
KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

MEETING DATE: Thursday, June 26, 2014
PLACE OF MEETING: County Administration Building
201 West Kalamazoo Avenue, 207a
TIME: 4:00 pm

AGENDA

1. Call to Order ~ 4:00 pm
2. Members Excused
3. Approval of the Agenda
4. Approval of Minutes: BRA Minutes of May 22, 2014
5. Citizens Comments (4 minutes each / Please state name and address)
6. Financial Report and Administrative Expenses
 - a. 2014 Year to Date
 - b. 2015 budget
7. Discussion and/or Action Calendar
 - a. **Discussion/Action** - 9008 Portage Road Update
 - i. Invoice 00072 - \$351.25
 - ii. Work Order #4a (amendment to Work Order #4) - \$13,500
 - iii. Act 381 Discussion
 - b. **Discussion** – Chem Link
 - i. Update
 - ii. Invoice 00073 - \$3,049.54
 - c. **Discussion** – Corner @ Drake
 - i. Update on Project/Corridor Improvement Authority
 - d. **Discussion** – EPA Grant
 - i. Review and discussion for next year
 - e. **Discussion** – Local Site Remediation Revolving Loan Fund
 - i. Presentation by Jeff Hawkins
 - f. **Discussion/Action** – Legal Services RFP
8. Staff Reports
 - a. None
9. Committees - times dates and places
 - a. Land Bank Report–
 - b. Project/Finance Committee– verbal report, meeting schedule Thursday, July 10th, 4:00 pm
 - c. Executive Committee – verbal report, meeting schedule Friday, July 11th, 8:30 am
 - d. PR/Media Committee –
10. Other
11. Board Member Comments
12. Adjournment

Next Meeting: 4th Thursday – July 24, 2014 at 4pm (room 207a, County Admin Bldg)

PLEASE CALL 384-8112 OR EMAIL LAADAM@KALCOUNTY.COM
IF YOU ARE UNABLE TO ATTEND THE MEETING

KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

MEETING DATE: Thursday, May 22, 2014
PLACE OF MEETING: County Administration Building
201 West Kalamazoo Avenue, 207a
TIME: 4:00 pm

MINUTES

Present: Julie Rogers, Habib Mandwee, Travis Grimwood, Ken Peregon, Joe Agostinelli, Thell Woods, Christopher Carew, Tim Hudson, James Spurr

Members Excused: Anne Summerfield, Andy Wenzel

Kalamazoo Township: George Cochran

Staff: Lotta Jarnefelt, Lee Adams

Consultant: Jeff Hawkins

Recording Secretary: Zeña Vos

Community: 2

1. Chair Agostinelli called the meeting to Order at 4:02 pm.
2. **Agostinelli introduced the newest member of the Board, Jim Spurr.**

4:22 p.m. Tim Snow, County Clerk swore in Jim Spurr.

3. Members Excused: Anne Summerfield, Andy Wenzel
4. Approval of the Agenda: **Grimwood moved and Rogers seconded the approval of agenda as amended. Motion Carried.**
5. Approval of Minutes: Peregon suggested, under Discussion 7A, to identify the location of 321 Duncan. **Woods moved and Peregon seconded the approval of April 24, 2014 minutes as amended. Motion Carried.**
6. Citizens Comments: None
7. Consent Calendar
 - a. None
8. Discussion and/or Action Calendar
 - a. **Discussion/Action** – Chem Link
 - i. Update

Agostinelli stated that Chem Link closed on the property the previous day. Hawkins stated they were authorized to complete the Phase I from the last meeting. Based on Phase I and the information that was already generated on that site, a Phase II was not necessary. He was able to wrap up the Phase I, BEA & Due Care Plan which was delivered on May 20th and able to meet the deadline.

Adams stated he met with the Schoolcraft Village Manager, Treasurer, and President, they were all supportive of the project. Adams presented the Brownfield Plan concept to the Village Council at their meeting the following week; none of the council members expressed opposition to the idea of creating the Brownfield Plan on the site.

Agostinelli gave a brief history of the site for the benefit of new members.

- ii. Work Order #12
-

Hudson moved and Woods seconded the approval of Work Order #12 to authorize Envirologic Technologies to prepare Brownfield Plan and 381 Work Plan for the Chem Link site. Motion Carried.

- iii. Envirologic Invoice - \$2,751.75
Hawkins stated the invoice is primarily associated with the creation of a Phase I. The BRA should expect a subsequent invoice(s).

Wenzel moved and Peregón seconded the approval of the invoice in the amount of \$2,751.25. Motion Carried.

b. **Discussion/Action** – Envirologic Invoices

- i. General Mills – \$360.76

Hawkins stated this invoice is related to amendment on additional funding, and legal counsel regarding the language for the BEA. It should be the last invoice.

Wenzel moved and Carew seconded the approval of the invoice in the amount of \$360.76. Motion Carried.

- ii. Corner @ Drake - \$875.00

Hawkins stated this is a partial billing for some of the work related to Brownfield Plan.

Woods moved and Mandwee seconded the approval of the invoice in the amount of \$875.00. Motion Carried.

Rogers asked when the KCBRA support sign can go up.

c. **Discussion/Action** – Vicksburg Paper Mill

- i. Update on Project

Adams stated that the Vicksburg Brownfield Development Authority (BDA) voted to approved the MOU between the Vicksburg BDA, the KCBRA, and the Land Bank at their meeting earlier in the week.

Hawkins – noted that EPA funds through the MDEQ were approved for the mill site. The MDEQ is about to start their site assessment work on the site.

d. **Discussion/Action** – 2015 Budget

Jarnefelt explained the BRA account numbers and budget. She stated they may have to revise the 2014 budget before end of the year.

Discussion ensued regarding 2014 and 2015 budget.

Adams will provide the detailed spreadsheets after the meeting and at subsequent committee meetings.

Woods moved and Rogers seconded the adoption of the 2015 Budget. Motion Carried.

9. Staff Reports

- a. None

10. Committees - times dates and places

- a. Land Bank Report–

Woods stated that the bulk of the meeting was devoted to review of the annual audit; the Land bank remains in good fiscal health.

- b. Project/Finance Committee– verbal report, meeting schedule Thursday, June 12th, 4:00 pm
-

Jim Spurr is assigned to Finance Committee which meets the second Thursday of each month at 4:00 pm in Room 105, in the County Administration Building.

- c. Executive Committee – verbal report, meeting schedule Friday, June 13th, 8:30 am
- d. PR/Media Committee –

11. Other

Legal Services RFP

Jarnefelt stated that responses are due to the County's Purchasing Department by 5:00 pm on May 30th.

Agostinelli gave a brief explanation of the need for legal services.

Agostinelli stated that the grand opening of General Mills is scheduled for July 9th at 11:00 am.

12. Board Member Comments

Woods mentioned that the state legislature just unanimously passed the creation of a local stock exchange to help Crowd Funding. It has yet to pass in the Senate. Woods provided materials related to crowd funding.

Agostinelli - new deals are on the horizon but are not ready to be disclosed.

