



1720 Riverview Drive
Kalamazoo, Michigan 49004
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

Board of Trustees Regular Meeting Amended Agenda For February 22, 2021

The "Regular Meeting" of the Board of Trustees of the *Charter Township of Kalamazoo* will be held at 7:30 p.m., on Monday, February 22, 2021, via Zoom conferencing for the purpose of discussing and acting on the below listed items and any other business that may legally come before the Board of Trustees of the *Charter Township of Kalamazoo*.

Join Zoom Meeting <https://us02web.zoom.us/j/81338636489?pwd=OXJhRGk5WXJlZ2h1UThlTHBIUWIXQT09>

Meeting ID: **813 3863 6489** Passcode: **202736**

One tap mobile +13126266799,,81338636489#,,,,*202736# US (Chicago)

+19292056099,,81338636489#,,,,*202736# US (New York)

Dial by your location +1 312 626 6799 US (Chicago)

Meeting ID: **813 3863 6489** Passcode: **202736**

Find your local number: <https://us02web.zoom.us/j/81338636489?pwd=OXJhRGk5WXJlZ2h1UThlTHBIUWIXQT09>

1 – Call to Order

2 – Pledge of Allegiance

3 – Roll Call of Board Members

4 – Addition/Deletions to Agenda (Any member of the public, board, or staff may ask that any item on the consent agenda be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.)

5 – Public Comment on Agenda and Non-agenda Items (Each person may use three (3) minutes for remarks. If your remarks extend beyond the 3 minute time period, please provide your comments in writing and they will be distributed to the board. The public comment period is for the Board to listen to your comments. Please begin your comments with your name and address.)

6 – Consent Agenda (The purpose of the Consent Agenda is to expedite business by grouping non-controversial items together to be dealt with in one Board Motion without discussion.)

Approval of:

- A. Minutes of February 8, 2021 Work Session Meeting
- B. Minutes of February 8, 2021 Board of Trustees Meeting
- C. Payment of Bills in the amount of \$62,811.49

Receipt of:

- A. Planning Commission Annual Report for 2020
- B. Approved Minutes of the January 7, 2021 Planning Commission Meeting

- C. Report on the status of the Sidewalk Repair Program
- D. Report on the status of the Non-Motorized Transportation Plan
- E. 911 Summary Report for January 2021

7 – Public Hearing/Presentation

- A. None for this meeting

8 – Old Business

- A. Request to approve Police Department Staffing Proposal
- B. Request to adopt resolution regarding pay for Non-employee Deputies

9 – New Business

- A. Request to adopt Ordinance 627 rezoning 3625 Douglas Ave.
- B. Request to adopt Resolution approving Water Service Agreement
- C. Request to approve Engineering Services Letter of Engagement
- D. Request to confirm 2021 Local Road Participation Fund Program
- E. Request to approve partnership for Lake Street improvements
- F. Request to approve Nichols Rd. Project
- G. Request to create a Climate Action Committee
- H. Request to create a Sidewalk Task Force

10 – Items removed from Consent Agenda

11 – Board Member Reports

Trustee Leuty
Trustee Glass
Trustee Moaiery
Trustee Robinson
Clerk Miller
Treasurer Miller
Supervisor Martin

12 – Attorney Report

13 – Manager Report

14 – Public Comments

15 – Adjournment

Posted February 18, 2021



Dexter A. Mitchell, Manager
Charter Township of Kalamazoo

CHARTER TOWNSHIP OF KALAMAZOO
BOARD OF TRUSTEES – WORK SESSION
Monday, February 8, 2021

The Board of Trustees of the ***Charter Township of Kalamazoo*** held a Work Session on **Monday, February 8, 2021** at **5:30 p.m.** for the purpose of discussing Work Session Agenda items, and any other business that may legally come before the Board of Trustees of the Charter Township of Kalamazoo, Kalamazoo County. Members accessed the meeting remotely using Zoom, due to the COVID-19 epidemic.

PRESENT: Supervisor Donald Martin, Clerk Mark Miller, Treasurer Sherine Miller, Trustees Ashley Glass, Steven Leuty, Lisa Moiaery and Clara Robinson.

ABSENT: None.

ALSO PRESENT: Manager Dexter Mitchell, Attorney Roxanne Seeber, Police Chief Bryan Ergang, Fire Marshal Todd Kowalski.

Supervisor Martin called the meeting to order at 5:32 p.m.

Item 1 – DISCUSSION REGARDING SIDEWALKS

Trustee Glass discussed appointing a task force to work on planning for sidewalks, including residents from each neighborhood. Manager Mitchell asked if this would cover the entire non-motorized plan, or just cover where we are with sidewalks? Trustee Glass would like to focus just on sidewalks.

Trustee Leuty agrees with reviewing the non-motorized plan, and sidewalks; a Planning Commissioner suggested using the PC in this role. Some things are beyond the purview of a task force. Also, some state funds require an “Act 51 eligible” agency to request them, such as the Road Commission. Residents could ask to be included in a special assessment district. There are many possible ideas. The Township sidewalk reimbursement program has a \$5000 limit per year, \$500 per household. The Board may not delegate its responsibilities. He shared an update he made incorporating many of the suggestions that have been made. This document has been shared with the Board. His document records all public comments on the subject he is aware of. Trustee Leuty continues to communicate with our Ordinance Enforcement Officer about clearing snow from sidewalks and other issues. There are still 178 “orphaned corners” where sidewalks do not reach the road.

Trustee Glass still believes we need a group to focus on sidewalks on their own, and there is community support for this.

Clerk Miller expressed concern about multiplying committees, each of which will require oversight. Supervisor Martin said funding must be the priority.

Item 2 – DISCUSSION REGARDING CLIMATE COMMITTEE

Clerk Miller said that climate is implicated in everything the Township does. We have passed two resolutions on climate but need a committee to complete a plan. We do not need a long document with background, but rather concrete actions we can take. We need a statement that the climate implications of any action we take will be considered.

Other Trustees agreed with the proposal.

Item 3 – DISCUSSION REGARDING LAKE STREET SANITARY SEWER PROJECT

Manager Mitchell said this project is moving forward in cooperation with the City of Kalamazoo and the County Road Commission. It may be an option to add to our wastewater surcharge. This is one of our older sewers. Our cost will be \$1.4 to \$1.5 million. Sidewalks will be added. Other projects are coming up – Texel lift station and others.

Trustee Leuty asked about the width of traffic lanes – seven feet of extra width? He also asked about the total cost. Supervisor Martin promised answers after the meeting.

Treasurer Miller pointed out that this is a flood plain. Manager Mitchell said Lake Street is higher; the water flow will be coming from the river.

Item 4 – DISCUSSION REGARDING NICHOLS RD. WIDENING

Manager Mitchell reported that RCKC Speed study started in Cooper Township which will increase speed limit all the way to W Main. Going from 3' to 4' shoulders will allow better access to KRVT. We have had a price increase to \$78,000 for this project. If we drop the project, we would never be able to do it in the future. If we say no, we still are on the hook for \$20,000 for engineering.

Treasurer Miller asked whether KCRC was going to widen this anyhow. Supervisor answered this would not affect the slope down to the trail.

Trustee Leuty said the shoulder is now crushed stone which is dangerous for bicyclists when washed out. We need to proceed.

Treasurer Miller asked about a sidewalk in this area which was not built. The engineering is included in the present total.

Item 5 – DISCUSSION REGARDING DEPUTY CLERK AND TREASURER COMPENSATION / STIPEND

Treasurer Miller has felt that we should add a stipend instead of an hourly rate for the two deputies. The essential functions are given in the job descriptions. She is asking her current deputy to be paid the annual compensation budgeted \$3120, including retroactively to date of appointment.

Clerk Miller pointed out that we have two contradictory proposals on the agenda; if the resolution sponsored by Trustee Leuty under Unfinished Business passes, he submits that the proposal by Treasurer Miller would then be moot. Trustee Robinson agreed.

Attorney Seeber pointed out that we are not permitted to pay retroactively.

Treasurer Miller asked if new trustees have received a copy of the Policy Manual? She was not given notice of the proposed resolution until she got the Board packet. She read excerpts from our policy manual concerning openness, compliance with state law, truthfulness, and cash-handling policies. Perhaps we need to revise the job descriptions.

Attorney Seeber replied to Supervisor Martin's questions by saying that the resolution is legal, and further explained the resolution. None of the work done by the replacement deputy has been authorized by the Township Board. She clarified that MTA has described the three different types of deputy.

Trustee Robinson asked whether the change of the job description is due to the appointment of a non-employee deputy. Attorney Seeber said yes. Trustee Robinson suggested that we should address both deputies in the same resolution. Clerk Miller agreed and asked about language in the resolution saying that the Manager will be in charge of deposits. There was further discussion about lines of authority around this issue.

Trustee Robinson asked about the cash-handling policies of the Township.

Supervisor Martin said that he would propose pulling both items of business related to this matter off our Regular Meeting agenda and ask that the proposed resolution be re-worked.

Item 6 – MANAGER’S UPDATE

None.

Item 7 – DISCUSSION REGARDING ITEMS ON THE REGULAR AGENDA

None.

Item 8 – PUBLIC COMMENT

Postponed until the regular meeting.

Adjourned 7:22 p.m.

Respectfully submitted,

Mark E. Miller, Clerk, Charter Township of Kalamazoo

**CHARTER TOWNSHIP OF KALAMAZOO
BOARD OF TRUSTEES MEETING
February 8, 2021**

The regular meeting of the Board of Trustees of the Charter Township of Kalamazoo, Kalamazoo County, was held at 7:30 p.m., Monday, February 8, 2021. Members accessed the meeting remotely using Zoom, due to the COVID-19 epidemic.

Item 1 CALL TO ORDER

Supervisor Martin called the meeting to order at 7:30 pm.

Item 2 PLEDGE OF ALLEGIANCE

Manager Mitchell led the Pledge of Allegiance.

Item 3 ROLL CALL OF BOARD MEMBERS.

All present.

Item 4 ADDITIONS AND DELETIONS TO AGENDA

Supervisor Martin requested to remove 8A and 9D from the agenda. Both sponsors consented.

Item 5 PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

M. Pence, Kalamazoo Township resident, reminded the new Board members that Eastwood Fire Station has been under consideration for many years, including purchasing adjacent properties. He said that the project has been postponed.

Jim Ferner asked about widening Nichols from Grand Prairie to Ravine, why can't the Road Commission pay for this?

Bob Schellenberg, 444 N Berkley St., interested in sidewalks, would like priority on busy streets.

Mike Seals brought up the need for a crosswalk on Gull Road, it is becoming extremely dangerous with no crosswalks.

Shawn Blue is a property owner with wooded property. Burning brush is barred by Township Ordinance. He would like to have a way to have a permitted brush fire.

Jeremy Goldman noticed Manager Mitchell's response about supporting homeless persons and supports this.

Item 6 CONSENT AGENDA

Clerk Miller moved, seconded by Supervisor Martin, to approve the consent agenda which included action on the following items:

Approval of:

- A. Minutes of January 25, 2021 Board of Trustees Meeting
- B. Payment of Bills in the amount of \$20,096.24

Receipt of:

- A. Check Disbursement Report for January 2021
- B. Electronic Funds Transfer Report for January 2021
- C. Treasurer’s Report for December 2020
- D. Planning and Zoning Department Reports for December 2020 and January 2021
- E. Kalamazoo Area Building Authority Reports for January 2021
- F. Household Hazardous Waste 4th Quarter Report for 2020

Roll call vote (7-0). Motion carried.

Item 7 **PUBLIC HEARING / PRESENTATION**
None.

Item 8 **UNFINISHED BUSINESS**

Item 8A **REQUEST TO ADOPT RESOLUTION REGARDING TREASURER AND DEPUTY TREASURER**
Removed.

Item 8B **REQUEST TO ACCEPT ORDINANCE NO. 627 REZONING 3625 DOUGLAS AVENUE FOR FIRST READING**

Attorney Seeber said this is a request from a property owner to rezone their property. Present zoning is C-1, being moved to RM-2. This is not a spot zone since similar zone is across the street.

Clerk Miller moved, seconded by Trustee Leuty, to accept Ordinance 627 for first reading.

Attorney Seeber further explained that this would be a permanent change, barring any future ordinance. It is unusual since this is a “down-zone” to a less intensive use.

Treasurer Miller thinks we should get ahead of the future land use map.

Trustee Leuty asked whether the Planning Commission could unilaterally change the zoning in the future. The answer is no. The RM-2 zone creates a buffer for residences along a busy street.

Roll call vote (6-1 Treasurer Miller). Motion carried.

Item 9 **NEW BUSINESS**

Item 9A **REQUEST TO APPROVE POLICE DEPARTMENT STAFFING PROPOSAL**

Chief Ergang gave a presentation to the Board about the objective to initiate community policing and the 21st Century Policing Model. Community expectations have never been higher. Violent crimes are increasing. We have hired a number of our cadets after academy.

We have realized an additional \$365,000 in operational revenue. Still is less than \$438,000 previously used to support dispatch services.

He asked for a Lieutenant. of support services, an increase from 34 to 38 staff positions, an additional detective position, a community policing officer, and an additional cadet position.

The total cost in year one is \$361,000 for officers, for cadet \$15,000. This proposal does not increase the current budget.

Treasurer Miller asked about retention rate of cadets. Only one has not stayed with the department through graduation from the academy.

Clerk Miller asked if there were any written background to this proposal. He sees the need but asked about there being no budgetary impact – even if true for this year, it may not be for future years. He would like the opinion of the Finance Director about this.

Supervisor Martin said he supports the proposal. It will make us a safer community.

Motion by Supervisor Martin to approve the request, seconded by Trustee Leuty.

Manager Mitchell explained that we have had several workshops about how to pay for Consolidated Dispatch. It is a heavy lift. Supervisor Martin added that residents have asked what we would do with money freed up by Consolidated Dispatch; the answer is community policing. Our police department has had very lean overhead for many years. Our ability to enforce our ordinances is severely limited.

Trustee Robinson also sees the need but needs more details. Trustee Glass agrees with the need for more time to consider.

Trustee Leuty understands that our liability for central dispatch was reduced by \$365,000 per year. He too would like to see more detail.

Trustee Moiaery agrees that we need to see a cost breakdown with more detail.

Clerk Miller moved to postpone this item to the next meeting, seconded by Trustee Leuty. Roll call vote, (7-0).

Treasurer Miller pointed out that we are still short of authorized strength.

Item 9B REQUEST TO APPROVE USE OF TOWNSHIP ATTORNEY FOR MISDEMEANOR PROSECUTION CASES

Chief Ergang explained we had previously done this but switched to the county prosecutor's office. Prosecutor Jeff Getting is in support of this. The cost will be reasonable. We should about break even, with better service.

Attorney Seeber pointed out that under the present arrangement fine money goes to the county. If the Township Attorney's office did, one-third of the fine money will come

to the Township. Fines for one recent month were \$12,000. This could about cover the costs, and we would have one attorney who would be familiar with our cases and operations.

Attorney Seth Koches introduced himself. He has experience as a prosecutor.

Trustee Glass asked why we had previously reversed course? Chief Ergang answered that it was the continuity we are looking for.

Trustee Leuty moved, seconded by Supervisor Martin to approve the use of the township attorney. Roll call vote (7-0). Motion carried.

Item 9C REQUEST TO APPROVE RESOLUTION RECOGNIZING BLACK HISTORY MONTH 2021 IN KALAMAZOO TOWNSHIP

Clerk Miller explained the background of the resolution, similar to that declared by Governor Whitmer. Every year's Black History Month has different theme, this one is The Black Family: Representation, Identity, and Diversity.

Clerk Miller moved, seconded by Treasurer Miller to adopt the resolution. Roll call vote (7-0). Motion carried.

Item 9D REQUEST TO APPROVE COMPENSATION FOR AN APPOINTED NON-EMPLOYEE DEPUTY TREASURER OR CLERK

Removed.

Item 10 ITEMS REMOVED FROM THE CONSENT AGENDA

None.

Item 11 BOARD MEMBER REPORTS

Trustee Leuty reported that the Planning Commission approved adult use marijuana processing at 521 E Mosel. The Planning Commission is making progress on renewable energy text amendments. Planning Commission approved Annual Report. Chair Nagler recommended revising sidewalk construction standards. Trustee Leuty has lived for 30 years in the Township, never seen sidewalks so clear of snow. He clarified that the resolution that was pulled off the agenda was intended as a summary of previous Board discussion. He does not want unauthorized people in the building.

Trustee Glass reported that the Communications and Engagement Committee saw a demonstration of CitizenLab. The group is working well.

Trustee Moaiery reported on the PMN Board, which extended the Executive director. CCTA and KCTA approved an agreement on bus pass program with Bronson Health.

Trustee Robinson loves the fact that we have increased participation of residents in our meetings. When we ask for more information it is wanting to do what is best for the people.

Clerk Miller returned to the Communications and Engagement Committee, which will be considering alternate website providers.

Treasurer Miller believes that the proposed resolution that was removed violates state statute and Board policy. The subject is how to handle non-employee deputies. Previous Trustee Leigh declined to serve as Deputy because of low pay. The present Deputy Treasurer has not been paid.

Supervisor Martin apologized to the new Trustees about information that was not passed along. We need to have a Board retreat, but COVID gets in the way.

Item 12 ATTORNEY'S REPORT

She has discussed with Ordinance Enforcement Officer about sidewalks. The ordinance addresses physical condition but it is expensive to repair. How do we enforce on snow removal? 24-hour notice is too cumbersome.

Item 13 MANAGER REPORT

Manager Mitchell said we sent a Request for Proposal on trash rather than exercise the two-year renewal option with Republic. Manager and Clerk attended ISAAC housing task force; we will discuss amendments to our Non-Discrimination Ordinance. Blight elimination is being worked on. He viewed an incident where a couple was killed over snow shoveling.

Item 14 PUBLIC COMMENTS

Mike Seals said there are people with health issues removing snow. It would be nice to help your neighbor. 24 hours is not much time for someone with a heart condition.

Jim Ferner thanked Trustee Glass for working on sidewalk proposal. In his neighborhood there is about 25% compliance in sidewalk clearance.

M. Pence addressed sewer funding and road repair.

Item 15 ADJOURNMENT

Adjourned at 9:29 pm.

BOARD MEMBERS PRESENT:

Supervisor Donald D. Martin
Clerk Mark E. Miller
Treasurer Sherine M. Miller
Trustee Ashley Glass
Trustee Steven C. Leuty
Trustee Lisa Moiaery
Trustee Clara D. Robinson

Respectfully submitted,

Mark E. Miller, Clerk

ABSENT: None

Attested to by,

ALSO PRESENT:

Attorney Roxanne Seeber
Manager Dexter Mitchell

Donald D. Martin, Supervisor

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 006711 - STEENSMA LAWN & POWER EQUIPMENT:							
775770 31293	STEENSMA LAWN & POWER EQUIPMENT CREDIT MEMO 101-265-939.00	02/18/2021 MONICAK	02/18/2021	(436.84)	(436.84)	Open	N 12/31/2020
	MAINT. - VEHICLE			(436.84)			
783503 31294	STEENSMA LAWN & POWER EQUIPMENT CONTROL KIT 101-265-939.00	02/18/2021 MONICAK	02/18/2021	355.00	355.00	Open	N 02/18/2021
	MAINT. - VEHICLE			355.00			
787635 31295	STEENSMA LAWN & POWER EQUIPMENT SPREADER 206-336-747.00	02/18/2021 MONICAK	02/18/2021	356.95	356.95	Open	N 02/18/2021
	SMALL TOOLS & EQUIPMENT			356.95			
	Total for vendor 006711 - STEENSMA LAWN & POWER EQUIPMENT:			<u>275.11</u>	<u>275.11</u>		
Vendor 008206 - TACTRON, INC.:							
20-1131 31275	TACTRON, INC. NAME TAG SET/ENGRAVING 206-336-740.00	02/18/2021 MONICAK	02/18/2021	29.53	29.53	Open	N 12/31/2020
	OPERATING SUPPLIES			29.53			
	Total for vendor 008206 - TACTRON, INC.:			<u>29.53</u>	<u>29.53</u>		
Vendor 008636 - DLZ MICHIGAN, INC:							
144983 31281	DLZ MICHIGAN, INC CONCEPT DESIGN 811-440-975.01	02/18/2021 MONICAK	02/18/2021	3,120.00	3,120.00	Open	N 02/18/2021
	BUILDINGS - EASTWOOD STATION			3,120.00			
	Total for vendor 008636 - DLZ MICHIGAN, INC:			<u>3,120.00</u>	<u>3,120.00</u>		
Vendor 013865 - FIRE SERVICE MANAGEMENT:							
23400 31289	FIRE SERVICE MANAGEMENT GEAR REPAIR 206-336-811.00	02/18/2021 MONICAK	02/18/2021	173.25	173.25	Open	N 02/18/2021
	PURCHASED & MAINT. SERVICE			173.25			
	Total for vendor 013865 - FIRE SERVICE MANAGEMENT:			<u>173.25</u>	<u>173.25</u>		
Vendor 024790 - BREATHING AIR SYSTEMS:							

02/18/2021 12:55 PM
 User: MONICAK
 DB: Kalamazoo Twp

INVOICE REGISTER REPORT FOR CHARTER TOWNSHP OF KALAMAZOO
 EXP CHECK RUN DATES 02/23/2021 - 02/23/2021
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN
 BANK CODE: POOL

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
INV-OH64-418 31276	BREATHING AIR SYSTEMS ANNUAL PREV MAINT 206-336-811.00	02/18/2021 MONICAK	02/18/2021	1,118.14	1,118.14	Open	N 02/18/2021
	PURCHASED & MAINT. SERVICE			1,118.14			
	Total for vendor 024790 - BREATHING AIR SYSTEMS:			<u>1,118.14</u>	<u>1,118.14</u>		
Vendor 031023 - QUADIENT FINANCE USA, INC:							
020721 31271	QUADIENT FINANCE USA, INC ACCT #7900044080501095 101-200-730.00	02/18/2021 MONICAK	02/18/2021	8,236.85	8,236.85	Open	N 02/18/2021
	POSTAGE			8,236.85			
	Total for vendor 031023 - QUADIENT FINANCE USA, INC:			<u>8,236.85</u>	<u>8,236.85</u>		
Vendor 031552 - MENARDS - KALAMAZOO EAST:							
44529 31264	MENARDS - KALAMAZOO EAST MISC SUPPLIES 206-336-747.00	02/18/2021 MONICAK	02/18/2021	6.99	6.99	Open	N 02/18/2021
	SMALL TOOLS & EQUIPMENT			6.99			
44522 31265	MENARDS - KALAMAZOO EAST MISC SUPPLIES 206-336-931.00	02/18/2021 MONICAK	02/18/2021	77.58	77.58	Open	N 02/18/2021
	MAINT. - BUILDING			77.58			
	Total for vendor 031552 - MENARDS - KALAMAZOO EAST:			<u>84.57</u>	<u>84.57</u>		
Vendor 032081 - MICHIGAN STATE FIREMEN'S ASSOC:							
3903 31290	MICHIGAN STATE FIREMEN'S ASSOC MANUAL 206-336-732.00	02/18/2021 MONICAK	02/18/2021	142.06	142.06	Open	N 02/18/2021
	DUES/SUBS/PUBL			142.06			
	Total for vendor 032081 - MICHIGAN STATE FIREMEN'S ASSOC:			<u>142.06</u>	<u>142.06</u>		
Vendor 032090 - MTA:							
17421 31286	MTA TRAINING - ROBINSON 101-101-862.00	02/18/2021 MONICAK	02/18/2021	99.00	99.00	Open	N 12/31/2020
	TRAVEL - CONFERENCES			99.00			

02/18/2021 12:55 PM
 User: MONICAK
 DB: Kalamazoo Twp

INVOICE REGISTER REPORT FOR CHARTER TOWNSHP OF KALAMAZOO
 EXP CHECK RUN DATES 02/23/2021 - 02/23/2021
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN
 BANK CODE: POOL

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
16981 31287	MTA TRAINING - GLASS 101-101-862.00	02/18/2021 MONICAK	02/18/2021	99.00	99.00	Open	N 12/31/2020
		TRAVEL - CONFERENCES		99.00			
		Total for vendor 032090 - MTA:		<u>198.00</u>	<u>198.00</u>		

Vendor 033829 - RIDGE COMPANY:

