

# KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

DATE: Thursday, November 17, 2011, 4:00 p.m.

PLACE: Room 207A, County Administration Building

## MINUTES

Present: Joe Agostinelli, Clare Annen, Brandt Iden, Kenneth Peregón, Julie Rogers, Anne Summerfield, Matthew VanDyk, Andy Wenzel, Thell Woods

Excused: Larry Baumgart, Ruth Blake

Staff: David Artley, Jeff Hawkins (Envirologic), Lotta Jarnefelt

Kalamazoo Township: George Cochran

Community: Connie Ferguson, Mary Brown

Recording Secretary: Janet Jones

1. Chairperson Agostinelli called the meeting to order at 4:05 p.m.
2. Members Excused: Larry Baumgart, Ruth Blake
3. The Agenda was approved by consensus.
4. Minutes of the October 27, 2011 meeting. One correction was made to Item 11d: specify that it was the Township Supervisors' group who were addressed by Agostinelli. Annen moved and Rogers seconded approval of the amended minutes. Motion carried
5. Citizen Comments: Connie Ferguson announced that CUR (Coalition for Urban Redevelopment) has begun meeting again to exchange information. CUR developed prior to the establishment of the Brownfield Redevelopment Authority to work for resolutions to the County's brownfield sites.
6. Consent Calendar:
  - a. Approve payment of Clerical Support Services through Janet M. Jones of Kalamazoo – Minutes of October 27, 2011 Meeting. (2.50 hours X \$15/hr) Total amount - \$37.50 from BRA 247-000-808.11.
  - b. Approve payment of Envirologic Technologies Invoice #27551 in the amount of \$810.00 technical review of documents/TIF invoice related to Midlink Work Order #4. Fund from Account 247-000-808.00.

Woods moved and Wenzel supported approval of the consent calendar. Motion Carried

7. Discussion/Action Calendar [see Board packet]
  - a. **Discussion** – Monthly financial reports: Artley directed attention to the Brown family holdings – there is a second TIR payment similar to the Oct. 2011 amount. The payment is the second half of the TIF.

- b. **Discussion** – of Reimbursement Analysis dated November 17, 2011. Artley distributed a spreadsheet delineating the invoices from Midlink. An additional document – the memo from Envirologic – was forwarded to Warner, Norcross and Judd. These are background documentation for the proposals below. Artley commented that pg 13 of the Board packet is the reporting format that will be used moving forward. “State” and “School Tax” are interchangeable terms. If termed “State,” the amount may be reimbursable from local government. Staff cost for 2010 was added into the final accounting. Hawkins added that the remaining balances show what remains from the developer that will go back to the County BRA. Further discussion provided clarification of: interest, duration, possible outcome if there were a shortfall, and limitations on reimbursement. Interest is calculated on an annual basis with a cap on the total amount. The County’s legal counsel was consulted as to the wording of the proposals below.
- c. **Discussion** – of Update on Midlink Invoice Review Process.
- d. **Action** – Rogers moved and Iden seconded: “that the BRA authorize transferring KCBRA eligible expenses in the amount of \$17,531.34 from account 247-001-ZZZZZ into account 247-000-ZZZZZ pursuant to the review by Brownfield counsel and environmental consultants, Midlink Brownfield Plan, amendment #3 dated December 7, 2010 and the Brownfield Development and Reimbursement Agreement dated June 23, 2011.”

Agostinelli proposed a friendly amendment that in the absence of the accurate account numbers, that the numbers be deleted from the motion and the words “Midlink operating account” be substituted for the first number and “BRA operating account” be substituted for the second. There was no disagreement with the amendment. Motion carried.

- e. **Action** – Peregón moved and VanDyk seconded “that the BRA authorize reimbursing the County General Fund for operational supports as outlined in the County Cost Allocation through the year 2010 in the amount of \$6,631.00 from the BRA Operating Account”

Motion carried.

