

KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

MEETING DATE: Thursday, August 22, 2024
PLACE OF MEETING: 201 W. Kalamazoo Ave. Kalamazoo, MI 49007 Room 207-A
TIME: 3:00 pm

August 22, 2024 MINUTES – Final Approved 9-26-24

Present: Christopher Carew, Chad Goodwill, Jared Lutz, Jodi Milks, Kenneth Peregon, David Wang, and Andrew Wenzel

Members Excused: 2

Vacancies: 0

Kalamazoo Township: Sherine Miller

Oshtemo Township: none

Staff: Rachael Grover, Macy Rose Walters

Consultant: Jeff Hawkins, Fishbeck

Recording Secretary: Macy Rose Walters

County Commissioners: none

County Admin: none

Community: 6

1. Call to Order: **Chair Peregon called the meeting to order at 3:03 p.m.**
2. Roll Call and Members Excused: **Seven (7) of nine (9) voting members were present. Director Ferguson and Commissioner Morales were excused.**

3. Approval of the Agenda:

Chair Peregon asked the board to consider adding item 7biii, a Conflict Consent Waiver from Varnum.

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

4. Approval of Minutes: BRA Minutes of **July 25, 2024**

Discussion ensued regarding verification of the minutes saying when Director Wang had arrived or was excused.

Director Milks moved to approve item 4 as presented, Director Carew seconded. None opposed, motion carried.

5. Public Comments (4 minutes each) **none**
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6. Consent Agenda

a. **From General Fund**

- i. **\$1,348.00** – Fishbeck Invoice 441203 (W.O. 2024-1 Gen. Env.)

b. **From EPA Grant Fund**

- i. **\$60.77** – Fishbeck Invoice 441205 (W.O.#11 Redman Ventures)
ii. **\$376.98** – Fishbeck invoice 441204 (W.O.#17 Teresa’s Kitchen)
iii. **\$1,698.71** – Fishbeck invoice 441202 (W.O. #2 Outreach & Programmatic)

c. **Project Business:**

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

1. **\$21,596.05** – KALSEE Credit Union 1st TIF Payment (\$9,463.00 State & \$12,133.05 Local)
2. **\$4,159.00** – 9008 Portage Road 3rd TIF Payment (local)
3. **\$5,224.57** – Metal Mechanics D&D Realty 8th TIR Payment (local)
4. **\$102,031.24** – General Mills 13th TIR Payment (local)

- ii. **\$9,250.00** – Invoice to Clarklogic for 555 Eliza Street Payment to State of Michigan EGLE Loan Payment Due 9/14/2024

iii. **Transfers into the Local Brownfield Revolving Fund (LBRF Fund 242)**

1. **\$2,036.46** – to LBRF of KALSEE 2023 State TIR

- iv. **MEDC Annual Report** – Authorize Submittal to MEDC by 8/31/2024

Director Lutz moved to approve Item 6, the Consent Agenda, Director Milks seconded. None opposed, motion carried.

7. Discussion and/or Action Calendar

a. **Action:** 234/238 EM, LLC

- i. Part I & Part II Project Applications

Director Lutz stated their conflict of interest due their employer who is Michigan Growth Advisors, an organization employed by the developer. Director Wang abstained from discussion, too, as Michigan Growth Advisors is a subsidiary of Director Wang’s employer, Miller Johnson.

Director Wenzel moved to approve item 7ai, waiving the application fee, noting this is for a first-time developer, and Director Carew seconded. A roll call vote was taken, the motion carried with five (5) Yes, zero (0) No, with Director Wang and Director Lutz abstaining.

- ii. EPA Grant Work Order #19 234/238 EM, LLC

Director Wenzel moved to approve item 7aii as presented, Director Milks seconded. A roll call vote was taken, the motion carried with five (5) Yes, zero (0) No, and Director Wang and Director Lutz abstained.

b. **Action:** Landscape Forms, Inc.

i. Project Applications Part I and Part II

Director Lutz and Director Wang both disclosed their conflict-of-interest and abstained from discussion, as Michigan Growth Advisors is employed by the developer. Discussion ensued regarding the Kalamazoo County Land Bank's involvement in the project, and Kalamazoo County's (KCBOC) participation in paying the fee for the assistance to the Land Bank. There was discussion regarding the need for an updated application packet by the developer describing the addition of parcels in the draft application.