213198 31272	RIDGE COMPANY MISC SUPPLIES 206-336-939.00	02/18/2021 MONICAK	02/18/2021	12.37	12.37	Open	N 02/18/2021
		MAINT. - VEHICLE		12.37			
213513 31278	RIDGE COMPANY MISC SUPPLIES 206-336-939.00	02/18/2021 MONICAK	02/18/2021	544.36	544.36	Open	N 02/18/2021
		MAINT. - VEHICLE		544.36			
213560 31279	RIDGE COMPANY CREDIT MEMO 206-336-939.00	02/18/2021 MONICAK	02/18/2021	(108.00)	(108.00)	Open	N 02/18/2021
		MAINT. - VEHICLE		(108.00)			
212888 31283	RIDGE COMPANY MISC SUPPLIES 206-336-939.00	02/18/2021 MONICAK	02/18/2021	42.90	42.90	Open	N 02/18/2021
		MAINT. - VEHICLE		42.90			
		Total for vendor 033829 - RIDGE COMPANY:		<u>491.63</u>	<u>491.63</u>		

Vendor 050010 - THE SPIRIT SHOPPE:

17367 31274	THE SPIRIT SHOPPE UNIFORMS 206-336-748.00	02/18/2021 MONICAK	02/18/2021	15.00	15.00	Open	N 02/18/2021
		PERSONAL EQUIPMENT ALLOWANCE		15.00			
		Total for vendor 050010 - THE SPIRIT SHOPPE:		<u>15.00</u>	<u>15.00</u>		

Vendor 051072 - TRILLIUM STAFFING, INC.:

3063089 31262	TRILLIUM STAFFING, INC. CLIENT #138371 101-200-811.00	02/18/2021 MONICAK	02/18/2021	825.84	825.84	Open	N 02/18/2021
		PURCHASED SERVICE		825.84			

02/18/2021 12:55 PM
 User: MONICAK
 DB: Kalamazoo Twp

INVOICE REGISTER REPORT FOR CHARTER TOWNSHP OF KALAMAZOO
 EXP CHECK RUN DATES 02/23/2021 - 02/23/2021
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN
 BANK CODE: POOL

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
3062727 31277	TRILLIUM STAFFING, INC. CLIENT #138371 101-200-811.00	02/18/2021 MONICAK	02/18/2021	1,038.96 1,038.96	1,038.96	Open	N 02/18/2021
3062453 31284	TRILLIUM STAFFING, INC. CLIENT #138371 101-200-811.00	02/18/2021 MONICAK	02/18/2021	772.56 772.56	772.56	Open	N 02/18/2021
Total for vendor 051072 - TRILLIUM STAFFING, INC.:				<u>2,637.36</u>	<u>2,637.36</u>		

Vendor 058029 - PREIN & NEWHOF, INC.:

59218 31266	PREIN & NEWHOF, INC. TEXEL LIFT STATION 883-520-820.00	02/18/2021 MONICAK	02/18/2021	1,800.50 1,800.50	1,800.50	Open	N 02/18/2021
59216 31267	PREIN & NEWHOF, INC. CAPITAL IMPROVEMENT PROJECTS 883-520-820.00	02/18/2021 MONICAK	02/18/2021	223.80 223.80	223.80	Open	N 02/18/2021
59226 31268	PREIN & NEWHOF, INC. GEN SANITARY 883-520-820.00	02/18/2021 MONICAK	02/18/2021	922.45 922.45	922.45	Open	N 02/18/2021
59426 31269	PREIN & NEWHOF, INC. NON-MOTORIZED IMPROVEMENTS 101-446-969.01	02/18/2021 MONICAK	02/18/2021	400.00 400.00	400.00	Open	N 02/18/2021
59402 31270	PREIN & NEWHOF, INC. GIS MAINTENANCE 101-200-820.00	02/18/2021 MONICAK	02/18/2021	147.00 147.00	147.00	Open	N 02/18/2021
Total for vendor 058029 - PREIN & NEWHOF, INC.:				<u>3,493.75</u>	<u>3,493.75</u>		

Vendor 500298 - GALLS, LLC:

017504770 31282	GALLS, LLC UNIFORMS	02/18/2021 MONICAK	02/18/2021	202.79	202.79	Open	N 02/18/2021
--------------------	------------------------	-----------------------	------------	--------	--------	------	-----------------

02/18/2021 12:55 PM
 User: MONICAK
 DB: Kalamazoo Twp

INVOICE REGISTER REPORT FOR CHARTER TOWNSHP OF KALAMAZOO
 EXP CHECK RUN DATES 02/23/2021 - 02/23/2021
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN
 BANK CODE: POOL

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	206-336-748.00	PERSONAL EQUIPMENT ALLOWANCE		202.79			
	Total for vendor 500298 - GALLS, LLC:			<u>202.79</u>	<u>202.79</u>		

Vendor 500590 - LOWE'S COMPANIES, INC.:

01675							
31285	LOWE'S COMPANIES, INC.	02/18/2021	02/18/2021	76.33	76.33	Open	N
	MISC SUPPLIES	MONICAK					02/18/2021
	101-265-747.00	SMALL TOOLS & EQUIPMENT		76.33			
	Total for vendor 500590 - LOWE'S COMPANIES, INC.:			<u>76.33</u>	<u>76.33</u>		

Vendor 500632 - MMTA:

3580							
31291	MMTA	02/18/2021	02/18/2021	100.00	100.00	Open	N
	TRAINING - MILLER	MONICAK					02/18/2021
	101-253-862.00	TRAVEL - CONFERENCES		100.00			
3668							
31292	MMTA	02/18/2021	02/18/2021	295.00	295.00	Open	N
	MMTA CONFERENCE - MILLER	MONICAK					02/18/2021
	101-253-862.00	TRAVEL - CONFERENCES		295.00			
	Total for vendor 500632 - MMTA:			<u>395.00</u>	<u>395.00</u>		

Vendor 500978 - REPUBLIC SERVICES #249:

0249-006997144							
31263	REPUBLIC SERVICES #249	02/18/2021	02/18/2021	41,690.33	41,690.33	Open	N
	ACCT #3-0249-0303078	MONICAK					02/18/2021
	226-527-811.00	SOLID WASTE		41,690.33			
	Total for vendor 500978 - REPUBLIC SERVICES #249:			<u>41,690.33</u>	<u>41,690.33</u>		

Vendor 501109 - WMACP:

020821							
31280	WMACP	02/18/2021	02/18/2021	25.00	25.00	Open	N
	MEMBERSHIP - ERGANG	MONICAK					02/18/2021
	207-301-732.00	DUES/SUBS/PUBL		25.00			
	Total for vendor 501109 - WMACP:			<u>25.00</u>	<u>25.00</u>		

Vendor 501122 - XEROX CORPORATION:

02/18/2021 12:55 PM
 User: MONICAK
 DB: Kalamazoo Twp

INVOICE REGISTER REPORT FOR CHARTER TOWNSHP OF KALAMAZOO
 EXP CHECK RUN DATES 02/23/2021 - 02/23/2021
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN
 BANK CODE: POOL

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
012505275							
31288	XEROX CORPORATION	02/18/2021	02/18/2021	310.18	310.18	Open	N
	CUSTOMER #724921614	MONICAK					02/18/2021
	101-200-811.00	PURCHASED SERVICE		310.18			
	Total for vendor 501122 - XEROX CORPORATION:			310.18	310.18		

Vendor 501139 - WEST MICHIGAN INTERNATIONAL:

X103076694:01							
31273	WEST MICHIGAN INTERNATIONAL	02/18/2021	02/18/2021	96.61	96.61	Open	N
	GOVERNOR	MONICAK					02/18/2021
	206-336-939.00	MAINT. - VEHICLE		96.61			
	Total for vendor 501139 - WEST MICHIGAN INTERNATIONAL:			96.61	96.61		

# of Invoices:	32	# Due:	32	Totals:	63,356.33	63,356.33
# of Credit Memos:	2	# Due:	2	Totals:	(544.84)	(544.84)
Net of Invoices and Credit Memos:					62,811.49	62,811.49

--- TOTALS BY FUND ---

101 - GENERAL	12,318.88	12,318.88
206 - FIRE	2,710.53	2,710.53
207 - POLICE	25.00	25.00
226 - RUBBISH COLLECTION FUND	41,690.33	41,690.33
811 - FIRE CAPITAL IMPROVEMENT	3,120.00	3,120.00
883 - SEWER IMPROVEMENT	2,946.75	2,946.75

--- TOTALS BY DEPT/ACTIVITY ---

101 - LEGISLATIVE	198.00	198.00
200 - GENERAL SERVICES_ADMIN	11,331.39	11,331.39
253 - TREASURER	395.00	395.00
265 - MAINTENANCE	(5.51)	(5.51)
301 - POLICE	25.00	25.00
336 - FIRE	2,710.53	2,710.53
440 - CAPTIAL IMPROVEMENT	3,120.00	3,120.00
446 - INFRASTRUCTURE MAINTENANCE	400.00	400.00
520 - SEWER IMPROVEMENT	2,946.75	2,946.75
527 - RUBBISH COLLECTION/DISPOSAL	41,690.33	41,690.33

CHARTER TOWNSHIP OF KALAMAZOO PLANNING COMMISSION *ANNUAL REPORT – 2020*

In compliance with Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the Planning Commission has prepared the following report documenting the Commission’s activities for 2020 with recommendations for further action in 2021 and beyond. It is submitted to the Township Board for review and consideration for development of its own work plans and budgets for the coming years.

PLANNING & ZONING APPLICATIONS

REZONING REQUESTS

Total		5	
Address	Owner	Districts	Date
2702 Ravine Rd.	Balkema	Denied	

There was one rezoning request between August 2019 and December 2020. The application was denied as not in compliance with the Master Plan.

SITE PLAN APPROVALS

Total				5
Address	Owner	Zoning	Use	Date
3815 N Westnedge	Natural Grow	R-2	Change of Use	2-6-20
2101 N Pitcher	Consumers Energy	I-2	Electric substation	9-3-20
2318 Regent	Consumers Energy	R-2	Electric substation	7-2-20
1100 Foster	Luiten	I-1	Site plan amendment DENIED	8-6-20
1800 Ravine	Lounsbury	1-2	Gravel pit amendment	8-6-20
118 S. Kendal	Latvian Church	RM-3	Site plan amendment	8-6-20
2527 Westnedge	Gernaat	C-1	Greenhouse amendment	9-3-20
3700 E Main	Pure Roots	C-2	Extend approval one year	11-5-20
3324 N Pitcher	MAVCO	I-2	Chemical company site plan amendment	10-1-20
2650 N Pitcher	Consumers energy	1-2	New substation	11-5-20

The Planning Commission approved four site plan amendments of various types: Natural Grow requested change of use; Consumers energy added to existing sites and the Latvian church rebuilt. Pure Roots requested a site plan approval extension due to not being able to find contractors.

**ORDINANCE
AMENDMENTS**

Total 2019		1
Subject	Decision	Date
Recreational Marijuana	8.02 WW and VV	2-6-20
Nonconforming lots	3.04	1-2-20
Auto repair	8.02 D and E	2-6-20
Mini warehouses	8.02 AA	2-6-20
Greenhouse SUP	26.05 C, 11 and 12	2-6-20
Solar	8.02 TT	6-4-20
Escrow conditions	8.02; 20.13, 13 & 31	1-2-20
Marijuana	8.02; WW buffer 12	5-7-20
Concrete crushing	20.02	5-7-20

Zoning text amendments to provide for recreational marijuana facilities within the zoning ordinance along with the special use conditions approved and text corrections made. The Planning Commission made minor changes to the text for nonconforming lots, auto repair, mini warehouses, greenhouses, solar energy, and escrow conditions.

SPECIAL EXCEPTIONS

Total Reviews 2019			6	
Address	Applicant	Use	PC Decision	Date
1986 Sprinkle	Betzler	Recreational marijuana	Approved	5-7-20
521 E Mosel	K Kind	Recreational marijuana	Approved	5-7-20
2233-2325 N Burdick	Cannamazoo	Recreational marijuana	Approved	6-4-20
2609 N Burdick	Singh	Marijuana grow	Approved	6-4-20
937 Foster	Cross Country	Parking for marijuana use	Approved	6-4-20 & 8-6-20
2425 King Highway	Balkema	Concrete crushing	Approved	6-4-20
3333 Ravine	Mulders	Recycling center	Approved with conditions	6-4-20
2325 N Burdick	Burdick Investments	Marijuana grow	approved	7-2-20
3801 Lake	Third Coast	Lumber yard	Approved	8-6-20
2105 N Burdick	Swift	Marijuana grow	Approved	10-1-20

In 2020 there were eleven applications for special exception uses. All eleven of the requests were approved, several were approved with a healthy list of conditions most of which required subsequent follow up with Township Staff to ensure compliance with Planning Commission requirements. One 3333 Ravine had to be approved with the condition that the County amend the County Solid Waste Management Plan – the County SWM Plan cannot be amended until a new Solid Waste Management Commission is appointed.

Total Renewed Permits 2020		7
Applicant	PC Decision	Date
Superior Gravel	renewed	7-2-20
Top Grade	renewed	7-2-20
Lounsbury	Amended site plan	8-6-20
Hillside	renewed	7-2-20
Stoneco of Michigan	renewed	8-6-20
Aggregate Resources	renewed	8-6-20
Peterson's (concrete crushing only)	approved	8-6-20

Existing gravel mining permits are required to be reviewed annually. The six mining operations appeared before the Commission for their annual reviews, and each was approved for continued operation for 12 months. For most, there were no significant issues that came from these discussions.

The concrete crushing operation had not been reviewed for several years. This was approved for renewal.

ADDITIONAL ACCOMPLISHMENTS

The Planning Commission continues to work on updating the Master Plan. The basic text is close to final Draft form, but work on the mapping has been slow. Public hearings will be scheduled, probably on zoom, for this spring or summer with text finalization anticipated in 2021.

In January 2020, the Planning Commission reviewed and recommended approval of the Five-Year Parks and Recreation Plan 2020-2024 developed by a Parks and Recreation committee.

MEETINGS AND ATTENDANCE

MEETINGS

The Planning Commission had 11 regular meetings and 2 work sessions in 2020.

As shown here, the Planning Commission members are clearly very dedicated and are committed to their role with resignations causing the majority of absences from members. Jeremy Hathcock moved from the Township in April and was replaced on the Township Board by Warren Cook who also took over as the Board Liaison to the Planning Commission. Warren did not run for election to the Board, so a new liaison, Steve Leuty, was named for 2021. Warren will remain on the Planning Commission. A new member from the public was appointed in December.

ATTENDANCE

Commissioner	Meetings Attended
Fred Nagler (Chair/ZBA Liaison)	12 of 13
vacant	
Jeremy Hathcock * (Township Board Liaison)	2 of 4
Denise Hartsough (new Vice-Chair*)	13 of 13
vacant	
William Chapman	13 of 13
Warren Cook (new Board Liaison)	13 of 13
Christopher Mihelich (Secretary)	12 of 13

*resigned during the year

LOOKING AHEAD

One of the purposes of the Annual Report is to look ahead at 2021 and anticipate those items that the Planning Commission desires to address or work on over the next 12 months and beyond. Although it is impossible to predict everything that will arise in the next year, based on issues that have arisen over the past several months and current problems in the community, the Commission is aware of certain items that must be addressed in the near future to resolve these problems.

Based on this, the Commission has identified the following goals for the next 12 months and beyond for the Planning Commission and Township overall:

- As former Chairman VanderKlok pointed out, the zoning ordinance is not perfect and the Planning Commission should identify unanticipated problems that arise in the implementation of the new text or map and work to correct inconsistencies and/or mistakes.
- Update the Township's Master Plan and Future Land Use Map.
- Work with Kalamazoo County, other agencies, and/or private foundations to fund various projects in the community.
- Encourage State support to develop a full interchange at the intersection of Business Route 131 and US-131, which would create increased economic development opportunities in the northern portion of the Township and plan for future developments.
- Annually update the Capital Improvement Plan.
- Work towards a Corridor Improvement Authority (CIA) for the West Main Hilltop commercial area.

A variety of these projects exceed the scope and budget traditionally assigned to the Planning Commission. Funding could be sought through grants or other partner agencies. The remaining items can be accomplished working internally with the typical budget allocation made for the Planning Commission in the Township budget.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on January 7, 2021

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on January 7, 2021, commencing at 7:00 p.m., via Zoom remote teleconference pursuant to Michigan Governor's Order 2020-154 in light of the coronavirus outbreaks.

Present were:

William Chapman
Warren Cook
Denise Hartsough
Steven Leuty
Christopher Mihelich
Peter Morrison
Fred Nagler, Chairman

Absent was:

None

Also present were Township Planner Patrick Hudson, Township Manager Dexter Mitchell, Township Fire Marshal Todd Kowalski, Township Attorney Seth Koches; and approximately 10 additional interested persons were present electronically.

Call to Order

The Chairman called the meeting to order at 7:00 p.m. Due to Executive Orders issued by the Governor relating to the COVID-19 pandemic, this regular Planning Commission meeting was held electronically via Zoom and properly noticed so that any interested party could attend and participate.

Roll Call and Recognition of Visitors

Nagler welcomed those in attendance.

Approval of the Agenda for the January 7, 2021 Planning Commission Meeting

The first item on the agenda was approval of the agenda for the January 7, 2021 regular Planning Commission meeting. The Commissioners received the revised meeting agenda in their packets.

Nagler suggested that public comment on agenda items be added to the agenda as item 4c.

1 Upon motion of Hartsough, supported by Cook, and unanimous vote, the revised agenda was approved
2 as received.

3

4 **Approval of Meeting Minutes of the December 3, 2020 Planning Commission Meeting Minutes**

5

6 The next item on the agenda was approval of the December 3, 2020 regular Planning Commission meeting
7 minutes. Copies of the revised draft meeting minutes were provided to the Commissioners in their agenda
8 packets.

9

10 Upon motion of Mihelich, supported by Hartsough, and unanimous vote, the minutes of the December 3,
11 2020 regular Planning Commission meeting were approved as revised with no changes made at the
12 meeting. Mihelich authorized Attorney Koches to sign on his behalf and forward to Hudson.

13

14 **Election of Officers for the Planning Commission for 2021**

15

16 The next item on the agenda was the election of Officers for the Planning Commission for 2021.

17

18 Upon motion of Cook, supported by Mihelich, and unanimous vote, the existing Officers will be
19 recommissioned as the new Officers for 2021, this includes Nagler as Chairman, Hartsough as Vice Chair,
20 and Mihelich as Secretary.

21

22 **Public Comment – Members of the Audience**

23

24 None.

25

26 **Public Hearings**

27

28 ***Public Hearing—2429 N. Burdick – Special Use – marijuana grow & processing***

29

30 The next item on the agenda was the request of Park Consulting Group (applicant) to change the use of
31 an existing industrial building to grow and process both adult use and medical marijuana located at 2429
32 N. Burdick Street (PIN# 06-10-130-041). Currently zoned as I-2 General Industrial District, the primary use
33 of the property will be for a recreational and medical marijuana grower facility and processor of
34 marijuana. The surrounding properties are all zoned I-2 General Industrial. Properties to the west are a
35 greenhouse, auto salvage yard and vacant. Properties to the north and south are occupied by industrial
36 uses. Properties to the east across N. Burdick are presently vacant.

37

38 Hudson had technical difficulties, so Chairman Nagler asked for the applicant to speak.

39

40 Alison Park, owner of Park Consulting Group (applicant), spoke. She introduced three of her project
41 support team members; Leise Rosman, Kevin Clark, and Kathy Guzik. Then Park gave an overview of
42 herself and her business.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Hudson then read from his report and noted his recommendations. He asked the applicant if they had sent in their liability insurance. Rosman said that it was emailed a couple minutes ago. Hudson added that the applicant needs the Road Commission's review and that he passed along the Fire Marshal's review. Manager Mitchell asked Park if her crew received the review and she said they did.

Fire Marshal Kowalski spoke. He noted that he reviewed the site plan that was submitted for 2429 N. Burdick St. in Kalamazoo Township. The following items were noted on the site plan review:

1. The current building is 23,700 ft.² so it will require fire suppression installation.
2. The fire department connection shall be located within 100 feet of the fire hydrant that is located directly across the street.
3. For the fire department connection shall be signed with a sign that states FDC in 6 inch white reflective letters on a red background. Kalamazoo Township will provide that signage.
4. There shall be a fire alarm horn strobe mounted directly above the fire department connection.
5. Shall install a minimum 3200 series Knox box key box on the front of the building.
6. Shall install 10 inch address numbers on the front of the Street side of the building. The address number sharp contrast the color of the background.
7. Relocate the handicap parking spaces on the north side of the building as we will not have our 26 foot wide driveway with those spaces as shown.
8. If the owner is going to propose the use of CO2 for the Grow operation, we will need to see where they propose to place the tank for the CO2 on the exterior of the building.

Kowalski's review is just for the site plan of the building only and not for the remodeling or construction of the interior of the building. This review and listing is not all inclusive and can be added to at any point during the project per the site plan ordinance from the Charter Township of Kalamazoo.

After giving his review, Kowalski asked Park if CO2 will be used in the grow operation. Park answered no. Kowalski added that Item #8 from his review can be removed. If CO2 was going to be used in the operation, the fire department would need to see where the CO2 tanks would be stored.

Kowalski asked if the Commission had any questions for him. Rosman said that they submitted a revised site plan that moved their ADA parking spots to the rear of the building in response to the fire lane clearance and other small changes. Rosman wanted to confirm that this is the site plan the commission was reviewing. Kowalski had not received that plan from Hudson, but Nagler said he thinks he has the right site plan and described the parking and loading zoning. Kowalski said that they cannot have a loading zone in the fire lane. Rosman described the loading zone and why it was there. Kowalski said that without having the site plan in front of him that he can't comment on it, but that he will review it with Hudson. He then asked if everything else is noted on this site plan. Rosman said that some of the revisions were noted on the site plan, but that others were noted on the floor plan that will be submitted to KABA. Some of the revisions that were noted were the fire suppression and the markings inside. Kowalski said that the fire department connection, Knox box, and address numbers need to be shown on the site plan.

1
2 Nagler redirected the meeting and reminded the commission that they need to review the Special Use
3 exception first and then will return to the site plan review. Nagler asked the applicants if they had
4 anything they wanted to add regarding the special use exception. Applicants said no.
5
6 Chapman asked the applicants how many employees they will have working at this location. Rosman
7 said that they proposed 50 employees at full operation when they are cultivating and processing.
8
9 Chapman asked if there will be any outdoor storage. Rosman said that none of the existing outdoor
10 storage will be used for cannabis products or chemicals; they will be used for non-cannabis items such
11 as seasonal equipment.
12
13 Morrison asked if there will be any herbicides or fertilizer used in the operations that could go through
14 the waste water treatment system and what the disposal plan for them was. Rosman said they do not
15 anticipate that to occur. She explained that since they are growing the plant for human consumption,
16 they are very careful what they put on it and that there are State compliance orders they have to obey.
17
18 Chapman asked if there was fencing around the property and if the site plan shows security fencing.
19 Rosman answered that they confirmed with the State that fencing was not required. They would prefer
20 not to install fencing either due to the streetscape; they would like the business to fit in with the district.
21 They have proposed to have fencing around their waste disposal.
22
23 Mitchell clarified that there would not be fencing. Rosman said correct and explained other safety
24 measures they will have in place.
25
26 Hudson asked again about the liability insurance. Rosman said that she forwarded those on to the
27 Township Clerk and Hudson that day.
28
29 Mitchell asked if there would be any outdoor growth. Rosman said not at this time due to odor
30 mitigation. In the future there might be additions on the current facility and a possible greenhouse, but
31 nothing is planned.
32
33 Mihelich asked what type of extractions were going to be done. Rosman said hydrocarbon and solvent
34 extractions, such as ice water and ethanol. Mihelich clarified that no CO2 or butane will be used. Rosman
35 said no. She expanded to say that they are not sure what hydrocarbon they will be using yet because the
36 technology is rapidly developing. They have allowed for a C1D1 room inside of the plant to have another
37 option, but they are still looking into what will make the most sense for the volume and product they will
38 produce. CO2 is not an option.
39
40 Mihelich clarified that no CO2 will be on site. Rosman asked Clark to speak on the CO2 in the rooms versus
41 CO2 for extractions. Clark said that they would have additional supplemental CO2 inside the different
42 flower rooms, but it will not be used for any bulk extraction. Rosman added that the CO2 is not pressurized

1 and it is more of an additive to the air in that room. Mihelich then asked Kowalski for clarification on Item
2 #8 in his review. Kowalski said that he just asked if they were going to be using CO2. Mihelich recalled that
3 too and now is wondering if CO2 will be used and if Kowalski needs that information on the site plans.
4 Rosman explained that they assumed that question was pertaining to extraction, not CO2 into the flower
5 rooms; so yes, there will be CO2. Kowalski asked if they are individual units or one large CO2 tank outside.
6 Clark answered that typically it is smaller units. Mihelich asked if Kowalski needs that documented.
7 Kowalski answer that it needs to be documented on the building plans.

