

KALAMAZOO COUNTY  
BROWNFIELD REDEVELOPMENT AUTHORITY  
**MINUTES**

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**MEETING DATE:** Thursday, September 16, 2010  
**PLACE OF MEETING:** County Administration Building

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Present were: Clare Annen, Larry Baumgart, Ruth Blake, Leroy Crabtree, Ken Peregón, Julie Rogers, Anne Summerfield, Matthew VanDyk, Thell Woods  
Comstock Township: Tim Hudson  
Staff Support: David Artley, Jeff Hawkins (consultant), Lotta Jarnfelt  
Absent: Robert Barnard, Representatives from Augusta and Kalamazoo  
Guests: Mary Brown  
Recording Secretary: Lori Pyatt

1. CALL TO ORDER

The meeting was called to order by Chairperson Rogers at 4:02 pm

2. MEMBERS EXCUSED

The absence of Mr. Barnard was determined to be unexcused.

3. APPROVAL OF AGENDA

A motion to approve the agenda was made, supported and approved.

4. APPROVAL OF MINUTES

A motion to approve the August 26<sup>th</sup> Minutes as corrected prior to the meeting was made, supported and approved.

5. CITIZENS COMMENTS

There were no comments made.

6. CONSENT CALENDAR

A. Invoice #26498: Total \$520.

General Programmatic Activities

Work Order #19 (Bill Group D) - \$520.00

This could be split evenly between the Petroleum Grant and the Hazardous Substances Grant

Activities Included: budget reconciliation activities.

Based on the approved work order budgets, the budget had essentially been expended for this task. Another work order would have been provided, the reconciliation of the remaining funds continued, however, and it could not be assumed that there were any remaining funds.

B. Invoice #26499: Total \$1,7400 – Midlink

Work Order #6 (Bill Group G) - \$1,740.00

Activities Included: communications and meetings with County and Comstock Township; review of revised Brownfield Plan; Act 381 Work Plan and Developer's agreement.

- C. Invoice #26507: for Davis Creek \$17,262.05 – City of Kalamazoo  
Work order #20 / Project 100177  
Professional Services incurred for environmental consulting through August 21, 21010 included project planning meetings, soil gas sampling, subcontracted lab analyses, technical review, field services, and project coordination. (Mr. Artley stated he had gone over the invoice twice, and it looked accurate.)

*A motion to was made by Mr. VanDyk, supported by Mr. Crabtree and approved to pay the following invoices: #26498 for \$520, #26499 for \$1,7400, and #26507 for \$17,262.05.*

7. DISCUSSION AND ACTION CALENDAR:

A. MIDLINK DISCUSSION

Mr. Artley stated that two major points of concern were brought up at the Committee meetings. An email survey was sent out; 7 members responded. Many options were supported in varying degrees. There would need to be more support in favor of a single option.

Mr. VanDyk summarized his suggestion made at the Executive Committee Meeting: there would be a cut-off date where interest would be paid at 2% for a set period of time (from when expenses were incurred in 2007 until 1/1/2011).

B. POSITION ON MIDLINK INTEREST REQUEST

Discussion ensued, including the following topics:

- The resulting effect of their decision on the business and on the County/township.
- The BRA 'would get the five years no matter what'. If the amount Midlink gave as their eligible activities was in the plan, the longest Midlink could capture would be anywhere from 15 years to 18 years, depending on the decision made. (Their decision would be added to the work plan and the development agreement.
- Regarding the school taxes: if the 381 work plan work plan were turned down, Midlink could receive less than what they were requesting if it were time or amount certain, because school taxes would make up over 50% of the funds to be received.
- Mr. Hudson stated that Comstock's main concern was to redevelop the site in a mutually beneficial way for Midlink, BRA and the township. Revenue sharing was something to be cautious with, but it was necessary to move the project forward.

- It was clarified that Midlink's eligible expenses would have to be verified, including environmental insurance.
- Several questions were asked for clarification, and many members explained their opinions.
- Mr. Artley explained where the 18 years came from, explaining that adding 5 years for the BRA resulted in 23 years, which was far shorter than the 30 year initial request.

*The following motion was made by Mr. VanDyk and supported by Mr. Woods:*

*"We shall pay interest in the Midlink Revised BRA Plan at a rate of 2% per annum, from the date that the eligible expense was incurred until January 1, 2011"*

Discussion ensued and clarifications were made.

