist in funding two extra staff for the summer minicamp programs.
11. Consideration of a recommendation to accept a grant from the Local Initiatives Support Corporation in the amount of \$5,000 to support the 2013 Youth Leadership Academy.
12. Consideration of a recommendation to approve the appointment of **Denise Keele** to the Environmental Concerns Committee for a term expiring on January 1, 2016.
13. Consideration of a recommendation to approve the sale of a vacant lot located at 1314 Division Street to Deon Kelley and Consuela Kelley for \$120 and authorize the City Manager to sign all related documents. *Hold until June 3, 2013*
14. Consideration of a recommendation to adopt a RESOLUTION to vacate the northern 190 feet of Research Way in the WMU BTR Park, with the condition that the City shall be provided with an easement for the utilities in this section of the road for future maintenance purposes. *Hold until June 3, 2013*
15. Consideration of a recommendation to adopt a RESOLUTION to vacate a 44-foot-long section of E. Alcott Street located 319 feet east of the intersection of Fulford Street and E. Alcott Street, with the condition that the City shall be provided with an easement for the underground utilities in the subject property for maintenance purposes, and to make adjustments to the utilities as needed. *Hold until June 3, 2013*

**G. REGULAR AGENDA**

**H. REPORTS AND LEGISLATION**

1. City Clerk's Report
2. City Manager's Report
  - a. ERI/SAP 4<sup>th</sup> Quarter Report Update

**I. UNFINISHED BUSINESS****J. POLICY ITEMS**

1. City Manager Search Update

**K. NEW BUSINESS****L. CITIZEN COMMENTS****M. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS****N. CLOSED SESSION**

1. Consideration of a recommendation to go into closed session to consider an attorney-client opinion. **(Action: Motion to go into closed session)**

**O. ADJOURNMENT**

### **ADDITIONAL INFORMATION**

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

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: [www.kalamazoocity.org](http://www.kalamazoocity.org)

The Kalamazoo City Commission meetings are held the first, third Mondays at 7:00 p.m. and are shown live on the Public Media Network on Channel 98. The meetings are rebroadcast on Mondays at 2:00 p.m., Tuesdays at 1:00 a.m., Wednesdays, at 1:00 p.m., and Friday at 9:00 p.m. on Channel 98.

### **GUIDELINES FOR PUBLIC PARTICIPATION AT CITY COMMISSION MEETINGS**

Welcome to the Kalamazoo City Commission meeting, and thank you for your participation in Kalamazoo local government. The City Commission recognizes that citizens who make the effort to attend a Commission meeting often feel passionately about an issue. The following guidelines are not meant to discourage individual expression; rather, they exist to facilitate the orderly conduct of business and to ensure that all citizens who wish to address the City Commission are able to do so in an atmosphere of civility and respect, without fear or intimidation.

1. Out of respect for business being conducted during the meeting, please turn off all cell phones and pagers prior to the start of the meeting.
2. In an effort to maintain order and to allow a respectful discussion, please do not make comments from the audience area. Audience members should also refrain from applause or other audible noise at times not formally recognized as appropriate by the meeting chair.
3. Citizens have opportunities to address the Commission at the following times during a meeting:
  - a. Consideration of Regular Agenda items. Citizens are permitted to speak to the Commission on Regular Agenda and Unfinished Business prior to the City Commission voting, except those votes setting a public hearing. (Note: The Consent Agenda is a list of items proposed for City Commission approval to be voted upon all at one time. This is a time-saving procedure as most Consent Agenda items are housekeeping measures. A citizen may request an item be removed from the Consent Agenda for individual consideration or discussion.) Comments must be germane to the specific item under consideration.
  - b. The Citizen Comment period near the end of the meeting is for comment on Agenda or Non-Agenda items.

4. To address the City Commission, please sign in at the podium near the Clerk's station and then proceed to the podium directly in front of the dais when invited by the meeting chair. Before beginning your comments, please clearly state your name for the record and whether you reside within the city limits. Comments are limited to four minutes.
5. Citizen comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during citizen comment periods. At the conclusion of a speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during "Miscellaneous Comments and Concerns of Commissioners."
6. Signs, placards and banners are permitted in Chambers during open meetings but only along the perimeter of the room (side and back walls) and only if they do not obstruct the vision of others.

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If you have any questions, please feel free to contact the City Clerk's Office at 269.337.8792



# Commission Agenda Report

Date: **05/20/13**

Item **F1**

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C i t y o f K a l a m a z o o

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Sue Foune, Public Services Deputy Director  
Prepared By: James H. Cornell, Wastewater Superintendent *JHC*

**DATE:** April 30, 2013

**SUBJECT:** Powder Activated Carbon 1-Year Contract Extension

## RECOMMENDATION

It is recommended that the City Commission approve a one-year contract extension to purchase Powdered Activated Carbon from Cabot Norit Americas Incorporated in the amount of \$1,608,000.

## BACKGROUND

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

Carbon is qualified through a three-step process with literature review of technical specifications, two bench scale adsorptivity tests, and the successful feeding and performance in the Water Reclamation Plant. The contract extension proposed by Cabot Norit increases the current price by \$0.03/pound for an additional year this represents a 4.7% increase.

The contract also allows for a \$0.03/pound price decrease if we purchase carbon by railcar which would be at our current rate of \$0.64/pound. We are currently evaluating our railcar off loading equipment to see if this is a viable option. We have received responsive customer service during the current contract and recommend extending the contract for an additional year.

## COMMUNITY RESOURCES CONSULTED

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

### **FISCAL IMPACT**

The Contract extension will run from June 1, 2013 through May 31, 2014. The 2013 portion of this contract is \$938,000 and is available in the adopted 2013 budget. The 2014 portion is \$670,000 and will be included in the 2014 budget.

### **ALTERNATIVES**

The alternative to not approving the recommended contract extension is to rebid the contract. KWRP staff does not recommend this option at this time as the plant requires a reliable source of carbon to avoid treatment issues.

### **ATTACHMENTS**

None



# Commission Agenda Report

Date: **05/20/13**

Item **F2**

City of Kalamazoo

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Sue Founé, Public Services Deputy Director  
Prepared By: Craig Norrod, City Fleet Director

**DATE:** May 1, 2013

**SUBJECT:** Purchase of one (1) Loader

## RECOMMENDATION

It is recommended that the City Commission approve the purchase of one (1) 544K Loader from AIS Construction Equipment Company for a total expenditure of \$135,885.76 which includes the trade-in of two older units.

## BACKGROUND

The City of Kalamazoo participates in cooperative purchasing agreements with Oakland County and the State of Michigan for acquisition of fleet vehicles and equipment. Oakland County and the State of Michigan issue bids for hundreds of vehicles and equipment to obtain the best available price. Michigan governmental agencies are then invited to participate in these bids to realize a savings. The equipment to be purchased through this cooperative bid process meets City requirements.

This loader will be used by field services employees performing water, wastewater and street system maintenance and repair activities.

The equipment being traded as part of this purchase is a 1997 and a 1999 Case loader, both of which have over 9,400 hours, are fully depreciated, in poor mechanical and/or physical condition.

## COMMUNITY RESOURCES CONSULTED

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

## FISCAL IMPACT

Funds are budgeted within the 2013 Public Services Department Fleet capital budget. By trading in two older loaders for this purchase the City will also benefit financially from a reduction in fleet size and maintenance cost.

## **ALTERNATIVES**

The vehicles could be purchased locally through the City of Kalamazoo bid process. However, the City realizes a savings of approximately \$1,000 per vehicle by participating in interdepartmental bids.

The City could decide to delay this purchase until 2014 or beyond. This alternative is not recommended as the equipment being replaced is fully depreciated and is more costly to repair and maintain.

## **ATTACHMENTS**

None



# Commission Agenda Report

Date: **05/20/13**  
Item **F3**

City of Kalamazoo

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Jeff Hadley, Chief  
Prepared By: Detective Pittelkow

**DATE:** May 15, 2013

**SUBJECT:** Micro Brewer's License and Outdoor Service Area for Rupert's Brew House, LLC at 773 West Michigan Avenue

## RECOMMENDATION

It is recommended that the City Commission adopt a RESOLUTION from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission to approve Rupert's Brew House LLC Microbrewer License and outdoor service area at 773 West Michigan Avenue.

## BACKGROUND

The approval of this resolution would allow Rupert's Brew House LLC. to open a new Micro Brewing business that can produce up to 30,000 barrels of beer a year.

By approving this resolution, Rupert's Brew House LLC. will be located at 773 West Michigan Avenue, which was the old location of the Strut Tavern which held a Class C liquor license at that same location for the past few years.

Mark Rupert and Nirmal Shah are going to be the owners of the business and the only shareholders at this point. Mr. Rupert and Mr. Shah have no beer brewing experience and have never held a liquor license before.

Mr. Rupert and Mr. Shah plan on brewing no more than 800 barrels of beer a year at first to see how the business does. Mr. Rupert and Mr. Shah plan on hiring three extra employees to help run the new Micro Brewing business. Mr. Rupert and Mr. Shah estimate it will cost them \$10,000.00 dollars to purchase new equipment and remodel the business to get the brewery business up and running. The actual building was leased by Mr. Rupert and Mr. Shah for 2,000.00 dollars a month

This type of Micro Brewing license allows the business owner to only sell what the business actually produces on site. This type of license does not allow the business to

sell wine or any type of hard liquor. Mr. Rupert and Mr. Shah do plan on having a regular bar type atmosphere that allows customers to sit around and consume products. When the business first opens, Mr. Rupert and Shah do not plan on serving food except for popcorn and chips.

Mr. Rupert and Mr. Shah met with City of Kalamazoo Building Inspector Robert McNutt and Fire Marshal Jim Williams and are in the process of starting the construction process. I was told by Robert McNutt and Fire Marshal Williams the construction process will take some time and to go ahead will the approval process for the new license. Mr. Rupert and Shah are aware that this new business will not be allowed to open until they pass a final inspection from the Fire Marshal and the Building Inspectors office. This approval will ensure that Mr. Rupert and Mr. Shah can work with the Michigan Liquor Control Commission knowing the City of Kalamazoo has given its approval for the new license, and will insure that we do not have a business opening in the City of Kalamazoo that isn’t safe to serve the public.

The property taxes are up to date on this property. There are no churches or schools within 500 feet of this new business.

I spoke with Mr. Rupert and Mr. Shah about problems related to businesses with liquor licenses. Mr. Rupert and Mr. Shah are aware of problems such as over serving customers and underage drinking and will take steps so it does not occur in the business.

### **COMMUNITY RESOURCES CONSULTED**

No community resources were consulted.

### **ATTACHMENTS**

Resolution



# Commission Agenda Report

Date: **05/20/13**

Item **F4**

City of Kalamazoo

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Prepared By: Jerome Kisscorni, Assistant City Manager/Economic  
Development Director

**DATE:** May 15, 2013

**SUBJECT:** Set a Public Hearing to Establish Industrial Development District #128 for  
Southwest Michigan First

## RECOMMENDATION

It is recommended that the City Commission adopt a resolution to set a public hearing on June 3, 2013 to consider the establishment of a PA 198 Industrial Development District (IDD) around the perimeter of property at 3301 Research Way, 4502 Parkview Avenue, and 4590 Campus Drive located in Western Michigan University's Business Technology and Research Park.

## BACKGROUND

Southwest Michigan First and Western Michigan University have requested on behalf of Newell Rubbermaid to establish an Industrial Development District in the Western Michigan University Business Technology and Research Park. This action will allow the project to be eligible for PA 198 tax abatements.

Newell Rubbermaid, an Atlanta-based company that makes a number of well-known consumer and commercial products with a global portfolio of over 40 brands, announced it will locate their state-of-the-art design center on vacant property in the Western Michigan University Business Technology and Research Park.

The new facility will enable Newell Rubbermaid to add depth in specialties in ergonomics and interaction design, join a strong local presence of design-led companies, including Stryker, Whirlpool, Herman Miller and Steelcase, and participate in an educational community that includes Western Michigan University, which is known for its packaging design program. It will employ 100 design professionals and has been carefully planned to foster creativity and maximize the sharing of ideas and technologies among the company's brands.

## **COMMUNITY RESOURCES CONSULTED**

This recommendation did not require advisory board consultation. A public hearing would be scheduled for June 3, 2013 on the request to consider the establishment of Industrial Development District #128.

## **FISCAL IMPACT**

The City Assessor's staff will complete a fiscal impact analysis, based upon the applicant's Industrial Facility Exemption Certificate application, once it is submitted to the city and brought forward for City Commission consideration. Subsequent memoranda and attachments from staff will contain this fiscal impact information.

## **ALTERNATIVES**

- The City Commission could choose to approve the application, as recommended.
- The City Commission could choose to approve the request with specific boundary recommendations.
- The City Commission could choose not to approve the resolution to set the public hearing to consider the request to establish Industrial Development District #128.

## **ATTACHMENTS**

Resolution  
Map

**WMU BUSINESS, TECHNOLOGY AND RESEARCH PARK**

**CITY OF KALAMAZOO, MICHIGAN  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION SETTING A TIME FOR A HEARING ON A REQUEST FOR THE  
ESTABLISHMENT OF AN INDUSTRIAL DEVELOPMENT DISTRICT**

Minutes of a regular meeting of the City Commission of the City of Kalamazoo held on May 20, 2013, at or after 7:00 p.m., local time, at City Hall.

PRESENT:

ABSENT:

- A. Under 1974 PA 198, MCLA Sec. 207.551, et seq. (PA 198), SOUTHWEST MICHIGAN FIRST (SMF) and Western Michigan University have requested that certain property located in the Western Michigan University Business, Technology and Research Park be established as an Industrial Development District;
- B. SMF is in the process of acquiring the property from Western Michigan University on which it requests the Industrial Development District and on which a new facility as defined under PA 198 will be constructed;
- C. PA 198 requires that a hearing is first held pursuant to notice before an Industrial Development District is established.

NOW, THEREFORE, BE IT RESOLVED:

1. This request shall remain on file in the Office of the City Clerk.
2. The City Commission shall meet at the Kalamazoo City Hall on June 3, 2013, and shall hold a public hearing at or after 7:00 p.m., local time, to hear testimony of the owners of the land and any resident or taxpayer desiring to appear and testify with regard to the requested designation of the Industrial Development District.
3. The City Clerk shall give notice of such hearing by certified mail to WESTERN MICHIGAN UNIVERSITY, posted at least fourteen (14) days prior to said hearing, and notice shall also be given by publication.
4. The notice of hearing shall be in substantially the following form:

CITY OF KALAMAZOO, MICHIGAN  
NOTICE OF HEARING TO CONSIDER ESTABLISHMENT OF  
AN INDUSTRIAL DEVELOPMENT DISTRICT

PLEASE TAKE NOTICE, that the City Commission has been requested to establish as Kalamazoo Industrial Development District No. 128 certain property located in the City and County of Kalamazoo, and more accurately described as follows:

A parcel of land situated in the Northwest fractional quarter of Section 31 and the Northeast quarter, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the Northwest corner of Section 31, Town 2 South, Range 11 West; thence S 88°56'19" E 1862.11 feet along the North line of the Northwest fractional quarter of said Section; thence S 01°03'41" W 50.00 feet perpendicular with said North line to the South right-of-way line of Parkview Avenue and the Place of Beginning; thence S 00°00'00" W 574.21 feet; thence N 90°00'00" E 719.37 feet to the West line of Unit 1 of the Western Michigan University Business, Technology and Research Park, a Condominium according to the Master Deed recorded in Document No. 2001-018722, inclusive and amendments thereto, Kalamazoo County Records, and designated as Kalamazoo County Condominium Subdivision Plan No. 134; thence N 00°00'00" E 103.12 feet along said West line of Unit 1; thence N 26°23'49" E 505.74 feet along said West line of Unit 1 to said South right-of-way line of Parkview Avenue; thence N 88°44'33" W 168.44 feet along said South right-of-way line of Parkview Avenue; thence N 88°56'19" W 137.44 feet along said South right-of-way line of Parkview Avenue; thence S 01°03'41" W 153.56 feet; thence N 90°00'00" W 444.93 feet; thence N 49°03'34" W 252.35 feet to the Place of Beginning, containing 8.58 acres of land.

This description is intended to describe Proposed Unit 33 of the Western Michigan University Business, Technology and Research Park Condominium.

TAKE FURTHER NOTICE, that a copy of the survey of the parcel for Industrial Development District 128 shall be on file with the City Clerk's Office.

TAKE FURTHER NOTICE, that the City Commission will meet at the City Hall in said City on June 3, 2013, at or after 7:00 p.m., local time, for the purpose of hearing owners of the land and residents and taxpayers of the City regarding the establishment of Industrial Development District No. 128.

SCOTT A. BORLING,  
CITY CLERK

The above resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

AYES:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

### **CERTIFICATE**

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on May 20, 2013. 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

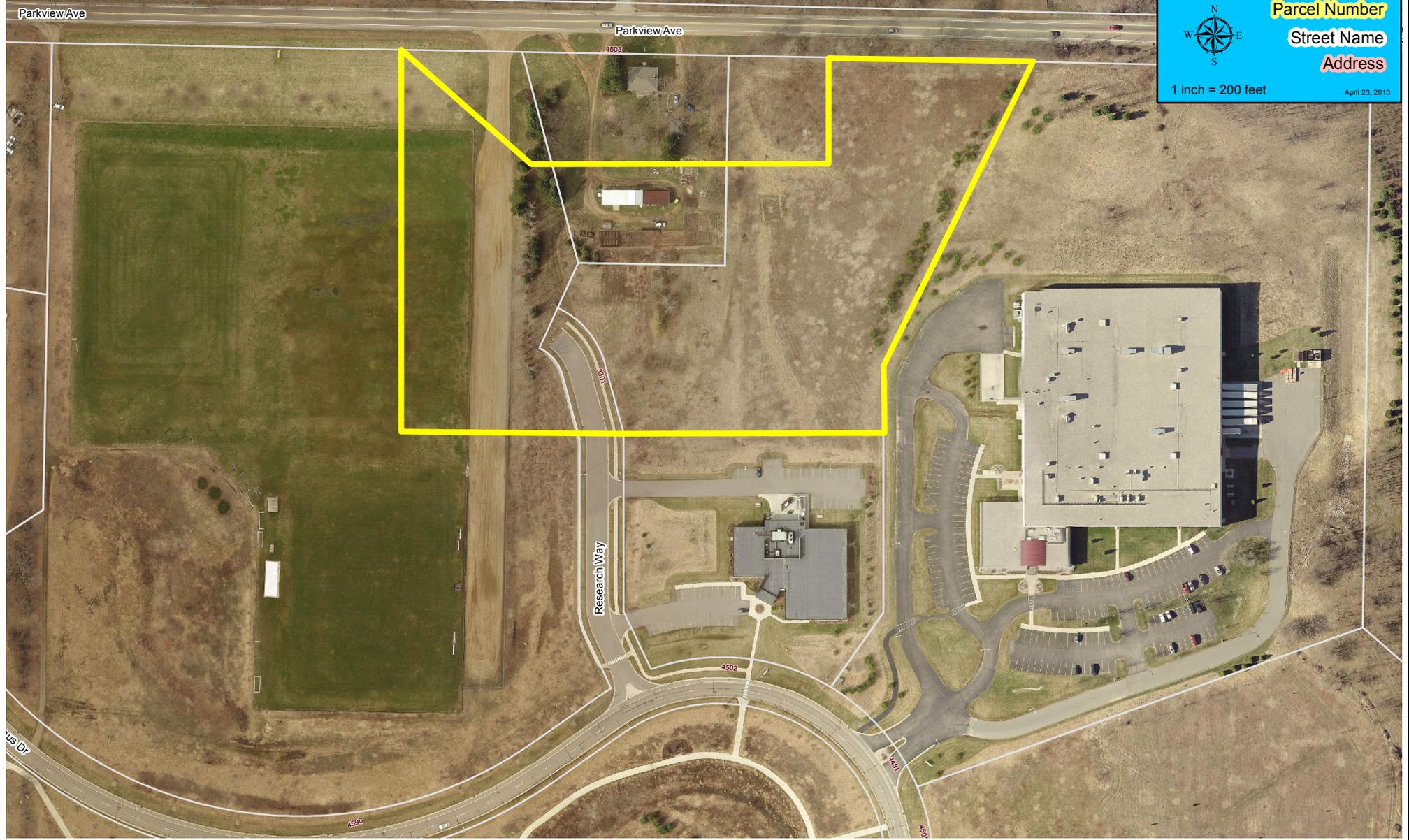
Proposed Industrial Development District (IDD) 128  
Newell Rubbermaid  
Current Parcel Identification Numbers:  
06-31-133-026, 06-31- 06-31-127-003, 06-31-136-027  
Current Property Addresses:  
3301 Research Way, 4502 Parkview Avenue, 4590 Campus Drive



Parcels  
Parcel Number  
Street Name  
Address



1 inch = 200 feet  
April 23, 2013



Map is intended for assessment purposes only and is NOT at a survey level of accuracy.



