

KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

MEETING DATE: Thursday, October 24, 2024
PLACE OF MEETING: 201 W. Kalamazoo Ave. Kalamazoo, MI 49007 Room 207-A
TIME: 3:00 pm

October 24, 2024 MINUTES – Final Approved 12-19-24

Present: Christopher Carew, Connie Ferguson, Chad Goodwill, Jodi Milks, Monteze Morales, Kenneth Peregon, and Andrew Wenzel

Members Excused: 1

Vacancies: 1

Kalamazoo Township: Sherine Miller

Oshtemo Township: none

Staff: Macy Rose Walters, Rachael Grover (attended virtually)

Consultant: Therese Searles, Fishbeck

Recording Secretary: Macy Rose Walters

County Commissioners: Monteze Morales

County Admin: none

Community: 5

1. Call to Order: ~~Vice Chair Lutz~~ **Chair Peregon called the meeting to order at 3:05 p.m.**
2. Roll Call and Members Excused: **Six (6) of eight (8) voting members were present. Jared Lutz was excused. David Wang resigned effectively on October 11, 2024, leaving a vacancy to be filled for the term effectively expiring on October 30, 2025, creating one (1) vacancy. Director Ferguson, Director Carew, and Director Goodwill all have terms expiring on October 30th, 2024.**
3. Approval of the Agenda:

Chair Peregon asked the board to consider moving item 7b, the Development Agreement between Landscape Forms, Inc. to be discussed before item 4 on the agenda, and requests the addition of item 7bi, the Memo of Understanding for the Landscape Forms, Inc. Brownfield Plan between the County of Kalamazoo, the KCBRA, and the Kalamazoo County Land Bank Authority.

Director Wenzel moved to approve item 3, as amended, Commissioner Morales seconded. A roll call vote was taken, the motion carried with seven (7) yes, and zero (0) no, and zero (0) abstentions.

4. Approval of Minutes:
 - a. BRA Minutes of September 26, 2024

Commissioner Morales moved to approve item 4a, Director Ferguson seconded.

None opposed, motion carried.

5. Public Comments (4 minutes each) **none**

6. Consent Agenda

a. **From General Fund (243):**

- i. **\$24,363.20** - FY24Q3 Reimbursement to Planning Dept
- ii. **\$412.50** – Varnum Invoice #1352639 (LFI Brownfield Plan)
- iii. **\$1,910.50** – Fishbeck Invoice #443527 (W.O. 2024-1 Gen. Env.)

b. **From LBRF Fund (Fund 242):**

- i. **\$437.55** – Fishbeck Invoice #443511 (W.O.2024-2 YWCA)

c. **From EPA Grant Fund:**

- i. **\$11,952.55** – Fishbeck Invoice #443453 (W.O. #17 Teresa’s Kitchen)
- ii. **\$1,931.77** – Fishbeck Invoice #443454 (W.O. #18 J. Smith Ent.)

d. **Project Business:**

i. **Developer Reimbursements from 2023 Tax Increment Revenue:**

1. **\$485,127.35** – Fed Ex Scannell 3rd TIF Payment (Local)

ii. **Vicksburg Mill Paper City**

1. FY24Q4 Authorization for Staff to Submit to EGLE Loan Report (State Fiscal Year)
2. **\$100.20** – FY24Q4 Admin Invoice for EGLE Loan (State Fiscal Year)

Director Wenzel moved to approve Item 6, the Consent Agenda, Commissioner Morales seconded. None opposed, motion carried.

7. Discussion and/or Action Calendar

a. **Discussion/Action:** Fishbeck

- i. General Environmental Memo & Billing Summary
- ii. EPA Grant Memo & Billing Summary

Consultant Searles presented the Fishbeck reports.

b. **Action:** Landscape Forms, Inc. BFP Development Agreement

This item was moved first in discussion ahead of the approval of item 4, the Minutes of September 26, 2024.

Discussion ensued regarding requested changes to the agreement, proposed within an updated document presented at the meeting. In addition to the requested changes, the developer’s representative stated the intent is to ask for a 10% admin fee cap per year charged to the project, based on the total amount of local tax captured and total admin fees charged by the KCBRA to all projects each year.

KCBRA legal counsel reviewed the document as presented and stated the presented language did not accurately reflect a cap of the total admin fees charged by the KCBRA per year. Timeline concerns were expressed regarding the execution of the agreement and tabling the item until the next regular meeting. It was determined that the KCBRA Chair would have authorization to sign and fully execute the document, once the developer and KCBRA counsel negotiate agreeable language to accurately reflect the cap of a 10% admin fee charged to the project in any given year. It was noted by staff that on previous projects with annual admin caps, in any year the fee would exceed the 10% cap, the remaining balance would be carried over to the projects next annual fee. Admin fees are negotiated on a case-by-case basis and are inclusive of project specific invoices or fees that are incurred annually in relation each project.