*Mr. VanDyk revised his earlier motion as follows. The revised motion was supported by Mr. Woods:*

*"We shall pay interest in the Midlink Revised BRA Plan at a rate of 2% per annum, from the date that the eligible expense was incurred to December 31, 2010, and it shall be compounded annually during that time. Additionally, eligible expenses on which interest shall be paid shall be capped at \$2,262,654.00. No interest shall be accrued after January 1, 2011"*

*Ayes: All Present Nays: None Abstained: None  
The motion passed by voice vote unanimously.*

Mr. Artley noted that the dollar amount of eligible expenses had been previously reported by Midlink; he then stated that he would be asking the State for interpretation of the invoices to ensure they were indeed eligible.

C. POSITION ON "TIME CERTAIN, AMOUNT CERTAIN, WHICHEVER COMES FIRST"

*The following motion was made by Mr. Crabtree and supported by Ms. Blake:*

*"I make a motion that we include a 'time certain or amount certain, whichever comes first' clause in the Midlink Revised BRA Plan and subsequent Development Agreement as follows: 20 years (15 years for Midlink to be reimbursed for eligible activities and 5 full years for the collection of the LSSRF) for the time certain."*

Discussion ensued on the length of the motion, and Comstock's opinion on Midlink's request. Ms. Rogers stated that this motion would be tie-barred to the subsequent motion.

*Ayes: All Present Nays: None Abstained: None  
The above motion passed by voice vote unanimously, and was tie-barred to the following motion.*

Discussion ensued on what would happen if Midlink rejected these new provisions.

*The following motion was made by Mr. Baumgart and supported by Mr. VanDyk:*

*"I make a motion that we include a 'time certain or amount certain, whichever comes first' clause in the Midlink Revised BRA Plan and subsequent Development Agreement as follows: the amount certain of eligible activities reimbursement to Midlink will be up to, but no greater than, \$6,067,254.00"*

The group discussed the motion. Mr. Artley stated that, whether or not they voted on it, the result would be the same, but voting on it would offer some protection.

*Ayes: Eight Nays: One Abstained: None  
The motion passed by voice vote eight to one.*

#### 8. DISCUSSION ITEMS

DAVIS CREEK: Soil test results were favorable and the next phase included feasibility tests to ensure the soil could support the foliage appropriate for the site.

#### 9. STAFF REPORTS

##### A. CLOSE OUT OF EPA GRANT

Mr. Artley turned their attention to the differences between Lotta's and Mr. Hawkin's calculations at the bottom of page two of the spread sheets. Petroleum had between \$6,740.27 and \$7,244.13. The difference between the two accountings for Hazardous Substances was about \$4K, but the entire amount (anywhere from about 16K to about 20K) would be reduced to zero through the remaining activities.

Ms. Jarnefelt had constructed spread sheets from day one, which would be compared to Mr. Hawkins'. The codes would need to be compared. Going forward, they would strive to use all the same account codes.

##### B. NEW EPA GRANTS – DUE 10/15/2010

The plan was to work with Kalamazoo Township and the Land Bank Authority. If a Land Bank property were commercial, the BRA could be involved. The Land Bank had access to as many or more tools than the BRA. Two \$200,000 grants were being applied for.

C. BRA REQUEST FOR \$125,000 FROM COUNTY

Ms. Rogers and Mr. VanDyk would be presenting success stories to the County Board of Commissioners, and they would be making the ask together with staff. Mr. Artley covered a few parts of the report that would go before the County.

D. ATTENDANCE UPDATE

Ms. Rogers stated that she would be speaking with Mr. Buskirk regarding representation of the B.O.C. at Brownfield meetings.

E. OTHER

Nothing was reported.

10. COMMITTEE REPORTS

A. LAND BANK REPORT – Mr. Artley reported on the latest Land Bank agenda stating there were two vacancies. Kelly Clark was the new Executive Director. Another north-side neighborhood was being approached for a community garden.

B. BY-LAWS REPORT – This item would be reported on at the next meeting.

C. EXECUTIVE COMMITTEE –The group agreed to meet October 15<sup>th</sup> at 9am.

D. PROJECT/FINANCE COMMITTEE – The next meeting would occur October 14<sup>th</sup> at 4pm.

E. PR/MEDIA COMMITTEE—The tour date had changed to October 22, 2010, and would probably begin at 8:00AM. The members were asked to RSVP to Mr. Artley. Other details were still being decided on.

11. OTHER

Nothing was reported.

12. BOARD MEMBERS COMMENTS

-Mr. Woods confirmed that the \$4,000 from the Goodwill site was unallocated. Ms. Blake stated that the full amount would not be received in November; some of it would be collected on the winter tax bill.

-Mr. Annen noted that the State Legislature cut millions of dollars from community colleges; the state was looking closely at renaissance zones.

-Ms. Rogers stated a thank you letter would be sent to Mr. Mark Hatton for his service.

13. ADJOURNMENT

The meeting was adjourned at 5:14pm.

**NEXT MEETING: Thursday, October 28, 2010**

Respectfully submitted: LP