8

9 Hartsough asked if the altered air in the flower rooms affect employees. Clark answered that the levels
10 are very low compared to OSHA regulation standards, so it is safe for employees to be in those rooms.
11 Rosman added that the rooms will also have CO2 monitors.

12

13 Hartsough asked if they have a commitment to hire local residents. Park answered yes.

14

15 Chapman asked if it is in the plans to hire people with disabilities. Park answered that it has been discussed
16 and they would like to. She also added that they have discussed hiring veterans too. They would love to
17 attract employees who have disabilities and people who are veterans.

18

19 Nagler asked the Commission for any other questions. Mitchell asked if Kowalski received the answer
20 regarding the parking spots and the blue print. Nagler said that they will address those when they do the
21 site plan review. Nagler added that they need to make sure they have the special use before the
22 Commission reviews the site plan.

23

24 Mihelich asked Hudson if government buildings were included in the measurements for buffers for
25 marijuana processors. Hudson asked if Mihelich's concern was the fire station and Mihelich said yes.
26 Hudson said that is the only government building in the area, however there is no buffer for the fire
27 stations.

28

29 The chairman opened a public hearing on the special use exception request. No one spoke for or against
30 it. The chairman closed the public hearing.

31

32 The chairman asked for any further questions or comments from the commissioners. Morrison asked a
33 general question of how marijuana is handled because it is still a federally controlled substance and how
34 if they were to approve this the board could be in violation of their oath to uphold the Constitutions of
35 both the State of Michigan and the United States of America. Attorney Koches explained that Morrison
36 should not be concerned because the Controlled Substance Act is left up to the States to enforce it.

37

38 Chapman spoke. His concern was that he believed that they have required a six foot fence around the
39 property for security, but this appears not to be a part of this plan. Hudson explained that they have
40 required it once because the facility did not have any other security measures, however the zoning
41 ordinance does not actually require the fence. Leuty added that Article 6 of the zoning ordinance requires
42 a fence if the facility is in an I-2 zone or next to residential lot. Nagler added that since this is a special use,

1 they could make fencing a requirement. Hartsough added that she does not see the point of a fence since
2 they do have security and the site is adequately lit. Mihelich said that a fence would help with traffic
3 control. Kowalski mentioned that there is a grow facility in that area without fencing. Rosman added that
4 it is a requirement to have 24 hour security and they will be meeting that.

5
6 Hartsough moved approval of the special use permit for 2429 N. Burdick Street for marijuana grow and
7 processing. The motion was supported by Cook and it was approved on unanimous vote.

8
9 The Planning Commission next considered the request for site plan approval.

10
11 Kowalski recommended that if the Planning Commission is just waiting on his review of the updated site
12 plan, that they can approve the site plan pending his review. Nagler thanked Kowalski.

13
14 Nagler asked for any other comments or questions. Chapman asked about the parking and how it has
15 been moved. Nagler mentioned some details of the parking changes and then asked the applicants if there
16 was still the 26 foot clearance by the loading area. Rosman does not believe there is the clearance when
17 the loading area is occupied. She mentioned that they worked with the engineers at Hurley Stewart to
18 come up with a solution for that temporary loading, but they are willing to do anything that the Planning
19 Commission and Fire Marshal suggest.

20
21 Kowalski asked what type of delivery vehicles will be using the loading area. Rosman answered that they
22 will primarily be using cars and sprinter vans. She added that once in a while semi-trucks will make
23 deliveries, such as soil deliveries and other supplies, but their products will never go into the semi-trucks.
24 Kowalski also asked how long they can anticipate a vehicle needing to be there. Rosman said a brief
25 amount of time. The goal is for the trucks to drop off and go, and the drivers are not allowed into the
26 building due to restricted access.

27
28 Nagler asked about the parking. The report talked about 64 spaces, but the plan shows the number revised
29 down to 56 spaces. Rosman confirmed the 56 spaces and explained that it is for a full work team along
30 with any inspectors or vendors that would also need to be on site.

31
32 Cook asked for clarification on the parking spots. Rosman said it is 56 total spots, including the 10 access
33 spots. She also noted that they reduced the total parking area by 7,000 square feet. They proposed
34 eliminating the current parking area to create a new pervious surface to contribute to the drainage.
35 Hudson added that he would need an electronic copy of that.

36
37 Hartsough asked if the applicants have spoken with the road commission. Rosman said yes, that both the
38 road commission and drain commission have reviewed and received the plans. The road commission
39 didn't have any comments, even though they have been in communication with Hurley Stewart. That
40 communication is because the water service will need enlarged and will require work in the right away.
41 The applicants had to resubmit their application to the drain commission, but that was because of one
42 tiny change on the application form. The applicant has not received official approval yet.

1
2 Nagler asked about the water and if the 1.5 inch service pipe will be sufficient enough for the sprinkling
3 as well as everything else. Rosman said yes, they estimated that based on the current MEP drawings and
4 calculations.

5
6 Cook asked Hudson if the liability insurance came through. Rosman answered that it was stuck in her
7 email's outbox and she is trying to resend it.

8
9 Nagler asked about the changes in the number of trees and shrubs. Hudson answered that the numbers
10 are different because he was going on the width of the whole lot and did not factor in the exempt drive
11 way and parking areas. Hudson said they are good in that area.

12
13 Cook moved approval of the site plan as discussed for 2429 N. Burdick Street and the amendments that
14 were promised, pending review and approval of the Fire Marshal. The motion was supported by
15 Hartsough.

16
17 Mihelich recommended that there should be something in the motion regarding the fire suppression
18 system.

19
20 Cook amended the motion of approval of the site plan as discussed for 2429 N. Burdick Street and the
21 amendments that were promised, pending review and approval of the Fire Marshal of the following items:
22 that the building will have a fire suppression system installed, the fire department connection shall be
23 located within 100 feet of the fire hydrant that is located directly across the street, the fire department
24 connection shall be signed with a sign that states FDC in 6 inch white reflective letters on a red background
25 (Kalamazoo Township will provide that signage), there shall be a fire alarm horn strobe mounted directly
26 above the fire department connection, applicant shall install a minimum 3200 series Knox box key box on
27 the front of the building, applicant shall install 10 inch address numbers on the front of the Street side of
28 the building (the address number sharp contrast the color of the background), the applicant relocates the
29 handicap parking spaces on the north side of the building as we will not have our 26 foot wide driveway
30 with those spaces as shown, and the applicant will need to show where they propose to store CO2. The
31 motion was supported by Hartsough and it was approved on unanimous vote.

32
33 ***Public Hearing—3625 Douglas – Rezoning from C-1 to RM-2***

34
35 The next item on the agenda was the request of applicant Pamela Coffey. The property's address is 3625
36 Douglas Avenue (PIN# 06-04-190-033). The current owner is Michigan Council 25, AFSCME, but the
37 purchaser is Healthy House 4 Women. The request is to rezone the parcels from C-1 to RM-2 Multiple
38 Family Mixed Use.

39
40 Hudson read from his report. The applicant has purchased the former Union Hall at 3625 Douglas and
41 wishes to convert the building to a "Transitional Residence Hall" for women recovering from addiction.
42 The intent is to provide an educational/work training element as well as potential retail sales on-site.

1 Hudson noted that Staff cannot find the specific use listed anywhere in the ordinance, but this could be
2 similar to an adult group home Special use or a multiple family permitted use.

3
4 Hudson added that the request before the Commission allows it to be rezoned as a single property on
5 the west side of Douglas Avenue from the C-1 district to the RM-2 district. The property is currently
6 designated for Low Density Residential development on the future land use map. As described above,
7 this is not a perfect fit for rezoning to the RM-2 district but could serve as a transition or buffer to the
8 low density residential parcels to the north from the high traffic corridor that is Douglas Avenue.
9 Rezoning to the RM-2 district would allow for expanded uses including some non-residential in this area.
10 The specific use the applicant desires is not listed in the ordinance in any district. The Planning
11 Commission should discuss the proposed use as to the fit with the RM-2 district.

12
13 Hudson mentioned an email from Attorney Roxanne Seeber that he received earlier in the day. Hudson
14 said that Seeber raised the issue of if this was considered spot zoning or not. He also said that it was
15 mentioned that the planning commission should look at the use, then look at the uses in the RM-2
16 district to see if that is a close enough use to the existing uses in the district.

17
18 Koches said that he had Seeber's email on his phone. He summarized Seeber's email. First, the Planning
19 Commission is looking at the rezoning, not the use. Koches read that the Commission needs to look at its
20 standards for rezoning---would we put this particular property in the new zoning district? Does the new
21 district comply with the master plan? Are there adjoining parcels also in the new district? Have
22 circumstances changed such that new zoning district is warranted? Are we creating a spot zone? Does
23 the Commission think that all of the uses---permitted and special uses allowed in the new district are
24 suitable at this location? In short, they are not married to their proposed use if they get the
25 rezoning. Therefore, we need to consider all of the permitted and special uses in the
26 district. Depending on if the zoning goes through, then we will get an application for a use to process
27 and that will be analyzed separately from the rezoning. Koches also noted that Seeber prepared an
28 ordinance earlier in the week and emailed it. Hudson said that he did not forward that to the Planning
29 Commission. Koches then said that an ordinance will be needed to change the map and it will need to go
30 to the Township Board for approval. Koches reminded the Commission to not get too focused on the
31 proposed use, it is only about the rezoning tonight.

32
33 Hudson added again that the Planning Commission should discuss the proposed use as it fits with the
34 RM-2 district.

35
36 Mihelich said that he drove by this address. All the lots in the commercial zone are houses, there are no
37 commercial buildings in that area.

38
39 Cook discussed how this could fit into the ordinance because of public health, safety, and welfare. Then
40 he discussed the spot zoning by saying that it would not be a far reach to put an RM-2 zone in that area
41 by looking at the aerial maps.

1 Mihelich asked Hudson regarding the future density map, when he mentioned low density residential or
2 medium density, if that was for the whole C-1 district. Hudson answered yes, for that whole side of
3 Douglas.

4
5 Nagler noted that it looks like all of the properties to the west are already in the C-1 district. Hudson said
6 yes they are. Nagler than said that it would make sense for that whole area to be rezoned as RM and
7 that it calls for it. Mihelich said that he thinks that is why the RM-2 was designed, to be that transition
8 buffer for light commercial purposes.

9
10 Nagler asked the applicant to speak. Coffey introduced herself and explained her business. She has
11 owned a transitional house for five years and was looking for something more secluded. She thought
12 that the zoning was going to be ok, until she went to apply for some permits for renovations.

13
14 Chapman asked Coffey what the total occupancy for the house was. Coffey answered up to ten woman
15 and one live in assistant.

16
17 Hudson asked Coffey to explain the small retail that she had wanted. Coffey said that they would not
18 retail out of the house, however she would like the home to be self-sufficient by producing candles and
19 other body cosmetic products. They would not sell from the house, because it is a safe place. The
20 products would be sold at Coffey's store located downtown in the City of Kalamazoo. Hudson said that
21 could be a problem, because the Township does not allow manufacturing in any of the commercial
22 districts. Mihelich said it would be a home based business and Cook agreed. Hudson said that could
23 work, but he thinks it would have to be multi family living. Coffey said that she thought RM-2 would
24 allow you to have a home based business in it. Hudson said it does, but not manufacturing. Coffey said
25 ok. It is her goal to have a transitional housing, not manufacturing. Nagler said they will deal with the
26 zoning now and let the other chips fall after that when things evolve.

27
28 The Chairman opened the public hearing up for public comment. No one spoke for or against the
29 application. Chairman closed the public hearing.

30
31 Chapman confirmed that the address is 3625 Douglas Avenue. Commission affirmed. Nagler said that it
32 is the old AFSCME building. Chapman described the property being on the left hand side of the road and
33 up the hill. Commission affirmed.

34
35 Leuty thanked Koches for the reminder that the Planning Commission needs to focus on the rezoning.
36 Then he expanded on the reasoning for having the RM-2 district and what makes it special. Leuty
37 explained that the RM-2 zone was designed as a buffer zone between M-43 and Gull Road, along with
38 the residential zones around there. He said that they would be going against their own future land use
39 plan by rezoning this to RM-2 and elaborated on some of the issues that could arise by rezoning this. He
40 believes it would be a better fit in a multi-family zone.

41

1 Hartsough confirmed that currently the area is zoned as C-1. Commission and Hudson affirmed.
2 Hartsough then continued by asking if they are wanting to make this area less commercial by being
3 RM-2. Hudson and Leuty affirmed. Leuty then brought up the future land use plan and how it calls for
4 more residential area. Mihelich said that he has concerns referencing a master plan that is outdated.
5 Nagler questioned how this area got to be commercial if the goal is to be residential. Mihelich said it was
6 probably changed to be commercial based on someone's forecast that has yet to come true. Hudson
7 said that the district that was there was removed. Nagler asked if RM is a residential district and if it is,
8 then that is what the master plan is calling for. Leuty said that it is a multi-family/mixed used district
9 that can be residential, but is primarily not residential. Nagler said that he understands where Leuty is
10 coming from, but personally he feels like by rezoning this, they are making it more in line with what the
11 master plan calls for.

12
13 Coffey mentioned to Leuty that the flyer he has is for her current transition home, not for the proposed
14 new one. Leuty thanked her.

15
16 Hartsough read the Statement of Purpose for the RM-2, Multiple Family/Mixed Use District from Section
17 14.01, "The intent of the RM-2, Multiple-Family/Mixed Use District is to provide locations in the
18 Township that can accommodate a mixture of single-family, two-family, and multiple-family housing....
19 Commercial uses should not create loud noises, vibration, smoke, glare, heavy traffic, or other impacts
20 that would disrupt the quality of life in surrounding residential areas. Furthermore, the commercial uses
21 should be compatible with adjacent residential development in appearance and scale."

22
23 Morrison added that under Section 10.01 it shows how the zoning districts are divided. RM-2 does fall
24 under a residential district.

25
26 Leuty explained that he was involved in the creation of this district, however it was not its intended
27 purpose and that the future land use plan should be followed. He commented how he has a hard time
28 with the idea of 10 or 11 unrelated people living together meeting the definition of a residential area.

29
30 Hartsough commented that she sees where Leuty is coming from, however she thinks that moving
31 towards any form of residential zoning, other than just R-1, is moving in the right direction.

32
33 Leuty said he agrees with Hartsough, but he is concerned about all of the uses that can go in the RM-2
34 District and the future complications that could come with the rezone.

35
36 Hartsough understood, however mentioned that the area is not a pristine or solely R-1 District. She does
37 not believe that it all needs to be R-1. She does have concerns about possible spot zoning, but the fact
38 that there is RM-2 across the street makes it seem like that whole area should be zoned as that.

39
40 Cook added that he knows more future talks of district planning will be coming up. He said that there
41 will need to be deliberation of what they mean by residential and his sense is that they should
42 encourage residential smart development. There will need to be design development and thought about

1 how it can be encouraged. He also added that he is following Hartsough's thought process on this
2 matter.

3
4 Leuty asked Hudson how the Township's residential limitation to no more than one unrelated person
5 affects this situation with a house in RM-2 and 11 unrelated persons living in it. Leuty asked if these two
6 things could jive together. Hudson answered that he discussed this with one of Coffey's teammates and
7 that they would need to build separate apartments so it would be a multi-family structure. Leuty then
8 started speaking on how this should be a multi-family district, but Hudson said that this use is allowed in
9 RM-2 and that he gave Coffey the best options since she had already purchased the house. Leuty then
10 mentioned how even though the attorney said not to consider uses, he rhetorically asked how practical
11 is it for this older house to be remodeled to have separate apartments units. Nagler said that is not the
12 Commission's problem. Leuty agreed, but felt like it needed to be noted.

13
14 Nagler redirected conversation back to the rezoning. He agrees with Leuty's thinking, however believes
15 that the RM-2 District is not inconsistent with what is already in the area and what the building was
16 historically used for.

17
18 Mihelich asked what happens if the rezone was approved and someone would like to develop
19 commercial, but now they have limited that. Hudson said that is something to consider. He also said if
20 they don't rezone and someone proposes commercial for the property, it could not be stopped, unless
21 the whole area gets rezoned to residential. Nagler added more restrictive residential and Hudson
22 agreed. Hudson noted that he wished the State Legislation had not prohibited townships from granting
23 use variances.

24
25 Nagler asked for a motion. Cook moved that the Planning Commission recommends to the Township
26 Board the rezoning of this parcel (3625 Douglas) from C-1 to RM-2. Chapman supported. Chairman did a
27 roll call vote:

28 William Chapman - Aye
29 Warren Cook - Aye
30 Denise Hartsough - Aye
31 Steven Leuty - Nay
32 Christopher Mihelich - Nay
33 Peter Morrison - Aye
34 Fred Nagler, Chairman - Aye

35
36 Motion passed.

37
38 **New Business**

39
40 ***3635 E. Main – site plan review – change of use – multiple use facility***

41

1 The next item on the agenda was the request of Adam Hassan, applicant, and Happy Family LLC, owner,
2 for 3635 E. Main Street (PIN# 06-12-435-122). The request is to convert part of existing commercial
3 building from auto sales to General Retail, beauty salon and other permitted uses, while retaining the
4 auto sales office.

5

6 Hudson read from his report. This property has housed auto sales prior to 2016. Site is 37,461 sq.ft.
7 (0.86 acres). The property has 178.7' frontage on E. Main. The applicant wishes to rent out portions of
8 the building for other retail or service type uses. The intent is to phase out the auto sales business. The
9 proposed improvement will be converting the existing building for use as rental space of other
10 businesses allowed in the C-2 district. This will involve interior renovations.

11

12 The properties to the east, west and south are zoned C-2 Commercial Corridor. Adjacent to the east is a
13 non-conforming dwelling and beyond that a vacant lot and two blighted properties. Adjacent to the
14 west is a party store. Across Main Street to the south is a General Dollar store. The properties to the
15 north are zoned R-2 Single and two-family residential – the land is largely vacant.

16

17 Hudson recommended tabling a decision because they are unable to determine how much parking there
18 should be. The parking requirements are based on Gross Leasable Floor Area – the sketch does identify
19 leasable floor areas but this is a sketch, not done by an engineer/architect, and the proposed use of over
20 5,000 square feet of space is labeled “storage”. Also, an architectural drawing of the interior will be
21 required under the building code along with a photometric plan. Hudson recommended tabling approval
22 until these plans are provided. The Planning Commission should discuss which uses will be allowed as of
23 right and which will need further review. Hudson also noted that the Fire Marshal is concerned about
24 the interior uses as these affect the fire suppression measures required and that the fire lane in front of
25 the building must be clearly marked.

26

27 Applicant was not present to speak.

28

29 Chapman asked Hudson what he needs from the applicant. Hudson said that they really need to know
30 what the inside space will be used for and have an architectural plan showing how the space will be
31 used. Hudson mentioned a couple past uses of the building. Nagler mentioned that he remembers this
32 property coming before them before. Morrison commented that there is a boutique in front of this
33 building and Hudson mentioned how he told them they could not open and how he will not give them a
34 sign, but the boutique still moved in. Chapman asked what they can do in this situation since they are up
35 and running. Hudson said that he thinks they will need to issue them a ticket.

36

37 Nagler mentioned that they are nowhere near discussing a site plan. Commission agreed.

38

39 Hudson then asked Koches if they could issue them another ticket. Koches said yes they could and
40 discussed a couple options. Kowalski added that they could cite him for occupancy without a permit.

41

1 Mihelich asked for permission to speak to the applicant to get them on the same page as the Planning
2 Commission. Hudson said good luck. Cook said that he thinks all help would be accepted. Nagler
3 addressed Mihelich and said have them talk with Hudson. Hartsough added to mention not running a
4 business without permission. Mihelich said that basically the owner needs to know that any change of
5 use requires approval before hand and before occupancy can even be granted. Hudson said that is what
6 he told him and Mihelich said he will go tell him too. Chapman added that the business owner needs to
7 know that their business needs to cease too.

8

9 Nagler asked Mihelich if he would like any enforcement to be held off until after he speaks to the owner.
10 Mihelich said yes and that he will speak with them tomorrow (Friday, January 8, 2021), after that
11 citations can be issued.

12

13 Cook asked Mihelich if he knew this owner. Mihelich said yes and that he has dealt with him before.

14

15 Chapman asked Mihelich if he was going to talk to him or what. Mihelich said his intent is that he gets
16 everything into Hudson and Kowalski that they need.

17

18 Cook made the motion to table the application for site plan review based on the Hudson's
19 recommendation until materials have been provided to render a decision. The motion was supported by
20 Mihelich and passed unanimously.

21

22 **OLD BUSINESS**

23

24 ***Draft Text Amendment--- 2.18 Sidewalks***

25

26 Hudson started by reading his list of suggested changes. First he mentioned including any change of use,
27 to avoid confusion about Industrial Districts. He then asked Leuty about the 5 foot minimum width,
28 when all existing sidewalks are 4 foot wide. Hudson suggested additional wording to allow the Planning
29 Commission to modify the requirements. Leuty explained that the 5 foot wide minimum is ADA
30 compliant. Nagler said that he looked up the requirements before the meeting and said that the
31 requirement is still 4 foot. Cook then asked if Hudson would like to reference the ADA or the prevailing
32 agency's (such as MDOT) requirement in the ordinance, rather than a number. Hartsough commented
33 to Nagler that based on the research she was just doing, she found conflicting width requirements.
34 Nagler said it could be that anything requiring federal funding has a different standard. Hartsough
35 agreed that made sense and added that people in her neighborhood love wider sidewalks because of
36 strollers.

37

38 Hudson continued with his suggestions. Next, he suggested to add a reference to the General Ordinance
39 604.001 sub. 3 dealing with surfaces. Lastly, Hudson suggested adding a provision allowing the Planning
40 Commission to modify the requirements if the adjacent sidewalks are not in conformance. Cook asked if
41 that means the Planning Commission can ask the applicants to make the sidewalks winding paths
42 through the woods. Hudson answered yes. Hudson added that the Planning Commission can suggest to

1 the Township Board that Ord. 604.004 be amended, B. Standards; 2. Minimum width – minimum 5’
2 maximum 10’ for concrete, and 8’ or wider may be asphalt. This change was brought up in discussions
3 with KalSec.

4
5 Nagler inquired if the General Law Ordinance could just reference the Michigan Department of
6 Transportation requirement standards. MDOT has already done the hard work on this and it could be
7 easier just to follow their specifications.

8
9 Chapman brought up ADA compliance again, by mentioning the yellow tactile paving on sidewalks.
10 Nagler said that he believes those are required by law. Chapman said he would just like it included in the
11 ordinance too. Hudson said it would need to be recommended to the board.

12
13 ***Draft Text Amendment--- 2.08 Home Occupations & Home Businesses***

14
15 Hudson then discussed his suggestions for 2.08 Home Occupations & Home Businesses. Hudson first
16 mentioned that activities not considered Home Occupations. He suggests adding sub point 2. to clarify
17 requirements for certain types of uses, such as lawn care, trucking, landscaping or other businesses that
18 involve commercial vehicles that may not be considered Home Occupations, but instead Home Businesses
19 provided that the all commercial vehicles and equipment be stored inside. Hudson asked Leuty if he knew
20 why this wasn’t a requirement before. Leuty expanded on Hudson’s thought process regarding larger
21 commercial businesses with large employee crews, but inquired how this would affect the smaller
22 operations with just one truck. He said that makes for a big difference in neighborhoods. Hudson doesn’t
23 know how this could differentiate the two. Leuty then explained how perhaps by requiring vehicles to go
24 into a garage that would help remedy the problem. Cook added that the structure would be would on the
25 initial limitations to those businesses from developing on most sites. Hartsough brought up that the
26 Ordinance already says “A home-based business shall be conducted solely by the resident occupants of
27 the dwelling unit, plus not more than one full-time-equivalent non-resident employee or independent
28 contractor per residence.” She mentioned that if that was enforced, that would already cut down on the
29 crew coming in and making noise. Nagler added that a crew coming in would be external evidence of
30 business activity. Hartsough agreed and added that the Township has the right to limit the hours of
31 operation if deemed necessary. She likes what Hudson is proposing because this is a situation in her
32 neighborhood. Mihelich mentioned out of sight, out of mind; if one wants to have the equipment they
33 need to have a place to store it or find a place to store it.