13. Adjournment at 5:19 p.m.

Next Meeting: 4th Thursday – June 26, 2014 at 4pm (room 207a, County Admin Bldg)

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IF YOU ARE UNABLE TO ATTEND THE MEETING

Financial Report

Brownfield Redevelopment Authority Fund 2010	Revenues	Expenditures		REV-EXP	BAL-YR	BAL-CUMUL
County BRA	125,000	3,876		121,124		
Midlink local TIR tax	0	0		0		
Midlink school TIR tax	0	0		0		
Brown Family holdings/Beckan Industries	4,618	0		4,618		
BRA TOTAL 2010	129,618	3,876		125,742	125,742	
Brownfield Redevelopment Authority Fund 2011						
	Revenues	Expenditures		REV-EXP		
County BRA	22,268	22,166		102		
Midlink local TIR tax	17,531	6,631		10,900		
Midlink school TIR tax	52,184	52,184		0		
Brown Family holdings/Beckan Industries	12,824	150		12,674		
BRA TOTAL 2011	104,807	81,131		23,676	23,676	149,418
Brownfield Redevelopment Authority Fund 2012						
	Revenues	Expenditures		REV-EXP		
County BRA	0	6,173		-6,173		
Midlink Contractual Other		287		-287		
Midlink Indirect Costs		911		-911		
Midlink local TIR tax	35,424	0		35,424		
Midlink school TIR tax	53,819	53,819		0		
Brown Family holdings/Beckan Industries	13,848	0		13,848		
BRA TOTAL 2012	103,091	61,190		41,901	41,901	191,319
Brownfield Redevelopment Authority Fund 2013						
	Revenues	Expenditures		REV-EXP		
County BRA	4,500	85,905		-81,405		
Midlink Contractual Other	0	105		-105		
Midlink local TIR tax	38,015	20,353		17,662		
Midlink school TIR tax	56,534	56,534		0		
Brown Family holdings/Beckan Industries	13,719	0		13,719		
BRA TOTAL 2013	112,768	162,897		-50,129	-50,129	141,190
Brownfield Redevelopment Authority Fund 2014						
	Revenues	Expenses	Encumbrances	REV-EXP		
County BRA (acct 247-000-)	2,750	504	2,500	-254		
Midlink local TIR tax (acct 247-001-)	17,729	0		17,729		
Midlink school TIR tax (acct 247-001-)	0	0		0		
Brown Family/Beckan Industries (acct 247-002)	8,218	0		8,218		
BRA ACTUAL TOTAL 2014 AS OF 5-31-2014	28,697	504	2,500	25,694	25,694	166,884
2014 Pending approved staff exp Pay Period 1-7		2,745			-2,745	164,138
2014 Pending approved invoices 6-19-2014:						
WO #2 AMEN 1, INV 29761		552				
WO #9, PO 9863, INV 29840		718				
WO #2 AMEN 1, INV 29925		361				
WO #10, INV 29926		875				
WO #11, INV 29924		2,752				
TOTAL		5,257			-5,257	158,882
2014 Pending remaining of approved Work Orders 6-19-2014:						
WO#3 Kartar (\$11,400 approved in WO#1 & 3)		338				
WO#6 GenMills (\$32,400 approved in WO#2 & 6)		1,505				
WO#8 Portage (\$10,000 approved in WO#4 & 8)		3,461				
WO#5 Lake St (\$12,000 approved in WO#5)		964				
WO# 10 Corner@Drake (\$4,000 approved in WO#10)		3,125				
WO#11 ChemLink (\$6,000 approved in WO#11)		3,248				
TOTAL		12,641			-12,641	146,241

2014 KCBRA Budget Sheet

247-000 - General Account							
Expenses	2015 Proposed	2014 Budgeted	2013 Actual	Revenues	2015 Proposed	2014 Budgeted	2013 Actual
Postage	\$ 150.00	\$ 150.00	\$ 16.66	Carryover	\$ 2,600.00	\$ 27,400.00	\$ 50,128.99
Copy Charges	\$ 500.00	\$ 500.00	\$ 836.31	Service Fees	\$ 7,500.00	\$ 7,500.00	\$ 4,500.00
Contractual Services	\$ 50,000.00	\$ 50,000.00	\$ 65,619.91	3 Applications			
Site Study	\$ 10,000.00	\$ 10,000.00					
Contractual Other (Staff)	\$ 17,500.00	\$ 14,000.00	\$ 15,429.39				
Communication Expense	\$ 700.00	\$ 700.00	\$ 10.00				
Travel	\$ 250.00	\$ 250.00	\$ 262.16				
Marketing program	\$ 1,000.00	\$ 1,000.00					
Employee Training	\$ 4,000.00	\$ 4,000.00	\$ 2,639.82				
Miscellaneous	\$ 1,000.00	\$ 1,000.00	\$ -				
Indirect Costs	\$ 2,300.00	\$ 300.00	\$ 1,091.00				
Total	\$ 87,400.00	\$ 81,900.00	\$ 85,905.25		\$ 10,100.00	\$ 34,900.00	\$ 54,628.99

247-001 Midlink Account							
Expenses	2015 Proposed	2014 Budgeted	2013 Actual	Revenues	2015 Proposed	2014 Budgeted	2013 Actual
Contractual Other (Staff)	\$ -	\$ -	\$ 104.73	Local TIR	\$ 69,000.00	\$ 40,000.00	\$ 38,014.81
Local TIF Payments	\$ 50,000.00	\$ 6,000.00	\$ 20,353.24	School TIR	\$ 105,000.00	\$ 60,000.00	\$ 56,533.55
School TIF Payments	\$ 105,000.00	\$ 60,000.00	\$ 56,533.55				
Indirect Costs		\$ 2,000.00					
Total	\$ 155,000.00	\$ 68,000.00	\$ 76,991.52		\$ 174,000.00	\$ 100,000.00	\$ 94,548.36

247-002 Brown Family Holdings Account							
Expenses	2015 Proposed	2014 Budgeted	2013 Actual	Revenues	2015 Proposed	2014 Budgeted	2013 Actual
To LSRRF	\$ 16,000.00	\$ -	\$ -	Local TIR	\$ 16,000.00	\$ 15,000.00	\$ 13,719.42
				School TIR	\$ -	\$ -	\$ -
Total	\$ 16,000.00	\$ -	\$ -		\$ 16,000.00	\$ 15,000.00	\$ 13,719.42

247-003 9008 Portage Rd Account (New)							
Expenses	2015 Proposed	2014 Budgeted	2013 Actual	Revenues	2015 Proposed	2014 Budgeted	2013 Actual
Local TIF Payments	\$ 1,300.00			Local TIR	\$ 1,400.00		
				School TIR	\$ 1,300.00		
Total	\$ 1,300.00				\$ 2,700.00		

247-004 General Mills Account (New)							
Expenses	2015 Proposed	2014 Budgeted	2013 Actual	Revenues	2015 Proposed	2014 Budgeted	2013 Actual
Local TIF Payments to dev.	\$ 87,900.00			Local TIR	\$ 97,900.00		
School TIF Payments to dev.	\$ 58,900.00			School TIR	\$ 89,800.00		
Total	\$ 146,800.00				\$ 187,700.00		