# Commission Agenda Report

Date: **05/20/13**

Item **F5**

City of Kalamazoo

**TO:** Mayor Hopewell, Vice-Mayor McKinney and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Prepared By: Jeff Chamberlain, AICP, CPD Director

**DATE:** May 8, 2013

**SUBJECT:** Delegation of School Inspection Authority to the City of Kalamazoo

## RECOMMENDATION

It is recommended that the City Commission approve an "Annual Delegation of School Inspection Authority to a Local Unit of Government" for Lakeside Academy, and authorize the Mayor to sign on behalf of the City.

## BACKGROUND

Lakeside for Children (dba) Lakeside Academy is requesting an Annual Delegation of School Inspection Authority to a Local Unit of Government Enforcing Agency thru the Michigan Bureau of Construction Codes. Lakeside Academy is part of Kalamazoo Public Schools.

Normally, the State has the responsibility for school inspections but there are provisions that allow local jurisdictions to be granted this authority because of proximity, convenience and lower cost. Lakeside will be making various building improvements this year and will find it more convenient to work with City building inspectors.

Both the Mayor and the KPS School Board President are required to sign the request. The City Commission approved an identical action in 2011 and 2012 at Kalamazoo Public Schools' request.

## COMMUNITY RESOURCES CONSULTED

N/A

## FISCAL IMPACT

There will be no fiscal impact on the city. A small amount of city staff time will be used to review the school's building plans.

## ALTERNATIVES

The City Commission could deny the request. In that event KPS would need to obtain building plan approvals from the State of Michigan. It is recommended that the request be approved as submitted.

## **ATTACHMENTS**

Application

**Request for Annual Delegation of School Plan Review and Inspection Authority  
to a Local Unit of Government Enforcing Agency**  
Michigan Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
P.O. Box 30254, Lansing, MI 48909  
517-241-9302  
www.michigan.gov/bcc

Section 1b(5) of 1937 PA 306 provides:

"The department shall delegate the responsibility for the administration and enforcement of this act to the applicable agency if both the school board and the governing body of the governmental subdivision have annually certified to the department, in a manner prescribed by the department, that full-time code officials, inspectors and plan reviewers registered under the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313, will conduct plan reviews and inspections of school buildings."

NOTE: Local governments not authorized to enforce the state construction codes do not qualify for delegation of school plan review and inspection authority.

**BOTH THE SCHOOL BOARD PRESIDENT OF THE DISTRICT IN WHICH THE APPLICABLE FACILITY IS LOCATED AND THE GOVERNING BODY OF THE GOVERNMENTAL SUBDIVISION MUST CERTIFY, VIA ORIGINAL SIGNATURES, THAT THE INFORMATION CONTAINED ON THIS FORM IS TRUE AND ACCURATE.** If the school district is served by more than one local government enforcing agency, a separate form must be submitted for each enforcing agency and you must indicate which agency serves which facility.

Failure to complete all required information will result in this form being returned without action.

**SCHOOL DISTRICT INFORMATION**

A school official representing the school district/school board must provide the school contact information and the list of school facilities by completing the sections below. (It should be noted that non-public schools should not provide public school district information but should provide contact information regarding the superintending authority, if applicable, for the non-public school instructional and non-instructional school buildings located within each local government enforcing agency.)

SCHOOL DISTRICT				
NAME OF SCHOOL DISTRICT Kalamazoo Public Schools				COUNTY KALAMAZOO
ADDRESS 1220 HOWARD ST.				
CITY KALAMAZOO	STATE MI	ZIP CODE 49008	TELEPHONE NUMBER (Include Area Code) (269) 337-0015	FAX NUMBER (Include Area Code) (269) 337-1553
PRIMARY CONTACT PERSON GARY START			TITLE DIRECTOR, BUSINESS/COMMUNICATIONS	
<b>LISTING OF SCHOOL FACILITIES</b> (List only those school facilities within the district for which plan review and inspection authority is requested.) Attach additional pages as necessary.				
FACILITY NAME		FACILITY NAME		
1. Lakeside for Children/Lakeside Academy		5. Cafeteria/Food service area		
2. Old & New Administration Building		6. School/ Cultural Center		
3. Dormitory A & B		7. Mackinac Dorm		
4. Gym and Duplex		8. Maintenance Garage		

**Local Government Enforcing Agency Information**

Each local government enforcing agency in which facilities of the school district are located must complete this application attesting to the agreement with the information contained in this application.

LOCAL UNIT OF GOVERNMENT / CODE ENFORCING AGENCY				
NAME OF LOCAL UNIT OF GOVERNMENT City of Kalamazoo				COUNTY Kalamazoo
ADDRESS 241 W. South St.				
CITY Kalamazoo	STATE MI	ZIP CODE 49007	TELEPHONE NUMBER (Include Area Code) (269) 337-8026	FAX NUMBER (Include Area Code) (269) 337-8429
PRIMARY CONTACT PERSON Robert McNutt			TITLE Building Official	

### BUILDING OFFICIAL / INSPECTOR / PLAN REVIEWER INFORMATION

List the name, discipline and registration number of all Building Officials, Inspectors, and Plan Reviewers in the local unit of government enforcing agency performing inspections/plan reviews on school buildings and facilities. To qualify for delegation of school construction authority the governmental jurisdiction MUST document full time building, electrical, mechanical and plumbing inspectors and building, electrical, mechanical and plumbing plan reviewers.

NAME OF BUILDING OFFICIAL:		REGISTRATION NUMBER OF BUILDING OFFICIAL:	
NAME	REGISTRATION NUMBER	PLAN REVIEWER	INSPECTOR
1. Robert McNutt	004939	<input checked="" type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg	<input checked="" type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg
2. Mark Hess	005754	<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input checked="" type="checkbox"/> Plbg	<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input checked="" type="checkbox"/> Plbg
3. Harold "Butch" Hays	003829	<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input checked="" type="checkbox"/> Mech <input type="checkbox"/> Plbg	<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input checked="" type="checkbox"/> Mech <input type="checkbox"/> Plbg
4. John Peters	004249	<input type="checkbox"/> Bldg <input checked="" type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg	<input type="checkbox"/> Bldg <input checked="" type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg
5.		<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg	<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg
6.		<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg	<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg
7.		<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg	<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg
8.		<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg	<input type="checkbox"/> Bldg <input type="checkbox"/> Elec <input type="checkbox"/> Mech <input type="checkbox"/> Plbg

Please list your office hours and inspection staff hours below. (Example: 8:00 a.m. - 5:00 p.m.)

Office Hours: M 7 - 5 T 7 - 5 W 7 - 5 Th 7 - 5 F 7 - 5 = 50 total hours

Inspection Staff Hours: M 7 - 5:30 T 7 - 5:30 W 7 - 5:30 Th 7 - 5:30 F 7 - 5:30 = 52.5 total hours

- Plan reviews will be completed within 60 days of receipt of the application.
- Permits will be issued and inspections conducted (within 5 business days) in accordance with the requirements of the Stille-DeRossett-Hale Single State Construction Code Act of 1972, 1972 PA 230.
- Permits will not be issued until a delegation of authority is granted by the Bureau of Construction Codes, Department of Licensing and Regulatory Affairs.
- Violation notices shall be issued as provided by the Act and applicable Code(s).
- Certificates of Occupancy will be issued only after receiving all required inspection and plan review approvals.

**Certification by School District and Local Government Enforcing Agency** - In the sections below, provide the **ORIGINAL** signature of the school board president and the chief elected official of the local government authorized to enforce construction codes in which school facilities are located. **Note:** A local government not authorized to enforce the state construction codes does not qualify for delegation of school plan review and inspection authority.

SIGNATURE AND CERTIFICATION OF SCHOOL BOARD PRESIDENT	
I hereby certify the information contained in this application is accurate and that I am duly authorized to sign on behalf of the parties listed in this application. I further certify adherence to all applicable laws and rules under the delegation of authority.	
NAME OF SCHOOL BOARD PRESIDENT (Please Print) <b>Patti Scholler-Barber</b>	NAME OF LOCAL SCHOOL DISTRICT <b>Kalamazoo Public Schools</b>
ORIGINAL SIGNATURE OF SCHOOL BOARD PRESIDENT	DATE
SIGNATURE AND CERTIFICATION OF LOCAL UNIT OF GOVERNMENT	
I hereby certify the information contained in this application is accurate and that I am duly authorized to sign on behalf of the parties listed in this application. I further certify adherence to all applicable laws and rules under the delegation of authority.	
NAME AND TITLE OF CHIEF ELECTED OFFICIAL* (Please Print) <b>Bobby Hopewell, Mayor</b>	NAME OF LOCAL UNIT OF GOVERNMENT (enforcing agency) <b>City of Kalamazoo</b>
ORIGINAL SIGNATURE OF CHIEF ELECTED OFFICIAL	DATE

\*The State Construction Code Act defines the chief elected official as listed below:

County: Chair of the Board of Commissioners      City: Mayor      Village: President      Township: Supervisor



# Commission Agenda Report

City of Kalamazoo

Date: **05/20/13**

Item **F6**

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Jeff Chamberlain, Director, CP&D  
Prepared By: Laura Lam, Deputy Director, CP&D

**DATE:** May 17, 2013

**SUBJECT:** Second Amendment to NSP2 Agreement for the Marketplace Development

## RECOMMENDATION

It is recommended that the City Commission approve the Second Amendment to the Neighborhood Stabilization Program 2 Agreement for the Marketplace development and authorize the City Manager to sign the Amendment and related documents.

## BACKGROUND

The Marketplace development includes 23 single-family homes located at the corner of Bank and Collins streets in the Edison Neighborhood, directly across from the City's Farmers Market. 20 homes within the development have been sold to date.

On February 28, 2011, the City Commission unanimously voted to authorize the City Manager to sign the Neighborhood Stabilization Program 2 (NSP2) Agreement between the City of Kalamazoo, the Kalamazoo County Land Bank Authority, and the Home Builders Association of Greater Kalamazoo for the Marketplace at Washington Square Development ("Marketplace Agreement"). The Marketplace Agreement is a tri-party agreement that identifies the Land Bank as the owner of the property, the City as the grantee providing NSP2 construction financing, and the Home Builders Association as the developer responsible for the construction and sale of the homes developed on the Marketplace Plat. On July 2, 2012, the City Commission unanimously voted to authorize the City Manager to sign the First Amendment to the NSP2 Marketplace Agreement to clarify agreement language based on new NSP2 program guidance, to reduce the number of homes constructed from 24 to 23, and to adjust the project budget.

The Marketplace Agreement needs to be amended for a second time because the terms of the overall funding and guidance have changed for both the Grantee and Owner of the Marketplace development. Under the Second Amendment, the Owner shall pay the Developer the developer fee balance of \$6,000 upon the sale and closing of each house, contingent upon the availability of funding at the time of closing. Under the current agreement, the Grantee is responsible for developer fee payment. As grant

funds are no longer available, the developer fee must now be paid out of proceeds of sale by the Owner.

### **COMMUNITY RESOURCES CONSULTED**

There has been extensive community dialogue with interested parties regarding the development of the Marketplace Plat including the Edison Neighborhood and Business Associations.

This project is consistent with the City of Kalamazoo Consolidated Plan 2010 – 2014, which supports projects that work toward “providing means of increasing homeownership for low-income residents, particularly in core neighborhoods.”

### **FISCAL IMPACT**

The proposed Second Amendment will have no fiscal impact.

### **ALTERNATIVES**

The City Commission could choose not to authorize the City Manager to sign the Second Amendment to the Marketplace Agreement. As NSP2 grant funds are no longer available for the City, as Grantee, to pay the developer fee balance, this alternative is not recommended.

### **ATTACHMENTS**

Second Amendment to Marketplace Agreement

**SECOND AMENDMENT TO NEIGHBORHOOD STABILIZATION PROGRAM 2**  
**AGREEMENT BETWEEN THE CITY OF KALAMAZOO, THE KALAMAZOO COUNTY**  
**LAND BANK AUTHORITY, AND THE HOME BUILDERS ASSOCIATION OF GREATER**  
**KALAMAZOO FOR THE MARKETPLACE AT WASHINGTON SQUARE**  
**DEVELOPMENT**

This Amendment (the "Amendment") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Kalamazoo, a Michigan municipal corporation with offices at 241 W. South Street, Kalamazoo, Michigan ("Grantee"), the Kalamazoo County Land Bank Authority, a Michigan public body corporation with offices located at 229 E. Michigan Ave., Ste 340, Kalamazoo, Michigan ("Owner"), and Home Builders Association of Greater Kalamazoo , a 501(c)(6) non-profit trade association located at 5700 W. Michigan Avenue, Kalamazoo, Michigan ("Developer"), collectively referred to herein as the "Parties."

The Amendment is entered into with reference to the following facts:

- A. The Parties entered into a Neighborhood Stabilization Program 2 Agreement for the Marketplace at Washington Square Development dated March 4, 2011 (the "Agreement"), as amended on July 16, 2012 ("Amendment 1").
- B. The terms of the overall funding, and guidance have changed for both the Grantee and Owner of the Marketplace Development.

In light of the above facts, the parties hereby agree to revise the Agreement through this Amendment as follows:

1. Paragraph D.3 of Article V is hereby revised as follows:

Final Installment: Upon the sale and closing of each house on or before February 11, 2013, Grantee shall pay Developer the amount which, when combined with the first and second installments, results in the Developer being reimbursed for a total of Ten Percent (10%) of the Final Construction Cost. Upon the sale and closing of each house after February 11, 2013, Owner shall pay the Developer \$6,000.00, contingent upon the availability of funding at time of closing.

2. Apart from the revisions above, the Parties hereby ratify and affirm the remaining terms of the Agreement. Unless otherwise defined herein, capitalized terms shall have the meanings set forth in the Agreement. The terms of this Amendment amend and modify the Agreement as if fully set forth in the Agreement. If there is

any conflict between the terms, conditions, and obligations of this Amendment and the Agreement, this Amendment's terms, conditions, and obligations shall have control. All other provisions of the Agreement not specifically modified by this Amendment are preserved.

GRANTEE

City of Kalamazoo

\_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

OWNER

Kalamazoo County Land Bank

\_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

DEVELOPER

Home Builders Association of Greater Kalamazoo

\_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_



# Commission Agenda Report

City of Kalamazoo

Date: **05/20/13**

Item **F7**

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Clyde J. Robinson, City Attorney

**DATE:** May 17, 2013

**SUBJECT:** Addendum # 3 to District Court Consolidation Agreement

## RECOMMENDATION

It is recommended that the City Commission authorize the City Manager to execute Addendum # 3 to the District Court Consolidation Agreement on behalf of the City of Kalamazoo

## BACKGROUND

Following the closure of the South location of the 8<sup>th</sup> District Court in Portage, negotiations ensued between the City of Portage and the County to address the loss of rental income by the City of Portage and the likely increased cost to Portage to having its matters adjudicated at the Court facilities at Crosstown or downtown. The new addendum works out a formula for the sharing of fines and costs between Portage and the County associated with City of Portage prosecutions.

Although the agreement between the County and Portage does not directly impact the City of Kalamazoo, as a signatory to the original 1997 District Court Consolidation Agreement its approval is necessary.

## COMMUNITY RESOURCES CONSULTED

The County Board of Commissioners approved the Addendum on May 7, 2012 and the Portage City Council approved the Addendum at its May 14, 2013 meeting.

## FISCAL IMPACT

There should be no fiscal impact on the City of Kalamazoo as the result of this Addendum to the District Court Consolidation Agreement.

## ALTERNATIVES

The City Commission could chose to not authorize the City Manager to execute Addendum #3 to the Consolidation Agreement, but such is strongly not recommended.

There is nothing to be gained by the City of Kalamazoo in not acquiescing to the amendment, and by not accommodating our partners in this matter may make cooperation on other multijurisdictional matters more difficult in the future.

## **ATTACHMENTS**

Addendum # 3 to the District Court Consolidation Agreement

**ADDENDUM NO. 3  
TO DISTRICT COURT CONSOLIDATION AGREEMENT**

This Addendum is entered into on this 7<sup>th</sup> day of May, 2013 by and between the City of Kalamazoo, the City of Portage, the County of Kalamazoo, and the Kalamazoo County 8<sup>th</sup> District Court.

WHEREAS, on April 10, 1997, the parties to this Addendum signed a District Court Consolidation Agreement (Agreement) whereby the parties agreed to administratively consolidate the 8<sup>th</sup> District Court and the 9<sup>th</sup> District Court, Divisions I and II, effective January 1, 1999; and

WHEREAS, the Agreement was amended by Addendum No. 1 on June 20, 2000; and

WHEREAS, the Agreement was amended by Addendum No. 2 on March 18, 2003; and

WHEREAS, it is necessary to amend the Agreement a third time to accommodate further developments that have occurred since the signing of said Agreement and Addendums No. 1 and No. 2.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the first paragraph of Section 1 LEASE OF REAL PROPERTY to read as follows:

The Cities hereby agree to lease to the County on January 1, 1999, facilities occupied by the respective District Courts on the effective date of this agreement, together with all improvements now erected thereon for the amount of One Dollar (\$1.00) and other valuable consideration, part of said consideration being the assumption and payment by the County of operations, such as utilities, custodial, normal maintenance, etc. which are involved due to the County presence. The Cities and the County will agree to an annual fee for these services which shall be remitted to the Cities on a quarterly basis. The City of Portage and the County agree that the lease between the City of Portage and the County, as set forth in this paragraph, shall end on June 30, 2013. The City of Portage and the County agree that beginning on July 1, 2013, the City possesses the sole discretion to determine the use and tenant(s) for this space.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the fourth paragraph of Section 1 LEASE OF REAL PROPERTY to read as follows:

The City of Portage and the County agree that the County shall assume responsibility for all normal repairs and maintenance for the City of Portage court facility leased by the County upon the effective date of this agreement. Thereafter, the determination of the necessity for major improvements/expansion at the Portage court facility and the responsibility for the costs of any improvement or expansion shall be the County's responsibility. The City of Portage and the

County agree that the responsibilities assumed by the County in this paragraph shall cease when the lease between the City of Portage and the County, ends on June 30, 2013.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to strike, in its entirety, the last paragraph of Section 1 LEASE OF REAL PROPERTY, of the 1997 Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the portion of the last paragraph of Section 3A STATUTORY DISTRIBUTION OF FINES AND COSTS entitled "B. CITY OF PORTAGE" of the Addendum No. 2 dated March 18, 2003 as follows:

The cities agree that the County shall retain the cities' statutory one-third share of ordinance fines and costs subject to the following exceptions:

#### B. CITY OF PORTAGE

1a. Effective July 1, 2013, the County shall, on an annual basis, remit the first \$70,000 of the City of Portage's share of the ordinance fines and costs to the City of Portage. The first payment shall be made October 25, 2013 and shall be in the amount of \$17,500 for the City of Portage's share of the ordinance fines and costs for July 1, 2013-September 30, 2013 (i.e. one-fourth of the annual amount of \$70,000). Payments shall thereafter be paid in the same manner on January 25, April 25 and July 25 based upon the prior calendar quarter. Provided that if the City of Portage's share of the ordinance fines and costs in any calendar year do not reach \$70,000, the County is only required to remit the full amount of the City of Portage's share of the ordinance fines and costs in that calendar year.