34
35 Hudson continued with his suggestions. Next, he suggested adding sub point 5 to the Standards for Home
36 Occupation for the use of accessory buildings for Home Occupation. Also sub point 6 for the Standards for
37 Home Based Business for the use of accessory buildings. Hudson also said that he will work on getting a
38 public hearing scheduled with the attorneys.

39
40 Mihelich asked for clarification if all commercial vehicles for home based businesses need to be stored in
41 a structure. Hudson said yes that is what he is saying. Mihelich said he understands the situation, but
42 there are some people in his neighborhood that have only one trailer in their yard. Hudson said that it can

1 be changed to say "provided no more than one". Mitchell asked if this affects anyone with a two acre lot
2 or larger. Hudson said that the situation Mitchell is thinking about is having garages be built for storage.
3 Mihelich expanded to say that it is too onerous for an individual operating a home based business to not
4 be able to store something in your driveway. Hudson suggested again changing the language; instead of
5 saying "all" saying "no more than one". Mihelich thinks that is more in line with his thinking. Cook and
6 Morrison agreed and thought that was reasonable. Leuty agreed also and provided the example of having
7 a food truck and how that might not be able to fit in the garage. Hartsough and Chapman both expanded
8 on their own neighborhoods and the situations they are seeing.

9
10 ***Draft Text Amendment--- 2.03 C. Detached Accessory Buildings (solar panels)***

11
12 Hudson began by suggesting adding the word 'required' to the front yard restriction, because there is a
13 large number of houses set far back from the road. He would also like to add the word 'required' to the
14 front yard prohibition in the table. He mentioned that he questions the use of the word 'structure', when
15 it should say 'accessory building'. Hudson then suggested for parcels over two acres, to allow up to four
16 accessory buildings. Hudson said that he believes that is the recommendation that Mihelich gave. Mihelich
17 said he doesn't remember that or giving that number, he thinks they were on a fact finding mission and
18 remembers trying to figure out how big of an impact it would be if they changed it. Hudson asked if four
19 structures was too much or too little. Mihelich said he thinks it is arbitrary, but a start. Nagler suggested
20 having it be a certain number per acre. Hudson understood and said it could say no more than two
21 structures per acre. Nagler agreed and suggested that it could also allow an additional structure per acre
22 and not limiting it to four. Cook questioned what they were talking about. Nagler explained that the
23 number of structures would be going up as the acreage goes up. Cook asked if this is for mother in law
24 structures, Nagler said no. Hartsough clarified that it is for accessory structures like sheds. Hudson asked
25 again if the Planning Commission would like him to remove the maximum number of structures. Mihelich
26 said that out of almost 8,000 properties, only 40 are two acres or larger, so this change would be for 40
27 parcel owners. Nagler said that potentially they would not need to come to the Planning Commission for
28 a variance to put up an additional accessory building.

29
30 Chapman asked if there was a limitation on height. Commission responded with yes and Hudson said it is
31 25 feet. Cook asks if that translates into a one story building and Hudson responded with yes.

32
33 Hartsough asked Hudson a question about the tables in the ordinance. Hudson explained that the tables
34 differentiate due to lot sizes.

35
36 Hudson asked again if the Planning Commission would like him to remove the maximum number of
37 structures. Cook said to just leave it and see what happens.

38
39 Hudson continued with his suggestions. Next, he suggested changing 'tennis' to 'ball' courts and add an
40 exception for these from the count of accessory buildings in the Accessory Structure section. He also
41 suggested deleting 'front' yard in the Solar panels section. Leuty asked Hudson if this was another instance

1 where adding the word "required" in front of "front yard" would be better. Hudson said he would just like
2 'front' to come out.

3
4 Hudson then asked the Planning Commission if they would like solar panels to count as accessory
5 structures. Nagler said that he thought it was decided that they would be regulated as accessory
6 structures, but not count towards the number of structures. Other members of the Commission agreed.
7 Leuty suggested just adding 'solar panels' to the list along with 'ball courts, wind generators, antennas'
8 since it says they will not be counted as accessory buildings. Hartsough asked if they should add rear and
9 side yard. Hudson suggested deleting point five and adding solar panels to the other list. Leuty mentioned
10 Hartsough's comment again about the rear and side yard. Hartsough said it should be updated and
11 residents need some flexibility because we cannot say where the sun shines in their yard. Hudson made
12 a note of that.

13
14 ***Draft Text Amendment--- 8.02 TT. Solar Panels***

15
16 Hudson began by suggesting that in point e. Ground mounted Solar, the area should define ground cover
17 as in the operating position. Nagler agreed. Leuty asked for the reasoning behind this and if it was for
18 precipitation reasons. Nagler explained that it is because solar panels are installed at a 45 degree angle.

19
20 Cook mentioned a grammatical correction to Hudson; removing an 'ed' of 'position'. Nagler did the same
21 by suggesting 'the' instead of 'an'.

22
23 Hudson said that he will send all of these draft text recommendations to Attorney Roxanne Seeber for her
24 review and recommendation.

25
26 Mihelich asked if a home occupation can occupy a building like how a home business can. Hudson said
27 that is already there in the text and it's for storage only. Then Hudson added that the home occupation
28 should be in the house and that is in the Zoning Act. Mihelich added that he believes people, including
29 himself, would like more free space to reign and that is why he proposed the office concept for home
30 occupations. Hudson brought Mihelich's attention to Article 2.08.C.5. Nagler remembers the conversation
31 about having an accessory building becoming an office and that Attorney Seeber mentioned a couple
32 points that the Planning Commission would have to consider about that before changing anything, such
33 as the accessory building would need a full inspection for electricity, plumbing, and everything else.
34 Mihelich said that he would recommend that they disallow plumbing to make the process easier.

35
36 Provisions and further discussion for all draft text amendments were postponed until the next meeting.

37
38 ***Master Plan – 5-Year Mandatory Update***

39
40 The next item on the agenda was continued discussion regarding the 5-year mandatory Master Plan
41 update. Cook gave an update on the new maps and his work on those. Cook also thanked Chapman for

1 sharing his connections through the Center for the Blind to help with creating maps for the visually
2 impaired.

3

4

5 **Open Discussion – Members of the Audience**

6

7 None.

8

9 **Report of the Township Board Representative**

10

11 Leuty gave an update on the most recent Township Board happenings. He mentioned that he is pleased
12 that the Planning Commission is shifting the flow of the agenda to allow for more public comment at the
13 beginning for the meeting. Leuty also mentioned the new communication plan and that a new Township
14 Newsletter was posted. He welcomed Morrison to the Planning Commission.

15

16 **Report of the Township ZBA Representative**

17

18 None. There was no meeting.

19

20 **Comments from Planning Commission Members**

21

22 Morrison said it was nice to meet everyone.

23

24 Cook welcomed Morrison and urged him to take advantage of the trainings available.

25

26 Mihelich spoke on the net metering that was changed to the 20 kilowatt with Consumer's Energy. He
27 updated the Commission that they are at capacity now and are not accepting new applications. He said it
28 is good that they did it, but he is not sure how many people will benefit from it now. Residents can still go
29 up to 20 kilowatts, they just will not have the benefit of the net metering.

30

31 Chapman welcomed Morrison.

32

33 **Report of the Planner/Zoning Administrator**

34

35 Hudson said there will be at least a site plan review next month and the Zoning Board of Appeals will be
36 meeting next month too. Hudson asked when the Planning Commission would want the public comment
37 for future meetings. Nagler suggested it go in as agenda item number five. Mihelich asked if that public
38 comment can be limited to a three minutes speaking time frame. Hudson and Nagler said yes.

39

40 **Report of the Township Attorney**

41

42 Attorney Koches welcomed Peter Morrison to the Planning Commission and had no further report.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Adjournment

There being no further business to come before the Planning Commission, upon unanimous approval, the January 7, 2021 regular Planning Commission meeting was adjourned at 9:59PM.



Christopher Mihelich , Secretary

SYNOPSIS OF ACTIONS

The Kalamazoo Township Planning Commission undertook the following actions at the January 7, 2021 regular Planning Commission meeting:

- Approved a special use permit and site plan with conditions for 2429 N. Burdick Street for marijuana grow and processing.
- Recommended to the Township Board the rezoning of 3625 Douglas from C-1 to RM-2.
- Tabled the application for site plan review for 3635 E. Main.
- Postponed discussion for proposed text amendments.
- Received information on the Master Plan Update.



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 6RC

FOR MEETING DATE: 02/22/21

SUBJECT: Report update concerning Sidewalk Replacement Program

REQUESTING DEPARTMENT: Trustee Leuty

SUGGESTED MOTION:

To be included with the motion to approve or accept receipt of items on the consent agenda.

Financing Cost: \$ na

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

The Township's Sidewalk Replacement Program has been a topic of interest during recent board meetings and other interactions. So, the attached report seeks to promote an updated, common understanding of the program.

Please include the attached report update as a "Report" item within the agenda to allow for board discussion (or as a Received Consent Agenda item).

Submitted by: Trustee Leuty

Manager's Recommendation: NA

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

Sidewalk Replacement Program: Report Update

2-16-21 Update



Program description

The Charter Township of Kalamazoo offers a program to assist residential property owners with the replacement of sidewalk squares that are in disrepair. The Township may reimburse a property owner for 50% of the cost to repair sections of sidewalk determined by the Ordinance Enforcement Officer to be in disrepair. The maximum subsidy per parcel is \$500. Applications are accepted on a first come, first served basis until the Township's annual Sidewalk Replacement Fund is exhausted. Sidewalk squares will be considered in disrepair if any of the following criteria exist:

- Potholes of one or more inches in depth
- A height difference of two or more inches in adjoining sections of sidewalks
- Insufficient slope to adequately drain the water away from the surface

Results

Over the last five years (2016 – 2020), the program awarded a total of \$4,287.50 (an average \$855.50/year) to nine participants, as the following table details:

<u>Year</u>	<u># of partipants</u>	<u>Sidewalk Replacement payments</u>
2016	1	\$500 to Steven Wright
2017	1	\$500 to Louise & Alice Wilson
2018	3	\$462.50 to Chelsea Prosser \$500 to Robert Havenaar \$500 to Ryan Racine
2019	3	\$500 to Davis & Deanna Lingg \$325 to Sandra Smoker \$500 to Michael & Maria Gilbert
2020	1	\$500 to Karen Pittman

Potential actions to consider

1. Although the Township website currently prominently shares information about the program, the Township can highlight information via its newsletter, Facebook, and other communication means to further promote public awareness and participation.
2. One budget line item (#101-446-969.01) currently serves both the \$5,000 Sidewalk Replacement Program and the larger Township-wide sidewalk projects. During the scheduled Fall 2021 budget discussion, consider itemizing Fund 446 in the 2022 budget, similar to the follow example:

101-446-969.01	Sidewalk Replacement Program	\$ 5,000
101-446-969.02	Sidewalk, at-large projects	\$70,000
3. If participation increases in the future, consider increasing the program budget.



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 9F)

FOR MEETING DATE: February 22, 2021

SUBJECT: Nichols Rd Project

REQUESTING DEPARTMENT: Manager

SUGGESTED MOTION:

to approve the Nichols road project widening of one foot on each side.

Financing Cost: \$78,247

Source: General Fund X Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

Submitted by: Township Manager

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.



Charter Township of Kalamazoo's
Non-motorized Transportation Master Plan Update

Reviewed by the Kalamazoo Township Planning Commission with public input.
 Adopted by the Township Board of Trustees on _____, 2021
 (working draft: 2/16/2021)

Kalamazoo Charter Township adopted a Non-motorized Transportation Master Plan on 12/08/2014 (available at <http://ktwp.org/Portals/16/Community/141208%20Full%20NM%20Report-no%20appendix.pdf>). Since the Plan's adoption to the present, the Township has actively implemented Plan components. Now is an appropriate time to review, evaluate, and update the Plan as a tool to guide future efforts, including the following highlights:

Finding 1: Commitment remains strong

The content of the 2014 Plan remains a valuable resource. The Plan's purpose is still pertinent to "articulate a vision for non-motorized transportation in the Township. " And, the Township continues to recognize non-motorized systems as "a wonderful community asset" that supports "recreation, alternative transportation, increased mental and physical well-being, pollution reduction, conservation of natural resources, increase in property values, and improved quality of life" and other benefits.

In addition, the Township remains committed to its Complete Streets Resolution (adopted June 2015) to promote multiple transportation uses, including vehicles, pedestrians, bicycling, and public transportation.

Finding 2: Implementation strategy

Given limited resources to address the Plan's overwhelming scope of identified needs, a citizen-based Non-motorized Implementation Committee outlined a strategy to emphasize the following priorities:

- Advance Safe Routes to Schools
- Complete existing infrastructure, such as tying together existing sidewalks where gaps occur, connecting orphaned corners where existing sidewalks fail to reach the road, and replacing curb barriers with ADA ramps where sidewalks meet roads.
- Improve access to the Kalamazoo River Valley Trail
- Construct sidewalks for County primary and other busy roads.

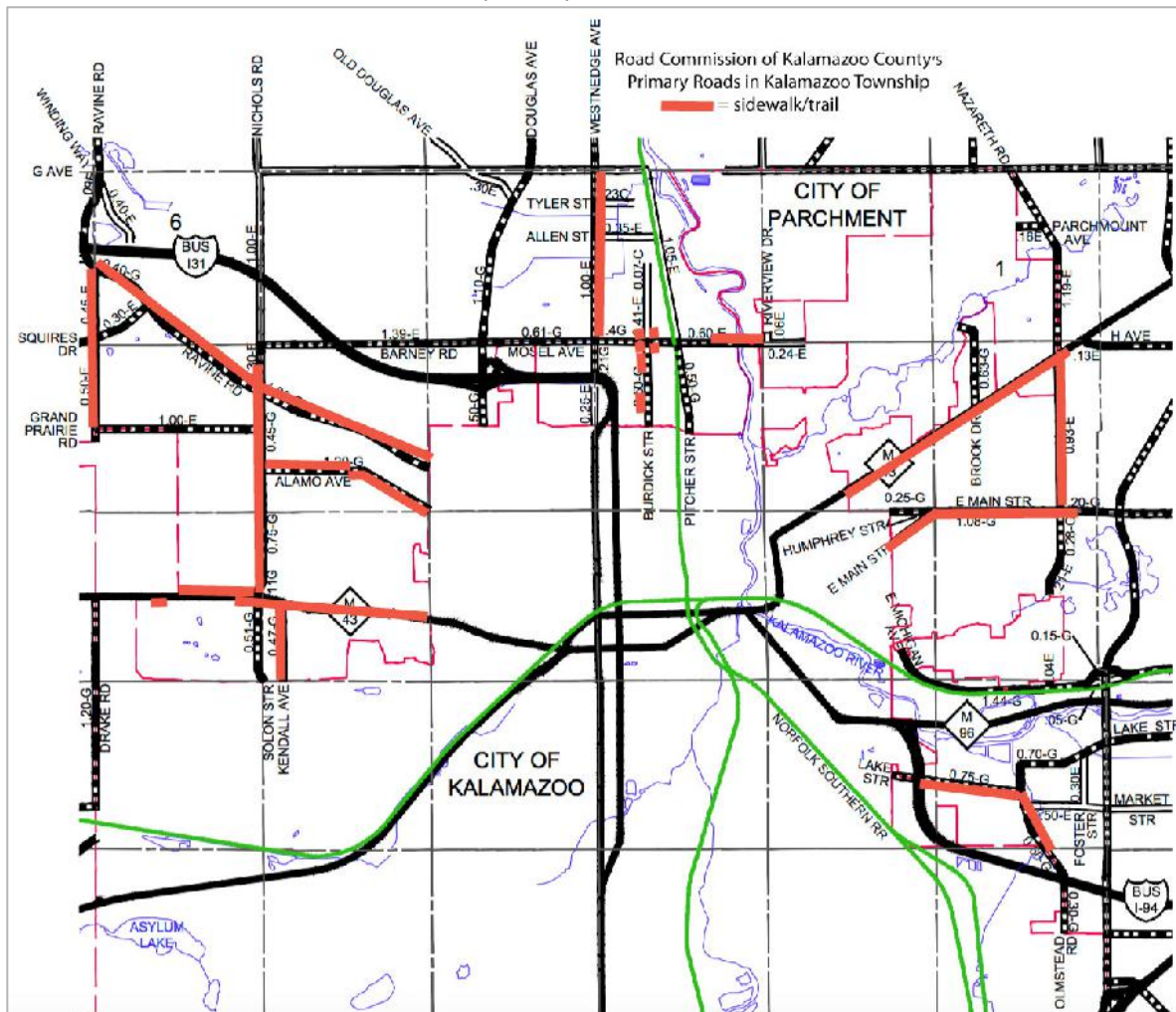
The Implementation Strategy continues to provide valuable guidance.

[Finding 3: Accomplishments to date](#)

In 2015, a partnership with the Township, the City of Kalamazoo and Oshtemo Charter Township facilitated new sidewalks for Drake Road, which provided sidewalk access north of Grand Prairie Road to Kalamazoo Central High School and the Kalamazoo River Valley Trail and signed bicycle routes on Drake Road

In February 2015, a voter-approved Transportation Bond financed significant infrastructure improvements from 2015-2018 for roads, road drainage, and many non-motorized transportation elements throughout the Township, including:

- Correcting 44 “orphaned” corners to provide barrier-free access to intersections (particularly serving schools) with ADA-compliant ramps to correct obstacles like curb & gutter sidewalks and existing sidewalks ending in grass without reaching roads,
- Completing over 100, “spot” repairs of existing, high-use sidewalks, typically involving 1-7 concrete slabs per “spot” repair,
- Constructing approximately four miles of signed, bicycle routes on E. Main Street and bicycle boulevards through Eastwood and Westwood to identify less congested routes, and
- Installing 2.8 miles of new sidewalks adjacent to primary and other busy roads, including portions of Grand Prairie Road, Nazareth Road, Sunnyside Drive, Kendall Avenue, Olmstead Road, and West Main Street/M-43 (between Solon and Sabin Streets). Red highlights in the map below indicate where sidewalks or trails are associated with primary roads.



To continue momentum following the Transportation Bond, the Township increased the General Fund’s line item for sidewalks (which also finances the Sidewalk Replacement Program). However, COVID-related concerns

cancelled plans for 2020's non-motorized improvements. In 2021, due to increased labor and material costs associated with the COVID challenge, the Township scaled down the scope of work, to concentrate on filling sidewalk gaps and installing an ADA ramp on the south side of Edison Street to enhance Safe Routes to Parchment Northwood Elementary School, as well as a "spot" repair at Haskell Street and two orphaned corners on Grand Pre Avenue.

[Finding 4: Funding needs](#)

Funding is biggest constraint to more non-motorized transportation improvements. The Township continues to seek funding sources to further implement non-motorized transportation improvements. In addition to the current use of modest General Fund monies, future funding opportunities to consider include:

- Local foundation grants. The Township manager and a board member could work together to explore this option.
- Federal/state grant funds. The Township manager and the Township board representative to the Kalamazoo Area Transportation Study (KATS) could investigate opportunities. Reportedly, federal/state TAP funds are obligated via KATS through 2023 (and TAP may consider sidewalk projects a low priority), and the Michigan Fitness Foundation's Safe Routes to Schools program are limited to Act 51-eligible organizations, such as the Road Commission of Kalamazoo County and cities.
- Partnerships with the City of Kalamazoo (which is Act 51-eligible) for projects that serve areas of our common borders.
- Special assessment districts. At the initiative of affected property owners, the Township has the option to assess property to fund improvements within a district.
- A non-motorized transportation millage.

Barring significant fund windfalls, the Township will continue to maximize even its limited means by planning strategically to efficiently maximize improvements.

[Finding 5: Seeking public participation](#)

In addition to the residential input on the Steering Committee (which helped develop the December 2014 Plan) and the Non-motorized Transportation Implementation Committee, public involvement continues to be a valuable and welcomed resource. Opportunities for public input include:

- Enhance participation in the Township's *Sidewalk Replacement Program*, which reimburses property owners for a portion of their costs to correct certain sidewalk deficiencies. Despite a program budget of \$5,000/year, the program is underutilized. Over the last five years (2016-2020), only nine property owners participated, awarding a total \$4,287.50 – an average of \$855.50/year.
- Document public input to identify specific areas of need on a working list, garnered from:
 - public comments at board meetings,
 - communications with individual board members, manager, and staff,
 - potentially, an interactive web feature for reporting "spot" repairs and other issues, similar to RCKC's "Contact Us" webpage. And
 - other sources.
- Encourage neighbors to help neighbors to keep sidewalks clear of snow, ice, vegetation, parked cars, and other barriers, possibly formerly via an Adopt a Block Captain program.
- Support code enforcement efforts aimed to keep sidewalks clear of snow, ice, vegetation, parked cars, and other barriers. In response to the Community Survey results, the board identified the following two initiatives that apply to non-motorized transportation:
 1. Develop a strategy to reduce blight and related code enforcement issues, and
 2. Continue to promote non-motorized transportation at no or minimal cost to the township.

At a 9/21/20 board meeting, Clerk Miller recommended the board charge the Township manager with developing a strategy concerning blight and related code enforcement topics. For sidewalk concerns,

the plan could guide the Township’s Code Enforcement Officer’s limited resources to prioritize monitoring for barriers (such as snow, vegetation, and vehicles) affecting sidewalks associated with relatively busy roads (such as Gull Road, Nazareth Road, Sunnyside Lane, East Main Street, West Main Street, Kendall Avenue, Alamo Avenue Nichols Road, North Drake Road, Lake Street, Olmstead Road, and Edison Street. Another prioritized area may be seeking corrective actions for properties that prevent practical use of sidewalks due to overgrown vegetation and snow plow-mounding snow on sidewalks. In addition, the Township’s legal counsel noted an opportunity to improve sidewalk-related ordinances.

- Via its website, social media, and other means, the Township can continue to promote public awareness of the value of utilizing the Township’s non-motorized infrastructure for walking and bicycling in neighborhoods, which enhances a sense of community, public safety, mental and physical health, and other benefits.

Finding 6: Updating list of specific needs

As the Plan recognizes, “This is a living document and it is anticipated that, over time and as additional information is collected, it is possible that the proposed locations for non-motorized trails could change due to a number of issues such as funding, leadership changes, project priorities, public opinion, and land use.” The Plan’s list of potential projects can be updated with additional public input, so potential projects are closer to being “shovel ready” to proceed when funding and other variables are favorable.

The following is a working list of potential projects that include outstanding areas identified in the 2014 Plan, as well as new, updated information:

Orphaned corners:

Despite significant progress using Transportation Bond funds, an estimated 178 remaining areas (see table, below) exist where sidewalks stop short of reaching the street. Even with limited funds over multiple years, the Township can continue to prioritize (based on safety and anticipated use) to complete the existing sidewalk infrastructure.