247-xxx LSRRF Account (New) Brown Family Holdings							
Expenses	2015 Proposed	2014 Budgeted	2013 Actual	Revenues	2015 Proposed	2014 Budgeted	2013 Actual
Contractual Other	\$ 0.00				\$ 16,000.00		
Total	\$ 0.00				\$ 16,000.00		
GRAND TOTAL	\$ 406,500.00	\$ 149,900.00	\$ 162,896.77		\$ 406,500.00	\$ 149,900.00	\$ 162,896.77

Kalamazoo County Brownfield Redevelopment Authority
 County #247-000-808.00
 Brownfield EA and Admin
 Budget and Cost Summary

Number		Budget Estimates			Actual				
Project	W.O.	Site/Phase	Total	County Funding	Invoice #	Invoice Date	Invoice Amount	Task Budget Remaining	Total Budget Remaining
		Brownfield EA and Admin. 247-000-808.00							
B	4	Review of TIF Reimbursement Requests	\$ 1,500.00	\$ 1,500.00	27496	10/4/2011	\$ 335.94		
		P.O. #008582			27551	11/14/2011	\$ 810.00		
					27576	12/13/2011	\$ 317.50	\$ 36.56	
		Project Subtotal	\$ 1,500.00	\$ 1,500.00		Project Subtotal	\$ 1,463.44		\$ 36.56
120215	6	General Environmental Review	\$ 1,500.00	\$ 1,500.00	27993	6/8/2012	\$ 210.00		
		P.O. #8897			28069	7/9/2012	\$ 521.38		
					28454	11/15/2012	\$ 150.00		
					28557	12/18/2012	\$ 150.00	\$ 468.62	
		Project Subtotal	\$ 1,500.00	\$ 1,500.00		Project Subtotal	\$ 1,031.38		\$ 468.62
	9	General Environmental Review	\$ 2,500.00	\$ 2,500.00	29840	4/17/2014	\$ 717.50	\$ 1,782.50	
		P.O. #9853							
		Project Subtotal	\$ 2,500.00	\$ 2,500.00		Project Subtotal	\$ 717.50		\$ 1,782.50
130129	1	Kartar #6, 306 N. Grand, Schoolcraft, MI							
		Phase I ESA	\$ 2,400.00	\$ 2,400.00	28951	6/12/2013	\$ 2,400.00	\$ -	
		File Review	\$ 2,000.00	\$ 2,000.00	28951	6/12/2013	\$ 171.43	1,828.57	
					29031	7/18/2013	\$ 1,858.57	(30.00)	
		Brownfield Plan and Act 381 Work Plan	\$ 4,000.00	\$ 4,000.00	29031	7/18/2013	\$ 1,250.18	2,749.82	
					29098	8/13/2013	\$ 1,383.75	1,366.07	
					29427	11/13/2013	\$ 1,336.25	29.82	
	3	A- Demolition Observations/Assessment	\$ 2,000.00	\$ 2,000.00	29520	12/10/2013	\$ 2,011.60	(11.60)	
		Additional approved budget if needed	\$ 1,000.00	\$ 1,000.00	29660	1/22/2014	\$ 650.00	350.00	
		Project Subtotal	\$ 11,400.00	\$ 11,400.00		Project Subtotal	\$ 11,061.78		\$ 338.22
130307	2	Project Spartan - Midlink Business Park							
		A - Phase I ESA	\$ 3,000.00	\$ 3,000.00	29337	10/18/2013	\$ 3,008.75	\$ (8.75)	
		B- Phase II ESA	\$ 15,900.00	\$ 15,900.00	29337	10/18/2013	\$ 13,994.66	1,905.34	
					29526	12/10/2013	\$ 1,914.35	(9.01)	
		C- BEA	\$ 2,000.00	\$ 2,000.00	29526	12/10/2013	\$ 2,001.25	(1.25)	
		D- Section 7a Compliance Analysis (Due Care Plan)	\$ 3,000.00	\$ 3,000.00	29526	12/10/2013	\$ 2,990.00	10.00	
		Work Order #2 - Amendment #1	\$ 1,500.00	\$ 1,500.00	29761	3/19/2014	\$ 551.84	948.16	
					29925*	4/30/2014	\$ 360.76	587.40	
	6	E- General Brownfield Consulting	\$ 3,000.00	\$ 3,000.00	29526	12/10/2013	\$ 1,960.00	1,040.00	
		F- Act 381 Work Plan	\$ 4,000.00	\$ 4,000.00	29526	12/10/2013	\$ 4,113.75	(113.75)	
		Project Subtotal	\$ 32,400.00	\$ 32,400.00		Project Subtotal	\$ 30,895.36		\$ 1,504.64
130367	4	9008 Portage Road, Former Bud's Auto Service							
		A - Phase I ESA	\$ 2,300.00	\$ 2,300.00					
		B- BEA/Section 7a CA (Due Care Plan)	\$ 2,700.00	\$ 2,700.00					
		C- Brownfield Plan	\$ 2,500.00	\$ 2,500.00					
	8	D - Act 381 Work Plan	\$ 2,500.00	\$ 2,500.00	29414	11/12/2013	\$ 6,209.06	3,790.94	
					29630	1/16/2014	\$ 330.44	3,460.50	
					00072	6/19/2014	\$ 351.25	3,109.25	
		Project Subtotal	\$ 10,000.00	\$ 10,000.00		Project Subtotal	\$ 6,890.75		\$ 3,109.25
130368	5	2015 Lake Street, J&L Motor X-Press							
		A - Phase I ESA	\$ 2,500.00	\$ 2,500.00					
		B- Phase II ESA	\$ 7,000.00	\$ 7,000.00					
		C- BEA/ Section 7a CA (Due Care Plan)	\$ 2,500.00	\$ 2,500.00					
					29415	11/12/2013	\$ 10,552.12	1,447.88	
					29527	12/10/2013	\$ 483.75		
		Project Subtotal	\$ 12,000.00	\$ 12,000.00		Project Subtotal	\$ 11,035.87		\$ 964.13
130388	7	Former Fox River Paper Mill (Hov-Aire Parcel)							
		A - Phase I ESA	\$ 4,000.00	\$ 4,000.00	29521	12/10/2013	\$ 4,000.00	-	
		B- BEA/ Section 7a CA (Due Care Plan)	\$ 3,000.00	\$ 3,000.00	29523	12/10/2013	\$ 3,000.00	-	
		Project Subtotal	\$ 7,000.00	\$ 7,000.00		Project Subtotal	\$ 7,000.00		\$ -
140154	10	The Corner @ Drake Development							
		A- Brownfield Plan	\$ 4,000.00	\$ 4,000.00	29926*	4/30/2014	\$ 875.00	\$ 3,125.00	\$ 3,125.00
		Project Subtotal	\$ 4,000.00	\$ 4,000.00		Project Subtotal	\$ 875.00		\$ 3,125.00
140175	11	Chem Link Acquisition of Former Apollo Plastics							
		A - Phase I ESA, BEA, Due Care	\$ 6,000.00	\$ 6,000.00	29924*	4/30/2014	\$ 2,751.75	\$ 3,248.25	\$ 3,248.25
					00073	6/19/2014	\$ 3,049.54	\$ 198.71	\$ 198.71
		B- Phase II ESA	\$ 8,000.00	\$ 8,000.00					
		C - Brownfield Plan and Act 381 Work Plan	\$ 7,000.00	\$ 7,000.00					
		Project Subtotal	\$ 6,000.00	\$ 6,000.00		Project Subtotal	\$ 5,801.29		\$ 198.71
		Total Project Budgets	\$ 88,300.00	\$ 88,300.00		Total	\$ 76,772.37		\$ 11,527.63