1b. Effective July 1, 2013, after the County has remitted \$70,000 of the City of Portage's share of ordinance fines and costs to the City of Portage, the County shall retain the next \$64,000 of the City of Portage's share of the ordinance fines and costs.

1c. Any monies that the County receives in excess of the \$64,000 set forth in Paragraph 1b immediately above based upon the City of Portage's share of the ordinance fines and costs shall be remitted to the City of Portage on an annual basis, and in a single sum paid, within thirty (30) days of the end of the calendar year in which the ordinance fines and costs were received.

1d. At the end of each calendar year, the parties shall perform a reconciliation so the quarterly payments described above do not result in the Parties receiving more or less than it should based upon the annual total excess revenues (note: for 2013, the annual figure will be prorated to \$35,000). Those sums paid by defendants in OUIL/OWI cases

as "cost recovery" shall be paid directly to the City and are outside the scope of paragraphs 1a, 1b, 1c and 1d.

BE IT FURTHER RESOLVED that the effective date of this Addendum No. 3 shall be July 1, 2013 and the amendments to Section 1 Lease of Real Property set forth in this Addendum are permanent. The amendments to Section 3A Statutory Distribution of Fines and Costs shall be effective until June 30, 2023. On July 1, 2023 the provisions of Section 3A Statutory Distribution of Fines and Costs shall be the same as they were on June 30, 2013.

CITY OF KALAMAZOO

By: \_\_\_\_\_  
Kenneth Collard, City Manager

Date: \_\_\_\_\_

CITY OF PORTAGE

By: \_\_\_\_\_  
Maurice Evans, City Manager

Date: \_\_\_\_\_

COUNTY OF KALAMAZOO

By: \_\_\_\_\_  
David Maturen, Chairperson

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Timothy A. Snow, Clerk/Register

Date: \_\_\_\_\_

KALAMAZOO COUNTY 8<sup>th</sup> DISTRICT COURT

By: \_\_\_\_\_  
Paul J. Bridenstine, Chief Judge

Date: \_\_\_\_\_

# **Memorandum of Agreement**

## **Kalamazoo County Land Bank Authority & City of Kalamazoo, By and Through the Community Planning & Development Department**

The Kalamazoo County Land Bank Authority and the City of Kalamazoo, by and through the Community Planning & Development Department, wish to cooperatively work to demolish blighted and dangerous property in Kalamazoo County through the 2012 Michigan Blight Elimination Program.

Upon receipt of successful award and funding through the Blight Elimination program, the following is agreed upon.

### **Kalamazoo County Land Bank Authority Responsibilities**

- Act as Lead Entity for the program, including, but not limited to:
  - Submitting required programmatic and financial reports for the program to grantor
  - Distributing payments to partner entity
  - Working with partner entities to obtain information required for programmatic and financial reporting
- Issuing work orders for all Land Bank properties and overseeing all demolition, site restoration, and other related work
  - Ensuring all work meets program requirements, local ordinances, and other relevant laws, requirements, and regulations
- Completing close out reports for all Land Bank demolitions
- Commit matching funds received from Kalamazoo County as laid out in the grant application
- Provide the City of Kalamazoo with a copy of the signed grant agreement

### **City of Kalamazoo Responsibilities**

- Issue work orders for all City properties and Dangerous Building Board properties, and oversee all demolition, site restoration, and other related work
  - Ensuring all work meets program requirements, local ordinances, and other relevant laws, requirements, and regulations
- Complete close out reports for all City directed demolitions
- Submit all relevant programmatic and financial information to the Land Bank in a timely manner, in the formats required by the grant, including but not limited to

“Work in Process” reports, signed approved invoices with payment request forms, landfill receipts, and procurement documents

- Make available all programmatic and financial information to the Land Bank and grantor for auditing and review purposes, if requested
- Provide matching funds to the project to the extent laid out in the grant application
- Ensure compliance with the signed grant agreement

It is agreed that in exchange for serving as lead entity in this project, the Land Bank will receive 1% of the City of Kalamazoo’s administrative fee.

Payment to the City for demolition projects will occur per programmatic guidelines. However, it is agreed that the Land Bank will not reimburse the City until after receipt of program funds.

The term of this agreement runs with the term of the 2012 Michigan Blight Elimination Program award.

For: Kalamazoo County Land Bank Authority

For: City of Kalamazoo

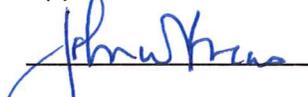
\_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Approved as to Form:

  
\_\_\_\_\_

John W. Kneas, Ass’t City Attorney

May 16, 2013



# Commission Agenda Report

City of Kalamazoo

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Date: **05/20/13**

Item **F8**

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Jeff Chamberlain, Director, CP&D  
Prepared By: Laura Lam, Deputy Director, CP&D

**DATE:** May 17, 2013

**SUBJECT:** Acceptance of Michigan Blight Elimination Program Grant

## RECOMMENDATION

It is recommended that the City Commission accept a Michigan Blight Elimination Program Grant from the State of Michigan of up to \$380,000 and authorize the City Manager to sign and submit all appropriate documents.

## BACKGROUND

On December 12, 2012, the Kalamazoo County Land Bank Authority ("Land Bank") and the City of Kalamazoo jointly applied for a \$937,000 Blight Elimination Program grant. The Blight Elimination Program is designed to help local communities address the destabilizing effects of blight and property abandonment. The goal is to stabilize property values, promote future development and enhance public safety. The State of Michigan allocated \$15 million to the program as a result of the state attorney general's settlement with mortgage companies over inappropriate mortgage practices. In mid-February, the Land Bank and City were notified by the State that they were recommended for the full award.

Over the next year, the Land Bank and City will use the \$937,000 grant to demolish approximately 70 blighted residential and commercial structures. The City will use up to \$380,000 of the grant to demolish approximately 33 properties. 12 of these properties are publicly-owned by either the City, Brownfield Redevelopment Authority, Land Bank, or Kalamazoo County. The remaining properties are privately-owned and have pending demolition orders from the Dangerous Buildings Board. The Land Bank will demolish vacant, tax-foreclosed buildings in Kalamazoo, Comstock Township, Kalamazoo Township, Cooper Township, and Schoolcraft Village. The Land Bank will be the lead agency for this grant.

The Land Bank and Community Planning and Development (CP&D) staff worked collaboratively over the last three years on a \$15 million Neighborhood Stabilization Program 2 (NSP2) grant aimed at improving foreclosed homes, removing blight, and

stabilizing property values in Kalamazoo’s core neighborhoods. Land Bank and CP&D staff members intend to focus future blight elimination activities near NSP2 investments to further revitalization efforts.

### **COMMUNITY RESOURCES CONSULTED**

This project is consistent with the City of Kalamazoo Consolidated Plan 2010 – 2014, which supports efforts “to address blighting conditions, vacancies, and foreclosures in the community and create positive opportunities for adjacent property owners and neighborhoods.”

### **FISCAL IMPACT**

As part of the Blight Elimination Program application, the City identified \$97,324 in match funding. The match includes \$49,980 in Community Development Block Grant funding and \$30,889 in general fund monies previously budgeted by the city for demolition and \$16,455 for estimated staff costs not covered under the grant’s 5% cap for administration.

### **ALTERNATIVES**

The City Commission may elect to not accept the Blight Elimination Program funds from the State of Michigan. This alternative is not recommended.

### **ATTACHMENTS**

Memorandum of Agreement between the City and Land Bank



# Commission Agenda Report

City of Kalamazoo

Date: **05/20/13**

Item **F9**

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Prepared By: Sean Fletcher, CPRP Parks and Recreation  
Managing Director

**DATE:** May 17, 2013

**SUBJECT:** KAAF Funding Acceptance for Versluis-Dickinson Softball Complex

## RECOMMENDATION

It is recommended that the City Commission accept funding from the Kalamazoo Amateur Athletic Foundation for \$7,800 for field rental, operating supplies and/or capital improvement projects for Versluis-Dickinson Park softball fields.

## BACKGROUND

The Department of Parks and Recreation has an ongoing objective to seek alternative funding for facility maintenance beyond City general fund dollars. For many years, the department has partnered with KAAF, which conducts up to five [5] softball tournaments per year at the Versluis-Dickinson complex.

## COMMUNITY RESOURCES CONSULTED

Kalamazoo Amateur Athletic Foundation

## FISCAL IMPACT

Per the agreement with KAAF, they will pay the City the sum of \$7,800 each year, on or before February 15<sup>th</sup>. Of these funds, \$5,000 will be used for field rental/usage and \$2,800 will be used for operating supplies (such as Turface, field maintenance supplies, etc.) and capital improvements to the complex each year the agreement is in effect.

## ALTERNATIVES

There is the alternative to not accept these funds, but this is not being recommended. Funds are not available in the Parks budget to fund the aforementioned supplies or improvements.

**ATTACHMENTS**

None



# Commission Agenda Report

City of Kalamazoo

Date: **05/20/13**

Item **F10**

**TO:** Mayor Hopewell, Vice Mayor McKinney and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Sean Fletcher, Parks and Recreation  
Managing Director  
Prepared By: Denise Siegel, Recreation Manager

**DATE:** April 23, 2013

**SUBJECT:** Grant Acceptance Kalamazoo Community Foundation / Alex Wolf Fund

## RECOMMENDATION

It is recommended that the City Commission accept a grant from the Kalamazoo Community Foundation / Alex Wolf Fund in the amount of \$2,719.00 to assist in funding two extra staff for the summer minicamp programs.

## BACKGROUND

The Department of Parks and Recreation has an ongoing objective to seek alternative funding for programming beyond City general fund dollars. The Kalamazoo Community Foundation/Alex Wolf Fund is a donation from, Alex Wolf, who worked our camp program last summer. When Mr. Wolf heard of our budget cuts, he immediately wanted to help us continue to provide programs and staffing for youth in the summer minicamp programs.

The summer camp program for this year has been reduced from six camps down to four camps. Each camp is staff with four counselors and a Site Supervisor, thus serving 50 youth at each site. The extra funding from the Alex Wolf Fund will allow us to hire two additional van drivers, so we can still provide opportunities for special field trips associated with each of the themed camps.

## COMMUNITY RESOURCES CONSULTED

None

## FISCAL IMPACT

This donation will be used for to hire two extra staff for the summer camp program.

**ALTERNATIVES**

There is the alternative to not accept this grant, but this is not recommended.

**ATTACHMENTS**

None



# Commission Agenda Report

City of Kalamazoo

Date: **05/20/13**

Item **F11**

**TO:** Mayor Hopewell, Vice-Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager - ICMA-CM, P.E.  
Reviewed by: Jeff Hadley, Chief of Public Safety  
Prepared By: Ryan Tibbets, Financial/Strategic Support Manager

**DATE:** May 17, 2013

**SUBJECT:** Youth Academy Grant Funding Acceptance

## RECOMMENDATION

It is recommended that the City Commission accept grant funding from the Local Initiatives Support Corporation (LISC), 501 Seventh Avenue, New York, NY 10018, in the amount of \$5,000 to support the 2013 Youth Leadership Academy.

## BACKGROUND

Since 2009, Public Safety has conducted a Youth Leadership Academy which provides leadership training for at-risk youth between the ages of 13-16 in the greater Kalamazoo area. The program is held at the Fort Custer Military Training Base in Augusta, Michigan and consists of a highly structured one-week program providing educational and team building courses that develop leadership and life skills. Officers from Public Safety, Kalamazoo Township Police Department and Kalamazoo County Sheriff's Department run and teach the entire program.

The LISC grant will help pay for meals, lodging, uniforms, supplies, and administrative expenses.

## SUMMARY

If the City Commission accepts the \$5,000 LISC, Youth Leadership Academy grant funding, a portion of the anticipated expenses will be paid for.

## COMMUNITY RESOURCES CONSULTED

Public Safety partners with the Kalamazoo Public Schools, State of Michigan Department of Human Services, and local law enforcement agencies to recruit and track candidates and participants of the program.

**FISCAL IMPACT**

The \$5,000 LISC grant funding will help pay for the estimated \$40,000 in personnel, equipment, and supplies cost needed to run the 2013 Youth Leadership Academy.

**ALTERNATIVES**

No alternatives are recommended.

**ATTACHMENTS**

None



# Commission Agenda Report

City of Kalamazoo

Date: **05/20/13**

Item **F12**

**TO:** Mayor Hopewell, Vice Mayor McKinney and City Commissioners

**FROM:** Scott A. Borling, City Clerk

**DATE:** May 13, 2013

**SUBJECT:** Board and Commission Appointments

## RECOMMENDATION

It is recommended that the City Commission approve the appointment of Denise Keele to the Environmental Concerns Committee for a term expiring on January 1, 2016.

## BACKGROUND

The City Commission must approve the appointments and reappointments of members to the Environmental Concerns Committee (ECC). The City Clerk's Office receives applications for this board and forwards them to the staff liaison and chairperson. It is the responsibility of the ECC to recommend appointments and reappointments. The attached Appointee Nomination Report details the nominee's qualifications and the selection process used to make the nomination.

## COMMUNITY RESOURCES CONSULTED

None

## FISCAL IMPACT

There is no fiscal impact directly associated with this appointment.

## ALTERNATIVES

The City Commission could choose to approve this appointment, not approve it, or postpone action to a date certain.

## ATTACHMENTS

Nomination Report



# Advisory Boards and Commissions Appointee Nomination Report

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City of Kalamazoo

## RECOMMENDATION

The Environmental Concerns Committee (ECC) recommends that the City Commission approve the appointment of Ms. Denise Keele to a three year term expiring January 1, 2016.

## SPECIAL REQUIREMENTS FOR THIS POSITION

No ECC positions require special qualifications.

## SELECTION PROCESS

### Applicants Considered

Denise Keele is the only current ECC applicant.

### Interview Process and Final Recommendation

The ECC interviewed the candidate and voted unanimously to recommend her appointment at the regular ECC meeting on March 20, 2013.

## NOMINEE QUALIFICATIONS

### Dual Board Memberships

This applicant is not a member of another advisory board or committee.

### Residency

Denise Keele is a resident of the City of Kalamazoo.

### Term Limits

Ms. Keele will fill Casey Gershon's vacancy and therefore is eligible to be appointed to a full three year term ending January 1, 2016; she would then be eligible for re-appointment to a second three year term.

### Training, Experience, Education and Skills

Ms. Keele is an Assistant Professor, Political Science Department & Environmental Studies Program at Western Michigan University. She has considerable experience in the Environmental Sciences area along with an impressive list of academic achievements, appointments, publications, presentations and other academic experience in the environmental and natural resources area. Ms. Keele will be an outstanding addition to the ECC.

Contribution to Diversity

Ms. Keele lives in the Arcadia Neighborhood.

**NOMINATION RATIONALE**

The qualifications and experience of this appointee makes her an excellent ECC member.

**CITY CLERK'S CERTIFICATION**

The nominees' qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

---

Scott A. Borling  
City Clerk



# Commission Agenda Report

City of Kalamazoo

Date: **05/20/13**

Item **F13**

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Jeff Chamberlain, Director, C. P. & D.  
Prepared By: Pete Eldridge, Project Coordinator, C. P. & D.

**DATE:** May 6, 2013

**SUBJECT:** Sale of City-owned vacant lot located at 1314 Division Street

## RECOMMENDATION

It is recommended that the City Commission approve the sale of 1314 Division Street to Deon Kelley and Consuela Kelley for \$120.00 and authorize the City Manager to sign all related documents.

## BACKGROUND

This vacant lot (45' x 132') has been owned by the City of Kalamazoo since 2009. It was purchased through the delinquent tax reversion process of the state. The lot contained a blighted deteriorated dwelling that was demolished by the City in 2012. This lot, now vacant, will be combined with the developed property at 1312 Division Street.

The \$120.00 is consistent with the fee the Kalamazoo County Land Bank is selling vacant lots for and this will also cover the recording fee for the deed. The Purchase Agreement was signed by Mr. and Mrs. Kelley on April 29, 2013.

## 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 1314 Division Street. This alternative is not recommended as a key outcome of the lot acquisition was to address the blighted dwelling and place the lot in the hands of a responsible property owner.

## **ATTACHMENTS**

Purchase Agreement

RECEIVED APR 29 2013

## PURCHASE AGREEMENT

This Agreement is entered into between DEON KELLEY AND CONSUELA KELLEY, husband and wife, whose address is 1312 Division Street, Kalamazoo, Michigan, 49001 ("Purchaser"), and the CITY OF KALAMAZOO, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("the City"), and

### *Recitals:*

- A. In 2009, through the delinquent tax reversion process of the state, the City acquired the parcel of real estate (now vacant), identified as Parcel No. 06-23-348-242, with the address of 1314 Division Street ("Property").
- 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/resident of property at 1312 Division 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. DESCRIPTION OF THE PROPERTY. The Property, as described above, is located in the RS-5 zoning district and covers approximately .14 acres. The legal description for the Property is as follows:

Parcel No. 06-23-348-242: Lot 242 of the Revised Plat of Hays Park, according to the plat thereof as recorded in Liber 7 of Plats, Page 15, Kalamazoo County, Michigan.

2. CONSIDERATION. 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. 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.

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

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

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

5. CITY'S REPRESENTATIONS AND WARRANTIES. To the best of its knowledge, the City represents and warrants to Purchaser, 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 being true as of the closing date;

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

If any contingency is not satisfied by the date of closing, including any extension permitted under Paragraph 10, then Purchaser may terminate this Agreement by written notice to City.

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

If Purchaser undertakes Due Diligence Activities, Purchaser shall have 5 days following completion of such activities to give written notice to the City of their election to terminate the Agreement. If written notice is not timely given to the City, Purchaser is considered to have accepted the Property in its "AS IS" condition. The closing shall then occur within the next 30 days (or within 60 days of the effective date of this Agreement), provided however, that all other contingencies under this Agreement have been met or completed. If the Purchaser notifies the City of their intent to terminate this Agreement in accordance with this Paragraph 7, neither party shall have any further rights or obligations under this Agreement.

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 shall have the right to terminate this Agreement by giving written notice to the City as provided in Paragraph 7.

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 adjacent property into 1 parcel for tax purposes.

10. CLOSING. Subject to Paragraph 7, the closing shall occur on a date mutually agreeable to the parties, but in no event later than 60 days from the effective date of this Agreement. Regardless of the preceding, Purchaser shall have the right to extend the closing date for an additional 30 days to complete necessary Due Diligence Activities or to attempt to satisfy contingencies.

11. POSSESSION. Purchaser shall be entitled to sole and exclusive possession upon payment of the purchase price and receipt of the 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. ENVIRONMENTAL CONCERNS. Purchaser, having the opportunity to conduct Due Diligence Activities regarding the Property, accepts the Property in "AS IS" condition. The City makes no representations regarding environmental hazards or liabilities on or relating to the Property. The City is under no obligation to perform any cleanup or other remedial action.

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

15. SURVEY. Purchaser, at their option and expense, may obtain an ALTA survey of the Property ("Survey"). If there are any facts or conditions related to the Survey that adversely impact the Project, Purchaser shall provide notice to the City within 10 days after receipt of the survey, identifying in detail any unacceptable facts or conditions that Purchaser requests the City to cure. If the City is unable or unwilling to cure these facts or conditions within 30 days after receipt of the notice from Purchaser, they shall have the option to either (i) waive such defects and proceed to closing; or (ii) terminate this Agreement.

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

17. MAINTENANCE AND CLOSURE. 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: Deon & Consuela Kelley  
1312 Division St.  
Kalamazoo, MI 49001

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.

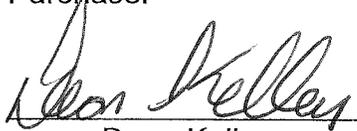
Dated: \_\_\_\_\_, 2013

City of Kalamazoo

By: \_\_\_\_\_  
Kenneth P. Collard  
Its: City Manager

Dated: 4-29, 2013

Purchaser

  
\_\_\_\_\_  
Deon Kelley

  
\_\_\_\_\_  
Consuela Kelley

Prepared by:  
John W. Kneas  
Assistant City Attorney  
241 W. South Street  
Kalamazoo, MI 49007-4707

K:Attydocs\JOHN\1314 Division St. Sales Agmt.- Kelley  
02/21/13



# Commission Agenda Report

Date: **05/20/13**

Item **F14**

City of Kalamazoo

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Andrea Augustine, City Planner  
Prepared By: Robert H. Bauckham, Assistant City Planner

**DATE:** May 10, 2013

**SUBJECT:** Vacate the northern 190 feet of Research Way in the WMU BTR Park

## RECOMMENDATION

It is recommended that the City Commission adopt a resolution to vacate the northern 190 feet of Research Way in the WMU BTR Park, with the following condition:

1. The city shall be provided with an easement for the utilities in this section of the road for future maintenance purposes.