Director Milks moved to approve item 7b, accepting all redlined changes presented, authorizing the Chair to sign and fully execute the agreement after negotiating the specific language of not to exceed 10% admin charge per year, and if necessary, add in language rolling in any additional admin fee onto the subsequent year. Commissioner Morales seconded the motion. A roll call vote was taken, the motion carried with seven (7) yes, zero (0) no, and zero (0) abstentions.

- i. Memo of Understanding for between KCBRA, LFI, and KCLBA

Commissioner Morales moved to approve item 7bi as presented, authorizing the Chair to sign the MOU and authorizing staff have the document fully executed by county legal counsel. Director Milks seconded. None opposed, motion carried.

- c. **Action:** Memo of Understanding between Planning Dept & KCBRA

Discussion ensued regarding the request for the KCBRA to pay all expenses related to the KCBRA Director (the Brownfield Redevelopment Administrator) including payment of benefits issued to full-time employees employed by the county. KCBRA directors requested more information on the specifics of paying the fringe rate and the HR related FTE expenses. The KCBRA asked planning staff to consult with HR regarding the request to cover all charges related to the FTE, and asked if the county would consider continuing to pay for the FTE expenses as they have been doing prior to the proposed MOU.

Director Milks moved to table item 7c, Commissioner Morales seconded. None opposed, motion carried.

- d. **Action:** KCBRA Outcomes Reports to Kalamazoo County Board of Commissioners
 - i. 2019-2022 KCBRA Outcomes Report
 - ii. 2023 KCBRA Outcomes Report

The KCBRA requested BRA staff present the 2023 Outcomes Report to the Board of Commissioners as a formal presentation.

Director Ferguson moved to approve items 7di &7dii, authorizing staff to submit both items to the Kalamazoo Board of Commissioners, as an informational update. Commissioner Morales seconded. None opposed, motion carried.

- e. **Action:** EPA Grant BF - 00E03048 – 1 Technical Assistance Concurrence Letter

Commissioner Morales moved to approve item 7e as presented, Director Goodwill seconded. None opposed, motion carried.

- f. **Action:** General Environmental Contract Addendum #3

Discussion ensued regarding the fee schedule that was presented, as a notice of rate increases, which had not occurred since the contract was awarded in 2022. The KCBRA discussed signing the addendum and considering submitting a request for proposals for the next year.

Director Ferguson moved to approve item 7f as presented, Director Goodwill seconded. A toll call vote was taken, the motion carried with five (5) yes, zero (0) no, and two (2) abstentions; Director Carew and Director Wenzel abstained.

8. Financial Reports **Staff presented the financial reports.**

- a. **Discussion:** KCBRA General Fund 243 FY Q3 Report
- b. **Discussion:** KCBRA Local Brownfield Revolving Fund 242 Report

9. Staff Report/Updates **Staff presented updates/reports.**

- a. U.S. EPA Grant Coalition '25 Application Request on Nov. 7 KCBOC Agenda
- b. 2021 U.S. EPA Assessment Grant BF00E03048-1 Extended through 9/30/2025
- c. Board Appointments Committee 10/24/24 @ 4:00 P.M.
- d. Draft Memo of Understanding for Landscape Forms, Inc. Brownfield Plan Pending

10. Other **EGLE Region 5 Coordinator, Douglas Koop announced funding opportunities through EGLE are open for 2025.**

11. Board Member Comments Discussion ensued regarding the intentions of Director Carew and Director Goodwill to be considered for reappointment of their positions on the EDC/KCBRA boards. Director Ferguson has decided to resign when her term has ended, creating a vacancy effective October 30, 2024. The board thanked Director Ferguson for her time and commitment to the board. The board further discussed the current vacancy on the board and the consideration of skill sets that would be preferable to consider. Commissioner Morales recommended the board consider Kyle Gulau for consideration of the EDC/KCBRA vacancy. Director Goodwill recommended a real-estate lawyer for consideration as a necessary skill set to fill the next vacancy.

12. Adjournment Director Wenzel moved to adjourn at 4:54 p.m. Director Milks seconded, none opposed, motion carried.

Next Regular Meeting: Thursday, October 24, 2024, at 3:00 p.m.

Room 207a, County Admin Bldg - Or alternatively, held electronically or via teleconference. Please see the KCBRA website at www.kalcountybrownfield.com for electronic meeting notice and instructions

BOARD MEMBERS:

PLEASE CALL 384-8305 OR EMAIL MRWALT@KALCOUNTY.COM
IF YOU ARE UNABLE TO ATTEND THE MEETING

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