9008 Portage Road



2960 Interstate Parkway | Kalamazoo, MI 49048
 P 269.342.1100 | F 269.342.4945 | W envirologic.com

Remit payment to:
 Envirologic Technologies, Inc.
 2960 Interstate Parkway
 Kalamazoo, MI 49048

Kalamazoo County Brownfield Redevelopment Authority
 Lee Adams
 Department of Planning and Community Development
 201 West Kalamazoo Avenue, Room 206
 Kalamazoo, MI 49007

Invoice number 00072
 Date 06/19/2014
 Project **130367 Former Bud's Auto, 9008
 Portage, Portage, MI - W.O. 4**

INVOICE: Through May 31, 2014

PHASE I ESA/BEA/DUE CARE - Oversight related to MDEQ Cleanup

Professional Fees

	Hours	Rate	Billed Amount
Senior Project Manager			
David A. Stegink			
Professional Services	1.25	105.00	131.25
Project Scientist			
Bradford J. Yocum			
Professional Services	2.75	80.00	220.00
Professional Fees subtotal	4.00		351.25
Phase subtotal			351.25
		Invoice total	351.25

Scope of Services

**Contract for Professional Services
Kalamazoo County Brownfield Redevelopment Authority
Applicable to January 2013 Contract
Work Order No. 4A Dated June 25, 2014**

Between

**KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY (CLIENT)
201 WEST KALAMAZOO AVENUE
KALAMAZOO, MICHIGAN 49007-3777**

And

**ENVIROLOGIC TECHNOLOGIES, INC. (ENVIROLOGIC)
2960 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49048**

**Subject Matter: 9008 Portage Road, Former Bud's Auto Service – Additional Work under Work Order
4 - Section 7a Compliance Analysis (“due care” plan).
Funding Source: “General” Authority Funds**

CLIENT requests that ENVIROLOGIC perform the work described below in accordance with the terms of the above-referenced Contract and as described in this “Scope of Services.”

ENVIROLOGIC will begin work on this Work Order and complete the services as described in the attached "Scope of Services."

ENVIROLOGIC and CLIENT have designated the following representatives for this “Scope of Services:”

<u>Jeffrey C. Hawkins/David G. Bohan</u>	<u>(269) 342-1100</u>
Name (ENVIROLOGIC)	Phone

<u>Mr. Joe Agostinelli, Chair</u>	<u>(269)-553-9588</u>
Name (CLIENT)	Phone

If CLIENT accepts this Scope of Services, please sign this Work Order on behalf of CLIENT and return to the ENVIROLOGIC Representative above:

ACCEPTED AND AGREED TO:

KALAMAZOO COUNTY BROWNFIELD
REDEVELOPMENT AUTHORITY (CLIENT)

ENVIROLOGIC TECHNOLOGIES, INC.

By Joe Agostinelli
Title Chair

By Jeffrey C. Hawkins
Title President

Signature _____
Date _____

Signature _____
Date _____

1. Scope of Services

Mr. Alex Gwiazdowski of Disaster Restoration Inc. submitted an application to the KCBRA requesting assistance with due diligence activities to support the acquisition and redevelopment of the former Bud's Auto Service site located at 9008 Portage Road, Portage, Michigan. Envirologic subsequently was authorized to complete a Phase I Environmental Site Assessment (ESA), Baseline Environmental Assessment (BEA) and Due Care Plan. The Phase I ESA and BEA are complete.

Envirologic and Mr. Gwiazdowski elected to wait until the Michigan Department of Environmental Quality (MDEQ) completed a cleanup action at the site before preparing a Due Care Plan. MDEQ cleanup work was completed in the Spring of 2014 and post-cleanup laboratory data was provided to Envirologic mid-June 2014. The results of the cleanup show that significant levels of contamination were left in place at the edges of the excavation adjacent to the building. Throughout the cleanup process, Envirologic has had several communications with Mr. Gwiazdowski, met with MDEQ cleanup contractors on site, met with MDEQ/KCBRA on site, etc. in an effort to help Mr. Gwiazdowski understand the cleanup actions being taken and to understand the impacts of the remaining contamination. The additional time and communications has added cost to the project. Envirologic is requesting additional budget for these communications and oversight activities.

In addition, because contamination lies under the building at significant levels Envirologic believes it would be valuable to have one sub slab soil gas sample collected for analysis. This would assist in better evaluating due care obligations, the need for sub-slab depressurization and details regarding the system (sizing for sufficient air flow). Envirologic proposes to collect one sample of soil gas from beneath the building and incorporate those results into the Due Care Plan currently being authored.

11. Compensation

Compensation for services provided under this Work Order will be completed on a time and materials basis invoiced at the rates provided in the Contract for Professional Services between ENVIROLOGIC and CLIENT not-to-exceed the budget detailed below without prior authorization from the KCBRA.

Oversight of MDEQ Cleanup, Review of Data, Client Communications Includes site inspection, interviews, report preparation	\$ 2,500
Collection and Analysis of a Single Sub-Slab Soil Gas Sample	<u>\$ 1,000</u>
Estimated Cost of Work Order 4A:	\$ 3,500
<i>Total Estimated Cost of Work Orders 4, 4A and 8</i>	<i>\$13,500</i>

111. Schedule

Work performed under this Work Order will be initiated upon authorization to proceed as directed by the KCBRA.

REIMBURSEMENT SCHEDULE WITH 381 WORK PLAN
 SOUTH PORTAGE RD LLC
 9008 PORTAGE RD, PORTAGE, MI

Year	Incremental Taxes Capturable	Funds Disbursed					
		Authority (School)	Authority (Local)	Developer (School)	Developer (Local)	Brownfield Redevelopment	Local Site Remediation
2014	2,583.85	1,074.07	250.00		1,106.35	153.44	
2015	2,583.85	1,074.07	250.00		1,106.35	153.44	
2016	2,583.85	1,074.07	250.00		1,106.35	153.44	
2017	2,583.85	1,074.07	250.00		1,106.35	153.44	
2018	2,583.85	1,074.07	250.00		1,106.35	153.44	
2019	2,583.85	1,074.07	250.00		1,106.35	153.44	
2020	2,583.85	1,074.07	250.00		1,106.35	153.44	
2021	2,583.85	1,074.07	250.00		1,106.35	153.44	
2022	2,583.85	1,074.07	250.00		1,106.35	153.44	
2023	2,583.85	1,074.07	250.00		1,106.35	153.44	
2024	2,583.85	1,074.07	250.00		1,106.35	153.44	
2025	2,583.85	1,074.07	250.00		1,106.35	153.44	
2026	2,583.85		250.00	1,074.07	1,106.35	153.44	
2027	2,583.85		250.00	1,074.07	1,106.35	153.44	
2028	2,583.85		250.00	1,074.07	1,106.35	153.44	
2029	2,583.85		250.00	1,074.07	1,106.35	153.44	
2030	2,583.85		250.00	1,074.07	1,106.35	153.44	
2031	2,583.85		250.00	1,074.07	1,106.35	153.44	
2032	2,583.85		250.00	1,074.07	1,106.35	153.44	
2033	2,583.85		250.00	1,074.07	1,106.35	153.44	
2034	2,583.85						2,583.85
2035	2,583.85						2,583.85
2036	2,583.85						2,583.85
2037	2,583.85					-	2,583.85
2038	2,583.85					-	2,583.85
2039							
2040							
2041							
2042	-						
2043	-						
Totals	64,596.25	12,888.79	5,000.00	8,592.53	22,126.92	3,068.76	12,919.25