It is recommended that the City Commission hold this item for final action until the next business meeting.

## BACKGROUND

This request is to vacate the northern 190 feet of the right-of-way for Research Way in the WMU BTR Park, and combine it with the parcel at 3301 Research Way. WMU is the owner of the parcels that abut the subject property and the applicant for this request. The right-of-way extends into the parcel that is being assembled for the new Newell Rubbermaid Corporation facility, which will be constructed later this year. Newell Rubbermaid will be consolidating its product design and review processes at this new plant, and will be creating approximately 100 job opportunities. The new parcel will contain the vacant 3301 Research Way, a portion of the Gibb's farm property to the north, a portion of the WMU soccer practice area to the west, and the right-of-way requested for this vacation.

A site plan for the Rubbermaid project was given conditional approval by the Planning Commission on April 9. The conditions placed on the approval were that WMU's Architectural Review Committee and the city's Site Plan Review Committee provide final approval for the plan before any building permits are issued. It was also recognized that the plan calls for the vacation of the northern section of Research Way. The WMU Committee has since approved the plan, and the city's Site Plan Review Committee is in the process of approving it.

The city's Street Vacation Policy indicates all roads, alleys, and rights-of-way that are approved for vacation are normally split down the middle, and each half offered to the abutting property owners. For this request, WMU owns the abutting property and they would be entitled to receive all of the right-of-way if it is vacated. In order to enable the Newell Rubbermaid project to proceed as designed, it is recommended that the right-of-way be vacated and combined with the new parcel at 3301 Research Way.

For most street vacation requests, the applicant is required to pay to the city the fair market value of the land that is vacated. The property requested for vacation was formerly owned by WMU. It was donated to the city to enable construction of the roadway. Given this circumstance, it is recommended that WMU not be required to pay the fair market value of the subject property to the city.

Review Criteria:

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 street vacation request, and then provide a recommendation to the City Commission. The City Commission issues the final decision on all such requests. The applicant has submitted all necessary forms and support documents for the request.

The city Engineering Division, Public Safety Department, and Public Services Department have been contacted regarding this request. No objections were raised by staff from these offices. An easement to access and maintain any underground utilities at the property was requested by the Engineering Division.

Planning Commission Action

At its regular meeting held on May 2, 2013, the Planning Commission voted unanimously to recommend to the City Commission to approve the vacation of the street property, with one condition. The condition of approval is that the city be provided with an easement for the utilities in this section of the road for access for future maintenance purposes. There were no comments offered by the public during the hearing.

**COMMUNITY RESOURCES CONSULTED**

Property owners and occupants within a 300-foot radius of the street section proposed for the vacation were mailed notices detailing the request and encouraging their attendance at the public hearing that was held by the Planning Commission on May 2, 2013. The public hearing notice was also published in the *Kalamazoo Gazette* for that meeting. No comments were received from the public. According to the Street Vacation Policy, the City Commission is not required to hold a public hearing on street

right-of-way vacation requests, so no such noticing will be conducted for this request for the City Commission meeting.

### **FISCAL IMPACT**

The street vacation will not impact City staff. If vacated, the right-of-way will be combined with the new parcel at 3301 Research Way and will become taxable. It is not currently taxed.

### **ALTERNATIVES**

The City Commission has the option of not vacating the property to the applicant. This section of the right-of-way is no longer needed by the city, but it is needed for the planned Newell Rubbermaid facility. It is recommended that the City Commission approve the vacation of the property as requested, with the condition specified by the Planning Commission.

### **ATTACHMENTS**

Resolution  
Planning Commission meeting minutes from May 2, 2013  
Aerial photograph

**CITY OF KALAMAZOO, MICHIGAN**

**RESOLUTION NO.**

**A RESOLUTION VACATING THE NORTH 190 FEET OF RESEARCH WAY  
BETWEEN PARKVIEW AVENUE AND CAMPUS DRIVE IN THE CITY OF  
KALAMAZOO, MICHIGAN**

Minutes of a regular meeting of the City Commission of the City held on \_\_\_\_\_, 2013, 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.** Notice of the Public Hearing before the Planning Commission on vacating the north 190 feet of the Research Way right-of-way between Parkview Avenue and Campus Drive was published by the City of Kalamazoo in the Kalamazoo Gazette with a personal notice of the hearing mailed via first class mail to all listed homeowners and/or property owners owning and occupying parcels of land abutting such right-of-way as well as within a distance of three hundred (300) feet from any point on the boundary line of such right-of-way.

**C.** Western Michigan University owns all the parcels of real estate that abut the proposed vacated section of Research Way.

**D.** A public hearing was held on May 2, 2013, by the Planning Commission where the public was able to provide testimony pertaining to the vacation of the above street right-of-way.

**E.** The Planning Commission has made a recommendation to the City Commission to vacate the street right-of-way with the following condition: the City of Kalamazoo shall retain an easement for the purposes of maintaining, repairing, replacing or otherwise making modifications to, if subsequently needed, the underground public utilities (water, sanitary sewer or storm water systems) located in the subject property. The City shall return the subject property to a similar condition that existed before undertaking any of the above activities.

**F.** The Planning Commission has also recommended that the entire street right-of-way for this request be vacated and combined with the parcel at 3301 Research Way.

**G.** The City Commission of the City of Kalamazoo finds that the street right-of-way recommended for vacation has been determined not to be needed by the city Department of Public Services, Department of Public Works, and Public Safety Department.

**H.** If the vacation of the street right-of-way is approved, it is further recommended that payment of the fair market value of the property to the city be waived in consideration that the land on which all the public streets within the Business, Technology and Research Park (BTR Park) were dedicated to the City without cost.

**I.** The City Commission has determined that it is necessary and in the best interest of the health, welfare, comfort and safety of the citizens of Kalamazoo to discontinue the above street right-of-way as set forth in this resolution.

**THEREFORE, IT IS RESOLVED:**

**1.** The north 190 feet of Research Way, between Parkview Avenue and Campus Drive, as depicted in the attached map, is hereby vacated and discontinued as a public street subject to the following conditions: (a) the City of Kalamazoo shall retain an easement for the purposes of maintaining, repairing, replacing or otherwise making modifications to, if subsequently needed, the underground public utilities (water, sanitary sewer or storm water systems) located in the subject property. The City shall return the subject property to a similar condition that existed before undertaking any of the above activities. (b) Western Michigan University shall combine the vacated portion of Research Way with the parcel at 3301 Research Way.

**2.** The City waives the payment of the fair market value of the vacated portion of Research Way since Western Michigan University dedicated without charge all the public streets within the BTR Park.

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

**4.** Upon receipt of evidence that the conditions set forth above are 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 \_\_\_\_\_, 2013. 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

**City of Kalamazoo  
PLANNING COMMISSION  
Minutes  
DRAFT  
May 2, 2013**

Second Floor, City Hall  
City Commission Chambers  
241W. South Street, Kalamazoo, MI 49007

Members Present: Mark Fricke; Chair; Rachael Hughes-Nilsson, Vice Chair; Charley Coss;  
Geoffrey Cripe; Todd Hamilton; Rico White

Members Absent: Angela Reynolds

City Staff: Robert Bauckham, Assistant City Planner, John Kneas, Assistant City Attorney;  
Amy Thomas, Recording Secretary

**A. CALL TO ORDER**

Commissioner Fricke called the meeting to order at 7:00 p.m.

**B. ROLL CALL**

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

**C. ADOPTION OF FORMAL AGENDA**

There were no changes to the agenda.

**Commissioner Coss, supported by Commissioner White, moved approval of the May 2, 2013 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.**

**D. APPROVAL OF MINUTES (April 9, 2013)**

There were no changes to the minutes.

**Commissioner Cripe, supported by Commissioner Hughes-Nilsson, moved approval of the April 9, 2013 Planning Commission Minutes as submitted. With a voice vote, the motion carried unanimously.**

**E. COMMUNICATIONS AND ANNOUNCEMENTS**

None

**F. PUBLIC HEARINGS**

**P.C. #2013.03: Consideration of a request from the Flowserve Corporation to vacate a portion of E. Alcott Avenue, east of Fulford Street, for development purposes.**

Planner Bauckham gave the staff report, which is included in these minutes by reference hereto. The Flowserve Corporation is a manufacturer of flow management service products, including valves, seals and pumps. Their plant on Factory Street is situated between Factory and Fulford Streets, along E. Alcott

Street. The Flowserve Company would like to have a small section of E. Alcott Street vacated to them to allow them to complete two projects. The first project would be a 350 square foot building addition, which would be used for seal testing activities. This would create approximately three new jobs for the plant. The second project would be the installation of robotic equipment to be utilized in applying seals and coatings to seal products. This process is currently conducted in a plant in another state. The applicant would be asking for a 44 foot long section of E. Alcott Street to be vacated. In 1988 the city vacated another portion of E. Alcott to the Flowserve Company for an expansion project which was done at that time. Street vacation requests come to the Planning Commission for review and recommendation to the City Commission. The City Commission has final approval in the street vacation process. The city's Engineering Division, Public Services Department, and Public Safety Department have all reviewed the request and they have no objections to it. The Engineering Department will be provided with an easement for any utilities that might be under that portion of the road for future maintenance purposes. The fair market value for that portion of the road has been calculated at \$2,200. If the property is vacated, the applicant would be asked to pay that amount to the city. City staff is recommending to the Planning Commission to recommend to the City Commission to approve the street vacation request with the condition that the Engineering Division be provided with an easement for the underground utilities on the property for maintenance purposes and to make adjustments to those utilities as needed.

Scott Everett, Manufacturing Supervisor for the Flowserve Corporation, was present to answer questions. There were no questions for Mr. Everett.

There were no public comments and the public hearing was closed.

**Commissioner Hughes-Nilsson, supported by Commissioner Hamilton, moved approval of P.C. #2013.03, a request from the Flowserve Corporation to vacate a portion of E. Alcott Avenue, east of Fulford Street, for development purposes, with the condition recommended by city staff. With a roll call vote, the motion carried unanimously.**

**P.C. #2013.04: Consideration of a request from Western Michigan University to vacate a portion of Research way in the BTR Park for development purposes.**

Planner Bauckham provided the staff report, which is included in these minutes by reference hereto. Last month the Planning Commission approved a site plan for the new Rubbermaid Company facility located in the WMU BTR park on Research Way. The Rubbermaid property will include a vacant parcel at 3301 Research Way, plus a portion of the Gibbs' Farm property to the north, plus a portion of a WMU practice soccer field to the west. The property will also include the northern 190 feet of Research Way which dead ends into the property. In order to construct the proposed facility as designed on the site plan, it is necessary to vacate that portion of Research Way. The City Engineering Division, the Public Services Department and the Public Safety Department have reviewed this request and they have no objections to the request. The Engineering Division needs to maintain an easement to access any underground utilities that may be in the roadway. Normally when street vacations are approved, the fair market value of the property is assigned and paid for by the applicant. In this case, WMU owned the property originally and they donated it to the city to construct the roads. City staff is requesting that the fair market value be waived in this case. Staff is recommending that the Planning Commission recommend to the City Commission to approve this request with the condition recommended by staff.

Commissioner Fricke inquired if the waiver regarding the fair market value is another condition for approval of this application. Planner Bauckham advised that could be included as one of the conditions.

Bob Miller, Associate Vice President of Community Outreach, advised that the road was built stubbed off at the end with the thought that it might be extended to accommodate further development in that area. The Newell Rubbermaid project will absorb the balance of the remaining property. The university has decided to keep the soccer fields in their current location. The vacation of the end of Research Way is necessary so that it can be reconfigured as the entrance to the Newell Rubbermaid project.

There were no public speakers and the public hearing was closed.

**Commissioner Cripe, supported by Commissioner Coss, moved approval of the request from Western Michigan University to vacate a portion of Research way in the BTR Park for development purposes, with the condition recommended by staff. With a roll call vote, the motion carried by a majority vote.**

**Ayes: Fricke, Coss, Cripe, Hamilton, White**

**Abstention: Hughes-Nilsson**

#### **G. CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS**

Linda Wiley, 740 Summit Park Court, inquired as to what is going on at the former Beaver Research Building. She expressed concern that the new owner might have purchased the building to expand it. There has been more activity in that area since the weather warmed up. A couple of people were shot in that area over the weekend. Ms. Wiley inquired if the person who bought the property is going to develop it. Planner Bauckham stated that he hasn't seen any formal plans for the building and no permits have been issued at this time. Commissioner Fricke suggested that Ms. Wiley contact the planning office to obtain further updates regarding the Beaver Research building.

#### **H. OLD BUSINESS**

None

#### **I. NEW BUSINESS**

None

#### **J. CITIZENS' COMMENTS**

None

#### **K. CITY PLANNER'S REPORT**

Planner Bauckham advised that Planner Augustine was called away on an emergency and was unable to attend the May 2<sup>nd</sup> Planning Commission meeting.

Planner Bauckham provided the following updates on site plans in the city:

The site plan for the Gonzo's Big Dog Brewery in the former Orin B. Hayes building has been approved. The city's Building Department is working with the owners regarding safety issues in the building. It is anticipated that the permits will be issued in a few weeks.

City staff received an initial site plan for the Corkscrew Party Store on Cork Street. There was a fire over a year ago that devastated the building. They plan to construct a new building for the same type of use. They are planning site improvements but they have not submitted a formal site plan yet.

Commissioner Cripe inquired if they can replace their sign. Planner Bauckham advised that it is a historic sign and many folks would like to see it remain. Discussions are ongoing in that regard.

A preliminary site plan has been submitted for the former Maggie's Café property. The proposed project would be a mixed use building with office/retail spaces on the first floor and apartments on the upper floors. There will be a request for rezoning of this property at the next Planning Commission meeting. The developer is requesting a four-story building but the current zone only allows three stories.

Some interest has been expressed in the property behind the Wayside West bar. The proposal may be for a new apartment building but plans have not yet been submitted to city staff.

Work is continuing on the plan for the new Walgreens store on Michigan Avenue at the former Burger King Restaurant location. It is expected that those plans will be approved soon.

It is anticipated that a final site plan will be received shortly for the Arcadia Ales Brewery site.

Also anticipated for next month's Planning Commission agenda is an application for the Peace House on Phelps Street in the East Side Neighborhood. The Peace House is located on two residential properties. It is an outreach program for children in the neighborhood. It involves tutoring after school and a summer program four days a week. The curriculum includes arts and crafts, reading, math and field trips, etc. They have applied for a permit to fence in both properties. City staff feels there is a need for a special use permit at this location because it is more than just a residential use.

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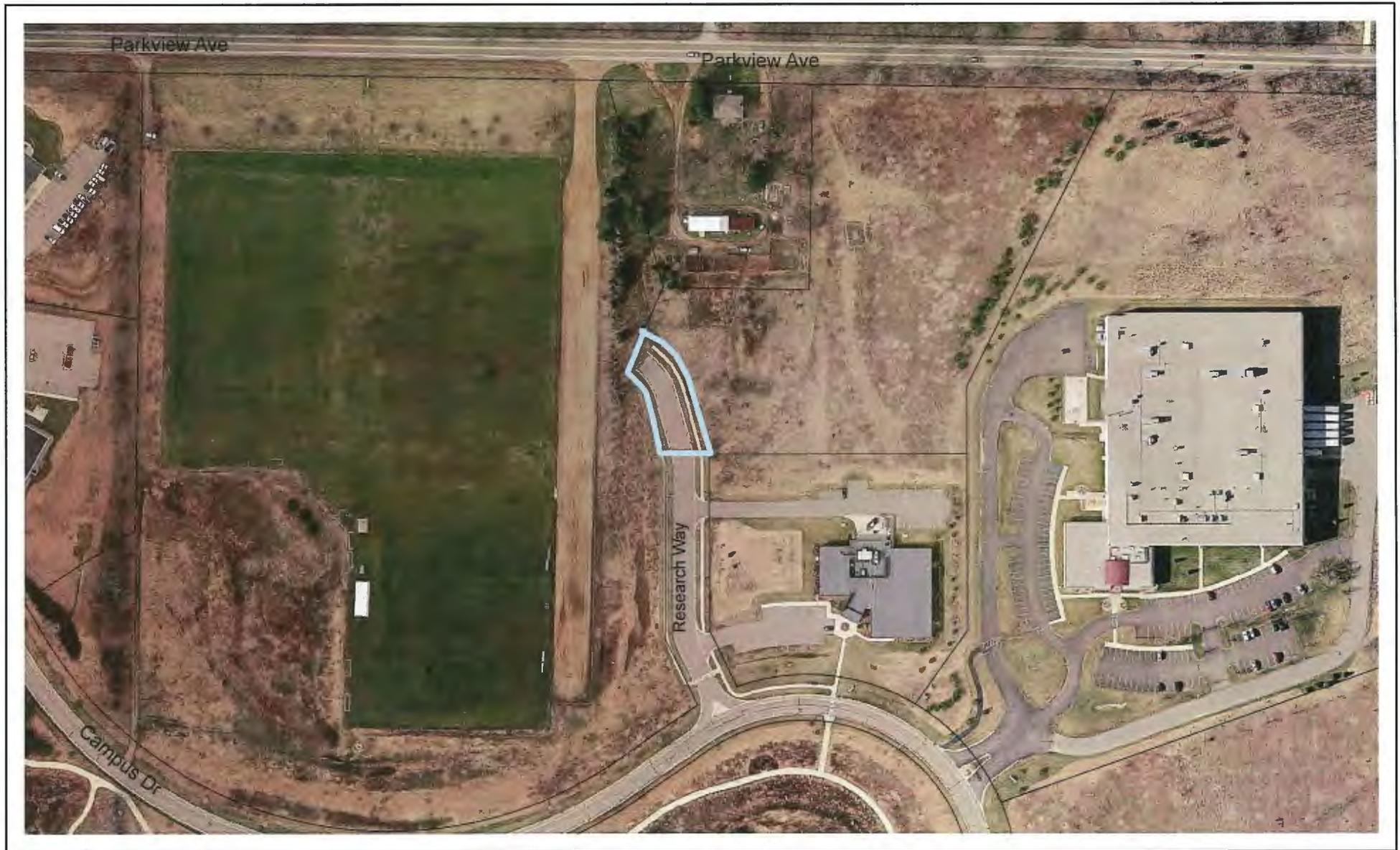
The meeting adjourned at 7:30 p.m.

Respectfully submitted,

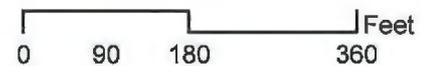
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Andrea Augustine, AICP  
City Planner  
Community Planning and Development

# P.C. #2013.04 - Street Vacation Request, North Portion of Research Way Western Michigan University BTR Park



AREA PROPOSED FOR STREET VACATION





# Commission Agenda Report

City of Kalamazoo

Date: **05/20/13**

Item **F15**

**TO:** Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

**FROM:** Kenneth Collard, City Manager, ICMA-CM, P.E.  
Reviewed By: Andrea Augustine, City Planner  
Prepared By: Robert H. Bauckham, Assistant City Planner

**DATE:** May 10, 2013

**SUBJECT:** Vacate a 44-foot-long section of E. Alcott Street east of Fulford Street

## RECOMMENDATION

It is recommended that the City Commission introduce a request at the May 20 meeting to adopt a resolution to vacate a 44-foot-long section of E. Alcott Street located 319 feet east of the intersection of Fulford Street and E. Alcott Street, with the following condition:

1. The city shall be provided with an easement for the underground utilities in the subject property for maintenance purposes, and to make adjustments to the utilities as needed.

It is recommended that the City Commission hold this item for final action until the next business meeting.