Estimated number of current orphaned corners per neighborhood (updated Feb 2021)

Eastwood	95 south of E. Main St. and 15 north of E. Main St.
Lakewood	1 (south end of Olmstead Road from KPEP to BL-94)
Northwood	7
Westwood	60
Estimated total	178



Spot repairs needs for existing sidewalks:

All residents can help identify specific areas of deficient, existing sidewalks, as a first step to solve the concerns via the Sidewalk Replacement Program, potentially enforcement actions, or possibly Township-initiated repairs when funds may be available, such as the following examples:

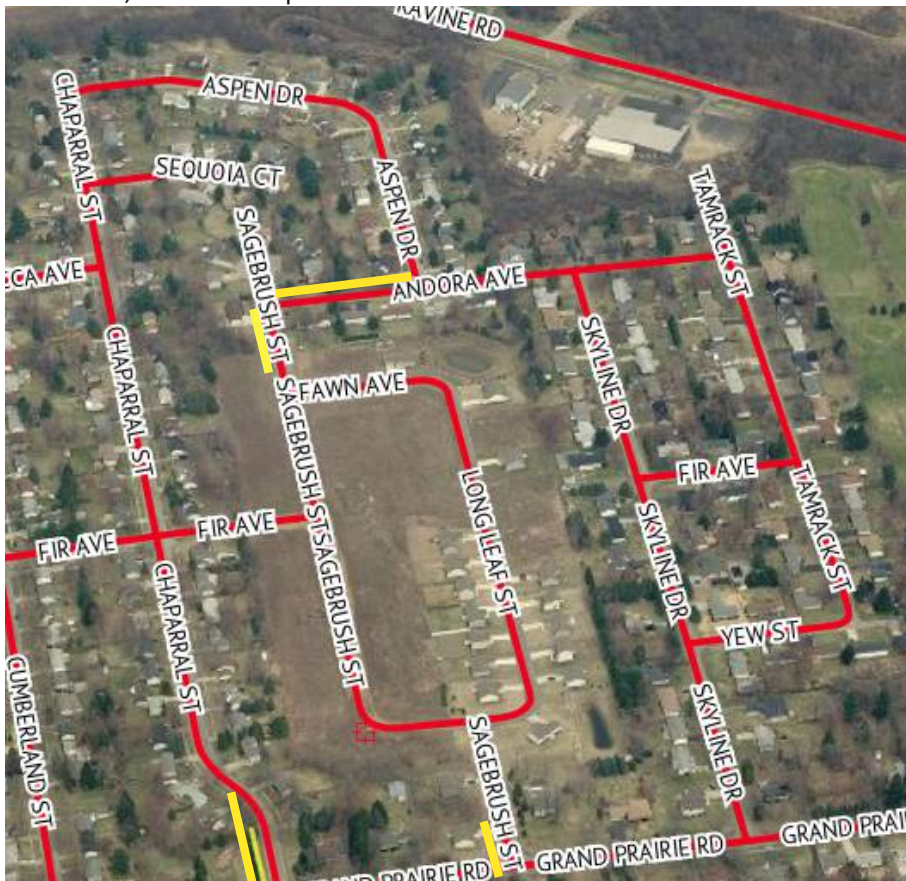
Location: nearest street address	# of affected concrete slabs
876 Clearview St. (example)	2
123 Seminole St. (example)	4
321 Chaparral St. (example)	2
1343 Calhoun St. (example)	3

Sidewalks:

As the December 2014 Plan noted, plans for specific sidewalk improvements depend on funding opportunities or new road projects.

New suggested projects (in addition potential projects listed in the December 2014 Plan):

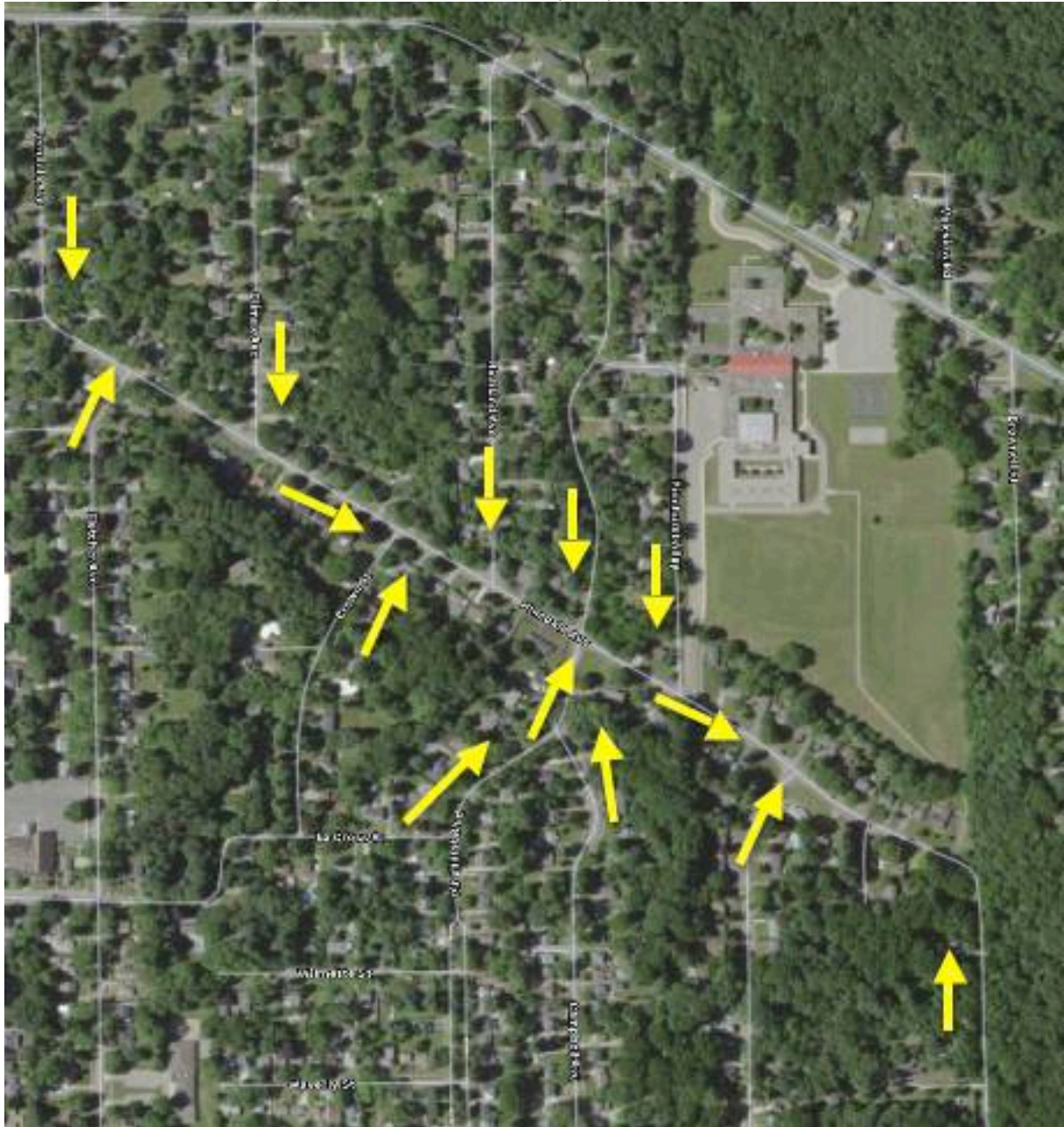
1. Seminole Street: Complete the existing sidewalk’s gaps, spot repairs, and orphaned corners to enhance access to primary corridor of Grand Prairie Rd.
2. Hickory Nut Lane and Sweet Cherry Lane, which intersect the Valleywood Plat.
3. Edison St (between Glen St and N. Westnedge Ave) to complete the last, sidewalk segment.
4. Chaparral St and Sagebrush St area: Facilitate a loop (Chaparral-Aspen-Andora-Sagebrush-Grand Prairie) by completing orphaned corners (Chaparral St’s four curb & gutter corners), sidewalk gaps (see yellow lines on aerial photo, below), and a few spot repairs to promote walking and provide access to Metro bus, schools and parks.



Yellow lines denote missing sidewalk segments of a Chaparral-Aspen-Andora-Sagebrush-Grand Prairie Loop.

- Hillsdale Ave corridor (including the large, topographically challenged area of Dartmouth St/North St./Berkley St/Pinehurst Blvd/Campbell Ave/Crown St/Fletcher Ave/Richland Ave/Climax Ave/Ferndale Ave. Evaluate options to increase safety for non-motorized users (only one segment of sidewalk currently exists north of Hillsdale Ave, west of Climax Ave), including Safe Routes to Hillside Middle School and other pedestrians. The area's significant slopes (particularly the limited sight-distances of Fletcher Ave and Pinehurst Blvd) and the existing steps at the SW corner of Berkley St and North St (a barrier to wheelchair users) require careful, coordinated planning.

Hillsdale Avenue corridor: yellow arrows indicate sharp slopes without sidewalks



Projects from the December 2014 Plan:

Corridor/Route	Type of Facility	Proposed improvements	2014 Cost Estimate	Priority
Drake Rd Squires Dr to Ravine Rd	Sidewalks	Construct new 5' sidewalk on east side of road (Update: completed)	\$50,000 (2000')	High
West Main St Nichols Rd to Sage St	Sidewalks	Construct new 5' sidewalk on south side of road (Update: portions are complete between Sabin St. and Solon St., the Drive & Shine car wash, and Kalsec's portion is anticipated in 2021.)	\$190,000 (7600')	High
Solon St West Main St to Kalamazoo Twp limits	Sidewalks	Construct new 5' sidewalk on both sides of road	\$129,000 (5160')	High
Kendall Ave West Main St to Kalamazoo Twp limits	Sidewalks	Construct new 5' sidewalk on both sides of the road to fill in gaps (Update: west side of Kendall Ave, between Santos Ave and W. Main St, is complete)	\$60,875 (2435')	High

Nichols Rd Alamo Ave to G Ave	Sidewalks	Construct new 5' sidewalk on both sides of road	\$350,000 (14000')	High
Grand Prairie Rd Drake Rd to Stone Mill St	Sidewalks	Construct new 5' sidewalk on both sides of road	\$120,750 (4830')	High
Grand Prairie Rd Stone Mill St to Nichols Rd	Sidewalks	Construct new 5' sidewalk on north side of road	\$64,750 (2590')	High
Sunnyside Dr Gull Rd to Gertrude St	Sidewalks	Construct new 5' sidewalk on both sides of road (Update: West side completed)	\$110,000 (4400')	High
Dartmouth St Hillsdale Rd to Commonwealth St	Sidewalks	Construct new 5' sidewalk on both sides of the road to fill in gaps	\$95,500 (3820')	High
Berkley St Hillsdale Rd to W North St	Sidewalks	Construct new 5' sidewalk on both sides of the road to fill in gaps	\$45,250 (1810')	High
Alamo Ave Nichols Rd to Kalamazoo Township Limits	Sidewalks	Construct new 5' sidewalk on both sides of the road to fill in gaps (Update: portions completed)	\$112,925 (4520')	High
Nazareth Rd Gull Rd to East Main St	Sidewalks	Construct new 5' sidewalk on both sides of road (Update: East side completed)	\$240,000 (9600')	High
Olmstead Rd Miller Rd to Lake St	Sidewalks	Construct new 5' sidewalk on both sides of road (Update: portions completed)	\$280,000 (11,200')	High
Lake St Olmstead Rd to Kalamazoo Twp Limits	Sidewalks	Construct new 5' sidewalk on both sides of the road to fill in gaps (Update: County portion anticipated in 2022)	\$138,750 (5550')	High
Ravine Rd Nichols Rd to Drake Rd	Sidewalks	Construct new 5' sidewalk on both sides of road	\$327,750 (13110')	High
Miller Rd Sprinkle Rd to Twp Limits	Sidewalks	Construct new 5' sidewalk on both sides of road	\$65,000 (2600')	High
Douglas Ave G Ave. to Kalamazoo Township Limits	Sidewalks	Construct new 5' sidewalk on both sides of road	\$341,500 (13660')	High
Barney Rd Nichols Rd to Douglas Ave	Sidewalks	Construct new 5' sidewalk on both sides of road	\$188,700 (7845')	High
Mosel Rd Douglas Ave to Westnedge	Sidewalks	Construct new 5' sidewalk on both sides of road	\$175,900 (7036')	High

Road diets:

The Plan identified candidates for a “road diet” to eliminate or narrow traffic lanes to allow for bicycle lanes (see Page 26 of the Plan). Since the Plans adoption, RCKC converted East Main Street from four traffic lanes to two traffic lanes, a center turn lane, and widened shoulders for bicycles.

As the December 2014 Plan notes, opportunities exists for additional “road diets” for Edison Street (narrow lanes to 10-11 feet) and **Douglas Avenue (to connect to an existing bicycle lane in the City of Kalamazoo)**. The Township can share its interest in road diets with the Road Commission of Kalamazoo County.

Marked bike lanes:

Despite recent improvements, such as N. Drake Road’s and E. Main Street’s marked bike lanes, off-road paths and paved shoulders remain few (see page 11 of the Plan).

Intersection crossings

The December 2014 Plan also includes provision of pedestrian safe crossings at the following intersections:

1. Olmstead Rd and Business Loop 94
2. Olmstead Rd and Lake St
3. Nichols Rd and Solon Rd at West Main St
4. Lake St and Sprinkle Rd
5. Gull Rd and Nazareth Rd
6. Mosel Ave and Douglas Ave
7. Grand Prairie Rd and Nichols Rd

Shared-Use Path:

As the December 2014 Plan notes, “The primary goal for shared-use paths is to implement them as funds and opportunities arise. The general hierarchy for shared-use path priorities are as follows:

1. High Priority: Connection to regional or adjacent community facilities, or points of interest.
2. Medium Priority: Replace sidewalks on primary roads that connect neighborhoods to recreational facilities and important points of interest.
3. Low Priority: Other opportunities that arise based on funding, project coordination, and development.”

Projects from the December 2014 Plan:

Corridor/Route	Type of Facility	Proposed improvements	2014 Cost Estimate	Priority
Business Loop 94 Lake St to KRVT along King Hwy	Shared-Use pathway	Construct 10’ asphalt shared-use pathway	\$90,000 (1800’)	High
Brook Dr Gull Rd to Spring Valley Park	Shared-Use pathway	Construct 10’ asphalt shared-use pathway	\$122,400 (3060’)	High
Off Road Path Township property at King Hwy north to East Michigan Ave	Shared-Use pathway	Construct 10’ asphalt shared-use pathway	\$46,000 (1150’)	High
Squires Dr Ravine Rd to Drake Rd	Shared-Use pathway	Construct 10’ asphalt shared-use pathway	\$100,000 (2500’)	High
Nazareth Rd East Main St to Kenilworth Ave	Shared-Use pathway	Construct 10’ asphalt shared-use pathway	\$93,720 (2343’)	High
Gull Rd (M-43)	Shared-Use	Widen sidewalk to 10’ shared-use	\$255,000	Medium

East Kalamazoo Township Limits to west Kalamazoo Township limits	pathway	pathway	(10,200')	
Olmstead Rd Miller Rd to Lake St	Shared-Use pathway	Construct 10' asphalt shared-use pathway	\$234,600 (5865')	Medium
Nichols Rd Grand Prairie Rd to G Ave	Shared-Use pathway	Construct 10' asphalt shared-use pathway	\$343,600 (8590')	Medium
Off Road Path End of Nazareth Rd south to KRVT	Shared-Use pathway	Construct 10' asphalt shared-use pathway including railroad crossing	TBD (4024')	Low
Grand Prairie Rd Nichols Rd to Drake Rd	Shared-Use pathway	Construct 10' asphalt shared-use pathway	\$240000 (6000')	Low
Off Road Path From Lake St north to KRVT	Shared-Use pathway	Construct 10' asphalt shared-use pathway including bridge over river	TBD (1170')	Low
Ravine Ave KRVT Gap on south side	Shared-Use pathway	Construct 10' asphalt shared-use pathway on south side of road	\$170,800 (4270')	Low

Bicycle facilities:

The long-term goal is to provide bicycle facilities along all "primary roads" or roads eligible for federal aid within the Township. The general hierarchy of bicycle facility priorities are as follows:

1. High Priority: Road corridors that only need markings and/or signage to achieve a bicycle lane, road corridors that are on the KCRC CIP plan, and roads that connect to existing adjacent facilities.
2. Medium Priority: Road corridors that need a widened or paved shoulder.
3. Low Priority: Road corridors that can be put on a road diet or allow for narrowed lanes.

Projects from the December 2014 Plan:

Corridor/Route	Type of Facility	Proposed improvements	2014 Cost Estimate	Priority
Lake St Olmstead to west Kalamazoo Twp Limits	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$47,880 (3990')	High
Lake St Olmstead Rd and Sprinkle Rd	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$60,340 (3017')	High
Kendall Rd South of West Main Rd	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$30,000 (2500')	High
Squires Rd Ravine Rd to Drake Rd	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$50,000 (2500')	High
Solon Rd South of West Main Rd	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$30,720 (2560')	High
Nazareth Rd Gull Rd and Kenilworth Ave	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$69,200 (3460')	High
East Michigan Ave East Kalamazoo Township limits to west Kalamazoo Township limits	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$90,000 (7500')	High
Nichols Rd West Main St to Ravine Ave	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$80,400 (6700')	High
Humphrey St East Main St to Kalamazoo	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$61,800 (3090')	High
Douglas Ave	Road Diet	Narrow lanes to 10-11' and add bike	\$46,260	High

Church to Township Limits		lanes with markings and signs	(3855')	
East Main St Per KCRC CIP Plan	Road Diet	Convert 4 lanes to 3 lanes and add bike lanes with markings and signs	TBD	High
Sunnyside Dr Gull Rd to East Main St	Shared Use Lane	Provide pavement markings	\$17,330 (3460')	High
Brook Dr Gull Rd to Spring Valley	Shared Use Lane	Provide pavement markings	\$15,375 (3075')	High

Westnedge Ave Mosel Ave to G Ave	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$110,600 (5530')	High
Douglas Ave Church and G Ave	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$91,640 (4582')	High
Grand Prairie Ave Nichols Rd to Drake Rd	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$119,400 (5970')	High

Update: the following Bicycle Blvds were completed.

Canterbury Ave East Township limits to Mohawk St	Bicycle Boulevard	Provide pavement markings and signage	\$19,800 (1980')	High
Mohawk St Canterbury Ave to Grace Rd	Bicycle Boulevard	Provide pavement markings and signage	\$3,400 (340')	High
Grace Rd Mohawk St to Coolidge Ave	Bicycle Boulevard	Provide pavement markings and signage	\$19,630 (1963')	High
Coolidge Ave Grace Rd to Athea St	Bicycle Boulevard	Provide pavement markings and signage	\$2,410 (241')	High
Athea St Coolidge Ave to Lacross St	Bicycle Boulevard	Provide pavement markings and signage	\$14,710 (1471')	High
Lacross St Athea St to Pinehurst Blvd	Bicycle Boulevard	Provide pavement markings and signage	\$6,080 (608')	High
Pinehurst Blvd Lacross St to Kenwood St	Bicycle Boulevard	Provide pavement markings and signage	\$10,320 (1032')	High
Kenwood St Pinehurst Blvd to Commonwealth Pl	Bicycle Boulevard	Provide pavement markings and signage	\$5,270 (527')	High
Commonwealth Pl Kenwood St to Commonwealth Ave	Bicycle Boulevard	Provide pavement markings and signage	\$6,300 (630')	High
Commonwealth Ave Commonwealth Pl to Arlington St	Bicycle Boulevard	Provide pavement markings and signage	\$13,140 (1314')	High
Arlington St Commonwealth Ave to West Main St	Bicycle Boulevard	Provide pavement markings and signage	\$5,280 (528')	High
Gayle Ave East Main St to Charles Ave	Bicycle Boulevard	Provide pavement markings and signage	\$25,200 (2520')	Medium
Charles Ave Wallace Ave to Arthur Ave	Bicycle Boulevard	Provide pavement markings and signage	\$31,420 (3142')	Medium
Arthur Ave Charles Ave to Kenilworth Ave	Bicycle Boulevard	Provide pavement markings and signage	\$6,150 (615')	Medium
Kenilworth Ave	Bicycle	Provide pavement markings and	\$18,360 (1836')	Medium

Arthur Ave to Nazareth Rd	Boulevard	signage		
Nichols Rd Ravine Rd to G Ave	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$147,720 (7386')	Medium

Alamo Ave Nichols Rd to east Township Limits	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$123,820 (6191')	Medium
Mosel Ave Westnedge Ave to Riverview Dr	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$61,656 (5138')	Medium
Nazareth Rd Gull Rd. to G Ave	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$76,800 (6400')	Medium
Ravine Rd Drake Rd to East Township Limits	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$150,600 (12550')	Medium
Hillsdale Ave Berkley St to Ferndale Ave	Shared Use Lane	Provide pavement markings	\$15,400 (3080)	Medium
Ferndale Ave Hillsdale Ave to Alamo Ave	Shared Use Lane	Provide pavement markings	\$4,450 (890')	Medium
Mulhearn Ave Nazareth Rd to Baker Dr	Shared Use Lane	Provide pavement markings	\$6,325 (1265')	Medium
Baker Dr Mulhearn Ave to Gertrude St	Shared Use Lane	Provide pavement markings	\$2,300 (460')	Medium
Gertrude St Baker Dr to Stamford Ave	Shared Use Lane	Provide pavement markings	\$12,500 (2500')	Medium
Stamford Ave Gertrude St to East Main St	Shared Use Lane	Provide pavement markings	\$6,250 (1250')	Medium
Barney Rd Nichols Rd and Douglas	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$139,080 (6954')	Low
Wallace Rd King Hwy to East Main St	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$38,100 (3175')	Low
Sprinkle Rd Miller Rd to King Hwy	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$88,800 (7400')	Low
Edison St	Road Diet	Narrow lanes to 10-11' and add bike lanes with markings and signs	\$31,200 (2600')	Low
Market St Olmstead Rd to Sprinkle Rd	Shared Use Lane	Provide pavement markings	\$17,000 (3400')	Low
N Burdick St Mosel to Township Limits	Bicycle Lane	Stripe bike lanes on existing pavement, provide pavement markings and signage	\$30,840 (2570')	Low
Pitcher St Mosel Ave to Twp limits	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$52,860 (2642')	Low
Mt Olivet Rd Riverview Dr to Parchment	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$75,000 (3750')	Low

Mosel Ave Douglas Ave and Westnedge Ave	Bicycle Lane	Widen / pave existing shoulder and add pavement marking and signage	\$71,500 (3575')	Low
Mosel Ave Riverside Dr to Virginia Ave	Shared Use Lane	Provide pavement markings	\$15,375 (3050')	Low

Virginia Ave Mosel Ave to Mt Olivet Rd	Shared Use Lane	Provide pavement markings	\$3,700 (740)	Low
---	--------------------	---------------------------	---------------	-----

Other outstanding needs identified in the Plan (See pages 27-28 of the Plan):

The December 2014 Plan proposes 10-ft wide off-road shared-use paths along key roadway corridors as delineated on the off-road plan. This includes the following segments:

1. G Ave between Nichols Rd and the KRVT
2. Nichols Rd between Grand Prairie Rd and G Ave
3. Grand Prairie Rd between Nichols Rd and Drake Rd
4. Squires Dr between Ravine Rd and Drake Rd/H Ave
5. Ravine Ave where the current gap in the KRVT exists
6. Gull Road
7. Brook Dr from Gull Rd to Spring Valley Park
8. Nazareth Rd from East Main St south to Kenilworth Ave
9. Extend path south from Nazareth to the KRVT, which would require easement and a railroad crossing
10. Olmstead Rd from Miller Rd north to Lake St
11. Extend the path from Lake St north to the KVRT, which would require easement and a river crossing
12. Path from Township owned property along King Hwy (former Georgia Pacific property)south to the KRVT and north to East Michigan Ave, which would require an easement and railroad crossing
13. Business Loop 94 between Lake St and the KRVT along King Hwy



SUMMARY OF INCIDENTS REPORT
(Includes all Officer Initiated & Citizen Reported)

Kalamazoo Township

ORI	All
Create Date.Calendar	January 2021
Venue	KALAMAZOO TOWNSHIP

Call Type/Nature Code	# of Incidents
911 Hangup(s)	125
Abandoned Vehicle	13
Abandoned Vehicle-Private Proper	27
Alarm	21
Animal Complaint	4
Arrest On Warr (Other Dept)	3
Assault/DV	21
Assist Fire Dept	14
Assist Other Dept	29
Assist Person	72
ATL	6
B&E/Illegal Entry	15
B&E/Larceny From Veh	16
BOL	19
Check Welfare	52
Child Abuse/Neglect	3
Civil Calls	8
Community Policing/Crime Prev	4
CSC	3
Death Investigation	1
Directed Patrol	206
Disturbance/Fight	21
Drugs/VCSA	4
Embezzlement	1
Felonious Assault	3
Fire Alarm - Commercial	4
Fire Alarm - Residential	4
Fire Alarm - Test	4
Follow-Up	63
Foot Patrol	4
Forgery/U&P/Counterfeit	2
Fraud	15
Harassing TX/Texts	16
Harrassment/Misc Criminal	2
Health & Safety	1
Hit & Run Accident	10
Juvenile Mischief	3

Larceny	24
Lockouts	1
Lost/Found Property	11
Maintenance	3
MDP	8
Misd Traffic (DWLS)	43
Missing Person	3
Motorist Assist	9
Natural Gas Leak - Inside	3
Natural Gas Leak - Outside	2
Noise Complaint	33
Obs Justice	10
Ordinance Violation	18
Other Criminal Complaint	2
OWI/OUID	5
Panhandler/Vagrant/Solicitor	5
Parking Complaint	6
PD Accident	25
Peace Officer	19
PI - Confirmed Injuries	8
PR/PRB/PRS	6
Prisoner Transport	2
R&O/Fleeing	1
Recover Stolen Vehicle	8
Repossession	2
Rescue-Medical Incoming	17
Rescue-Medical P1	155
Rescue-Medical P2	66
Rescue-Medical P3	159
Retail Fraud	9
Robbery	3
Runaway	2
Service For Department	7
Shots Fired	13
SOR Registration	1
Special Check	3
Special Service	24
Stalking	1
Structure Fire - Commercial	3
Structure Fire - Residential	5
Suicide/Attempt	8
Suspicious	124
Traffic Hazard	7
Traffic Mishap/Acc Damage	1
Traffic Stop	228
Trespassing	13
Trouble with Subject	108
Unk Accident	21
Vehicle Fire	1
Vehicle Inspection	4
Vehicle Theft (UDAA)	10
VRDL/Fix it Tickets	9
Warrant Service	14
Grand Total	2092



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 8A

FOR MEETING DATE: Monday, February 22, 2021

SUBJECT: Police Department Staffing

REQUESTING DEPARTMENT: Police Department

SUGGESTED MOTION:

Approve Police Department staffing proposal utilizing existing funds.