REIMBURSEMENT SCHEDULE WITH 381 WORK PLAN
 SOUTH PORTAGE RD LLC
 9008 PORTAGE RD, PORTAGE, MI

Max Costs Reimbursed:

Amount	To	Eligible Cost	School	Local
\$10,000	to County BRA	BEA, Due Care Plan	\$10,000	
\$2,500	to County BRA	Work Plan	\$2,500	
\$10,000	to South Portage Rd LLC	Sub-Slab Depressurization (Due Care)	\$10,000	
\$20,000	to South Portage Rd LLC	Non-Environmental		\$20,000

Contingencies and Administrative Costs not included

Could also consider shifting order of who is paid first with school taxes (County first? Developer first? Alternate?, etc.)

You will note the following benefits of an approved Work Plan:

- The entire Brownfield Plan would be completed 6 years earlier than without Work Plan approval
- The developer would be re-paid in full 6 years earlier
- The \$2500 Work Plan would net \$10,000 in additional school tax increment revenues
- The \$2500 Work Plan can also be reimbursed with school tax increment revenues
- The added school tax increment revenues would save about \$8000 in local tax capture

REIMBURSEMENT SCHEDULE WITHOUT 381 WORK PLAN
SOUTH PORTAGE RD LLC
9008 PORTAGE RD, PORTAGE, MI

Year	Incremental Taxes Capturable	Funds Disbursed					
		Authority (School)	Authority (Local)	Developer (School)	Developer (Local)	Brownfield Redevelopment	Local Site Remediation
2014	2,583.85	1,074.07	250.00		1,106.35	153.44	
2015	2,583.85	1,074.07	250.00		1,106.35	153.44	
2016	2,583.85	1,074.07	250.00		1,106.35	153.44	
2017	2,583.85	1,074.07	250.00		1,106.35	153.44	
2018	2,583.85	1,074.07	250.00		1,106.35	153.44	
2019	2,583.85	1,074.07	250.00		1,106.35	153.44	
2020	2,583.85	1,074.07	250.00		1,106.35	153.44	
2021	2,583.85	1,074.07	250.00		1,106.35	153.44	
2022	2,583.85	1,074.07	250.00		1,106.35	153.44	
2023	2,583.85	1,074.07	250.00		1,106.35	153.44	
2024	2,583.85		250.00		1,106.35	-	
2025	2,583.85		250.00		1,106.35	-	
2026	2,583.85		250.00		1,106.35	-	
2027	2,583.85		250.00		1,106.35	-	
2028	2,583.85		250.00		1,106.35	-	
2029	2,583.85		250.00		1,106.35	-	
2030	2,583.85		250.00		1,106.35	-	
2031	2,583.85		250.00		1,106.35	-	
2032	2,583.85		250.00		1,106.35	-	
2033	2,583.85		250.00		1,106.35	-	
2034	2,583.85				1,356.35	-	
2035	2,583.85				1,356.35	-	
2036	2,583.85				1,356.35	-	
2037	2,583.85				1,356.35	-	
2038	2,583.85				1,356.35	-	
2039	2,583.85				1,356.35		
2040	2,583.85						2,583.85
2041	2,583.85						2,583.85
2042	2,583.85						2,583.85
2043	2,583.85						2,583.85
2044	2,583.85						2,583.85
Totals	77,515.50	10,740.66	5,000.00	-	30,264.99	1,534.38	10,335.40

REIMBURSEMENT SCHEDULE WITHOUT 381 WORK PLAN
 SOUTH PORTAGE RD LLC
 9008 PORTAGE RD, PORTAGE, MI

Max Costs Reimbursed:

Amount	To	Eligible Cost	School	Local
\$10,000	to County BRA	BEA, Due Care Plan	\$10,000	
\$10,000	to South Portage Rd LLC	Sub-Slab Depressurization (Due Care)		\$10,000
\$20,000	to South Portage Rd LLC	Non-Environmental		\$20,000

Contingencies and Administrative Costs not included

Chem Link



2960 Interstate Parkway | Kalamazoo, MI 49048
 P 269.342.1100 | F 269.342.4945 | W envirologic.com

Remit payment to:
 Envirologic Technologies, Inc.
 2960 Interstate Parkway
 Kalamazoo, MI 49048

Kalamazoo County Brownfield Redevelopment Authority (1020)
 Lee Adams
 Department of Planning and Community Development
 201 West Kalamazoo Avenue, Room 206
 Kalamazoo, MI 49007

Invoice number 00073
 Date 06/19/2014

Project **140175 Kalamazoo County BRA, Chem-Link Project - W.O. 11**

INVOICE: Through May 31, 2014

PHASE 1 BEA, DUE CARE

Professional Fees

	Hours	Rate	Billed Amount
Administrative Assistant Robyn E. Logelin Professional Services	7.00	45.00	315.00
CAD Designer/Drafter Michelle A. Bell Professional Services	3.00	90.00	270.00
Senior Project Manager David A. Stegink Professional Services	4.50	105.00	472.50
Project Scientist Caitlin M. Andler Professional Services	23.50	80.00	1,880.00
Professional Fees subtotal	38.00		2,937.50

Expense

	Units	Rate	Billed Amount
Shipping/Postage			12.04
Phase subtotal			2,949.54

BROWNFIELD PLAN/ WORK PLAN

Professional Fees

	Hours	Rate	Billed Amount
Project Scientist Caitlin M. Andler Professional Services	1.25	80.00	100.00

Invoice total **3,049.54**

LSRRF

Local Site Remediation Revolving Fund

The Brownfield Redevelopment Financing Act, 1996 PA 381, as amended (Act 381) authorizes municipalities (city, village, township, or county) to create a Brownfield Redevelopment Authority (BRA; referred to as *Authority*) to facilitate the revitalization, redevelopment, and reuse of Brownfields. Brownfield properties include those that are a “facility” (contaminated above Residential Cleanup Criteria), “blighted”, “functionally obsolete” or a “historic resource”.

Under the direction of an Authority, a Brownfield Plan can be adopted to establish the boundary of the eligible Brownfield property, describe *how* the eligible property qualifies as Brownfield site, and outline the costs associated with activities undertaken to support redevelopment at the site. The cleanup and projected redevelopment/improvement of a Brownfield property will increase the taxable value. Taxes on the improvement (the increment in the captured taxable value), is known as *Tax Increment Revenue* (TIR) and can be used to reimburse the Authority and developer for eligible environmental (approved by Michigan Department of Environmental Quality) or non-environmental (approved by Michigan Strategic Fund) activities. The Brownfield Plan can capture a maximum of 30 years of TIR to reimburse these expenses.

What happens after all eligible activities have been fully reimbursed...?