## BACKGROUND

The Flowserve Corporation would like to have a 44-foot-long section of E. Alcott Street vacated, which is located 319 feet east of the intersection of E. Alcott Street and Fulford Street. Such vacation of the street property would allow the company to complete two new projects in that area. The first project would be the addition of 350 square feet of manufacturing building space that will be used for the testing of mechanical seals. It is anticipated that three new jobs would be created for this process. The other project would be the addition of a new robotic system in the building that would be used to apply a thermal carbide overlay to seal products. This process is currently conducted by other companies located out of state, and the new system would allow it to be conducted locally at this plant. A portion of E. Alcott Street, located directly east of the subject property, was vacated by the city in 1988 to allow for a previous expansion of the Flowserve building. This request is to vacate another section of E. Alcott Street to allow for another expansion.

The Flowserve Corporation is a manufacturer and service provider of comprehensive flow management products and systems with customers located throughout the world. The company's Kalamazoo plant is located at 2100 Factory Street, and its facilities span the block of E. Alcott Street that is between Fulford and Factory Streets.

The city's Street Vacation Policy indicates all roads, alleys, and rights-of-way that are approved for vacation are normally split down the middle, and each half offered to the abutting property owners. For this request, Flowserve owns the abutting property and they would be entitled to receive all of the right-of-way if it is vacated. In order to enable the two expansion projects to proceed as designed, it is recommended that the street section be vacated and combined with the parcel at 2100 Factory Street.

For most street vacation requests, the applicant is required to pay to the city the fair market value of the land that is vacated. The fair market value for the subject property has been calculated to be \$2,200. If the street section is vacated, the applicant will need to pay that amount to the city.

#### Review Criteria:

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 street vacation request, and then provide a recommendation to the City Commission. The City Commission issues the final decision on all such requests. The applicant has submitted all necessary forms and support documents for the request.

The city Engineering Division, Public Safety Department, and Public Services Department have been contacted regarding this request. No objections were raised by staff from these offices. An easement to access and maintain any underground utilities at the property was requested by the Engineering Division.

#### Planning Commission Action

At its regular meeting held on May 2, 2013, the Planning Commission voted unanimously to recommend to the City Commission to approve the vacation of the street property, with one condition. The condition of approval is that the city be provided with an easement for the underground utilities in the subject property for maintenance purposes, and to make adjustments to the utilities as needed. There were no comments offered by the public during the hearing.

### **COMMUNITY RESOURCES CONSULTED**

Property owners and occupants within a 300-foot radius of the street section proposed for the vacation were mailed notices detailing the request and encouraging their

attendance at the public hearing that was held by the Planning Commission on May 2, 2013. The public hearing notice was also published in the *Kalamazoo Gazette* for that meeting. No comments were received from the public. According to the Street Vacation Policy, the City Commission is not required to hold a public hearing on street right-of-way vacation requests, so no such noticing will be conducted for this request for the City Commission meeting.

### **FISCAL IMPACT**

The street vacation will not impact City staff. If vacated, the right-of-way will be combined with the parcel at 2100 Factory Street, and the fair market value for it will be paid to the city by the applicant. The property is not currently taxed. It is estimated that the property will generate less than \$100 annually in additional tax revenue for the city.

### **ALTERNATIVES**

The City Commission has the option of not vacating the property to the applicant. This section of the right-of-way is no longer needed by the city, but it is needed for the planned Flowserve projects. It is recommended that the City Commission approve the vacation of the property as requested, with the condition specified by the Planning Commission.

### **ATTACHMENTS**

Resolution  
Planning Commission meeting minutes from May 2, 2013  
Aerial photograph

**CITY OF KALAMAZOO, MICHIGAN**

**RESOLUTION NO.**

**A RESOLUTION VACATING A 44-FOOT-WIDE SECTION OF E. ALCOTT STREET  
LOCATED 319 FEET EAST OF THE INTERSECTION OF FULFORD STREET AND E.  
ALCOTT STREET IN THE CITY OF KALAMAZOO, MICHIGAN**

Minutes of a regular meeting of the City Commission of the City held on \_\_\_\_\_,  
2013, 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.** Notice of the Public Hearing before the Planning Commission on vacating the 44-foot-wide section of E. Alcott Street located 319 feet east of the intersection of Fulford Street and E. Alcott Street was published by the City of Kalamazoo in the Kalamazoo Gazette with a personal notice of the hearing mailed via first class mail to all listed homeowners and/or property owners owning and occupying parcels of land abutting such right-of-way as well as within a distance of three hundred (300) feet from any point on the boundary line of such right-of-way.

**C.** Flowserve Corporation owns all the parcels of real estate that abut the proposed vacated section of E. Alcott Street.

**D.** A public hearing was held on May 2, 2013, by the Planning Commission where the public was able to provide testimony pertaining to the vacation of the above street right-of-way.

**E.** The Planning Commission has made a recommendation to the City Commission to vacate the street right-of-way with the following condition: the City of Kalamazoo shall retain an easement for the purposes of maintaining, repairing, replacing or otherwise making modifications to, if subsequently needed, the underground public utilities (water, sanitary sewer or storm water systems) located in the subject property. The City shall return the subject property to a similar condition that existed before undertaking any of the above activities.

**F.** The Planning Commission has also recommended that the entire street right-of-way for this request be vacated and combined with the parcel at 2100 Factory Street.

**G.** The City Commission of the City of Kalamazoo finds that the street right-of-way recommended for vacation has been determined not to be needed by the city Department of Public Services, Department of Public Works, and Public Safety Department.

**H.** If the vacation of the street right-of-way is approved, it is further recommended that payment of the fair market value of the property of \$2,200 be paid to the City of Kalamazoo by Flowserve Corporation.

**I.** The City Commission has determined that it is necessary and in the best interest of the health, welfare, comfort and safety of the citizens of Kalamazoo to discontinue the above street right-of-way as set forth in this resolution.

**THEREFORE, IT IS RESOLVED:**

**1.** A 44-foot-long section of E. Alcott Street that is located 319 feet east of the intersection of Fulford and E. Alcott Street, as depicted in the attached map, is hereby vacated and discontinued as a public street subject to the following conditions: (a) the City of Kalamazoo shall retain an easement for the purposes of maintaining, repairing, replacing or otherwise making modifications to, if subsequently needed, the underground public utilities (water, sanitary sewer or storm water systems) located in the subject property. The City shall return the subject property to a similar condition that existed before undertaking any of the above activities. (b) Flowserve Corporation shall combine the vacated portion of E. Alcott Street with the parcel at 2100 Factory Street.

**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 conditions set forth above are 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 \_\_\_\_\_, 2013. 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.

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Scott A. Borling, City Clerk

**City of Kalamazoo  
PLANNING COMMISSION  
Minutes  
DRAFT  
May 2, 2013**

Second Floor, City Hall  
City Commission Chambers  
241W. South Street, Kalamazoo, MI 49007

Members Present: Mark Fricke; Chair; Rachael Hughes-Nilsson, Vice Chair; Charley Coss;  
Geoffrey Cripe; Todd Hamilton; Rico White

Members Absent: Angela Reynolds

City Staff: Robert Bauckham, Assistant City Planner, John Kneas, Assistant City Attorney;  
Amy Thomas, Recording Secretary

**A. CALL TO ORDER**

Commissioner Fricke called the meeting to order at 7:00 p.m.

**B. ROLL CALL**

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

**C. ADOPTION OF FORMAL AGENDA**

There were no changes to the agenda.

**Commissioner Coss, supported by Commissioner White, moved approval of the May 2, 2013 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.**

**D. APPROVAL OF MINUTES (April 9, 2013)**

There were no changes to the minutes.

**Commissioner Cripe, supported by Commissioner Hughes-Nilsson, moved approval of the April 9, 2013 Planning Commission Minutes as submitted. With a voice vote, the motion carried unanimously.**

**E. COMMUNICATIONS AND ANNOUNCEMENTS**

None

**F. PUBLIC HEARINGS**

**P.C. #2013.03: Consideration of a request from the Flowserve Corporation to vacate a portion of E. Alcott Avenue, east of Fulford Street, for development purposes.**

Planner Bauckham gave the staff report, which is included in these minutes by reference hereto. The Flowserve Corporation is a manufacturer of flow management service products, including valves, seals and pumps. Their plant on Factory Street is situated between Factory and Fulford Streets, along E. Alcott

Street. The Flowserve Company would like to have a small section of E. Alcott Street vacated to them to allow them to complete two projects. The first project would be a 350 square foot building addition, which would be used for seal testing activities. This would create approximately three new jobs for the plant. The second project would be the installation of robotic equipment to be utilized in applying seals and coatings to seal products. This process is currently conducted in a plant in another state. The applicant would be asking for a 44 foot long section of E. Alcott Street to be vacated. In 1988 the city vacated another portion of E. Alcott to the Flowserve Company for an expansion project which was done at that time. Street vacation requests come to the Planning Commission for review and recommendation to the City Commission. The City Commission has final approval in the street vacation process. The city's Engineering Division, Public Services Department, and Public Safety Department have all reviewed the request and they have no objections to it. The Engineering Department will be provided with an easement for any utilities that might be under that portion of the road for future maintenance purposes. The fair market value for that portion of the road has been calculated at \$2,200. If the property is vacated, the applicant would be asked to pay that amount to the city. City staff is recommending to the Planning Commission to recommend to the City Commission to approve the street vacation request with the condition that the Engineering Division be provided with an easement for the underground utilities on the property for maintenance purposes and to make adjustments to those utilities as needed.

Scott Everett, Manufacturing Supervisor for the Flowserve Corporation, was present to answer questions. There were no questions for Mr. Everett.

There were no public comments and the public hearing was closed.

**Commissioner Hughes-Nilsson, supported by Commissioner Hamilton, moved approval of P.C. #2013.03, a request from the Flowserve Corporation to vacate a portion of E. Alcott Avenue, east of Fulford Street, for development purposes, with the condition recommended by city staff. With a roll call vote, the motion carried unanimously.**

**P.C. #2013.04: Consideration of a request from Western Michigan University to vacate a portion of Research way in the BTR Park for development purposes.**

Planner Bauckham provided the staff report, which is included in these minutes by reference hereto. Last month the Planning Commission approved a site plan for the new Rubbermaid Company facility located in the WMU BTR park on Research Way. The Rubbermaid property will include a vacant parcel at 3301 Research Way, plus a portion of the Gibbs' Farm property to the north, plus a portion of a WMU practice soccer field to the west. The property will also include the northern 190 feet of Research Way which dead ends into the property. In order to construct the proposed facility as designed on the site plan, it is necessary to vacate that portion of Research Way. The City Engineering Division, the Public Services Department and the Public Safety Department have reviewed this request and they have no objections to the request. The Engineering Division needs to maintain an easement to access any underground utilities that may be in the roadway. Normally when street vacations are approved, the fair market value of the property is assigned and paid for by the applicant. In this case, WMU owned the property originally and they donated it to the city to construct the roads. City staff is requesting that the fair market value be waived in this case. Staff is recommending that the Planning Commission recommend to the City Commission to approve this request with the condition recommended by staff.

Commissioner Fricke inquired if the waiver regarding the fair market value is another condition for approval of this application. Planner Bauckham advised that could be included as one of the conditions.

Bob Miller, Associate Vice President of Community Outreach, advised that the road was built stubbed off at the end with the thought that it might be extended to accommodate further development in that area. The Newell Rubbermaid project will absorb the balance of the remaining property. The university has decided to keep the soccer fields in their current location. The vacation of the end of Research Way is necessary so that it can be reconfigured as the entrance to the Newell Rubbermaid project.

There were no public speakers and the public hearing was closed.

**Commissioner Cripe, supported by Commissioner Coss, moved approval of the request from Western Michigan University to vacate a portion of Research way in the BTR Park for development purposes, with the condition recommended by staff. With a roll call vote, the motion carried by a majority vote.**

**Ayes: Fricke, Coss, Cripe, Hamilton, White**

**Abstention: Hughes-Nilsson**

#### **G. CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS**

Linda Wiley, 740 Summit Park Court, inquired as to what is going on at the former Beaver Research Building. She expressed concern that the new owner might have purchased the building to expand it. There has been more activity in that area since the weather warmed up. A couple of people were shot in that area over the weekend. Ms. Wiley inquired if the person who bought the property is going to develop it. Planner Bauckham stated that he hasn't seen any formal plans for the building and no permits have been issued at this time. Commissioner Fricke suggested that Ms. Wiley contact the planning office to obtain further updates regarding the Beaver Research building.

#### **H. OLD BUSINESS**

None

#### **I. NEW BUSINESS**

None

#### **J. CITIZENS' COMMENTS**

None

#### **K. CITY PLANNER'S REPORT**

Planner Bauckham advised that Planner Augustine was called away on an emergency and was unable to attend the May 2<sup>nd</sup> Planning Commission meeting.

Planner Bauckham provided the following updates on site plans in the city:

The site plan for the Gonzo's Big Dog Brewery in the former Orin B. Hayes building has been approved. The city's Building Department is working with the owners regarding safety issues in the building. It is anticipated that the permits will be issued in a few weeks.

City staff received an initial site plan for the Corkscrew Party Store on Cork Street. There was a fire over a year ago that devastated the building. They plan to construct a new building for the same type of use. They are planning site improvements but they have not submitted a formal site plan yet.

Commissioner Cripe inquired if they can replace their sign. Planner Bauckham advised that it is a historic sign and many folks would like to see it remain. Discussions are ongoing in that regard.

A preliminary site plan has been submitted for the former Maggie's Café property. The proposed project would be a mixed use building with office/retail spaces on the first floor and apartments on the upper floors. There will be a request for rezoning of this property at the next Planning Commission meeting. The developer is requesting a four-story building but the current zone only allows three stories.

Some interest has been expressed in the property behind the Wayside West bar. The proposal may be for a new apartment building but plans have not yet been submitted to city staff.

Work is continuing on the plan for the new Walgreens store on Michigan Avenue at the former Burger King Restaurant location. It is expected that those plans will be approved soon.

It is anticipated that a final site plan will be received shortly for the Arcadia Ales Brewery site.

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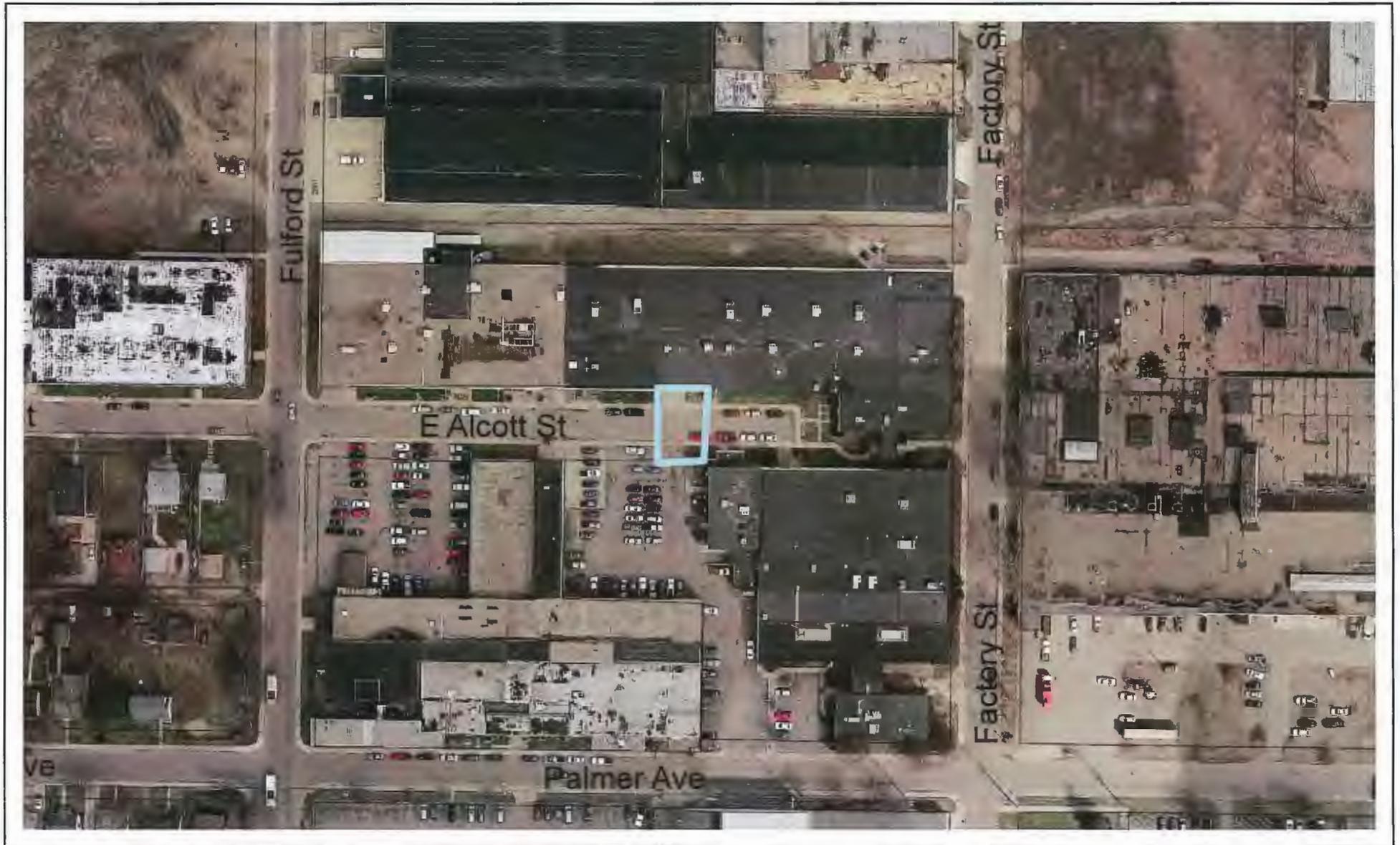
The meeting adjourned at 7:30 p.m.

Respectfully submitted,

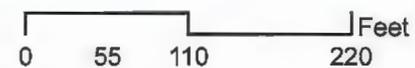
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Andrea Augustine, AICP  
City Planner  
Community Planning and Development

P.C. #2013.03 - Street Vacation Request, 45 Feet of E. Alcott Street  
East of Fulford Street, Flowserve Company



AREA PROPOSED FOR STREET VACATION



Date: **05/20/13**

Item **H1**



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# City Clerk's Report

## May 20, 2013

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### Correspondence Received

The City Commission has received as informational a *Statement of Support* from the Environmental Concerns Committee for the City Commission's response to EPA's recommendation on the Allied Disposal Site.



## ENVIRONMENTAL CONCERNS COMMITTEE

To: Mayor Hopewell, Vice-Mayor McKinney, and City Commission

From: David Nesius, Chair, Environmental Concerns Committee  
Mike Wetzel, Staff Liaison to ECC

Date: May 9, 2013

Subject: EPA Region 5 Recommendation of Option 2B for Remedial Action  
of the Allied Disposal site (OU-1)

Please find attached a Statement of Support developed by the City's Environmental Concerns Committee supporting the City Commission's response to EPA Region 5's above captioned recommendation on the Allied Disposal Site (OU-1)

Cc: Scott Borling, City Clerk  
Kenneth Collard, City Manager  
Bruce Merchant, Director, Department of Public Services  
Sue Founé, Deputy Director, Department of Public Services

## **Environmental Concerns Committee Statement of Support**

One of the responsibilities of the Environmental Concerns Committee as charged by the Kalamazoo City Commission, is identifying significant environmental issues, trends or activities in the city and, when warranted, report the anticipated effect of such trends or activities to the city commission, with recommendations where appropriate, advising the Commission on environmental issues that impact the wellbeing of its Citizens.

On July 5, 2011, the City Commission resolved (Resolution No. 11-46) to support the total removal of all PCB contaminated paper mill residuals from the former Allied Disposal Site (OU1). Furthermore, the July 5, 2011, Resolution followed the City's public rejection of EPA's initial 2007 plan to add more PCB waste from the Kalamazoo River near Plainwell to the existing Allied Disposal Site.

The City's Environmental Concerns Committee fully supports the City Commission's stated position of total removal of all PCB contaminated waste from the site as expressed in the Special Commission meeting of March 26, 2013.