Financing Cost: \$365,000

Source: General Fund Grant _____ Other _____

Are these funds currently budgeted? Yes No _____

Other comments or notes:

Submitted by: Police Chief

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

2021 PD Staffing Proposal - Cost Estimate

Sergeant Position		2021 (July-Dec)	2022	2023	2024	2025
Base Wages	Sergeant (Step Level 1, 2, 3)	\$ 37,606.40	\$ 77,636.00	\$ 79,476.80	\$ 80,392.00	\$ 80,392.00
Pension	(MERS rate, 17.5% of base)	\$ 6,581.12	\$ 13,586.30	\$ 13,908.44	\$ 14,068.60	\$ 14,068.60
Medicare	(1.45% of base)	\$ 545.29	\$ 1,125.72	\$ 1,152.41	\$ 1,165.68	\$ 1,165.68
FICA	(6.2% of base)	\$ 2,331.60	\$ 4,813.43	\$ 4,927.56	\$ 4,984.30	\$ 4,984.30
Worker Compensation	(5.75% of base)	\$ 2,162.37	\$ 4,464.07	\$ 4,569.92	\$ 4,622.54	\$ 4,622.54
Life Insurance	(\$25.85/month)	\$ 155.10	\$ 310.20	\$ 310.20	\$ 310.20	\$ 310.20
Short-Term Disability	(\$56.35/month)	\$ 338.10	\$ 676.20	\$ 676.20	\$ 676.20	\$ 676.20
Long-Term Disability	(\$28.96/month)	\$ 173.76	\$ 347.52	\$ 347.52	\$ 347.52	\$ 347.52
Shoe & Glove allowance		\$ 275.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
Vision	(\$8.74/month)	\$ 52.44	\$ 104.88	\$ 104.88	\$ 104.88	\$ 104.88
Uniforms/ personal equipment		\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Health and Dental insurance	(assumes 2 person contract , employee pays 20% premium copay, \$1,262.82/month)	\$ 7,576.92	\$ 15,153.84	\$ 15,153.84	\$ 15,153.84	\$ 15,153.84
Liability coverage		\$ 166.00	\$ 333.00	\$ 333.00	\$ 333.00	\$ 333.00
Total (Sgt. Position)		\$ 58,964.10	\$ 119,851.16	\$ 122,260.77	\$ 123,458.77	\$ 123,458.77
Police Officer Positions		2021 (July-Dec)	2022	2023	2024	2025
Base Wages	3 Police Officers (Step Level 1, 2, 3, 4, 5)	\$ 70,668.00	\$ 151,101.60	\$ 164,954.40	\$ 178,744.80	\$ 192,566.40
Pension	(MERS rate, 17.5% of base)	\$ 12,366.90	\$ 26,442.78	\$ 28,867.02	\$ 31,280.34	\$ 33,699.12
Medicare	(1.45% of base)	\$ 1,024.69	\$ 2,190.97	\$ 2,391.84	\$ 2,591.80	\$ 2,792.21
FICA	(6.2% of base)	\$ 4,381.42	\$ 9,368.30	\$ 10,227.17	\$ 11,082.18	\$ 11,939.12
Worker Compensation	(5.75% of base)	\$ 4,063.41	\$ 8,688.34	\$ 9,484.88	\$ 10,277.83	\$ 11,072.57
Life Insurance	(\$25.85/ month)	\$ 465.30	\$ 930.60	\$ 930.60	\$ 930.60	\$ 930.60
Short-Term Disability	(\$56.35/month)	\$ 1,014.30	\$ 2,028.60	\$ 2,028.60	\$ 2,028.60	\$ 2,028.60
Long-Term Disability	(\$28.96/month)	\$ 521.28	\$ 1,042.56	\$ 1,042.56	\$ 1,042.56	\$ 1,042.56
Shoe & Glove allowance		\$ 825.00	\$ 900.00	\$ 900.00	\$ 900.00	\$ 900.00
Vision	(\$8.74/month)	\$ 157.32	\$ 314.64	\$ 314.64	\$ 314.64	\$ 314.64
Uniforms/ personal equipment		\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
Health and Dental insurance	(assumes 2 person contract , employee pays 20% premium copay, \$1,262.82/month)	\$ 22,730.76	\$ 45,461.52	\$ 45,461.52	\$ 45,461.52	\$ 45,461.52
Liability coverage		\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Total (Police Officer Positions)		\$ 121,718.37	\$ 252,469.91	\$ 270,603.23	\$ 288,654.86	\$ 306,747.34
<i>Per Officer</i>		<i>\$ 40,572.79</i>	<i>\$ 84,156.64</i>	<i>\$ 90,201.08</i>	<i>\$ 96,218.29</i>	<i>\$ 102,249.11</i>
Total Yearly Cost Estimate		\$ 180,682.47	\$ 372,321.08	\$ 392,864.00	\$ 412,113.63	\$ 430,206.11
Total Estimate Costs					\$ 1,788,187.29	
<i>Total Currently Budgeted (\$365,000 annually)</i>					<i>\$ 1,825,000.00</i>	
Difference					\$ 36,812.71	



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 8B

FOR MEETING DATE: 02/22/2021

SUBJECT: Resolution regarding pay for non-employee deputies

REQUESTING DEPARTMENT: Trustee Leuty

SUGGESTED MOTION:

To adopt the "Resolution Regarding Pay for Non-employee Deputies"

Financing Cost: \$ na

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

For many years, Kalamazoo Charter Township's Clerks and Treasurers appointed deputies who were township employees. A position description exists for a deputy plus type of Deputy Treasurer. The current Treasurer recently chose to appoint a non-employee deputy. This resolution seeks to clarify the board's authority for a substitute-type deputy. In response to Trustee Robinson's insightful suggestion, this revised resolution pertains to non-employee deputies in general.

Submitted by: Trustee Leuty

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

**KALAMAZOO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN**

RESOLUTION REGARDING PAY FOR NON-EMPLOYEE DEPUTIES

WHEREAS, the Township Treasurer and Township Clerk are required to appoint a deputy; and

WHEREAS, the Township Board determines the pay and hours of work for the deputies; and

WHEREAS, historically the Township Clerk and Treasurer have each appointed an employee as a deputy and the salary, job descriptions and duties of the deputy clerk and treasurer are therefore written in such a manner as if this process would be continued; and

WHEREAS, the Township Manager holds the primary administrative and executive functions for the Charter Township of Kalamazoo and is the personnel manager for the township staff; and

WHEREAS, the Michigan Townships Association recognizes three general “types” of deputies, known as the “substitute deputy”; an “assistant deputy”; and a “deputy-plus” identified as follows:

- A “substitute deputy” is one that takes over the primary office holder’s statutory duties during the absence, sickness or disability of the primary office holder;
- A “assistant deputy” is one that works along with the primary office holder and must have township board authorization to work as more than a substitute deputy; and
- A “deputy plus” is one that holds an employment position within the township; and

WHEREAS, the Township Board of Kalamazoo Township accepts these descriptions and adopts the classifications, for purposes of this resolution; and

WHEREAS, the Township has made job descriptions and wage determinations for a “deputy plus” and approves the continuation of them for situations in which the Clerk or Treasurer appoints an employee as a deputy; and

WHEREAS, the Township Board wishes to address the “substitute deputy” and “assistant deputy” possibilities, in the event that a Clerk or Treasurer appoints a person that is not an employee of the Township; and

WHEREAS, Section 3 of the Michigan Constitution provides that “(n)either the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into”.

NOW THEREFORE BE IT HEREBY RESOLVED:

1. In the event that a Treasurer or Clerk of the Township appoints a deputy that is not an employee of the Township; such a deputy will be considered to be a “replacement deputy”; and

2. A “replacement type” deputy shall not be authorized to work any hours and shall only be authorized to undertake the office-holder’s time-sensitive statutory duties during the sickness, absence or disability of the primary office holder; and
3. Any hours to be worked by an “assistant deputy” must be pre-authorized by the Township Board and shall not create an employee position within the township.
4. A Township Clerk or Treasurer who appoints a non-employee deputy shall not assign hours of work, passwords, equipment or access to the Township Hall unless authorized by the Township Board or the Township Manager acting at the direction of the Board.
5. A replacement-type deputy shall be paid an hourly rate of hourly rate of \$_____ per hour for the hours actually worked AND only when called in to perform a time-sensitive statutory function of the principal office-holder when the principal is absent, sick or disabled from performing a statutory duty.
6. This resolution shall have the effect of modifying the job description and assigned responsibilities for a replacement-type deputy such that the replacement-type deputy is required to be in the office and paid only when called upon to perform a statutory duty due to the absence, disability or illness of the primary office-holder.

Motion by member _____, supported by member _____.

Those in favor:

Those opposed:

The Supervisor declared the resolution adopted.

CERTIFICATE

I certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Kalamazoo Charter Township Board held on _____, 2021; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

Mark E. Miller, Clerk
Kalamazoo Charter Township



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 9A

FOR MEETING DATE: February 22, 2021

SUBJECT: Adopt Ordinance No. 627 rezoning 3625 Douglas Ave

REQUESTING DEPARTMENT: Planning Commission

SUGGESTED MOTION:

Adopt Ordinance No. 627 rezoning 3625 Douglas Avenue from C-1 Local Commercial to RM-2 Multiple Family Mixed Use Residential.

Financing Cost: _____

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

The Township Board accepted Ordinance No. 627 rezoning property addressed as 3625 Douglas Avenue C-1 Local Commercial District to RM-2 Multiple Family Mixed Use District. After rezoning, the property will be eligible for permitted and special uses in the RM-2 District.

Submitted by: Planning Commission

Manager's Recommendation: yes

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

KALAMAZOO CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. 627

ADOPTED: _____, 2021

EFFECTIVE: _____, 2021

AMENDMENT TO KALAMAZOO CHARTER TOWNSHIP ZONING ORDINANCE AND MAP

An Ordinance to rezone the property commonly addressed as 3625 Douglas Avenue (Parcel No. 06-04-190-033) within the Township from the existing C-1 Local Commercial District Zoning Classification to the RM-2 Multiple Family Mixed Use District Zoning Classification; to amend the zoning map to reflect this rezoning; to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KALAMAZOO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF LAND AND MAP AMENDMENT

A certain parcel of property commonly addressed as: 3625 Douglas Avenue (Parcel No. 06-04-190-033) in the Charter Township of Kalamazoo, Kalamazoo County, Michigan which is legally described as:

“SEC 4-2-11 BEG AT C 1/4 POST SEC 4 TH S 89 DEG 31 MIN 36 SEC W 652.69 FT (MEASURED AT 651.48 FT) ALG SD S LI TO THE CL DOUGLAS AVE THE CONT S89 DEG 31 MIN 36 SEC W 62.09 FT ALG S LI TH N 00 DEG 28 MIN 24 SEC W 381.00 FT PERP WITH SD S LI TO POB TH N 34 DEG 28 MIN 24 SEC W 82.45 FT TH N 00 DEG 28 MIN 24 SEC W 240 FT PERPENDICULAR WITH SD S LI TH N 89 DEG 31 MIN 36 SEC E 265.27 FT PAR WITH SD S LI TO THE WLY LI OF DOUGLAS AVE AT A PT 33 FT FROM CL TH S 24 DEG 25 MIN 50 SEC W 37.20 FT ALG SD W LI TH SELY 293.77 FT ALG SD WLY LI ALG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1943.08 FT AND A CHORD OF S 20 DEG 05 MIN 53 SEC W 293.49 FT TO A PT N 00 DEG 28 MIN 24 SEC W 381 FT FROM SD S LI OF THE NW 1/4 TH S 89 DEG 31 MIN 36 SEC W 100.44 FT PAR WITH SD S LI TO P.O.B. 1.5A MOR L”

is hereby rezoned from the existing C-1 Local Commercial District Zoning Classification to the RM-2 Multiple Family Mixed Use District Zoning Classification. The Township zoning map is hereby amended to reflect the rezoning.

SECTION II
EFFECTIVE DATE AND REPEAL

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All parts of ordinances in conflict herewith are hereby repealed.

KALAMAZOO CHARTER TOWNSHIP

Mark E. Miller, Township Clerk

1720 Riverview Drive

Kalamazoo, MI 49004

269-381-8080

www.ktwp.org



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 9B

FOR MEETING DATE: Feb. 22, 2021

SUBJECT: Resolution approving Water Service Agreement

REQUESTING DEPARTMENT: Clerk

SUGGESTED MOTION:

I move to adopt the resolution approving the Water Service Agreement with the City of Kalamazoo.

Financing Cost: none

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

Submitted by: Clerk Miller

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

WATER SERVICE AGREEMENT

This Water Service Agreement, (“Agreement”), executed this _____ day of _____, 2021, is made by and between the City of Kalamazoo, a Michigan Municipal Corporation (“City”) and the Charter Township of Comstock, Charter Township of Cooper, Charter Township of Kalamazoo, Charter Township of Oshtemo, Township of Pavilion, Township of Richland, Village of Richland, and Charter Township of Texas, each a Michigan Municipal Township or Charter Township, collectively (“Townships”) and individually (“Township”).

RECITALS

- A. The City operates a Public Water Supply System.
- B. The City is authorized to sell treated/potable water outside of its territorial limits and the Townships are authorized to contract for the purchase/sale of treated potable water pursuant to MCL 123.141.
- C. The City previously entered into long-term Water Service Agreements with each Township.
- D. The City and the Townships desire to enter into this Water Service Agreement which shall replace and supersede the previous Water Service Agreements entered into by the City and each Township.
- E. The City and the Townships recognize that the supply of treated/potable water is vital to public health, safety and welfare.
- F. The City and the Townships desire to establish a representative Utility Policy Committee (UPC) with direct input regarding water financial and rate making activities, and the operations, maintenance, repair, and replacement of the Public Water Supply System.
- G. The City and the Townships desire to establish Equivalent Water Rates by Customer Classification, without regard to location (in the City or in the Townships).

Accordingly, the Parties agree as follows:

Article 1 – Definitions

- 1. **City:** The City of Kalamazoo.
- 2. **City Commission:** The legislative body established by Kalamazoo City Charter to exercise all authorized powers related to governance of the City.

3. **City Customers:** Each Customer located within the geographic boundary of the City, the City of Portage, and the City of Parchment.
4. **City Distribution Facilities:** Water Distribution Mains, infrastructure and appurtenances designed and used primarily for the purpose of distributing treated/potable water to the City Customers.
5. **Customer Class:** Each category of customer defined as Residential, Commercial, Industrial, and Other receiving water or water services from the Public Water Supply System as part of this Agreement.
6. **Customer:** A person or entity receiving water or water services from the Public Water Supply System as part of this Agreement.
7. **Direct Contribution:** A contribution of Production, Distribution and/or Transmission Facilities, goods, materials and/or services, or combination thereof, required of Developer(s) or Customer(s) connecting to the Public Water Supply System, designed to reduce the system-wide costs of expanding Production, Distribution and/or Transmission Facilities beyond the Existing Service Area.
8. **Existing Service Area:** The geographic area receiving and scheduled to receive as of December 31, 2019 treated/potable water from the Utility Plant In-Service, as defined in **Appendix A**.
9. **Historical Investment:** The purchase price of the Capital Asset.
10. **Net Book Value:** An asset's Purchase Price less Accumulated Depreciation.
11. **New Customers:** Any Customer added after the execution of this Agreement except City Customers and Township Customers and Customers located within the geographic boundaries of the City and/or the Townships.
12. **Production Facilities:** Water Wells, Pumps, and Treatment Facilities used primarily for the purpose of obtaining and producing treated/potable water for the Customers.
13. **Public Water Supply System:** The assets, liabilities, revenues and expenses necessary to provide treated/potable water to the City Customers and Township Customers.
14. **Public Water Supply System Capital Assets:** Property and property rights of the Public Water Supply System as identified in the Schedule of Public Water System Current Capital Assets, (**Appendix B**).
15. **Rate Year:** An annual period for which rates are being set.

16. **Related Water Services:** Services related to the production, transmission and distribution of water provided to or for the Customers of the Public Water Supply System (**Appendix C**).
17. **Retail Service Assets in the City:** The Utility Plant In-Service Used and Useful only to City Customers as further described in the Schedule of Public Water System Current Capital Assets. (**Appendix B**).
18. **Retail Service Assets in the Townships:** The Utility Plant In-Service Used and Useful only to the Township Customers as further described in the Schedule of Public Water Supply System Current Capital Assets. (**Appendix B**).
19. **System Connection Fee:** A fee assessed to Developer(s) or Customer(s) connecting to the Public Water Supply System designed to defray the system wide costs of expanding Production, Distribution and/or Transmission Facilities beyond the Existing Service Area.
20. **Township Customers:** Each customer located within the geographic boundary of the Township(s).
21. **Townships:** Charter Township of Comstock, Charter Township of Cooper, Charter Township of Kalamazoo, Charter Township of Oshtemo, Township of Pavilion, Township of Richland, Village of Richland, and Charter Township of Texas.
22. **Township Distribution Facilities:** Water Distribution Mains, infrastructure and appurtenances designed and used primarily for the purpose of distributing treated/potable water to the Township Customers.
23. **Transmission Facilities:** Water Transmission Mains, Booster Pumps, infrastructure and appurtenances, designed and used primarily for the purpose of transporting treated/potable water to Customers of the Public Water Supply System, including “City Transmission Facilities” constructed at the expense of the City and “Township Transmission Facilities”, constructed at the expense of the Townships and identified in **Appendix B**.
24. **Utility Plant In-Service:** The land, facilities and equipment currently used to generate, transmit, and/or distribute water and/or water service(s) to the Customers of the Public Water System as identified in the Schedule of Public Water Supply System Current Capital Assets, (**Appendix B**).
25. **Used and Useful:** A test to determine those Assets of the Utility Plant In-Service applicable to the Rate Base. The Utility Plant In-Service which is “in use” (not under construction or standing idle) and “useful” (actively engaged in providing service to Customers).
26. **Wholesale Service Assets:** The Utility Plant In-Service, Used and Useful to both City Customers and Township Customers as further described in the Schedule of Public Water Supply System Current Capital Assets. (**Appendix B**).

Article 2 – Public Water Supply

2.1 - Exclusive Right to Provide Public Water

The Townships grant the City the exclusive right to provide treated/potable water to the Township Customers. Except in the case of breach or violation, inability to perform or termination of this Agreement, no Township shall contract nor grant authority to any other person or entity to supply treated/potable water within the geographic boundaries of the Townships. This exclusivity provision shall not apply to those sections of Pavilion Township provided water by the City of Portage or those sections of Comstock Township provided water by City of Galesburg. Further, upon request from Richland Township, the UPC will decide whether those sections of Richland Township not provided treated/potable water by the City, may be provided treated /potable water by the Gull Lake Sewer and Water Authority. The UPC will make this decision based upon practical considerations which may include, but are not limited to, the cost of infrastructure, cost of providing water services and the overall impact on Water Rates. Further, nothing herein precludes the wholesale/bulk sale of water from the City to the Gull Lake Sewer and Water Authority.

2.2 – Duty to Provide Public Water

The City shall deliver treated/potable water consistent with applicable federal and Michigan standards/regulations to all Customers at substantially similar pressure and quality. The City shall not be liable in damages for any temporary interruption or disruption of service, water quality or pressure. The City and Townships agree that the provision of Water Services under this Agreement is a governmental function and nothing in this Agreement shall be construed as a waiver of any defense at law or equity, common law or statute, including, but not limited to the defense of governmental immunity.

Article 3 – Utility Policy Committee

3.1 – Creation of the Utility Policy Committee

The Parties to this Agreement establish a Utility Policy Committee (UPC) which consists of seven members who shall exercise the authority granted herein. All members and alternate members of the UPC have a duty to act in the best interest of the Public Water Supply System.

3.2 – Appointment

The City shall appoint three members and two alternate members to the Utility Policy Committee. The Townships shall appoint four members and three alternate members to the Utility Policy Committee. The members appointed by the City serve at the pleasure of the City Commission and may only be removed by the City. The members appointed by the Townships serve at the pleasure of the Townships and may only be removed by the Townships. Alternate members may deliberate and vote only in the absence of a member. The City and the Townships shall each appoint at least one individual with background in engineering, utilities management, public works, finance,

accounting, rate making, planning, law or a related field. The City and the Townships shall notify each other of their respective appointments and each subsequent appointment/replacement. The Utility Policy Committee shall meet, organize, and operate in accordance with rules, procedures and bylaws established by vote of the Utility Policy Committee which shall not conflict with the provisions of this Agreement.

3.3 – Voting Rights

Each appointed member, or in their absence a duly appointed alternate, of the Utility Policy Committee shall be assigned one (1) vote. Committee action, approval, and/or recommendations shall require the presence of a quorum consisting of four or more of the appointed Utility Policy Committee members or their alternate and a majority vote (at least 51%) of the Utility Policy Committee members present.

3.4 - Meetings

The Utility Policy Committee shall meet no less than four times per year (once in each quarter). The Committee Chair (who shall be elected by majority vote of the Committee members) may call a special or additional meeting of the Utility Policy Committee. All meetings of the Utility Policy Committee shall be open to the public and conducted in a place available to the general public in the City of Kalamazoo or any Township, which is a party to this Agreement. The regularly scheduled meetings of the Utility Policy Committee shall be posted by the Utility Policy Committee for each calendar year stating the dates, times, and places of each regular meeting for the calendar year. Rescheduled regular meetings and/or special meetings shall be noticed and posted at least eighteen hours before the meeting in a prominent and conspicuous place at the principal office of the City and each Township which is party to this Agreement and by electronic posting on City and Township websites in compliance with the Michigan Open Meetings Act, MCL 15.261 *et seq.*

3.5 – Utility Policy Committee Costs

All costs incurred by the Utility Policy Committee shall be paid by and deemed an operating expense of the Public Water Supply System and allocated to each Customer Class as described in Article 8. Except as otherwise provided in this Agreement, services for the performance of Utility Policy Committee functions, including contracts with consultants retained by the Utility Policy Committee shall be executed and entered by the City and treated as an operating expense of the Public Water Supply System.