- f. **Action** – Woods moved and Annen seconded “that the Midlink Invoices in submittal #1, dated from April 2, 2008 through April 3, 2011 in the amount of \$1,476,968.48 (\$1,040,994.02 local TIF eligible and \$435,974.46 as local and State {i.e. School} TIF eligible) are approved for reimbursement pursuant to the supporting documentation provided by the developer, Midlink, the review by County’s Brownfield counsel and environmental consultants, Midlink Brownfield Plan, amendment #3 dated December 7, 2010 and the Brownfield Development and Reimbursement Agreement dated June 23, 2011.”

VanDyk asked and Hawkins clarified that the issues from previous BRA committee and board discussions were resolved. Motion carried.

- g. **Action** – VanDyk moved and Rogers seconded “ that we authorize the initial payment of Midlink Invoices in submittal #1 classified as state (school) TIF eligible in the amount of \$52,184.44 from the Midlink operating account pursuant to the supporting

documentation provided by the developer, 5200 East Cork St. Investors LLC, the review by County's Brownfield counsel and environmental consultants, Midlink Brownfield Plan, amendment #3 dated December 7, 2010 and the Brownfield Development and Reimbursement Agreement dated June 23, 2011."

Motion carried.

The chair offered thanks to staff [Artley, Hawkins, and Jarnefeldt] for all the work done to clarify the issues and ensure accuracy in getting to this point of being able to issue what is the first BRA cheque to a developer

8. Staff Reports – EPA Grant: Hawkins reported that he has received the first draft of the proposal and should be able to forward the draft to Artley for editing. The proposal requests \$200K for hazardous substance clean-up focused on the corridors previously identified. The proposal is due Monday, November 28, 2011. The announcement will probably occur within 6 months. City of Kalamazoo is also requesting from this source for clean-up of a specific
9. Committees Reports
  - a. Land Bank: Woods reported there was no meeting in November. The demolition in the City of the creamery site at Portage and Lake St. has begun. Hawkins added that there may be a prohibition on development for a period of time because of NSP \$\$\$. No developer has been identified.

Peregon participated in a charette on development of the site. Recommendations included building of 3 separate buildings – one at Lake and Portage and two others fronting on Lake St. The buildings would each be 3 stories with commercial businesses on the ground floors and residences or offices on second and third floors.
  - b. Executive Committee : The committee reviewed the Midlink Invoices at their November meeting.

Artley referred to an article in the Gazette stating that the Galesburg speedway has been sold. Artley intends to phone the new owner to ask if he needs “due diligence” on the property to ensure compliance.  
Next meeting: Friday, Dec. 9, 2011, 7:30 a.m., County Administration Bldg.
  - c. Project/Finance Committee: The Committee reviewed Midlink invoices. Next meeting: Thursday, Dec. 8, 2011, 4:00 pm in County Administration Bldg.
  - d. PR/Media Committee: KCBRA presentations were made to Oshtemo and Texas Township Boards by Member Iden and Staff D. Artley and to the Township Supervisors Meeting by Member Agostinelli and Staff D. Artley. The same presentation as was used for the Kalamazoo CBOC in October.
10. Other:
  - There are currently no issues for the December Board meeting agenda. If nothing is forthcoming, that meeting will be cancelled.
  - Presentation of a check to Midlink may occur. Staff will investigate possible dates.

- Woods asked about distribution of the brochures. Discussion produced the following list of possibilities:
  - Public presentations and meetings to service clubs.
  - To each of the townships – planning commissions especially
  - Summerfield recommended that the brochure be on the website; staff will facilitate
  - Rogers suggested it be posted on the GKAR website. Woods will facilitate this posting with a direct link to the County website.

11. Board Member Comments:

Rogers attended the memorial for Art Hoekstra and posted a note in behalf of BRA on the website. She received a thank you from the family.

Happy Thanksgiving!

12. Meeting adjourned at 4:58 p.m.

Next Meeting: Thursday, December 15, 2011 at 4:00 p.m.