### Comments:

- 1) The City's Technical Review Comments of April 17, 2007, reflect significant disagreement with the EPA's initial plan to add PCB materials to the Allied superfund Site in view of its adjacency to the City's primary wellfields that provide a significant portion of the drinking water to more than 120,000 residents of 9 local municipalities.
- 2) The ECC on April 19, 2007, supported the City Commission's decision to protest the initial EPA plan to dump additional PCBs onto the Allied Superfund site.
- 3) The City's report titled "Interim Technical Responses to the Allied Paper Operating Unit, Kalamazoo, Michigan, Remedial Investigation Report, dated March 19, 2008," submitted by NTH Consultants, Ltd. illustrates in great detail the inadequacy of EPA's assessment of PCB migration risk and groundwater contamination impact.
- 4) The EPA has expressed unofficial support for their Option 2B, the same plan the ECC, the City Commission rejected in the 2011 resolution. Furthermore, there are many citizens of Kalamazoo who are in opposition to this alternative as well, which involves removing the peripheral contamination and piling it on top of the existing contamination, adding a new top cover, and declaring the project "complete". The significant disagreements on the adequacy of groundwater and wellfield protection in the 2007 EPA plan remain untested and unresolved in the current summary of remedial alternatives, including Option 2B.
- 5) The previous TCRA taken at the Allied Superfund Site has long been described by the EPA as a "temporary" solution. Selecting option 2B will make this remedy "permanent".

- 6) In addition to potential groundwater and wellfield contamination, any alternative that is selected that leaves the PCB contaminated waste in place for implementation will prolong the negative impact to adjacent neighborhoods, result in ongoing maintenance costs, and will include institutional controls, such as fencing, that restrict future site use.
- 7) The EPA has consistently dismissed any consideration of Wayne, Michigan, Environmental Quality Company's price to effect a total PCB removal for approx. \$98 million (updated to \$120MM), in favor of their remedy of \$36MM to leave the waste in place in the heart of the City – while acknowledging that they do not have the funds to implement their remedy.

Therefore, the Environmental Concerns Committee recommends that the City Commission oppose the EPA's Option 2B alternative for the Allied Disposal site, and continue to support complete removal of the PCB contamination.



**CITY MANAGER REPORT**  
**May 20, 2013**

1. Departmental Reports and Project Updates
2. Communication
  - a. Inside the City
3. Special Reports
  - a. April, 2013 Purchases
  - b. 1<sup>st</sup> Quarter EEO/AA Report

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# City Manager's Report

MAY 20, 2013

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## Administration & Finance

- Assessor  
The letters stating the action taken by the March Board of Review have been sent out.

WCA has started the neighborhood reviews for the 2014 assessment roll. Two of the eight areas have been reviewed. Data and sketches from those reviews will be entered later in the year.

- Budget and Accounting

The auditors from Abraham & Gaffney were on-site performing fieldwork from April 2<sup>nd</sup> – April 30<sup>th</sup>.

- For the Federal Single audit, they tested the KDPS COPS grant, CP&D NSP-2, and Metro capital projects.
- The accountants are continuing to address a few miscellaneous open items for the audit, but are now able to focus on routine reconciliations and procedures.

IntelliTime has now been implemented in CMO and Economic Development departments.

- Purchasing/Risk Management  
In collaboration with City Departments bid documents were prepared, invitation for bids advertised and distributed through the City's website, and bids received for three purchasing projects. We also assisted in four cooperative purchases and one sole source purchase.

Two contracts were prepared for award by City Commission both were service contracts. We also prepared three contract extensions to be awarded by the Commission.

Purchasing staff are administering prevailing wages for three construction contracts.

The City of Kalamazoo Purchasing Division was recognized for 35 years of valued membership to NIGP: The Institute for Public Procurement.

And lastly we acquired our Administrative Support Coordinator, Patricia Vargas in our division full time on April 24th.

- Treasury  
Treasury staff attended the second of two customer training sessions on 4/12/13.

The 2012 County tax settlement checks were received on 4/30/13. According to the County, this is the earliest settlement checks have been issued in the history of their office. City payments from the tax revolving fund include:

○ City Operating	\$1,173,811.45
○ Solid Waste	\$94,411.86
○ Metro Transit	\$36,559.09
○ Administrative Fee	\$36,516.26
○ Interest/Penalty	\$187,855.78
○ Tax Liens	\$258,363.08

## Community Planning & Development

- Planning

At the April 9, 2013 Planning Commission meeting, the Commission approved a site plan for the Newell Rubbermaid facility in the WMU BTR Park with conditions. The conditions were that WMU approve the plan, and a final site plan needs to be submitted and approved by the city. Officers were also elected for the Commission for 2013-2014 (Mark Fricke, Chair; Rachael Hughes-Nilsson, Vice Chair). A site plan was reviewed for a 36,000-square-foot addition to the Dimplex Thermal Solutions facility on Emerald Drive.

- Housing

Inspection staff have a new procedure for reporting construction activity in the field which is occurring without proper permits, and issuing Stop Work Orders. This is done through the BSA Building Department Software, and transmitted to the Permit Technician who follows up with the owner and/or contactor.

There is now an electronic Code Administration Library, housing a variety of miscellaneous information used by the Housing Inspectors and Code Compliance Inspectors. They can be easily referenced, and even sent to property owners, as needed.

- Zoning

At the Zoning Board of Appeals meeting on April 11, 2013 the Board:

- Granted a use variance to allow the use of the dwelling as a legal duplex at 743 Whitcomb Street, where the property is zoned for one dwelling unit.
- Granted a dimensional variance request to allow a freestanding sign at Schupan & Sons at 2036 Olmstead Road, which has an L.E.D. panel that

comprises 57% of the sign area, were only 25% is allowed to be electronic changeable copy.

- Granted a use variance to allow a commercial building (financial institution) to be constructed on Residential - Single Dwelling zoned property at 3433 Oakland Drive.
- Granted a use variance to allow the ground floor level to be used for residential occupancy at 131 W. Cedar Street, where in this commercial zone district commercial uses are required on the ground floor level.
- Granted a dimensional variance of three feet from the required side yard setback of eight feet to allow the reconstruction of fire damaged house at 1605 Sheridan Avenue.

➤ Code Compliance/Anti-blight

On April 22, 2013, the Community Planning & Development Department participated with KDPS and Department of Public Services in a North Side Neighborhood Earth Day Clean and Enforcement Sweep to address “Quality of Life” issues. This program was organized through the NACD Office. Over 60 blighted homes were cited, 17 junk autos stickered, 13 junk/debris notices, 2 graffiti cases, 2 houses found open to casual entry, 4 vehicles cited for parking in the grass front yard. KPEP workers cleaned up vacant lots and litter in the City right-of-way. Code Compliance, Zoning and Housing Inspectors were involved in the sweep from Community Planning and Development.

➤ Building & Trades

In the month of April 2013 there were 222 permits issued, representing \$5,215,275 in construction valuation. These figures brought year-to-date permits: 749 permits, representing a year-to-date construction valuation of \$13,407,684.

➤ Community Development

The development of the HUD 2014-2019 Consolidated Plan is well underway. Wade-Trim, the consultant hired to research the demographic, housing and economic data for the Plan, is close to completing their data analysis. Staff have met with the Edison, Northside and Stuart neighborhoods in April and have plans to meet with the Eastside and Vine neighborhoods in May. The neighborhood meetings allow residents to provide their input on the goals and priorities of the Plan. A large stakeholder meeting is scheduled for May 7th. Staff has invited past applicants, subrecipients of grant funds, and other nonprofit organizations that have a stake in the development of the Consolidated Plan. We will be asking these stakeholders to assist us in gathering input for the Plan by administering a survey tool developed by staff. The survey is also on the Community Development webpage.

The hope is to have this step of the public outreach completed by the first of June. At that time, City staff will begin reviewing the input against the data collected, City realities related to HUD regulations, budgets, etc. and other resources in the community. Staff anticipates having draft goals and priorities by August of 2013.

## **Economic Development**

Staff and the owner of Arcadia Ales were asked to present at the Urban Land Institute's Fourth Annual Public Private Partnership Forum on April 25. Discussion points included the evolution of the project and the way the partnerships made the project work.

Staff presented to Kalamazoo College students about the history and complex community issues related to the ongoing Allied Paper Landfill Superfund site cleanup and Environmental Protection Agency/community process. It was a wide-ranging discussion that included the Portage Creek Corridor Reuse Plan development and its content, as well as area property ownership and prior corridor activity details.

Staff was asked to participate in the Michigan Department of Environmental Quality's Due Care work group committee to discuss changes necessary to current legislation. This process will take several months, ending in recommended changes. The first session was held on April 23.

The Brownfield Redevelopment Authority has received the deed to the former Sun Chemical property located at 1807 North Pitcher Street from the county.

Staff negotiated a land swap in the East North Street/Butler Court area with Goat Ropers, LLC which will result in the Brownfield Redevelopment Authority having a more attractive parcel available for redevelopment. The Brownfield Redevelopment Authority will be asked to approve the land swap at the May 16 board meeting.

The 2011-2012 Brownfield Redevelopment Authority annual report has been prepared and will be presented to the Brownfield Redevelopment Authority for approval at the May 16 board meeting.

Staff is reviewing the list of properties available through the 2013 tax foreclosure process for potential Brownfield Redevelopment Authority acquisitions.

Staff is working with Southwest Michigan First on the establishment of an Industrial Development District in the Business, Technology & Research Park for the Newell Rubbermaid project.

Southwest Michigan First has completed over 58 company visits within the city as part of their service agreement.

## Human Resources

### May Training Schedule

Class Title	Date	Time	Location
NeoGov Online Hiring Process Training	5/17/13	City Hall IT Training Room/Computer Lab	8:30 am to 10:30 am
NeoGov Online Hiring Process Training	6/7/13	City Hall IT Training Room/Computer Lab	8:30 am to 10:30 am
Hiring and Interviewing Training	6/19/13	City Hall Community Room	8:30 am to 11:30 am

## Information Technology

No information to report.

## Parks & Recreation

### ➤ Administration

Kalamazoo has been selected to participate in the Blues Community Challenge sponsored by the Department of Natural Resources, Michigan Recreation and Parks Association, and Michigan Blue Cross Blue Shield. The event kicked off on April 27<sup>th</sup> and challenges residents to get outside and walk. There are 23 individual people signed up for Team Kalamazoo, with a total of 179.95 miles and an average 7.82 miles per walker (currently in 3<sup>rd</sup> place). This challenge comes with funding awards; 1<sup>st</sup> place city will receive \$10,000; 2<sup>nd</sup> place city will receive \$8,000 and third place city will receive \$6,000 towards their Parks and Recreation department. Log onto [Walkingworks.com](http://Walkingworks.com) and register for Team Kalamazoo.

### ➤ Parks

The Parks Manager and the Director attended a training session through the Michigan Recreation and Parks Association regarding creating an ADA Transition Plan for the department. Parks and facilities will be assessed and a transition plan developed before the end of the year.

Parks staff are busy preparing for the upcoming season that begins May 1. A cool and wet spring have delayed the start of some duties, but staff is working hard to get caught up.

The LaCrone Park Improvement Project is nearing completion with only the site work remaining, which requires dry conditions. The project will be completed by the end of May.

The Woods Lake Improvement Project is at the DNR for approval and the DEQ has asked for clarification on the project from a permitting standpoint.

The Axtell Creek Playground Project is scheduled to be completed the week of May 6.

➤ Recreation

A second session of programs began at the YDC including nine classes that are being offered serving a total of 100 youth per week. There are 21 youth on a wait list that we are unable to accommodate due to lack of space at the Youth Development Center.

The first session of Act Out (ended April 20th) held a final performance of the play "Red Sunset" on the last day of class for around 15 family and friends. The participants received their "successful completion" certificates signed by the instructors on that day.

Beginning Gymnastics (both classes) implemented a "level" system to help participants track their progress on a large chart displayed on the wall in the multipurpose room at the YDC. This allows for students to work towards more attainable goals.

Collaboration with the local Animal Rescue project was confirmed for the Rent-a-Dog portion of the Doggie Spring Fling coming up in May.

There was another successful Daddy/Daughter Dance at the Cover Center on April 19<sup>th</sup> for around 42 people. Everyone had a great time!

A partnership with the local Peace House has been formed and we will be collaborating on the Future Chef's program. Kharen Shelton has also agreed to be our instructor; however facilities, dates, and specific times still need to be determined.

The Flag Football Intramural program began this month with six Kalamazoo Public Schools involved and a total of 93 youth participating. Each team is made up of 12-18 players and has a volunteer coach and plays one game per week. Games are held at Southside Park, Upjohn Park and Spring Valley Park after school.

Summer Registration was held the week of April 15<sup>th</sup> for City residents and open registration began the week of April 22<sup>nd</sup>. Three of the four summer mini camps filled within the first two days of registration, along with the Field Trip Fest camp. Summer registration continues with openings in all of the other programs and classes. A waiting list for the three camps that are full has been created with approximately 20 on each list.

➤ Farmers' Market

People's Food Co-Op is preparing for opening day of the Market, which is scheduled for Saturday, May 4<sup>th</sup>.

## **Public Safety**

In April, detectives worked a double shooting at Dayshas Convenience Store in the 700 block of Douglas. One of the victims had critical injuries but appears will survive his wounds. An arrest was made on the suspect and he is lodged in the Kalamazoo County jail on \$250,000 bond.

Detectives also worked a robbery of the First Community Federal Credit Union in the 700 block of N. Westnedge Avenue. The video surveillance is of poor quality, photos and an FBI sketch of the suspect have been released to the media. The investigation is on-going.

Detectives worked a shooting case on Douglas Street. Two individuals reported being attacked and one of them shot in the back by unknown suspects. Upon further investigation and interviewing, the truth was finally revealed and it was discovered that the 2 individuals were playing with a handgun and it accidentally discharged and struck one of the two in the back. Charges are pending at this time.

KVET continues the battle against drug trafficking in and about the city of Kalamazoo. KVET made 69 drug cases and seized 1 firearm in April.

KVET has investigated 26 meth labs so far for 2013.

## **Public Services**

Now that some of the asphalt plants have opened, staff will patch with permanent patching material and begin scheduling permanent repairs for utility cuts made during the past few months in the townships and on major roads.

Brush pick-up began on May 1st. There has been a large increase in the amount of bulk trash that is being picked up by our contractor. A number of initiatives are under way for spring clean-ups. Staff met with Republic Waste to discuss ways to streamline missed recycle and bulk trash pick-up reporting. The meeting has reduced the number of calls.

Major Streets contract bid was opened and the low bid was well below Engineering's estimate. With the additional funds from the Major Streets project, Engineering will review the Major Streets CIP budget upon completion of the audit to determine whether work in the form of additional streets can be added to the contract. The

City's projected share of the Drake/Stadium project has increased due to changes in the scope of work proposed.

The annual spring flushing has been completed and went very well with a number of new staff. Plans are being made to conduct Fall Flushing to reduce water quality complaints.

Compliance Monitoring: KEPCO, Boroughs, and Aluminum Finishing were sampled and tested in April. Staff partnered with Stryker to improve their sampling location and will complete monitoring there the first of May. Quality/Quantity Billing: Second quarter sampling and testing of Continental Linen Services, Domestic Uniform Rentals, and MPI Research has been completed. Tertiary effluent was sampled the second week of April for the quarterly NPDES requirement for Chronic Biomonitoring. The toxicity tests were again successful and the effluent was not found to be acutely or chronically toxic. Quarterly tertiary sampling for mercury performed the third week in April. The laboratory also participated in a pilot study with wastewater operations to assess the performance of peracetic acid on effluent using fecal coliform testing.

The final interceptor identified for Sanitary Sewer lining in 2012 is being scheduled in the near future. The 2013 Sanitary Sewer Lining capital improvement project went out to bid and the contract award was approved by the Commission. Plans to video tape various large interceptors to look for inflow and infiltration and hydrogen sulfide problems will start in May. Design plans are being done for the abandonment of Burke Court Lift Station.

## **Transportation**

### ➤ Ridership

The ridership report for March 2013 indicates a total of 257,719 passenger trips taken on Metro Transit fixed route service. This is a decrease of 4,188 passengers (-1.6%) from March 2012. Additionally, there were a total of 4,233 ADA trips taken. This is a decrease of 180 rides (-4.0%) along with 7,493 on Metro County Connect countywide, a decrease of 1 trip (-0.0%) from March 2012. When you include 3,247 Specialized Service trips the system total for March was 270,334 rides provided, which is a decrease of 6 trips (-0.0%) lower than March 2012.

### ➤ Diesel Fuel

Metro Transit purchased 27,001 gallons of ultra-low sulfur diesel fuel on April 12<sup>th</sup> and April 29<sup>th</sup> at an average price of \$3.1524 per gallon. Diesel fuel is budgeted at \$3.10 per gallon for 2013. The average price thus far this year is \$3.1808 per gallon.

# INSIDE *the* CITY

*A primary source of news and information for City employees regarding internal events, policies and procedures that affect our work for the residents.*



April-May 2013 Edition

## A Message from the City Manager's Office...

Papermaking has existed in the Kalamazoo area for over one hundred years. These mills provided jobs to residents in the community as well as income to the city for many years; however, they also left a legacy behind that causes significant issues.

The Allied Paper Mill was located at Alcott and Portage Streets when it was built in the 1890s. This mill produced a variety of paper products and discharged its wastewater to an area south of the mill between Alcott and Cork Streets.

During the 1940s, a compound was discovered that had many uses including helping to stabilize inks used in carbonless copy paper. This compound was called polychlorinated biphenyls or "PCBs". The carbonless carbon paper industry boomed in the 1950s and 1960s and a great deal of this paper was recycled. Unfortunately, PCBs were found to cause many environmental problems including being a probable human cancer-causing chemical.

The Allied Paper Company in Kalamazoo used a great deal of this recycled carbonless copy paper. The wastewater, containing trace amounts of the PCBs, was deposited on the site between Alcott and Cork Streets for many years.

These PCBs, now contained in the old landfill area for the Allied Paper Company, need to be cleaned up to prevent them from entering the environment and causing more health problems. They could also directly impact one of the City's largest well fields located at Park Street and Crosstown Parkway.



The City has been working with the United States Environmental Protection Agency (USEPA) for years on issues and questions associated with this old Allied Site Landfill.

In March, staff and Mayor Hopewell met with a number of EPA Region 5 staff in Kalamazoo. As a follow-up to an earlier meeting with the EPA in September 2012, the EPA discussed the proposed schedule for the Allied Site Cleanup, a review of remedy options, the proposed remedy, and to address redevelopment concerns expressed by City staff.

The USEPA's proposed schedule is to issue the Feasibility Study in April; a public comment period from mid-May to mid-June; and the Record of Decision in September. Design and construction activities would be in 2014 and 2015. Despite well-documented City concerns, the EPA

is proceeding with selecting a consolidation and cap remedy, leaving 1.5 million cubic feet of PCB contaminated paper residuals on site. The EPA also presented a conceptual site development drawing. Very little of the site could be used post remediation. At best, it might allow the development of a non-motorized pathway along Portage Creek. The Mayor expressed his displeasure with the EPA over the proposed selection of this alternative. The City has maintained its position of wanting the complete removal of all waste from the site.

A meeting of the City Commission has resulted in the decision to proceed with a community action effort that would consist of actions on the political, community, technical and legal fronts. The desired outcome is to impact the final EPA decision that will be officially published in the Record of Decision so their decision ultimately will be to excavate and transport all contaminated material offsite to permitted landfills.



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## Alamo Drafthouse Cinema Coming Soon to Former Rave Theater Site

By Jerome Kisscorni, Assistant City Manager



# City NEWS

Alamo Drafthouse Kalamazoo will feature ten screens of new releases, repertory programming and the Alamo's unique signature programming with seating for 900 moviegoers.

Each of the auditoriums will be equipped with state-of-the-art digital projection and sound. Alamo Drafthouse Kalamazoo will also be equipped for 35mm projection. In addition to the superior AV equipment, the layout of each screening room will eliminate the traditional front row, ensuring every seat in the house allows for a great viewing experience.