After the developer and Authority have been fully reimbursed for their eligible expenses, an Authority may deposit excess funds into a Local Site Remediation Revolving Fund (LSRRF). An Authority may establish the LSRRF to capture TIR generated from improvements on the property for five full years after all of the eligible activities have been reimbursed.

There is no limitation with respect to the amount of local tax increment that can be captured in the LSRRF; the limitation is related to the amount of time, i.e. 5 full years. The 5 full years must fall within the total 30 years allowed for tax increment capture in a Brownfield Plan. The limitations on the amount of allowable school tax capture for deposit into the LSRRF is limited to the actual amount of school TIR used to reimburse the eligible activities approved in a Brownfield Plan. For those activities that are subject to a MDEQ approved Act 381 Work Plan, the amount of school TIR is limited by the amount approved by the MDEQ. Excess school

taxes cannot be captured for deposit into the LSRRF for non-environmental activities that are approved through an Act 381 Work Plan approved by the MSF.

Additionally, funding for the LSRRF may come from money appropriated or otherwise made available from public or private sources. An Authority may also incur an obligation for the purpose of funding an LSRRF.

Eligible uses of the LSRRF

An Authority may use LSRRF funds only to pay the costs of eligible activities on eligible property that is located within the municipality. Eligible activities include site investigation activities to complete a Baseline Environmental Assessment and evaluate Due Care Requirements, preparation of BEA and Due Care Plan, Demolition, Lead and Asbestos Abatement. In Qualified Local Units of Governments (Core Communities) eligible activities can also include infrastructure Improvements, site preparation that is not an environmental response activity, quieting title and conveying property under control of the local unit of government, Land Bank Fast Track Authority or Brownfield Authority, relocation of public buildings or operations for economic development, and environmental insurance.

Local and school funds deposited in the LSRRF do not need to be accounted for separately when reimbursing eligible activities. It is also not necessary to secure MDEQ or MSF approvals when utilizing LSRRF funds derived from school tax increment revenues.

Administrative Cost Limitations

The LSRRF would not be used to pay for the administrative and operating costs of the Authority except for those expenses that are otherwise considered an “eligible activity”; specifically, the reasonable cost of preparing a brownfield plan, combined brownfield plan, or an Act 381 work plan for the eligible property, baseline environmental assessments, due care activities and additional response activities.

These administrative and operating expenses can be paid for with tax increment revenues from active brownfield plans. In each fiscal year, the amount of tax increment revenues attributable to local taxes that an authority can use for these purposes is determined as follows:



Number of Projects	Amount
5 or fewer	\$100,000
6 to 10	\$125,000
11 to 15	\$150,000
16 to 20	\$175,000
21 to 25	\$200,000
26 to 30	\$300,000
31 or more	\$500,000

Under two situations, these fees may be increased by increments of two percent (2%) up to ten percent (10%) total; 2% for each written agreement entered into by a County BRA to serve as another municipality's BRA, or 2% if an authority enters into an agreement with one or more authorities to administer one or more administrative operations of those authorities.



Legal Service

RESPONSES TO BRA
LEGAL ADVICE RFP 5/30/2014

Firm	Location	Fee		
LOCAL FIRMS:				
Varnum	Kalamazoo			
		\$285 per hr		
		\$190-485 per hr		
Fred Schubkegel				
Susan Wyngaarden				
Matthew Zimmermann				
Peter Schmidt				
Katie Wilbur				
Nikki Cushman, paralegal				
<hr/>				
Miller Canfield	Kalamazoo	1000 per month		
		or		
Matt Van Dyk		\$275 per hr	discounted from \$340	
Danielle Anderson		\$275 per hr	discounted from \$335	
Steven Mann		\$275 per hr	discounted from \$336	
<hr/>				
Kreis Enderle	Portage			
	attorney	\$225 pr hr	discounted price	
	paralegal	less than \$225 pr hr	open to suggestions	
Jeffrey Swenarton			for fees by BRA	
Steve Somins				
Kay Kossen				
Ryan McNally				
David Hill				
Thomas King				
<hr/>				
NON-LOCAL FIRMS:				
Howard & Howard	Detroit	\$425 per hr		
	Ann Arbor	\$395 per hr		
		\$295 per hr		
<hr/>				
Clark Hill	Grand Rapids	\$350 per hr		
		\$150 per hr		
<hr/>				
Shifman and Carlson	Farmington Hills		Specialices in schools	
	Grand Rapids			
Partners		\$235 per hr		
Senior Associates		\$185 per hr		
Associates		\$155 per hr		
Law Clerks/paralegals		\$90 per hr		

RESPONSES TO BRA
LEGAL ADVICE RFP 5/30/2014

Varnum

Proposes a blended rate not to exceed 285, includes gen guidance, document review, phone consultation and meeting attendance

hr.

Proposes to discuss an appropriate budget for each service requested

Miller Canfield

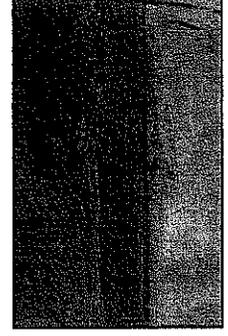
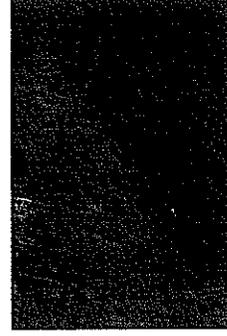
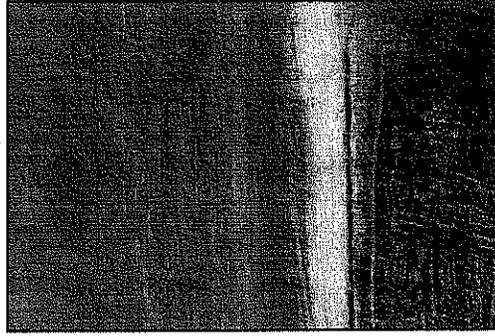
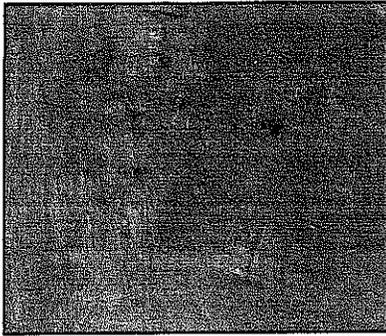
Specialized general counsel legal such as advise regarding brownfield, real estate and development, and municipal law matters etc

Kreis Enderle

Howard & Howard

Clark Hill

Shifman and Carlson



Fee Schedule

Value-Added Services

As a valued client of the firm, all personnel designated by you will continue to have access to the following services free-of-charge:

1. Written client advisories covering changes and trends in the law that may positively or negatively impact your operation.
2. Invitation to Varnum's annual labor and employment seminars, focusing on topics designed to increase knowledge and help minimize risk in the workplace. CLE and SHRM credits are available for many of the courses.

We are committed to providing high quality legal work and superior responsiveness while maintaining cost effective processes. We encourage discussion with our clients about legal fees and billing arrangements, and would expect to have candid discussions regarding fees and billing arrangements with Kalamazoo County Brownfield Redevelopment Authority (BRA) throughout our relationship. Client satisfaction is extremely important to us, and our internal processes and client communications are geared to prevent surprises. We also incorporate judicious use of associate attorneys and paralegals to keep costs in check.