Director Wenzel moved to approve item 7bi, contingent upon receipt of updated Project Applications Part I & Part II, as well as payment of the KCBRA's application fee of \$2,500. Director Milks seconded. A roll call vote was taken, the motion carried with five (5) Yes, zero (0) No, and Director Lutz and Director Wang abstained.

ii. Brownfield Plan

Director Milks moved to approve item 7bii as presented, Director Wenzel seconded. A roll call vote was taken, the motion carried with five (5) Yes, zero (0) No, and Director Lutz and Director Wang abstained.

iii. Varnum Conflict of Interest Consent Waiver

Discussion ensued regarding the KCBRA's legal counsel being employed by the developer, and the possible need for consideration of secondary counsel if there is a conflict during the preparation of the Development Agreement between the KCBRA and the developer. The KCBRA may consider asking the developer to pursue different counsel if there is an unresolvable conflict during the drafting phase of the agreement.

Director Carew moved to approve item 7biii, authorizing the Chair to sign the item, with the understanding that the KCBRA or developer may seek alternative legal counsel if deemed necessary, Director Goodwill seconded. A roll call vote was taken, the motion carried with four (4) Yes, one (1) No, and Director Lutz abstained.

c. **Discussion/Action:** Fishbeck

i. General Environmental Memo & Billing Summary

ii. EPA Grant Memo & Billing Summary

iii. Draft Contract Extension Request for EPA Assessment Grant

Director Wang moved to approve item 7ciii, authorizing staff to submit the EPA grant extension, contingent upon the item being reformatted into the EPA's preferred template and on KCBRA letter head. Director Lutz seconded, none opposed, motion carried.

d. **Discussion/Action:** The Stryker Brownfield Plan (Capture Complete)

i. **City of Portage Invoice Packet Eligible Expenses \$437,645.20**

ii. **\$437,645.20** – City of Portage Full TIR Payment

(\$220,792 State & \$216,853.20 Local)

iii. **\$245,614.16** – Transfer to LBRF of Stryker 2023 Local TIR

- iv. **\$370,905.67** – Return of Stryker 2021 State TIR
(\$92,726.42 SET & \$278,179.25 School Operating)
- v. **\$680,041.68** – Return of Stryker 2023 Local TIR to Taxing Jurisdictions

Director Lutz moved to approve all items from 7di-7dv, as presented, Director Wenzel seconded, none opposed, motion carried.

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

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

9. Staff Report/Updates **Staff Presented Updates**

- a. Landscape Forms, Inc. Development Agreement Draft Pending
- b. BRA Staff attended Schupan Ribbon Cutting on 8/5/2024 (Midlink Amendment #4)
- c. BRA Staff attended EGLE's Clean Energy Projects & Manufacturing Webinar
- d. BRA Staff attended Viewing Resilience Planning Through an Equity Lens Webinar

10. Other Planning **Director Grover announced that a member of the Planning Department was asked to join the South Drake Road Corridor Improvement Authority (SoDA) Board of Directors, she recommended BRA staff member Administrator Walters. The Kalamazoo County Board of Commissioners appointed Administrator Walters at their August 20, 2024 Regular Meeting.**

11. Board Member Comments **None**

12. Adjournment **Director Wenzel moved to adjourn at 4:37 p.m. Milks seconded, none opposed, motion carried.**

Next Regular Meeting: Thursday, September 26, 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

Meetings of the Kalamazoo County Brownfield Redevelopment Authority are open to all without regard to race, sex, color, age, national origin, religion, height, weight, marital status, political affiliation, sexual orientation, gender identity, or disability. The Kalamazoo County Brownfield Redevelopment Authority will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four (4) business days' notice to the Kalamazoo County BRA. Individuals with disabilities requiring auxiliary aids or services should contact the Kalamazoo County BRA by writing or calling:

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