Alamo Drafthouse provides a unique combination of theater and restaurant, showing first-run movies, independent films and special programming events with an extensive menu made from scratch in a state-of-the-art culinary kitchen. Customers order food and drinks from servers who quietly attend to them throughout the movie. Alamo Drafthouse combines dinner, drinks, films and events, all under one roof. The theaters have been heralded for their unique programming events and high exhibition standards.

Here's what we can expect from The Alamo Drafthouse. It is an entertainment brand comprised of the acclaimed cinema-eatery, the largest genre film festival in the United States, and a collectible art gallery. Named "the best theater ever" by Time Magazine, the Alamo Drafthouse Cinema has built a reputation as a movie lover's oasis, not only by combining food and drink service with the movie-going experience, but also introducing unique programming and high-profile, star studded special events.

Alamo Drafthouse Founder & CEO, Tim League, created Fantastic Fest, a world renowned film festival dubbed "The Geek Telluride" by Variety. Fantastic Fest showcases eight days of

offbeat cinema from independents, international filmmakers and major Hollywood studios.

The Alamo Drafthouse's collectible art gallery, Mondo, offers breathtaking, original products featuring designs from world-famous artists based on licenses for popular TV and movie properties including Star Wars, Star Trek & Universal Monsters.

Customers are encouraged to arrive early to enjoy the pre-show entertainment. Instead of a barrage of advertising, the Alamo shows a curated collection of rare and humorous clips. "We're proud of the fact that we don't show any advertising," Tim League said. "People don't want to pay for a movie and then be bombarded with 20 minutes or more of shampoo commercials and military recruiting ads. If you don't like the movie, we strive to produce a pre-show good enough to still make for a great experience."

Additionally, Alamo Drafthouse protects the theater experience with a zero tolerance policy for people who

disrupt the film with talking or texting. Alamo Drafthouse was featured on global news for a viral "Don't Talk" PSA that used a humorously misguided voicemail from an actual patron who was ejected for texting during the film.

The theater is expected to open in the next few months, and promises to be a new jewel in downtown evening entertainment for Kalamazoo!





## 2013 MI Big Green Gym & Blues Community Challenge



A partnership of the Michigan Recreation and Park Association, the Michigan Department of Natural Resources and Blue Cross Blue Shield of Michigan

Thank you for your interest in joining the 2013 Blues Community Challenge! The Blues Community Challenge is an opportunity for individuals to join one of three teams and compete for community grants provided by Blue Cross Blue Shield of Michigan. Teams compete based on how much exercise their team members record over eight weeks.

The Challenge will officially begin on April 27, 2013, and ends June 22, 2013. At the end of the Challenge, the team rankings are determined by the cumulative exercise totals, with awards from Blue Cross Blue Shield of Michigan in the following amounts:

- 1<sup>st</sup> place — \$10,000
- 2<sup>nd</sup> place — \$8,000
- 3<sup>rd</sup> place — \$6,000

We welcome participants of all ages and abilities, as long as they are **willing to increase their physical activity**.

### How do I sign up?

- Visit [walkingworks.com](http://walkingworks.com)
- Click *Sign Up* and you'll be asked to make the following selections:
  - *Please select your plan* — select *Michigan, Blue Cross and Blue Shield*
  - *Please select your group* — select *2013 MI Big Green Gym & Blues Community Challenge*
  - *Please select your program* — no action required (it automatically fills in *2013 Blues Community Challenge*)
  - *Please select your team* — select the community team you want to join (Team Kalamazoo, Team Grand Traverse or Team Marquette)
  - Enter first and last name, email and password, age group, participation level, work ZIP code and click *SUBMIT*.
  - You will then see a confirmation page — confirm if all is correct or edit, and click *Confirm*
- You're now registered with a personal tracking page that allows you to record exercise for your team. Return to the [walkingworks.com](http://walkingworks.com) login page every time you want to record activity.

### What kind of physical activity counts for the Blues Community Challenge?

Any physical activity (exercise\*) that is **above and beyond the normal activity** that you engage in for daily living will count for the Challenge. Examples include:

- Time spent playing in a basketball league or at practice
- Time spent hiking in the Marquette area's beautiful parks
- Time spent taking a jog in your neighborhood in the evening when you otherwise would not.

\*When logging exercise, *WalkingWorks* uses a conversion ratio of 15 minutes per mile.

## Staff Changes

### RETIREES

#### City Attorney's Office

Randall Schau,  
Deputy City Attorney  
19 years of service

#### Management Services

Sandy Masters,  
Tax Collection Coordinator  
30 years of service

Wayne Nelson,  
Assistant Assessor/Treasurer  
9 years of service

Nick Lam,  
Purchasing Director  
25 years of service



#### Public Safety

Kimberly Quader  
Operations Division Secretary  
25 years of service

### Early Retirement Initiative Update

In the City's continuing effort toward transparency in government, the ERI 4th Quarter 2012 report will be available on the website May 17th. The program will finalize in January 2014; however, we were approximately 85% complete with this project at the end of 2012.

### NEW HIRES

#### City Attorney's Office

Richard Cherry,  
Assistant City Attorney III

#### Human Resources

Michelle Mater,  
Human Resources Assistant

#### Public Services

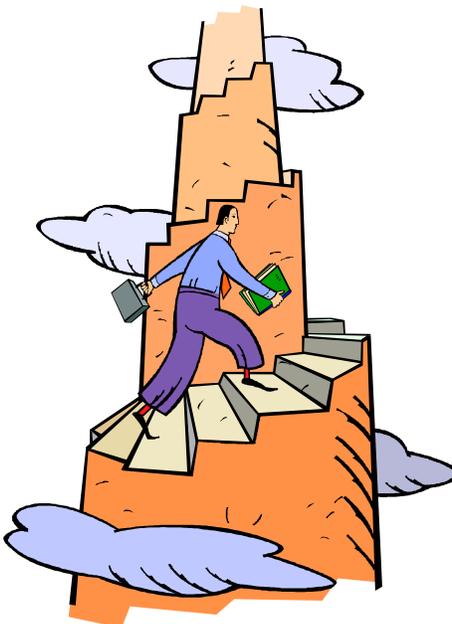
Seth Lawrence,  
Apprentice Municipal Worker

Scott Markan,  
Utility Electrician

George Tazelaar,  
Apprentice Municipal Worker

#### Transportation

Wendee Felycn,  
Clerk Cashier 1



### PROMOTIONS AND LATERAL MOVES

#### City Manager's Office

Jerome Kisscorni, Assistant City Manager/Economic Development Director

#### Community Planning & Development

Phillip Miller, Financial Analyst to Grants Finance Officer

#### Economic Development

Eric Kemmer, Redevelopment Coord. to Redevelopment Project Manager

#### Management Services

Jennifer Clark, Financial Services Manager to Accounting Manager

#### Public Safety

David Boysen, Lieutenant to Captain

#### Public Services

Michael Allen, Vehicle Mechanic 1 to 2

Tracy Bell, Water Operator/Maintainer Apprentice 1

Sue Foune, Deputy Director to Director

Shawn Hauck, Water Operator/Maintainer Apprentice 1

Matt Johnson, Senior Civil Engineer to Assistant City Engineer

Ramon Lopez, Laborer II to Equipment Operator II

Steve Morren, Water Operator/Maintainer Apprentice 1

Albert Rickstad, Equipment Operator Public Works to Water

Debbie Rininger, Water Operator/Maintainer Apprentice 1

James Stiver, Field Mechanic Servicer II to Lead Maintenance Mechanic

Orlando Taylor, Parks to Public Services Labor Foreperson 1

David Timmerman, Mason to Laborer II

#### Transportation

Patricia McGrew, Part-time to Full-time Bus Driver

**SPOTLIGHT:**  
**Andrew**  
**Falkenberg**

Stand on any property parcel, next to any fire hydrant, or below any traffic signal in the City of Kalamazoo and Andrew Falkenberg can pinpoint your exact latitude and longitude coordinates.

The technology that makes that possible was relatively new in the 1990s when Falkenberg changed his Western Michigan University major from aeronautical engineering to geographic information systems (GIS). His fallback choice was meteorology. At that time, WMU didn't provide a degree-oriented meteorology program. An advisor in the Geography Department at WMU wisely stated the GIS program was a step toward the future.



GIS is not your parents' geography, however. A combination of mapmaking, creating and maintaining a database, and statistical analysis, GIS is one of the new high-tech tools that merge periodic flyover photography, on-the-ground inspections and satellite technology that allow the City of Kalamazoo to use the data for everything from property tax assessing to land use planning.

In 1995, the WMU graduate was hired by the Assessor's Office as their GIS Property Mapping Specialist and was responsible for maintaining the City's cadastral data. He was recently promoted to Deputy Treasurer/Assessor after the City implemented a belt-tightening Early Retirement Incentive that resulted in privatizing property assessing and fewer City positions.

The promotion of Falkenberg, 39, is another example of how the City is using technology to increase efficiency and do more with fewer staff to deal with tightening budgets. As Deputy Assessor, Falkenberg uses GIS to assure that parcel maps are correct, that lot measurements are accurate, or that the backyard swimming pool or deck is on the right lot. But that's only the beginning of what GIS does for the City.

When officials want to know how much city land area is devoted to non-profit, non-taxable use, Falkenberg can calculate that with several keystrokes. When Public Services wants to know the numbers, ages and locations of manholes or fire hydrants, that information is readily available. Want those things overlaid on the map of a certain neighborhood? No problem.

Falkenberg was interning with Barry County's planning and zoning office when another WMU alumni told him about the new job Kalamazoo was creating. In those days, GIS technology was much less sophisticated.

"In 1995, you could request something, go out and get a cup of coffee and read *War and Peace* while you waited for it to process," Falkenberg said. "Today we can use hand-held data devices in the field for surveying, which can link into the corresponding databases. Small backpacks and antennae are used to gather coordinates using satellite technology."

That's a far cry from the old, hand-drawn maps. Now the City has digitized 1,600 maps that detail Kalamazoo's 25 sections. New plats, property splits or combinations, street widenings—anything that changes map details—are updated with the click of a mouse.

Most of those maps are available to the public on the City's website, [www.kalamazoo.org](http://www.kalamazoo.org). Click on the GIS/City Maps link from the list on the left side of the homepage. However, some maps, like those that detail sensitive public infrastructure, are not available in the post-911 era.

Falkenberg's other passion is travel and he and his wife are constantly checking new locations off their bucket list. The question is does the satellite-savvy property mapper ever get lost?

*Save the Dates – June 11, 2013 & September 11, 2013*



The need is constant.  
The gratification is instant.  
Give blood.™



## City of Kalamazoo Sponsored Blood Drive Information:

**American Red Cross**  
Tuesday, June 11<sup>th</sup>, 2013  
City Hall 2<sup>nd</sup> Floor – Community Room  
10:00 am to 4:00 pm

**MI Blood**  
Wednesday, September 11<sup>th</sup>, 2013  
City Hall 2<sup>nd</sup> Floor – Community Room  
9:00 am to 2:00 pm

## Blood Donation Process

Giving blood is a simple — but not a small! — thing to do. The donation process, from the time you arrive until the time to you leave, takes about an hour. The donation itself is only about ten minutes.

### 1. Registration

You will read information about donating blood

You will be asked to complete a form with demographic and basic health information

You will be asked to show an ID card

### 2. Health History & Mini Physical

A trained staff person will ask you some health history questions during a private and confidential interview

You will have your temperature, iron level, blood pressure and pulse checked in order to protect your health and well being

### 3. Donation

Staff will cleanse an area on your arm and insert a needle for the blood drawing procedure

You will have 7 -10 minutes to relax while the bag is filling

When approximately a pint of blood has been collected, the staff person will remove the needle and place a bandage on your arm

### 4. Refreshments

You will spend a few minutes enjoying refreshments to allow your body time to adjust to the slight decrease in fluid volume

You can then leave the donation site and continue with your normal daily activities

Enjoy the feeling of accomplishment knowing that you've done something good.



*Wear your badge of honor proudly!  
You've earned it!*

# THE HIDDEN KALAMAZOO TOUR

June 15 and 16

*A once in a lifetime tour to see downtown  
Kalamazoo's historic hidden spaces!*



(a fundraiser for the Kalamazoo Historic Preservation Commission)

Tickets: \$15 each (\$12 for students and seniors over 60); Group discount – minimum 10 for \$12 each

The first ever Hidden Kalamazoo tour lets folks peek into upper stories where the wallpaper is loose, the stairs are perhaps a little narrow,, and the ghosts of the past are still visible. With downtown Kalamazoo redeveloping rapidly, these spaces will soon be new apartments and offices. Come and tour them before it is too late! The Hidden Kalamazoo Tour will open up spaces only seen by staff, owners, realtors, inspectors and other insiders!

## The Tour Sites

**The State Theater, auditorium, 1st and 2nd floor lobbies, stage and dressing rooms (414 South Burdick)** - Walk across the same stage that hosted Ethel Barrymore, Duke Ellington, Louis Armstrong and the Three Stooges! Peek into the dressing rooms and admire all the details of the Spanish courtyard auditorium.

**The Fuller Building, 3rd Floor (223 South Kalamazoo Mall)** - step back into a set of late 19th century apartments clustered around a huge central skylight.

**The Boudeman Building (236 South Kalamazoo Mall)** - Originally a two story building that housed the Kalamazoo Telegraph newspaper.

**The Schiavone Studio (312 West Michigan)** - In the mid-1960s, Joe Schiavone transformed what had been a single apartment into his portrait studio. The layout, darkroom, and workroom of the studio remain along with many of the original decorative details of 1878.

**The Clapham-McDonald Building (131 East Michigan)** - This is the oldest building on the tour, dating before the Civil War. The third floor is a little tattered and a great example of "before" - nothing has changed, except the windows on the front as a result of the tornado in 1980.

**American National Bank building (136 East Michigan)** - aka 5/3 Bank - will be showing the 15th floor (with a spectacular view of the city), the glorious lobby, and the vault in the basement.

**Hall Block (266 East Michigan)** - Over the past century, it has been a printing shop, a fraternal meeting hall, and a series of hotels.

**Arlington Hotel Building (338 East Michigan)** - The upper floors of this building are being transformed from a 1930s ballroom for the adjacent Columbia Hotel into townhouse style apartments.

## Tickets available at

**City Hall, 241 W. South - Treasurer's Office—M-F, 9-4:30**

**Community Planning & Development, 415 Stockbridge - Permit desk—M-F, 9-4:30**

**D&W, 2103 Parkview at Oakland—6am to Midnight**

**D&W, 525 Romence - Portage—6am to Midnight**

**Heritage Company, 150 North Edwards—Tues-Sat 11-5**

**Michigan News Agency, 308 West Michigan—Mon - Sat 7am - 8pm, Sun 7am - 6pm**

**Retro, 240 South Kalamazoo Mall—Tues-Sat 10-5**

Check out our Facebook Page at: <https://www.facebook.com/#!/pages/Hidden-Kalamazoo/420345264726609?fref=ts>

The commission is a self-funded city advisory board and their previous project was the book KALAMAZOO: LOST AND FOUND.

*Thanks to our generous sponsors: Peregrine Realty, South Street Properties, Bob & Carol Oudsema, DKI, Treystar, Nehil-Sivak, Kalamazoo Valley Museum, Kalamazoo Sportswear, CSM GROUP, Heritage Company, Nelson Nave - Kalamazoo Antiques Market, Bells Brewery.*

**VOLUNTEERS NEEDED:** to lead tours, manage the building sites and more. None of our sites are completely barrier free, stair climbing is required. Shifts are 2½ to 3 hours. Get a ticket to tour all sites and t-shirt! Contact Sharon Ferraro at [ferraros@kalamazoocity.org](mailto:ferraros@kalamazoocity.org) or call 269-337-8804.



## 5<sup>th</sup> Annual Youth Leadership Academies

During the summer of 2013, the Kalamazoo Department of Public Safety will be hosting a Male and Female Leadership Training Academy in June & August. The Leadership Academies were established to provide young men and women (ages 13-16) with a structured one week learning environment. The Youth Leadership Academy is designed to challenge the participants mentally and physically while learning key aspects in leadership.

The participants that attend the Youth Leadership Academy are introduced to a highly structured environment in which they will live. This includes: classroom activities, outdoor leadership reaction course, and the rappel tower.

The Youth Leadership Academies will be hosted at the Fort Custer Military Training Base in Augusta, Michigan. The young men will attend June 23<sup>rd</sup> to June 28<sup>th</sup> and the young women will attend August 11<sup>th</sup> to August 16<sup>th</sup>. Approximately 30-35 young men and women will be chosen from an application and interview process to attend the Leadership Academy in June and August. Application packets are available at Public Safety Headquarters and on the Kalamazoo Public Safety web site:

[www.Kalamazoopublicsafety.org](http://www.Kalamazoopublicsafety.org)

There is no cost to participate. All uniforms, meals, and housing is provided free of charge. For additional information please contact C.O.P.S./Community Policing at [kdpsla@kalamazoo-city.org](mailto:kdpsla@kalamazoo-city.org) or 337-8244.

## KDPS Explorer Post 265 Wins Third Governor's Cup

In April, the Public Safety Explorer Post 265 competed in the Michigan Law Enforcement Youth Advisory Committee State Competition in Alpena Michigan. This is a yearly event and includes over 30 Explorer Posts from Michigan. During the event, the different Explorer Posts compete and are judged in categories such as Accident Investigation, Domestic Assault Investigation, Felony Traffic Stops, and Building Searches.

This year, for the fifth time in the history of the program, and for the third consecutive year, KDPS Explorer Post 265 received the top award among all of the Michigan posts, and were awarded the "Governor's Cup."

The group is made up of young adults age 14 to 21 who are interested in law enforcement, fire fighting, and other leadership-style careers. The mission of the program is to build self confidence in the participants and also to establish a foundation of ethics, respect, honesty, and integrity. Anyone interested in more information about the KDPS Explorer program may go to [kalamazoopublicsafety.org](http://kalamazoopublicsafety.org) and click on the "Join KDPS" tab, and then the "recruiting explorers" tab. Information about Explorer Posts is also available at [mleyac.org](http://mleyac.org).

Kalamazoo Public Safety will commend Explorer Post 265 for all its hard work and dedication and also to congratulate its continued success at the May 20 City Commission meeting.

## **Parks & Recreation 2013 Easter Egg Hunt**

During the event, held Saturday, March 30, on the River Trail, children collected over 10,000 eggs in the field! They played games, participated in a coloring contest, and had their faces painted. Raffle prizes and a bicycle were given to a child in each age group. This event was held in Partnership with Kalamazoo Jaycees.



**Our parks opened  
to the public on  
May 1, 2013!**

The Respecting Differences diversity event held on March 19 and 20 had 903 people in attendance from the sponsoring organizations and the public. The event was well received by the audience! If you missed it, be sure to check out Kenetic Effect when they perform elsewhere in the area!



## Fluoride Viewpoint Article to the Kalamazoo Gazette

By Bruce Merchant, Director of Public Services

Today, 120,000 people in the greater-Kalamazoo area use municipal water, placing them among the 75 percent of Americans who drink fluoridated water provided by public water systems.

Several citizens have appeared before the Kalamazoo City Commission over recent months to question the safety, cost and benefits of adding small amounts of fluoride to our water.

We want the community to know that the city remains both committed to fluoridated water because of its significant health benefits and confident in its safety. In the nearly 50 years that Kalamazoo has added fluoride to its drinking water, there has not been a single health complaint lodged against the practice.

Both from a public health perspective and from a cost/benefit analysis, we believe reputable, peer-reviewed studies demonstrate why the United States Centers for Disease Control (CDC) has proclaimed water fluoridation “one of the 10 greatest public health achievements of the 20<sup>th</sup> Century.”

The American Dental Association has found that for each dollar spent adding fluoride to the water supply, people who drink that water will save \$50 in future health and dental costs. That’s especially important in urban communities where poor families may not be able to access or afford preventative dental care.

Small amounts of fluoride are naturally occurring in the aquifers Kalamazoo taps for its water supply—about 0.1 to 0.2 parts per million. Kalamazoo adds commercially prepared, food-grade fluoride to bring the concentration to the 0.7 to 1 part per million levels recommended by public health officials. At this concentration, medical scientists have found fluoride provides the dental benefits without the risks that have been identified at higher levels.