We propose that Fred L. Schubkegel, firm partner, serve as the billing attorney, in addition to his role as your client relationship manager. Fred will have overall responsibility for assuring quality service, cost effectiveness and timely communications. He will also have immediate responsibility for discussing and, where appropriate, adjusting any billing issues.

Varnum proposes a blended rate not to exceed \$285 per hour for general guidance, document review, phone consultation and meeting attendance. The rate offers a substantial discount from our standard hourly rate (senior team members have standard hourly rates of \$485).

Please note that the blended rate is not applicable for bond counsel services, litigation, or other complex legal matters outside the purview of meeting attendance, document review and general guidance. Services that are not covered by the blended rate would be provided at our standard hourly rates which currently range from \$190 per hour to \$485 per hour. We propose that we discuss an appropriate budget for each service requested. This process allows Kalamazoo

County BRA to compare its choice of special service providers more fairly (as contrasted with comparing only hourly rates, which leaves the number of hours proposed to be spent – and thus the total cost – unknown). Clients find our efficiencies of technology and highly-trained support staff allow us to be competitive with the lowest cost legal service providers and yet deliver the absolute highest quality legal advice and services.

Additional charges, such as for administrative services, messengers, copies and research, are as follows:

- There is no additional charge for clerical services.
- There is no additional charge for postage.
- We have our own team of messengers in each office. Messenger service on behalf of Kalamazoo County BRA will be performed by our in-house team at no charge. In the event an external messenger service must be hired, we will always use the County's preferred service, if any, and there is no mark-up on the fees it may charge.
- We do not charge for telephone expense or internal copy expenses unless there is a special and extensive project or other inordinate demand.
- Other out-of-pocket expenses incurred on your behalf, such as mileage, court costs, overnight courier and filing fees, are billed without mark-up.

Alternative Fees

While a majority of our clients desire the control that a standard hourly billing arrangement gives them, at times alternative approaches may be beneficial to the client. Some examples of alternative arrangements we've made in the past include:

- ▣ Project-based fee for significant projects.
- ▣ Flat fee for recurring, predictable work.
- ▣ Financing transactions on a fixed fee basis.
- ▣ Volume discount on total annual billings.
- ▣ Contingency fees in certain matters.

We welcome the opportunity to explore alternative fee options with you.



Continued

Some specific projects in which Miller Canfield has been involved include:

- Assisting a municipal client with the redevelopment of an obsolete school facility into a new residential development through the issuance of bonds to finance public infrastructure and demolition costs.
- Assisting a city with the agreements and financings to facilitate the redevelopment of an obsolete retail facility into new medical buildings and parking facilities.
- Assisting a municipality with the redevelopment of downtown facilities through the issuance of bonds to finance public infrastructure necessary for the development of a mixed-use commercial and residential development.

Miller Canfield has also indirectly helped several BRAs through our role in the creation of the Association of Brownfield Redevelopment Authorities, a group that provides educational assistance to many BRAs.

References

City of Kalamazoo: Jerome Kisscorni, Assistant City Manager, (269) 337-8041

City of Woodhaven: J.P. Cacciaglia, Economic and Downtown Development Director, (734) 675-4959

City of Taylor: Greg Capote, Economic Development Director, (734) 552-0064

City of Jackson: Patrick Burtch, City Manager, (517) 788-4060

City of Dearborn: James J. O'Connor, Finance Director, (313) 943-2119

City of Marquette: Gary Simpson, Finance Director, (906) 225-8582

Rates

Miller Canfield proposes to provide specialized general counsel services to the Brownfield, consisting of legal advice regarding Brownfield, real estate and development, and municipal law matters. Our services will include acting as legal advisor to the Brownfield Board and its members relating to their official duties, consultation on matters coming before the Brownfield Board, attendance at Brownfield Board meetings, preliminary development planning, drafting and development of routine form contracts and standard terms and conditions (including form purchase and sale agreements, Brownfield Plans, Development and Reimbursement Agreements, Applications, and the like), assisting with authority and corporate governance issues, and rendering of legal opinions as requested. Our engagement would not include representing the Brownfield or its interests in intensive, non-routine negotiations with third parties on behalf of the Brownfield Board (e.g., deal-specific negotiations of purchase and sale agreements, Brownfield Plans, Development and Reimbursement Agreements, etc.), litigation (including administrative hearings, mediation, or arbitration), labor or employment, municipal finance, or any other matter not related to general Brownfield matters. Should the need arise, we would be pleased



Continued

to provide you with a fee quote for such additional services, which we would likely bill on an hourly (see hourly rate information attached) or fixed fee basis.

Miller Canfield proposes to provide these services on a retain basis for \$1,000 per month, paid monthly. Given that this is a new representation, this arrangement would be reviewed at the end of the first six-months, and would be subject to adjustment, if necessary, as agreed to between the Brownfield and Miller Canfield.

Continued

Your Miller Canfield Team

Miller Canfield offers exemplary service to its clients through the use of Client Service Teams: groups of attorneys and professional staff handpicked for each client specific to meet the client's needs. We provide each client with a list of member of its service team and their respective areas of responsibility to facilitate direct contact with the personnel who will perform the actual services. This also improves our responsiveness by ensuring that our clients have access to someone on an urgent basis when needed.

Our lawyers' history with the Kalamazoo County Brownfield Redevelopment Authority goes back more than a decade. As previously mentioned, two of the lawyers we are proposing to service the Kalamazoo County BRA are former board members of the Authority and the Kalamazoo County Economic Development Corporation.

Main Contact



Matthew B. Van Dyk
+1.269.383.5844
vandyk@millercanfield.com

As a former member of the Kalamazoo County Brownfield Redevelopment Authority Board of Directors and former Chairman of the Kalamazoo County Economic Development Corporation Board of Directors, Matthew Van Dyk has extensive familiarity with the BRA and its issues and interests.

A real estate attorney based in our Kalamazoo office, Matt represents clients in a wide range of real estate-related matters. Much of his practice is devoted to multi-faceted, complex transactional and development work, negotiating, preparing and reviewing real estate documents, including contracts.

Hourly rate for non-contract work: \$275 per hour, discounted from \$340

KCBRA Team Members



Danielle Mason Anderson
+1.269.383.5880
andersond@millercanfield.com

Also a former member of the Kalamazoo County Brownfield Redevelopment Authority's Board of Directors, Danielle is a litigator based in our Kalamazoo office. Her litigating skills combined with her experience on the BRA's board give her an unmatched ability to apply her problem-solving instincts with BRA's goals in mind.

Continued

Her practice has a particular emphasis on commercial litigation and creditors' rights resolution with a concentration on loan enforcements, insolvency, bankruptcy and receiverships. She also does general litigation for corporate clients involving collection, loans, mortgages and defaults.

Hourly rate for non-contract work: \$275 per hour, discounted from \$335



Steven D. Mann
+1.313.496.7509
mann@millercanfield.com

Steve Mann is a member of Miller Canfield's nationally recognized Public Finance Group. His practice covers all facets of tax increment financing, municipal finance and securities, special assessments, and economic development. He has also authored several amicus curiae briefs for both the Michigan Court of Appeals and the Michigan Supreme Court, arguing on behalf public bodies and municipal associations. Steve's experience is valuable in helping our BRA clients to obtain new and continuing financing as needed.