3.6 – Utility Policy Committee Function

A. Utility Policy Committee – Regular Meetings with City Officials

The Rate Consultant (unless the City and Utility Policy Committee agree that a Rate Consultant will not be used in a particular Rate Year or the Utility Policy Committee determines that the Rate Consultant shall not appear at any particular meeting), City Manager (or his/her designee), City Management Services Director, City Public Services Director, and other pertinent City Department

Heads and/or other City consultants shall meet, not less than four times per year with the Utility Policy Committee to review, discuss, and confer regarding matters affecting the Public Water Supply System, the Capital Improvement Plan, Operations, Maintenance, Repair and Replacement of Infrastructure, Water Services, Financial Policy, Water Rates, the Components set forth at Section 8.4 and Appendix E, and the following Factors:

1. The Utility Financial Policy
2. The Capital Improvement Plan
3. All Levels of Reserves – Capital Reserves, Capital Replacement Reserves, Operating Reserves and Emergency Reserves
4. Reserve Fund Deposits and Withdrawals
5. The Transfer of Revenues to Specific Sub-Funds to cash finance Capital Improvements
6. The Levels of Debt and Debt Financing of Capital Improvements
7. Cost of Operation, Maintenance, Repair and Replacement Costs, Administrative and Indirect Costs, OPEB and Pension Costs, Depreciation and PILOT
8. The Cost of Service Study and frequency of the Cost of Service Study
9. Water Rate Adjustments and the frequency of Water Rate adjustments

The Rate Consultant (unless the City and UPC agree that a Rate Consultant will not be used in a particular Rate Year), City Manager (or his/her designee), and City Department Heads upon request of the Utility Policy Committee shall provide the Utility Policy Committee with all books, records, plans, documents and supporting data regarding Water Rates and the Components set forth at Section 8.4 and Appendix E, and the Factors set forth in this Section, consistent with Article 10.

B. Utility Policy Committee – Retaining Consultants

Each Rate Year the Utility Policy Committee may, in its discretion, select one or more consultants to review and analyze the Water Rate Making process, the Components set forth at Section 8.4 and Appendix E, and the Factors set forth in Section 3.6A, and provide advice and recommendations to the Utility Policy Committee. The consultant(s) shall report his/her findings and recommendations to the Utility Policy Committee and the City and provide the Utility Policy Committee and the City access to all supporting records and data.

The City will contract with the consultant(s) selected by the Utility Policy Committee to perform the tasks/services directed by the Utility Policy Committee. The consultant(s) fees and costs, which do not exceed \$75,000.00 per Rate Year, adjusted annually by the rate of inflation identified in the June Municipal Cost Index as published by *American City & County*, shall be an Operating Expense of the Public Water Supply System and allocated to each Customer Class as described in Article 8. Any portion of the consultant(s) fees and costs which exceed \$75,000.00 per annum, adjusted annually for inflation, shall be the sole responsibility of the Townships.

The Utility Policy Committee shall select its consultants from a list of pre-qualified contractors maintained by the City's Purchasing Department. Consultants who meet the City's written purchasing standards and guidelines shall be added to the list of pre-qualified contractors.

The consultant(s) shall provide the Utility Policy Committee and the City with a scope of services, applicable fees and costs, prior to contracting with the City.

The consultant(s) shall conduct his/her work in a timely manner to conform with the City's Annual Budget Approval Process and the Rate Making Process for the Rate Year. In no event shall the consultants' work delay the City's Annual Budget or Rate Making Process.

C. Utility Policy Committee – Process Regarding Water Rate Approval

Unless the City and the Utility Policy Committee agree on the proposed Water Rate Schedules for the Rate Year, the Rate Consultant and the Utility Policy Committee, shall meet with the City Manager (or his/her designee), City Management Services Director, City Public Services Director, and other pertinent City department heads at one or more UPC meetings to review and discuss proposed Water Rates and the Factors and Components set forth at Sections 3.6A, 8.4 and Appendix E. Prior to the City Commission taking action to establish the Water Rate Schedules for the Rate Year, the Rate Consultant (unless the City and the UPC agree that a Rate Consultant shall not be used in a particular Rate Year) and the Utility Policy Committee shall appear before the City Commission to present recommendations to the City Commission regarding the Water Rate Schedules and the Factors and Components set forth at Sections 3.6A, 8.4 and Appendix E. The City Manager (or his/her designee) shall forward the Rate Consultant's and Utility Policy Committee's recommendations to the City Commission and any recommendation from the City Administration, with supporting rationale.

Unless the City and the Utility Policy Committee have agreed to Water Rate Schedules in advance of the Rate Year, the Kalamazoo City Commission shall adopt and implement the Rate Consultant's recommended Water Rate Schedules or reject the proposed Water Rate Schedules and direct the Rate Consultant to prepare revised Water Rate Schedules for City Commission consideration after consultation with and input from the Utility Policy Committee.

If the Utility Policy Committee disagrees with the Kalamazoo City Commission's decision regarding the Water Rate Schedules, the Utility Policy Committee may invoke the dispute resolution process set forth Article 20.

D. Utility Policy Committee – Authority

The Utility Policy Committee shall have authority to perform each of the following functions by a majority vote of its Members:

1. Select the Rate Consultant for contract with the City and extend the Rate Consultant's contract in two (2) year increments consistent with Section 7.2.
2. Review and analyze the Rate Consultant's work product, and all data used to formulate the recommended Water Rates.

3. Review and analyze the data, documents, records, plans and materials, regarding the Factors set forth in Section 3.6A and Components set forth in Section 8.4 and Appendix E.
4. Review and analyze the annual reports provided by the City regarding Operation, Maintenance and Repair Costs, Administrative and Indirect Costs, OPEB and Pension Costs, Depreciation Costs, PILOT and the Utility Basis and Cash Basis Revenue Requirements.
5. Meet and consult with the Rate Consultant regarding every aspect of the formulation of recommended Water Rates.
6. Select one or more consultants consistent with Section 3.6B.
7. Conduct a periodic review of Water Services and the Cost of Services and approve the selection of an outside independent consultant, consistent with Section 3.6F.
8. Conduct a periodic review of Billing and Collection Services and the Cost of Billing Services, consistent with Section 3.6F.
9. Establish and determine whether an assessment or surcharge on Water Rates, a System Connection Fee or Direct Contribution is appropriate, consistent with Sections 5.1 and 6.1.
10. Provide approval and consent to proposed revisions to the List of Related Water Services, consistent with Section 4.3.
11. Establish the frequency of the Cost of Service Study and the frequency of Water Rate Adjustments consistent with Section 8.3.
12. Recommend for City Commission and UPC's approval, revisions to or simplifications to the formulation of Water Rates to conform to the intent of this Agreement.
13. Perform all other functions and acts specifically described in this Agreement and necessary thereto.

E. Utility Policy Committee – Input

Prior to taking action affecting any of the following, the City shall consult with and obtain input from the Utility Policy Committee, and the position of the Utility Policy Committee regarding the proposed action shall be communicated to the City Commission:

1. The long-term policies, plans, and goals for the Public Water System.
2. The early retirement of debt for the Public Water Supply System.

3. All Billing and Collection methods employed for the Public Water Supply System.
4. All requests to expand the Public Water Supply System, Production, Transmission and/or Distribution Facilities beyond the geographic boundaries of the City and the Townships.
5. The Michigan Department of Environment, Great Lakes, and Energy required Asset Management Plan, the City's Reliability Study and Capital Improvement Plan.
6. The amendment of the existing Wellhead Protection Program and Ordinance.

F. Utility Policy Committee – Periodic Review of Services and Costs of Services

The Utility Policy Committee may review the services and costs of services provided by the City, including, but not limited to those, described in (1) through (5) below.

1. Operation, Maintenance, Repair and Replacement of the City's and Townships' Distribution Facilities as described in Article 4, § 4.2;
2. Related Water Services as described in Article 4, § 4.3;
3. Water Meter Installation and Replacement as described in Article 4, § 4.4.
4. Water Main and Hydrant Repair and Replacement as described in Article 4, § 4.5.
5. Water Billing and Collection Services as described in Article 9, § 9.1.

Not more frequently than every fourth Rate Year the City, at the request of the Utility Policy Committee, will retain an independent outside consultant, approved by the Utility Policy Committee, to conduct a Benchmark Study regarding the services and costs of service provided by the City, including, but not limited to those described in (a) through (e) above. The study shall compare the cost, quality and efficiency of the services provided by the City to the cost, quality and efficiency of the services provided by other Michigan peer municipalities who own and/or operate a Public Water Supply System serving a population of 50,000 or more. The study shall also examine whether services are equitable, adequately, and properly provided to all Customers of the Water Supply System. If the study demonstrates that services are not equitably, adequately, or properly provided, or that the cost of providing services is not reasonable or reasonably related to the services provided, or that the quality or efficiency of providing the services may be substantially improved, the UPC, in its discretion, may petition the City to remedy the inequity, or inadequacy, to improve the services, to equitably or adequately provide the services, or to reduce the cost of service. If the City disagrees or refuses the UPC's request or fails to remedy the inequity, inadequacy, or efficiency improvement, then the UPC, in its discretion, may determine whether the matter should be submitted to mediation, and, after mediation, then to binding arbitration consistent with the terms of Article 20.

If a matter is submitted to binding arbitration, the arbitrator shall consider, among other factors, the following:

1. The adequacy of the services provided;

2. The adequacy and cost of comparable services provided by a Michigan peer municipality who owns or operates a Public Water Supply System serving a population of 50,000 or more;
3. Whether the services are provided equitably in the City and in the Township(s) in accordance with standard operating procedures;
4. The cost of providing these services;
5. The adequacy and cost of providing comparable services through an outside provider actually providing services to/for a Michigan peer municipality who owns or operates a Public Water Supply System serving a population of 50,000 or more;
6. The City's ability to control or regulate services and the cost and quality of services.

Article 4 – Water Services

4.1 – Operation, Maintenance, Repair and Replacement – Public Water Supply System

- (a) With input provided by the Utility Policy Committee, the City shall operate, maintain, repair, and replace the Public Water Supply System Capital Assets.
- (b) The actual cost incurred by the City to operate, maintain, repair, and replace the Public Water Supply System Capital Assets shall be allocated to each Customer Class as described in Article 8.

4.2 – Operation, Maintenance, Repair and Replacement – Distribution Facilities

- (a) With input provided by the Utility Policy Committee, the City shall operate, maintain, repair and replace the Wholesale Service Assets and Retail Service Assets in the City and Townships. The City shall apply the same standards of operation, maintenance, repair, and replacement for the Wholesale Service Assets and Retail Service Assets in the Townships as applied to the Wholesale Service Assets and Retail Service Assets in the City.
- (b) The actual costs incurred by the City to operate, maintain, repair and replace the Retail Service Assets in the City and Townships shall be allocated to each Customer Class as described in Article 8.

4.3 – Related Water Services

- (a) With input provided by the Utility Policy Committee, the City shall provide all Related Water Services to all Customers, including those Related Water Services identified in **Appendix C**, which may be amended with the approval of the Utility Policy Committee. The City shall provide Related Water Services to all Customers at the same level, frequency, and quality of service.
- (b) The Reimbursable Cost Schedule is set forth in **Appendix D**. The costs set forth in the Reimbursable Cost Schedule shall be recaptured from the Customers benefiting from the services provided and/or their contractors. The Reimbursable Cost Schedule shall

be identical (same type and amount) for all Customers within each Customer Class and may be amended by agreement between the City and the Utility Policy Committee.

- (c) The actual costs incurred by the City providing Related Water Services shall be allocated to each Customer Class as described in Article 8.

4.4 – Water Meters

- (a) With input provided by the Utility Policy Committee, the City will inspect install, repair and replace water meters for all Customers. Water meters will be inspected, maintained, tested, repaired and replaced in accordance with the guidelines established by the American Water Works Association or the then current industry standard unless required sooner. The City shall apply the same standards of installation, repair, and replacement of water meters to all Customers.
- (b) The actual costs incurred by the City to install, repair and replace water meters shall be allocated to each Customer Class as described in Article 8.

4.5 – Water Mains and Hydrants

- (a) With input provided by the Utility Policy Committee, the City shall relocate and/or replace water mains and fire hydrants at the request of each Township and/or the governmental entity having jurisdiction over the roadway or right-of-way in which the water mains and/or fire hydrant is located in accordance with applicable industry standards. The City shall apply the same standard for the maintenance, repair and replacement of water mains and fire hydrants in the Townships as applied in the City.
- (b) The actual costs incurred by the City to relocate and/or replace fire hydrants shall be allocated to each Customer Class as described in Article 8.

Article 5 – Expansion Within the Geographic Boundaries of the City and the Townships

5.1 – Expansion of Distribution Facilities

- (a) The City and the Township(s) may, in its/their discretion, expand the Distribution Facilities within or beyond the City/Township’s Existing Service Area to any area designated as low-, medium-, or high-density, residential; commercial; or industrial land use (or similar comparable classifications should these classifications change) in a manner consistent with the City/Township’s Master Plan, adopted or amended in conjunction with the Michigan Planning Enabling Act, MCL 125.3801 *et seq.* (as amended).

On or before December 31, 2023, each Township shall submit a Public Water Utility Master Plan to the Utility Policy Committee. Each Township shall review and update its plan every seven years thereafter and submit a copy to the UPC.

- (b) The cost of expansion may be recaptured, in whole or in part, for the benefit of all Customers of the Public Water Supply System by one or any combination of any of the following methods:
1. A Direct Contribution of Infrastructure or the assessment of infrastructure costs to or from the developer/proponent of the expansion or the Customer(s) who are provided water or improved water services as a result of the expansion.
 2. A System Connection Fee assessed to the developer/proponent of the expansion or Customer(s) provided water or improved water services as a result of the expansion.
 3. An assessment or surcharge on Water Rates charged to the Customer(s) provided water or improved water services as a result of the expansion.
- (c) The Utility Policy Committee will determine whether a Direct Contribution of Infrastructure, assessment of costs for infrastructure, System Connection Fee, or assessment or surcharge on Water Rates (or some combination thereof) shall be assessed, who shall be assessed and the amount/cost to be assessed to cover or recapture the cost of expansion. The Direct Contribution of Infrastructure or assessment of costs for infrastructure, the System Connection Fee, and the assessment or surcharge on Water Rates shall be reasonable, based on established industry standards, and designed solely to recapture the cost of expanding the Distribution, Production and/or Transmission Facilities which the Utility Policy Committee, determines shall not be allocated to the Rate Base. The remaining costs of expansion (which are not recaptured by Direct Contribution of Infrastructure or assessment of costs for infrastructure, a System Connection Fee, and/or an assessment or surcharge on Water Rates) shall be added to the Rate Base, allocated to the Customer Classes as described in Article 8 and accounted for in the City's Reliability Study and Capital Improvement Plan.
- (d) The City and/or Township(s) in which the expansion is occurring, shall prepare all drawings, plans and specifications for the proposed expansion. The plans shall be prepared by a registered professional engineer. The plans shall be submitted to the City Engineers and the Michigan Department of Environment, Great Lakes and Energy (EGLE)(or its successor regulating agency) for review/inspection and for compliance with the specifications for water main and service installations as required by EGLE (or its successor regulating agency), the "Ten States Standards" and written City Standard Specifications. The City or Township(s) in which the expansion is occurring shall provide as-built drawings to the City Engineers and the City shall make available electronic as-built drawings for all existing Water Mains, Infrastructure, and Appurtenance.

5.2 – Expansion of Production and/or Transmission Facilities

- (a) The City, as required by sound engineering practice, will expand its Production and/or Transmission Facilities to provide new service, increased capacity, and/or to improved reliability/redundancy of water services and will construct production, storage, transmission, booster, and bleeder facilities to accommodate expansion of the City/Township(s)' Distribution Facilities. The cost of expanding the Production and/or

Transmission System to accommodate expansion may be recaptured for the benefit of all Customers of the Public Water Supply System, in whole or in part, by a Direct Contribution of Infrastructure or assessment of costs for the infrastructure, System Connection Fee, and/or an assessment or surcharge on Water Rates, or any combination thereof, if the Utility Policy Committee, determines that a Direct Contribution of Infrastructure or assessment of costs for the infrastructure, a System Connection Fee, or an assessment or surcharge on Water Rates is appropriate. Otherwise, the cost of expanding the Production and/or Transmission System to accommodate expansion (which is not recaptured through a Direct Contribution of Infrastructure or assessment of costs for the infrastructure, a System Connection Fee, or an assessment or surcharge on Water Rates) shall be added to the Rate Base, allocated to the Customer Classes as described in Article 8 and accounted for in the City's Reliability Study and Capital Improvement Plan.

- (b) The City, as required by sound engineering practice, will increase the size/capacity of the other Township(s)' Distribution Facilities to provide transmission services to accommodate expansion of the City/Township(s)' Distribution Facilities or to provide new service, increased capacity, and/or to improve reliability/redundancy of the water services to New Customers created from the expansion. The cost of expanding the City/Township(s)' distribution facilities to provide transmission services for expansion, may be recaptured in whole or in part for the benefit of all Customers of the Public Water Supply System through a Direct Contribution of Infrastructure or assessment of costs for the infrastructure, a System Connection Fee, or an assessment or surcharge on Water Rates, or any combination thereof, if the Utility Policy Committee determines that a Direct Contribution of Infrastructure or assessment of costs for the infrastructure, a System Connection Fee, or an assessment or surcharge on Water Rates is appropriate. Otherwise, the cost of expanding the City/Township(s)' Distribution Facilities to provide transmission services for expansion (which is not recaptured through a Direct Contribution of Infrastructure or assessment of costs for the infrastructure, a System Connection Fee, or an assessment or surcharge on Water Rates) shall be added to the Rate Base, allocated to the Customer Classes as described in Article 8 and accounted for in the City's Reliability Study and Capital Improvement Plan.

Article 6 – Expansion Outside the Geographic Boundaries of the City/Township(s)

6.1 – Expansion of Distribution, Production, and/or Transmission Facilities

- (a) The City, with input and comment from the Utility Policy Committee, may expand the Distribution, Production and/or Transmission Facilities to provide water and water services to New Customers located outside the geographic boundaries of the City and Townships. The cost of acquiring or assuming liability of the New Customers Infrastructure, as well as the cost of expanding Distribution, Production and/or Transmission Facilities to provide water and/or water services to these New Customers, may be recaptured, in whole or in part, for the benefit of all Customers of the Public

Water Supply System by one or any combination of and/or all of the methods set forth in Section 5.1(b).

- (b) The Utility Policy Committee, will determine whether the costs of acquiring or assuming liability of the New Customers Infrastructure and/or expansion of the Distribution, Production and/or Transmission Facilities of the existing system will require a Direct Contribution of Infrastructure, assessment of costs for infrastructure, System Connection Fee, or assessment or surcharge on Water Rates, or some combination thereof, to be assessed, including who shall be assessed and the amount/cost to be assessed. The Direct Contribution of Infrastructure or assessment of costs for infrastructure, the System Connection Fee, and the assessment or surcharge on Water Rates shall be reasonable, based on established industry standards, and designed solely to recapture the cost of acquiring or assuming liability of the New Customers Infrastructure and expanding the Distribution, Production and/or Transmission Facilities which the Utility Policy Committee, determines shall not be allocated to the Rate Base. The remaining costs of expansion (which are not recaptured by Direct Contribution of Infrastructure or assessment of costs for infrastructure, a System Connection Fee, and/or an assessment or surcharge on Water Rates) shall be added to the Rate Base, allocated to the Customer Classes as described in Article 8 and accounted for in the City's Reliability Study and Capital Improvement Plan.
- (c) The City, shall prepare all drawing, plans and specifications for the proposed expansion. The plans shall be prepared by a registered professional engineer. The plans shall be submitted to the City Engineers and the Michigan Department of Environment, Great Lakes and Energy (EGLE)(or its successor regulating agency) for review/inspection and for compliance with the specifications for water main and service installations as required by EGLE (or its successor regulating agency), the "Ten States Standards" and written City Standard Specifications. The City shall provide as-built drawings to the City Engineers and the City shall make available electronic as-built drawings for all existing Water Mains, Infrastructure, and Appurtenance.

6.2 Water Rates for New Customers

New Customers located outside the geographic boundary of the City and/or Township(s) who are provided water and/or water services through expansion, shall be assessed and pay Equivalent Water Rates to those assessed and paid by the then-current Customers of the Public Water Supply System plus any additional Direct Contribution of Infrastructure or assessment of costs for infrastructure, System Connection Fee, and/or an assessment or surcharge on Water Rates as established by the Utility Policy Committee.

Article 7 – Water Rate Consultant

7.1 - Rate Consultant

Except as agreed by the City and the Utility Policy Committee, Water Rates under this Agreement shall be calculated by a Rate Consultant. The Water Rate shall be derived from the “Actual Cost of Service” using the “Utility Basis of Rate Making” as described in Article 8.

7.2 - Selection of Rate Consultant

A. Selection Committee

The retention of a Rate Consultant by the City for purposes of this Agreement will be filled by an advertisement, interview, and selection process. The position shall be advertised nationally in sources applicable to the profession. The advertisement shall identify the minimum qualifications for the position and the proposed/anticipated scope of service. Candidates shall be vetted and interviewed by a “selection committee” made up of three City-appointed members of the Utility Policy Committee or their alternates and four Township-appointed members of the Utility Policy Committee or their alternates. Each member of the selection committee shall rate each candidate using a scale approved by the selection committee based on the candidate’s knowledge of the ratemaking process, knowledge of the Utility Basis of Ratemaking, experience in water ratemaking, knowledge and experience in the scope of services to be provided and the candidate’s anticipated cost of providing services and/or hourly rate and other factors established by agreement of the Selection Committee. The City will contract with the candidate rated highest (in total) by the selection committee in accordance with City purchasing policies and terms for professional service contracts.

B. Contract Term and Renewal

The contract with the Rate Consultant will be for a term of two (2) years with the option of extending the contract for additional two (2) year terms. The Utility Policy Committee shall determine whether the Rate Consultant’s contract shall be extended for additional two (2) year terms. The contract term shall expire in April. The Utility Policy Committee shall make the determination whether to extend the Rate Consultant’s contract within sixty (60) days after the end of the previous two (2) year term. At the termination of the contract, including any extension, the advertisement, interview and selection process set forth in this Article shall be repeated. Nothing in this Article shall be construed to prohibit the City from terminating the contract with the Rate Consultant for a material breach of the terms of the contract prior to the end of its 2-year term or any extension of its term.

7.3 – Rate Consultant’s Fees

The Rate Consultant’s costs and fees shall be treated as an Operating Expense of the Public Water Supply System and allocated to each Customer Class as described in Article 8.

7.4 – Rate Consultant’s Record Maintenance

The Rate Consultant shall maintain complete and accurate records regarding the formulation of Water Rate Schedules, all records and data provided by the City to the Rate Consultant and all records and data which support the Rate Consultants recommendations to the Kalamazoo City

Commission. The Rate Consultant shall provide these records and data to the Utility Policy Committee upon request.

Article 8 – Water Rates

8.1 – General Principle

Water Rates for each Customer Class shall be established based on the “Actual Cost of Service”, applying the ‘Utility Basis of Rate Making”, adjusted to achieve “Rate Equivalence” as defined by the “Rate Making Process” set forth in this Article and Appendix E, and the “Process Regarding Water Rate Approval” set forth in Section 3.6 C.

8.2 – Equivalent Water Rates

A. Rate Equalization

Effective Rate Year 2022, and each Rate Year thereafter, City Customers and Township Customers within each Customer Class shall be assessed the same Water Rates. Water Rates may vary between Customer Classes based on the cost of service for each Customer Class. However, the Customers within each Customer Class shall be assessed the same Water Rates.

B. Phased Equivalence

Water Rates charged to City Customers and to Township Customers in 2021 shall be incrementally adjusted to achieve rate equivalence for Rate Year 2022, pursuant to the methodology established in the 2021 Water Rate Report (Table 19), **Appendix F**.

8.3 – Rate Making Process

A. Cost of Service Study

For each Rate Year beginning January 1, 2022, unless otherwise agreed by the City and the Utility Policy Committee, the Rate Consultant shall conduct a Cost of Service Study identifying the Annual Revenue Requirements of the Public Water Supply System and the cost of service for each Customer Class for the upcoming Rate Year.

The Cost of Service Study shall allocate the Annual Revenue Requirements to each Customer Class in a manner that, as closely as practical, reflects each Customer Classes’ proportional use of the Public Water Supply System. The allocation methodology will follow industry standards for proportional use, including using average water sales, peak (maximum day and hour) water demand, and the number and size of connections to the Public Water Supply System. The allocation methodology will differentiate between Customer Classes not between City Customers and Township Customers within Customer Classes.

For purposes of allocating the Annual Revenue Requirements, the Cost of Service Study will express those revenue requirements on the Utility Basis, as set forth in **Appendix E**.