The federal fluoride concentration standard has declined over the years as more commercial products—including toothpaste, mouthwash and even some food products—began containing fluoride.

It is true that fluoride can be toxic, just as any substance, ingest-

ed at excessive levels, can be harmful. We chlorinate municipal water to rid it of harmful contaminants. Chlorine, at certain levels, serves a vital public health purpose. However, at excessive levels, it can kill.

The scientific literature tells us that a 132-pound person would need to drink a gallon of our fluoridated water a day to get the optimum dental benefits from just water intake. Animal studies have shown toxicity complications occur at dosages of 150 parts per million of fluoride. At current water fluoridation rates, someone drinking Kalamazoo’s water would have to ingest more than 35 gallons a day to achieve toxicity. That excessive amount would create water toxicity where the body’s electrolytes become dangerously imbalanced.

“Acute fluoride toxicity occurring from the ingestion of optimally fluoridated water is impossible,” the American Dental Association says. “The amount of fluoride necessary to cause death for a human adult (155 pound man) has been estimated to be 5-10 grams of sodium fluoride, ingested at one time. This is more than 10,000-20,000 times as much fluoride as is consumed at one time in a single 8-ounce glass of optimally fluoridated water.”

Fluoride works by helping to rebuild tooth enamel that is damaged when bacteria in the mouth produces an acid that causes tooth decay. Fluoridated water can’t repair a cavity, but the American Dental Association says it can “reverse low levels of tooth decay and thus prevent new cavities from forming.”

The benefits are not just reserved for children. The National Institutes of Health says fluoridation has reduced dental decay in adults by 27 percent.

Critics have alleged that adding fluoride to the water supply can cause everything from cancer to lower IQs, from toxicity to dental fluorosis—discoloration or mottling of the teeth. Those allegations are largely based on studies that have not been subject to peer review or involve testing circumstances not consistent with American practices.

The National Cancer Institute found “no association between fluoridated water and cancer risk” and when the Public Health Service examined 2.2 million cancer deaths and 125,000 cancer case records, it found “no indication of increased cancer risk associated with fluoridated water.”

A 2011 study conducted by Harvard University, the Medical College of Georgia and the National Cancer Institute found no connection between the fluoride levels in bones and osteosarcoma (bone cancer).

Local opponents have cited another Harvard study that examined the impact of fluoride in China’s water and lower IQs. However, that study involved Chinese water containing naturally occurring fluoride levels 10 times more concentrated than the U.S. standard.

“Experts have weighed the findings and the quality of the available evidence and found that the weight of peer-reviewed scientific evidence does not support an association between water fluoridation and any adverse health effect or systemic disorders,” the CDC has said.

Fluoridation critics also argue citizens should be able to choose whether they wish to ingest fluoride. If it’s added to the public water supply, they say choice is removed.

However, fluoride, in its elemental form, is the 13<sup>th</sup> most common element found in the Earth’s crust and is found naturally in virtually all water supplies and in many products in the food chain, including eggs, fish, meat and produce.

In a similar move to enhance public health, the U.S. also fortifies its milk with Vitamin D and salt contains iodine.

Fluoride is not added to the water supply in Europe. Instead, many European nations require adding fluoride to consumer products like salt and milk.

The cost to add fluoride to Kalamazoo’s water is about \$43,000 annually. The American Dental Association forecasts that saves local families \$2.15 million in future dental care costs.



# INTEROFFICE MEMO

**To:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.

**From:** Teresa T. Johnson, Purchasing Manager

**Date:** May 1, 2013

**Subject:** April 2013 Purchases

I am forwarding for the City Commission, and your information, a summary of the purchases and change orders between \$50,000 and \$100,000 administratively approved during April 2013.

c: Thomas Skrobola, Director of Management Services, CFO

### April 2013 PURCHASES ADMINISTRATIVELY APPROVED BETWEEN \$50,000 AND \$100,000

DESCRIPTION	VENDOR		AMOUNT	COMMENT
	Location	MBE/WBE?		
Purchase 18,001 gallons of diesel fuel	Petersen Oil Company Greenville, MI	No	\$55,623.09	Accepted low bid
Purchase 18,011 gallons of diesel fuel	Lemmen Oil Company Coopersville, MI	No	\$57,121.89	Accepted low bid

### April 2013 CHANGE ORDERS ADMINISTRATIVELY APPROVED BETWEEN \$50,000 AND \$100,000

DESCRIPTION	VENDOR		AMOUNT	COMMENT
	Location	MBE/WBE?		

**To:** Kenneth P. Collard, City Manager, ICMA-CM, P.E.

**From:** Jerome Post, SPHR, Human Resources/Labor Relations Director

**Prepared by:** Erica Hicks, Human Resources Advisor

**Subject:** Report on Employment Activity – First Quarter 2013

**Date:** April 29, 2013

Attached you will find a summary of the Quarterly Employment Report for the first quarter of 2013. The percentage of females and males changed very slightly, but the percentage of whites and minorities remained unchanged from the previous quarter.

- 70.5% male (previously 70.7%)
- 29.5% female (previously 29.3%)
- 80.6% white (previously 80.6%)
- 19.4% minority (previously 19.4%)

As of March 31, there were 695 budgeted positions broken down as follows:

Budgeted FT	666	Filled	630	Vacant	36
Budgeted PT	29	Filled	18	Vacant	11
Total Budgeted	695	<b>Total Filled</b>	<b>648</b>	Total Vacant	47

At the end of the first quarter there were 695 total budgeted positions.

The Minority and Female Progress reports attached analyze the *648 Total Filled* positions.

### **Noteworthy activity related to women and minorities**

Significant hires in the First Quarter included:

- Two black males hired as Police Officer I.
- One Hispanic female hired as Police Officer I.
- One white female hired as Parks and Recreation Programs Assistant, Part-time.

Significant promotions in the First Quarter included:

- One black female promoted from Procurement Advisor to Purchasing Manager.
- One black female promoted from Full-time Bus Driver to Operations Supervisor.
- One black female promoted from Part-time to Full-time Bus Driver.
- One black male promoted from Public Safety Officer I to II.
- One Hispanic male promoted from Laborer II to Equipment Operator II.
- One Hispanic male promoted from Service Lane Attendant to Utility Worker.

Significant promotions in the First Quarter included:

- One white female promoted from Financial Services Manager to Accounting Manager.
- One white female promoted from Engineering Technical Secretary to Stores/Procurement Clerk.
- One white female promoted from Administrative Support Coordinator to Executive Assistant.
- One white female promoted from Computer Processing Offense Records Clerk to Operations Division Secretary.
- One white female promoted from Water Operator/Maintainer Apprentice to Water O/M I.

Significant involuntary demotions in the First Quarter included:

- One white female involuntary demoted from Ornamental Gardener to Mason.

Significant separations in the First Quarter included:

- One black female resigned after 4 years of service.
- One black male retired after 29 years of service.
- One white female discharged after 11 months of service

**Demographics of Employment Actions**

R/G	% City Staff	New Hire 8 EE	Promotion/Rec lass* 27 EE	Lateral 3 EE	Involuntary Demotion 1 EE	Layoff 0 EE	Voluntary Resigntn 2 EE	Retirement 5 EE	Other Terminations 1 EE	Discharge 2 EE	WC Settlement 2 EE
AF	.46%										
AM	.15%										
AIM	.15%										
BF	5.71%		11.11%				50%				50%
BM	9.72%	25%	3.70%					20%			50%
HF	.93%	12.50%									
HM	2.31%		7.41%								
WF	22.38%	12.50%	18.50%	33.3%	100%					50%	
WM	58.18%	50%	59.3%	66.7%			50%	80%	100%	50%	
<b>Total</b>	<b>100.0%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

\* Category includes competitive promotions, self promotions, contractual promotions and reclassifications.

\* Category includes reinstatements by grievances or arbitration awards.

† Category differs from Discharge because of circumstances, pre- and post-employment agreements and includes permanently laid off employees.

file

Attachments EEO Job Group Status 1Q13  
 Diversity Profile 1Q13  
 CM Vacancies

EEO Job Group Status  
 First Quarter 2013 (based on 3/31/13 data)  
 Ten Year Comparison

## Female Progress

Legally-defined Job Groups	EEO Code	Working Titles	TOTAL	Incumbent Male	Incumbent Female	Incumbent Female %	Availability	1Q12	1Q11	1Q10	1Q09	1Q08	1Q07	1Q06	1Q05	1Q04	1Q03	1Q02
Officials/Managers	1.1	All E level employees and D level employees who supervise two or more employees; all appointees	40	28	12	30.0%	36.6%	33.3%	28.6%	29.5%	22.2%	20.0%	25.0%	25.0%	25.0%	25.6%	22%	27%
Supervisors/Inspectors	1.2	Supervisors, inspectors, buyers	54	36	18	33.3%	39.9%	30.5%	29.7%	28.4%	31.9%	31.5%	32.4%	36.1%	31.9%	33.3%	33%	31%
Professionals	2.1	Lawyers, accountants, HR, financial analysts, etc.	18	5	13	72.2%	59.9%	57.1%	58.3%	58.3%	60.0%	65.4%	62.1%	55.6%	45.1%	51.0%	48%	41%
Professionals (Public Safety command)	2.2	Captains, lieutenants, major, inspector	15	13	2	13.3%	10.6%	17.6%	17.6%	11.8%	11.8%	5.9%	5.6%	5.3%	5.0%	4.8%	0%	0%
Professionals in Science, Engineering and IT	2.3	Engineers, systems analysts, biologists, chemists, etc.	13	9	4	30.8%	31.1%	40.0%	40.0%	40.0%	33.3%	36.8%	36.8%	28.6%	na	na	na	na
Technicians/Para Pro	3.1	Lab techs, TCAs, engineering techs, instrument techs, surveyors, drafters, dispatchers, para-professionals	56	30	26	46.4%	51.7%	45.6%	50.0%	48.1%	48.1%	48.0%	45.6%	44.9%	42.5%	40.5%	42%	44%
Technicians/Para Pro (Public Safety command)	3.2	Sergeants	32	29	3	9.4%	12.3%	3.3%	5.7%	11.4%	8.8%	11.1%	9.1%	7.9%	7.9%	7.5%	9%	7%
Protective Services	04	Police Officers, PSO I, PSO II, detectives, crime lab personnel	175	153	22	12.6%	10.9%	12.3%	13.0%	13.0%	12.6%	12.0%	13.5%	12.9%	10.6%	11.5%	12%	13%
Admin Support/Clerical	05	Clerks, account coordinators, secretaries, admin or exec support	57	6	51	89.5%	87.3%	95.6%	95.7%	94.7%	92.5%	95.1%	95.4%	94.3%	94.2%	94.4%	95%	97%
Skilled Crafts and Apprentices	06	H28 and above, electricians, mechanics	95	85	10	10.5%	12.8%	8.4%	7.6%	7.3%	7.0%	6.7%	6.3%	6.4%	6.4%	6.3%	6%	7%
Service Maintenance	08	Tree trimmers, laborers, bus drivers, custodians	93	63	30	32.3%	24.1%	29.3%	29.6%	31.8%	33.3%	33.0%	34.8%	33.3%	34.2%	30.0%	33%	34%

Total full-time and part-time employees 648 457 191 29.5%

Total allocated positions (666 full-time and 29 part-time) 695

Some historical percentages rounded to whole number.

Progress is indicated by increases in female and minority data.

Except for Public Safety job groups, goals are based on 2005 Michigan Department of Labor Statistics and recruitment and hiring patterns for recent vacancies.

Job Group 04 is based on data from MCOLES, Michigan Office of Fire Fighting Training, and the Bureau of Labor Statistics.

Job Group 2.2 is based on job group 3.2 incumbency. Job group 3.2 is based on job group 04 incumbency in accordance with contract bargaining agreements.

**EEO Job Group Status**  
**First Quarter 2013 (based on 3/31/13 data)**  
**Ten Year Comparison**

## Minority Progress

Legally-defined Job Groups	EEO Code	Working Titles	TOTAL	Incumbent White	Incumbent Minority	Incumbent Minority %	Availability	1Q12	1Q11	1Q10	1Q09	1Q08	1Q07	1Q06	1Q05	1Q04	1Q03	1Q02
Officials/Managers	1.1	All E level employees and D level employees who supervise two or more employees; all appointees	40	34	6	15.0%	11.9%	10.3%	9.5%	11.4%	11.1%	11.4%	11.1%	11.1%	11.1%	10.3%	8%	13%
Supervisors/Inspectors	1.2	Supervisors, inspectors, buyers	54	46	8	14.8%	12.0%	23.7%	21.9%	23.9%	23.6%	23.3%	25.4%	22.2%	23.2%	23.6%	24%	22%
Professionals	2.1	Lawyers, accountants, HR, financial analysts, etc.	18	14	4	22.2%	15.8%	28.6%	25.0%	25.0%	24.0%	15.4%	20.7%	18.5%	15.7%	17.6%	19%	20%
Professionals (Public Safety command)	2.2	Captains, lieutenants, major, inspector	15	9	6	40.0%	27.7%	35.3%	35.3%	29.4%	29.4%	23.5%	22.2%	21.1%	20.0%	14.3%	16%	6%
Professionals in Science, Engineering and IT	2.3	Engineers, systems analysts, biologists, chemists, etc.	13	13	0	0.0%	14.7%	0.0%	0.0%	6.7%	9.5%	10.5%	15.8%	14.3%	na	na	na	na
Technicians/Para Pro	3.1	Lab techs, TCAs, engineering techs, instrument techs, surveyors, drafters, dispatchers, para-professionals	56	52	4	7.1%	15.8%	10.3%	13.2%	12.7%	13.0%	13.3%	13.9%	15.4%	16.3%	16.5%	14%	17%
Technicians/Para Pro (Public Safety command)	3.2	Sergeants	32	27	5	15.6%	13.9%	10.0%	14.3%	20.0%	17.6%	19.4%	18.2%	18.4%	18.4%	20.0%	19%	16%
Protective Services	04	Police Officers, PSO I, PSO II, detectives, crime lab personnel	175	153	22	12.6%	15.1%	13.9%	16.3%	15.8%	15.7%	15.6%	15.1%	16.5%	16.2%	17.9%	17%	20%
Admin Support/Clerical	05	Clerks, account coordinators, secretaries, admin or exec support	57	48	9	15.8%	19.2%	25.0%	26.1%	26.7%	32.5%	35.4%	33.3%	32.2%	32.6%	37.6%	35%	33%
Skilled Crafts and Apprentices	06	H28 and above, electricians, mechanics	95	79	16	16.8%	15.1%	13.4%	11.8%	13.0%	13.3%	12.7%	13.4%	14.2%	15.0%	14.7%	16%	14%
Service Maintenance	08	Tree trimmers, laborers, bus drivers, custodians	93	47	46	49.5%	28.6%	48.5%	47.2%	43.9%	42.6%	42.2%	45.5%	43.6%	43.3%	45.4%	52%	56%

Total full-time and part-time employees 648 522 126 19.4%

Total allocated positions (666 full-time and 29 part-time) 695

Some historical percentages rounded to whole number.

Progress is indicated by increases in female and minority data.

Except for Public Safety job groups, goals are based on 2005 Michigan Department of Labor Statistics and recruitment and hiring patterns for recent vacancies.

Job Group 04 is based on data from MCOLES, Michigan Office of Fire Fighting Training, and the Bureau of Labor Statistics.

## CITY OF KALAMAZOO DIVERSITY PROFILE - By EEOC Job Group

### 1st Quarter 2013

EEOC Job Group	Total	WM	BM	AM	HM	AIM	WF	BF	AF	HF
Official/Manager	40	26	2				8	4		
Supervisor/Inspector/Buyer	54	33	3		0		13	3	1	1
Professional	18	5	0				9	3	1	
Professional (sworn Public Safety)	15	8	4		1		1	1		
Professional (engineering, computer, sciences)	13	9					4			
Technical/ParaProf	56	28	2				24	1		1
Technical/ParaProf sworn (Public Safety Sergeants)	32	24	3		2		3			
Protective Service	175	135	11	1	5	1	18	2	1	1
Clerical	57	6					42	6		3
Skilled Craft	95	71	11		3		8	2		
Service/Laborer	93	32	27		4		15	15		
<b>TOTAL*</b>	<b>648 *</b>	377	63	1	15	1	145	37	3	6

58.18%	9.72%	0.15%	2.31%	0.15%	22.38%	5.71%	0.46%	0.93%
--------	-------	-------	-------	-------	--------	-------	-------	-------

Percent males

70.5%
-------

Percent females

29.5%
-------

Percent white

80.6%
-------

Percent minority

19.4%
-------

**\*Includes 630 FT  
18 PT**

**Vacancies as of 3/31/13**

				Allocation	Filled	Vacant				
<b>City Attorney's Office</b>										
2.1	NBU	D72	Assistant City Attorney III	3	2	1	Schau			
<b>Community Planning &amp; Dev.</b>										
1.2	KMEA	S38	Building Inspector/Plan Review Technician	1	0	1	J. Brinkhuis			
1.2	KMEA	S36	Electrical Inspector	1	0	1	W. Cutler			
<b>Human Resources</b>										
05	NBU	B21	Human Resources Assistant	1	0	1	P. Vargas			
<b>Management Services</b>										
<b>Accounting Division</b>				NBU	C51	Budget & Accounting Specialist	1	0	1	reallocated
<b>Parks &amp; Recreation</b>										
06	AFSCME	H30	Landscape Coordinator - 8 month	1	0	1	reallocation			
06	AFSCME	H30	Parks Coordinator	1	0	1	reallocation			
08	AFSCME	H26	Market Servicer - 8 month	1	0	1	P. Roush			
<b>Public Safety</b>										
3.2	KPSA		Public Safety Captain	4	3	1	Webster			
04	KPSOA		Public Safety Officer	157	152	5	Diaz Halder Luthy Ott Zuk			
04	KPSOA		Detective	17	16	1	Treu			
04	KPSOA		Lab Technician	4	3	1	Bombich			
3.1	KPSOA		CSO Dispatcher PT	4	0	4	Conner-Beck Darcy Caswell Deleeuw Heckelman Porter			
05	KMEA		Computer Processing Offense Records Clerk	4	3	1				
<b>Public Services - Water</b>										
<b>Administration</b>										
2.1	NBU	C41	Financial Analyst	1	0	1	reallocation			
<b>Engineering</b>										
2.3	NBU	C43	Senior Civil Engineer	4	2	2	Johnson, Renaldi			
05	KMEA	S18	Engineering and Public Services Secretary	1	0	1	S. Losey			
<b>Field Services</b>										
06	AFSCME	H32	Lead Distribution Servicer	2	1	1	Aiello			
06	AFSCME	H24	Apprentice Municipal Worker	20	17	3	Rix Vendeville			
08	AFSCME	H26	Labor Foreperson	2	1	1	reallocated			
<b>Fleet</b>										
06	AFSCME	H38	Master Mechanic	4	3	1	Gibson			
<b>Public Works</b>										
06	AFSCME	H30	Equipment Operator II	4	2	2	S. Try A. Rickstad			
08	AFSCME	H24	Laborer II	3	2	1	R. Lopez			
<b>Wastewater</b>										
1.1	NBU	D72	Water Superintendent	1	0	1	vacant			
06	KMEA	S44	Utility Electrician	1	0	1	Haw			
06	AFSCME	H24	Water Operator/Maintainer Apprentice	9	8	1	Guild			
				<b>Positions reallocated from Water Operator</b>						
<b>Transportation</b>										
2.1	NBU	C51	Programs and Financial Services Manager	1	0	1	reallocation			
1.2	NBU	A13	Operations Support Specialist	1	0	1	Foote			
3.1	NBU	B22	Marketing Coordinator	1	0	1	Vander Kley			
05	KMEA	S18	Clerk Cashier I	3	2	1	Roskam			
05	KMEA	S14	Clerk Typist	1	0	1	Sullivan			
08	ATU	T1	Service Lane Attendant	3	2	1	A. Lopez			
08	ATU	T3	Part-time Bus Driver	19	14	5	Falls King, Jermaine Koops Marcelletti Spencer			
				Total vacancies			49			
					Part-time			11		
								38		
						minus overallocations	2			
						Total full-time vacancies	36			