Hourly rate for non-contract work: \$275 per hour, discounted from \$335

KREIS ENDERLE

KREIS, ENDERLE, HUDGINS & BORSOS, P.C.

Jeffrey D. Swenarton

Direct Dial 269-321-2341
jswena@KreisEnderle.com

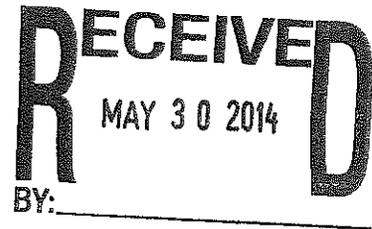
P.O. Box 4010
Kalamazoo, MI 49003-4010
269-324-3000
Fax 269-324-3010

www.KreisEnderle.com

May 30, 2014

Sent via Hand-Delivery and First Class Mail

KCBRA
Kalamazoo County Department of Planning, Room 101
201 W. Kalamazoo Avenue
Kalamazoo, MI 49008



**Re: Response to Kalamazoo County Brownfield Redevelopment Authority (BRA)
Request for Proposal, dated April 30, 2014**

Dear Sir/Madam:

Enclosed please find Response to Request for Proposal from Kreis, Enderle, Hudgins & Borsos, P.C. (the "Firm"). The Firm submits the attached resume to provide legal services on a project-by-project basis to the BRA for the 2014-2015 calendar years.

Thank you for your consideration of the Firm in providing legal services to the BRA. If you have any questions or need additional information, please contact the undersigned.

Very truly yours,

KREIS, ENDERLE,
HUDGINS & BORSOS, P.C.



Jeffrey D. Swenarton

JDS/ev

Encl. Response to Request for Proposal

**KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY
RESPONSE TO REQUEST FOR PROPOSAL**

Background

Kreis, Enderle, Hudgins & Borsos, P.C. (the "Firm") is hereby responding to the Kalamazoo County Brownfield Redevelopment Authority's ("BRA") Request for Proposal ("RFP"), dated April 30, 2014, to provide legal services on a project-by-project basis for the 2014-2015 calendar years ("Response"). The Firm possesses all of the qualifications requested in the RFP, including familiarity with Public Act 381 and vast experience with preparing and reviewing real estate documents and contracts. This Response will provide the information which the RFP requests, as set forth below.

Response

The BRA requests that any response to the RFP must include the information set forth below. Below each bullet point is the Firm's response.

- Main Point and Contact at Your Firm.

The Firm's main contact to provide legal services to the BRA is Jeffrey D. Swenarton. Mr. Swenarton has been a member of the Firm since May 19, 1991, and a shareholder since 1998. Mr. Swenarton's practice is focused upon real estate, construction, and environmental law. Although Mr. Swenarton may use the services of other Firm attorneys to assist the BRA, he will be the BRA's main contact and provide most of the legal work for the BRA. Mr. Swenarton has spent all 23 years of his legal career practicing real estate, construction, and environmental law on a day-to-day basis and has viewed, drafted, and worked on thousands of real estate and environmental documents. One of the advantages of employing the Firm is the work will be primarily completed at the shareholder level and each matter will receive the proper amount of attention. Work will done competently and expeditiously and provide value to the BRA.

- References and Samples from Relative Experience.

The Firm has worked on many Brownfield related projects, most notably, the Kalamazoo Cineplex project (the "Project") for Ramp 3, LLC, a Michigan limited liability company. Ramp 3, LLC, as developer, collaborated with the City of Kalamazoo ("City") and the Downtown Development Authority ("DDA") to redevelop the Gilmore parking ramp into a multiuse complex, including a cineplex (i.e., the RAVE Theater), retail, residential, and parking. The Project was approved as a Brownfield redevelopment project and RAMP 3, LLC obtained tax increment financing to pay for eligible activities and Michigan single-business tax credits of over \$1 Million Dollars related to the Project. The Project was an extremely complex project that was completed because of the assistance and cooperation of many parties, including the City, the DDA, and the Michigan Economic Development Corporation.

The Firm has even represented a similar entity, the Berrien County Brownfield Redevelopment Authority, with regard to acquisition of certain real property as well as the resale

of that property to an industrial tenant utilizing Brownfield redevelopment financing in order to facilitate the purchase. Subsequently, the Firm was called upon to enforce the security documents and to recover the property when the purchaser defaulted on the loan and left the property with environmentally sensitive material which was remediated. In fact, Mr. Swenarton also negotiated with the U.S. Environmental Protection Agency and worked on facilitating the cleanup using EPA funds without the imposition EPA lien on the property. In addition, the Firm has been involved in a number of economic development projects for various communities throughout the State of Michigan and has assisted the MEDC with certain economic loans and the collection of those loans both in and outside of bankruptcy proceedings. As can be seen from the aforementioned clients and projects, the Firm has been involved from the very beginning of Brownfield Redevelopment Authority acquisition of properties up through and including their rehabilitation and resale.

More recently, the Firm has acted as lender counsel and worked with various developers, the local Brownfield Authorities, municipalities, and the State of Michigan on the qualification for, approval of, and securing as tax increment revenues on several Brownfield projects. This includes work on large scale projects within the City of Grand Rapids' "medical mile". Through this experience and related projects we have come to know and work closely with State of Michigan economic development personnel including various Michigan Economic Development Corporation counsel and staff.

Finally, Mr. Swenarton and other lawyers in the Firm have been involved in thousands of real estate deals involving environmental matters and is intimately familiar with the Phase I, Phase II, and BEA process, covenants not to sue, and all facets of real estate development and how environmental issues affect development.

- Statement of Qualifications.

See Jeffrey D. Swenarton's experience as set forth above. It should be noted that the Firm has other attorneys whose practices are primarily real estate related including Steve Simons, Kay Kossen, Ryan McNally, and David Hill. Another partner, Thomas G. King has a practice that involves the representation of several municipalities, including counties and townships. Mr. King has previously worked as an assistant attorney for the City. The Firm will be able to satisfy all of the BRA's legal needs at a reasonable cost and provide value to the BRA. The Firm will provide all services expeditiously and timely and within all BRA timelines and deadlines.

- Approximate Hourly Rate for: Meeting Attendance, Document Review, Phone Consultation, and General Guidance.

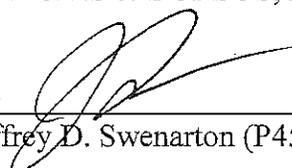
The Firm is willing to reduce its normal hourly rates for this assignment. The Firm will charge the BRA \$225 per hour for each attorney unless an attorney's or paralegal's rate is less than \$225, in which case the lower rate will apply. The Firm will consider all other fee agreement suggestions proposed by the BRA.

Summary

The Firm looks forward to providing legal services to the BRA as set forth above. The Firm is capable of providing competent legal services and value to the BRA for the next 2 calendar years. The Firm looks forward to the opportunity.

KREIS, ENDERLE,
HUDGINS & BORSOS, P.C.

Dated: May 30, 2014



Jeffrey D. Swenarton (P45480)