8.4 – Annual Revenue Requirements - Defined

The Annual Revenue Requirements for the Public Water Supply System recaptured through Water Rates shall be the aggregate sum of each of the following Components, each of which is described herein:

- Direct Operation, Maintenance and Repair Costs;
- Administrative and Indirect Operating Costs;
- Debt Service Principal and Interest Requirements;
- Payment In Lieu Of Taxes (“PILOT”);
- Revenue Financed Capital;
- Reserve Fund Deposits and Withdrawals;
- **Reduced By:** the sum of the Other Water System Revenues

A. Direct Operation, Maintenance and Repair Costs

The direct/actual costs of personnel, materials, utilities, and contractual services for the annual Operation, Maintenance, and Repair of the Public Water Supply System Capital Assets. Operation, Maintenance, and Repair Costs shall not include any other revenue requirement; Administrative and Indirect Costs, Debt Service Principal and Interest, Depreciation, PILOT, Revenue Financed Capital or Reserve Fund Deposits or Withdrawals.

B. Administrative and Indirect Operating Costs

1. Administrative and Indirect Cost Allocations

Every year, a qualified independent Cost Allocation Consultant shall conduct an Indirect Cost Allocation Study specific to the City of Kalamazoo and the Public Water Supply System to determine the appropriate annual Administrative Costs and the Indirect Costs to be allocated to and from the Public Water Supply System. The Study shall be conducted in compliance with the Standards required for Federal Grant Agreements designed to replicate actual costs incurred. The Administrative and Indirect Cost allocation to the Public Water Supply System may also include an appropriate allocation from the City Commission as determined by the Cost Allocation Study, which the City and Township Customers recognize as a cost pool that would not typically be allocable under the Standards for Federal Grant Agreements. Upon agreement between the City and Utility Policy Committee, aggregate departmental cost increases arising out of reorganization or unanticipated expenditures may be allocated in advance of the Cost Allocation Plan.

2. Other Post-Employment Benefits (“OPEB”) and Pension Costs

The annual cash payment made by the City to fund pensions and OPEB shall be allocated to the Public Water Supply System based on the percentage of the present value of future benefits for eligible pension system participants who are employed in or retired from the City's Water Department.

C. Debt Service Principal and Interest Requirement

The Debt Service/Principal and Interest shall consist of the Annual Principal and Interest Payments required on bonds issued to finance Capital Improvements to the Public Water Supply System – consistent with the City's bond ordinances. The City's bond ordinances shall be adopted by the Kalamazoo City Commission consistent with the Utility Financial Policy and the bond coverage requirements. The Debt Service/Principal and Interest requirements may be amended by agreement between the City and the Utility Policy Committee or by the Kalamazoo City Commission upon recommendation from the Rate Consultant and the Utility Policy Committee using the "Process Regarding Water Rate Approval" set forth in 3.6 C.

D. Payment In Lieu Of Taxes ("PILOT")

The City may, in its discretion, assess a Payment In Lieu of Taxes ("PILOT") to the Public Water Supply System. In no case shall the annual PILOT exceed \$300,000.

E. Revenue Financed Capital

The Revenue Financed Capital shall consist of the Annual Revenues assigned to Cash Finance Capital Improvements for the Public Water Supply System. The Annual Revenues assigned to Cash Finance Capital Improvements will be established by agreement between the City and the Utility Policy Committee or by the Kalamazoo City Commission upon recommendation from the Rate Consultant and the Utility Policy Committee using the "Process Regarding Water Rate Approval" set forth in 3.6 C.

F. Reserve Fund Deposits and Withdrawals

The Reserve Fund Deposits and Withdrawals shall consist of the annual sum required to create and maintain Reserve Fund Levels consistent with Bond Covenants requirements and the City Utility Financial Policy. The Annual Reserve Fund Deposits and Withdrawals, and Reserve Fund Levels will be established by agreement between the City and the Utility Policy Committee or by the Kalamazoo City Commission upon recommendation from the Rate Consultant and the Utility Policy Committee using the "Process Regarding Water Rate Approval" set forth in 3.6 C.

G. Other Water System Revenues

The Annual Other Water System Revenues for the Public Water Supply System shall consist of the following:

1. The sale of water and water services to Customers who are not party to this Agreement.

2. System Connection Fees, Assessments and Surcharges on Water Rates and every other fee, charge penalty and assessment which is not a Direct Contribution of Infrastructure;
3. The sale, lease, rental, use or sale of Public Water Supply System assets, facilities, equipment, tools, and/or materials;
4. Non-paid use of Public Water Supply System assets;
5. Refunds, grants and contributions;
6. Investment Income.

8.5 – Annual Revenue Requirements – Tracking

A. Direct Operation, Maintenance, Repair Costs – Tracking

The City shall implement a Work Order and Cost Tracking System which shall track, record, and report the direct/actual costs of personnel, materials, utilities and contractual services expended annual for the Operation, Maintenance and Repair of the Public Water Supply System Capital Assets in the City and in the Townships. The City shall provide an annual report detailing the Actual Cost of Operations, Maintenance and Repair to the Utility Policy Committee.

B. Administrative and Indirect Costs Component – Tracking

The City shall track, document and report all costs allocated to and from the Public Water Supply System and delineate any change in the cost allocation methodology used to allocate the actual costs in an annual report to the Utility Policy Committee.

C. Other Revenue Requirements – Tracking

The City shall track, document and report all Annual Revenue Requirements including OPEB and pension costs, PILOT, Debt Service/Principal and Interest, Revenue Financed Capital, and Reserve Fund Deposits and Withdrawals and provide an annual report to the Utility Policy Committee detailing the actual costs of each component.

8.6 – Revenue – Tracking

A. Revenues from Rates and Charges to Customers – Tracking

The City shall track and record, to the extent practicable, projected and actual Sales of water and water services and all revenues derived therefrom for each Customer Class, and for City Customers and Township Customers and provide an annual report detailing Revenues and the source of Revenues from Rates and Charges to the Utility Policy Committee.

B. Other Water System Revenues – Tracking

The City shall track and record all Other Water System Revenues and provide an annual report detailing Other Water System Revenues to the Utility Policy Committee.

Article 9 - Billing and Collections

9.1 – Water Bills

- (a) The City shall bill each Customer for water and water services directly. Bills shall be sent monthly or quarterly depending on classification and paid on or before the due date. Unpaid bills shall constitute a lien on the property to which water and water services have been provided pursuant to Section 2 of Public Act 178 of 1939, as amended, being MCL 123.161 *et seq.*
- (b) Water bills shall be paid to the City. The City shall make every effort to collect delinquent and unpaid water bills using the same collection practices and collection efforts for unpaid water bills, both inside and outside of the City. The City shall provide each Township a list of delinquent accounts to be placed on the Township(s) tax roll. The Township(s) shall pay the City all delinquent funds which are subsequently collected. The City and/or Townships may discontinue service after failed collection efforts in accordance with the City's ordinance.
- (c) The actual cost of Billing and Collection for water services shall be assessed and allocated to the Customer Classes as a cost of operating the Public Water Supply System as described in Article 8.

Article 10 - Records

10.1 – Record Maintenance

The City of Kalamazoo shall maintain complete and accurate records regarding the formulation of Water Rates and all records which support the recommended Water Rates and the Operation and Maintenance of the Public Water Supply System, consistent with the City's record retention schedule, including all data provided to the Rate Consultant and every internal and external record, report, study and survey (by any name, designation or title) which supports, defines, explains, or clarifies the data, documents, and/or information which provides any basis for the Water Rate Making Methodology or any Component of the Water Rate Making Methodology described in Appendix E, Operation and Maintenance Costs, Administrative General Fund Costs, Depreciation Costs, Rate of Return, PILOT and Water Revenue Components described in Article 8 and all records required to perform the Utility Policy Committee Functions defined in Article 3.

10.2 - Availability of Records

The records outlined above shall be maintained by the City of Kalamazoo in a manner which is easily available and transferable to the members of the Utility Policy Committee and each Township.

10.3 – Township Records

Any Township which charges or collects a water surcharge must comply with the requirements of Section 10.1 regarding the sources and detailed uses of the surcharge. The Township shall make such records available to the Utility Policy Committee and City consistent with Section 10.2.

Article 11 – Annual Audit

11.1 – Fiscal Year

The fiscal year for budget and accounting purposes shall be January 1 through December 31 of each year, or as otherwise set by amendment of the Kalamazoo City Charter.

11.2—Audit Records

An audit of the Public Water Supply System shall be conducted annually by a certified public accountant in conjunction with the City’s audit. The City shall make the audit results available to the Utility Policy Committee. If the audit reveals any discrepancy in accounting methods or record keeping, the discrepancy shall be cured immediately.

Article 12 – Restriction/Discontinuance of Water Supply

12.1 – Temporary Discontinuance

If, due to circumstances beyond the control of the City, the capacity of the Public Water Supply System becomes temporarily inadequate to meet demands for short periods of time, then the City may impose restrictions on water use and the Township(s) shall impose and enforce like restrictions on Water Customers.

12.2 – Emergency Discontinuance

The Parties have the right to temporarily discontinue the supply of water to mains or pipes without notice in times of emergency and with notice upon a determination of necessity for purposes of testing, repairing, or replacing water mains, meters, and facilities serving the Water Supply System. No claim for damages during such period of discontinuance shall be made by these Parties as long as the discontinuance is for a proper purpose and the City responds within a reasonable time and with reasonable methods to restore service.

Article 13 – Protection Against Contamination

13.1 – Contamination

For the protection of all consumers of water, the Parties agree to take reasonable efforts to guard against all forms of contamination. Should contamination be detected at any time, the area or areas affected shall immediately be shut off and isolated and remain so until the condition is abated, and

the water has been declared safe and fit for human consumption. The decision of the City in this respect shall be final.

13.2 – Right to Inspect – Cross Connections

The Townships shall allow the City to enforce Kalamazoo’s Cross Connection Program for the Public Water Supply System. The City shall have the right, at any time, deemed necessary, to inspect the water service equipment within the Townships, to review construction and chlorination and protective devices, and to perform all other things necessary to protect the quality of the water supply. The City shall provide, and the Townships shall approve, a written cross-connection inspection program. In the event that any Party detects contamination, it shall promptly notify the other.

13.3 – Wellhead Protection

The City shall establish, and the Townships shall approve, a wellhead protection program and adopt corresponding Wellhead Protection Ordinances subject to Utility Policy Committee input as to form and content.

13.4 – Emergency Contacts

The City and Townships agree to abide by any requirements as established by the state or federal governments in emergency situations. The Townships shall inform the City on an annual basis, or more frequently if changes occur, of appropriate contact information for designated Township emergency management officials. Each Party is responsible for providing and maintaining up to date emergency contact information.

Article 14 – Water Quality

14.1 – Responsibility for Water Quality

The City shall deliver treated/potable water to each Customer of water in conformance with applicable federal and Michigan regulations. The City shall sample and monitor the water quality per applicable federal and Michigan monitoring requirements. The City shall not be liable for temporary water quality or pressure fluctuations.

14.2 – Water from Other Sources

The Parties will not permit water from any other source or supply to mix or comingle with the supply from the City’s Water Treatment facilities, except in cases of emergency where the water from other sources meets all applicable federal and Michigan regulations and the use has been approved by the Michigan Department of Environment, Great Lakes and Energy (EGLE) (or its successor agency) to relieve the emergency. The City’s Emergency Response Plan will take precedence in cases where the emergency impacts the Public Water Supply.

14.3 – Operating Liability

The City will attempt to provide and maintain regular and uninterrupted water service under this Agreement, but shall not be liable for any injuries or damages to any Party or any Customer of water caused by contamination, interruptions, main breaks, water damage, loss of supply or pressure, construction, electrical, or supervisory control and data acquisition (SCADA) malfunctions or any other cause except as provided by law. The Parties agree that the water facilities and services provided under this Agreement are a governmental function, as defined by Public Act No. 170 of 1964, as amended.

Article 15 – Operation of the Public Water Supply System

15.1 – Operation of the Public Water Supply System

During the Term of this Agreement, and any extension therefore, the City shall continue to operate the Public Water Supply System for the benefit of all Customers and continue to have the exclusive right to provide potable water to each Customer. Neither the City nor the Townships shall take any action to impede or harm the delivery of potable water to any Customer.

Article 16 – Other Services

16.1 – Other Services

The City will perform additional services for the Townships as may, from time-to-time, be agreed between the City and The Utility Policy Committee.

16.2 – Water Exploration and Production Services

The City may continue to conduct water exploration and production services, including but not limited to, soil borings, construction of test Wells, use of water level meters, and all other necessary projects to determine the availability of water for the continued and efficient supply of water through the Public Water Supply System. The cost of water exploration and production shall be assessed and allocated to all Customers as described in Article 8. Each Township grants the City consent during the term of this contract to conduct water exploration and production evaluation testing and will permit the City to use its streets, alleys, and public rights of way for these purposes.

Article 17 – Term of Agreement

17.1 – Term of Agreement

This Agreement shall remain in effect for forty (40) years unless terminated earlier by written agreement executed by the City and all of the Townships. At any time prior to twelve months before the termination of the Agreement, the Townships, at their option, may extend the Agreement for an additional 20 years by providing written notice of their intention to exercise this option to the City. If the Townships do not exercise their option to renew for an additional 20 years, this Agreement shall automatically renew in five (5) year increments, unless the City or any Township(s) provide(s) written notice of its/their intent to terminate or amend the Agreement.

Article 18 – Termination and Division of Water System Assets

18.1 - Reserve Funds

Upon termination of this Agreement, the City and the Townships shall discuss a possible amicable division of reserve funds taking into consideration the City Customers' and Township Customers' contributions to the reserve funds as described in Article 8, as well as the City's ownership and operation of the Water Supply System. Any portion of the reserve funds allocated to the City shall be held for the benefit of the City Customers who contributed thereto. Any portion of the reserve funds allocated to the Townships shall be held for the benefit of the Township Customers who contributed thereto.

18.2 - Capital Assets

Upon termination of this Agreement the Retail Service Assets in the City and Parchment shall be the property of the City. The Retail Service Assets in the Townships shall be the property of the Township in which the asset is located. Upon termination of this Agreement the Wholesale Service Assets shall become shared assets of the City and the Townships which shall not be separated or divided but used for the benefit of all Customers unless the City and the Townships agree otherwise by separate agreement. The City and/or Township(s) in which Retail Service Assets are located shall assume all debt directly related to that Retail Service Asset. The City and the Townships shall each assume a portion of the debt associated with the Wholesale Service Assets which become shared Assets of the City and the Townships in a manner that, as closely as practicable reflects the City Customers and Township Customers' proportional use of the Public Water Supply System applying the applicable share of Assets/Costs Methodology defined in Section 8.5 of this Agreement to and between the City Customers and the Township Customers (not to the Customer Classes as described in Section 8.5).

Article 19 – Assignment

19.1 - Assignment

The City and the Township(s) shall not, without prior written consent from the other, assign, transfer, or convey its rights or interests under this Agreement, except that the City and the Township(s) shall each retain the right to assign its/their rights, obligations, and duties under this Agreement by intergovernmental agreement to a water authority or similar entity. If the City or Township(s) are merged into or succeeded by another governmental entity, the successor shall be bound by the terms and conditions of this Agreement.

Article 20 – Remedies

20.1 – Dispute Resolution Process

Any dispute under the terms or conditions of this Agreement, including a challenge to the water rates and/or the assessment or allocation of water charges and/or any action taken by the City, the Township(s) or the Utility Policy Committee shall be resolved by the following methodology: First, the aggrieved party shall serve a written Notice of Dispute on all other parties to this Agreement. The written Notice of Dispute shall contain the following information:

1. The factual basis for the dispute;
2. The term or condition of the Agreement which has been violated;
3. The adverse effect on the aggrieved party.

Second, within thirty (30) days after receipt of the written Notice, the City and the Utility Policy Committee will convene in an attempt to resolve the dispute. If the dispute is not resolved or the party serving written Notice is not satisfied with the recommendation of the City or the Utility Policy Committee, the matter shall be subject to mediation as follows:

1. Within thirty (30) days after the City and Utility Policy Committee have met, the aggrieved party shall provide written Notice seeking mediation.
2. The City and the Utility Policy Committee shall select an independent mediator who shall convene a meeting of the parties within thirty (30) days. The mediator shall attempt to resolve the dispute and to reach a mutual understanding/agreement between the parties.
3. If mediation is successful, the Agreement between the parties shall be reduced to writing. If mediation is unsuccessful, the mediator shall render his recommendation regarding the outcome. However, the recommendation of the mediator is non-binding and each party is free to pursue all other remedies provided by this Agreement, at law, and in equity.

20.2 – Remedies

The Parties to this Agreement retain all rights, remedies and actions as defined under State and Federal law. The Parties may seek to enforce this Agreement in any court of competent jurisdiction and/or by alternative dispute resolution as agreed upon by the Parties hereto. The terms of this Agreement and any dispute resolution provision contained herein shall not be construed as a waiver of any right or remedy available in law and/or equity.

20.3 – Arbitration

The Parties, by agreement, may stipulate to arbitration of the dispute at issue. However, arbitration is not mandatory, except as expressly provided in Article 3.6F of this agreement. If the Parties agree to arbitration, the following process shall be followed:

1. The Parties to the dispute may agree to a single arbitrator. Otherwise, there shall be three arbitrators with each Party to the dispute selecting an arbitrator and the two arbitrators selecting the third.

2. The arbitration shall be conducted no later than sixty (60) days after receipt of written demand for arbitration unless agreed upon otherwise by the Parties. The arbitration hearing shall take place at a mutually agreeable time and place within the County of Kalamazoo. Seven (7) days before arbitration, each Party shall serve the arbitrator and all other Parties with an arbitration brief containing a concise statement of issues to be arbitrated, supporting arguments, and a list of witnesses that each Party intends to call, including experts and the topic or subject matter about which each witness or expert will testify. The arbitration hearing shall be conducted in accordance with the rules and procedures established by the American Arbitration Association.
3. Within fifteen (15) days of completion of arbitration, the arbitrator(s) shall submit a written determination regarding the matter in dispute. The arbitrator's decision shall be conclusive and binding on the Parties to the arbitration. The scope of the arbitrator's review shall be limited to a review of the contractual provisions contained in this contract as applied under law.
4. Each Party to the arbitration shall pay its own costs and attorney fees.

Article 21 – Notices

21.1 – Notices

All written notices and other documents to be delivered or transmitted hereunder shall be addressed to the respective Parties at such address or addresses as shall be specified by the Parties from time to time. Written notices or other documents may be delivered in person, transmitted electronically or by facsimile, or by ordinary or certified mail, properly addressed with sufficient postage.

Article 22 – Miscellaneous

22.1 – Miscellaneous

- (a) Waiver. The waiver by any Party of a breach or violation of any provision of this Agreement shall not be a waiver of any subsequent breach or violation of the same or any other provision of this Agreement.
- (b) Unenforceability. If any paragraph or provision of the Agreement is unenforceable for any reason, the unenforceability thereof shall not impair the remainder of this Agreement, which shall remain in full force and effect.
- (c) Entire Understanding. This Agreement represents the entire understanding and agreement between the Parties hereto.
- (d) Captions. The captions in this Agreement are for convenience only and shall not be considered as part of this Agreement or in any way to amplify or modify the terms and provisions hereof.

- (e) Modification. This Agreement may be changed or modified only by a written document signed by all the Parties.
- (f) Interpretation of Agreement. The Parties acknowledge that each Party has had the opportunity to participate in the drafting of this Agreement. As a result, in the event of any ambiguity in this Agreement, it shall not be interpreted for or against any Party on account of the drafting by any Party.

Article 23 – Effective Date of Agreement

23.1 – Effective Date of Agreement

This Agreement will become effective upon the approval of all of the legislative bodies of the Parties when duly executed by the City Manager and the Supervisor of each Township.

Article 24 – Execution in Counterparts

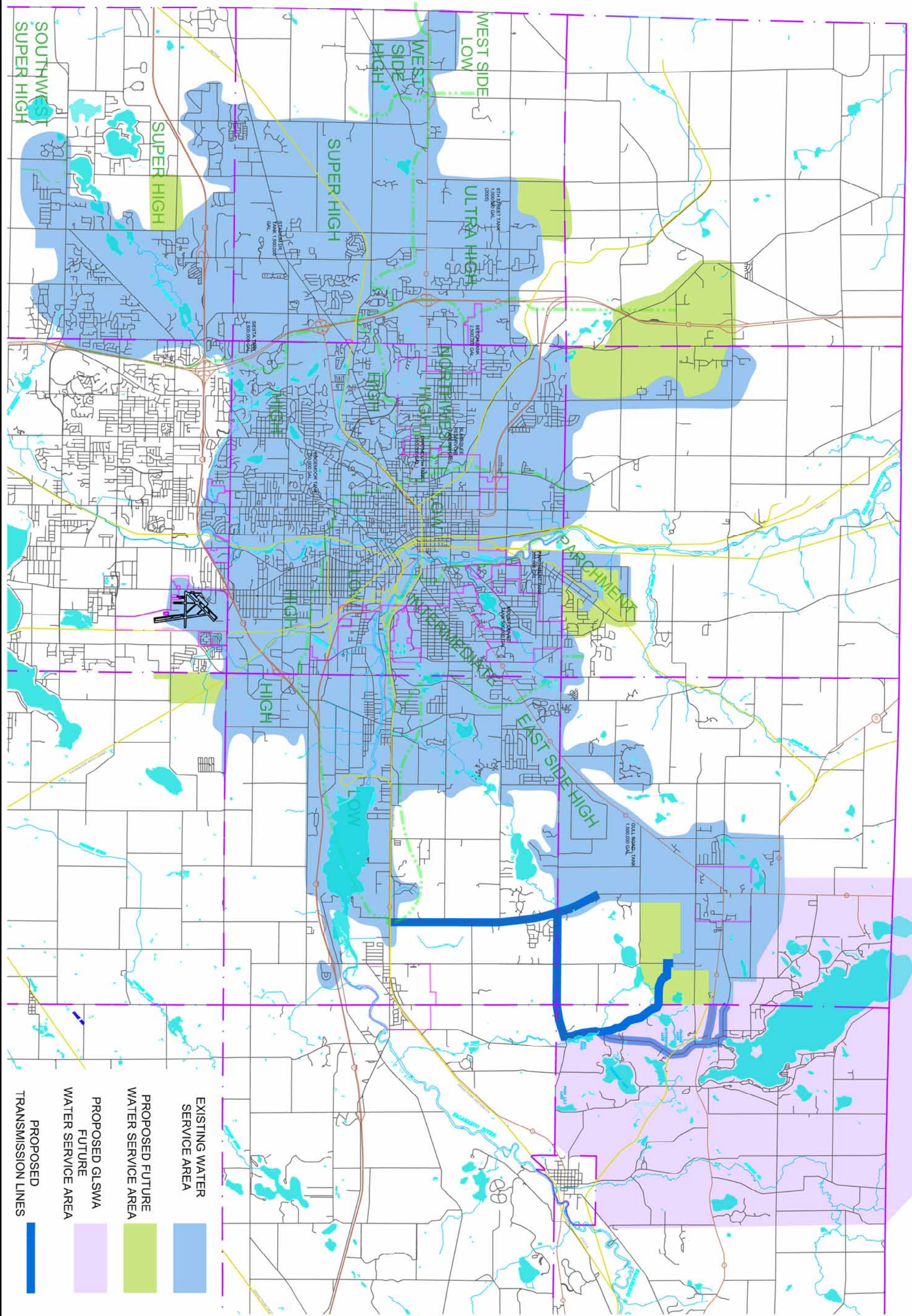
24.1 – Execution in Counterparts

This Agreement may be executed in several counterparts and when so executed will be considered to be an original.

Dated: _____, 2021	CITY OF KALAMAZOO By: _____ Its: _____
--------------------	--

Dated: _____, 2021	TOWNSHIP OF _____ By: _____ Its: _____
--------------------	--

Appendix A



- PROPOSED TRANSMISSION LINES
- PROPOSED GLSWA WATER SERVICE AREA
- PROPOSED FUTURE WATER SERVICE AREA
- EXISTING WATER SERVICE AREA

APPENDIX B

Public Water Supply System Capital Assets

The Public Water Supply System Capital Assets are summarized in the attached schedule as Retail Service Assets in the City, Retail Service Assets in the Townships, and Wholesale Service Assets. Further, the attached schedule identifies the Net Book Value of the Public Water Supply System Capital Assets in-service, Used and Useful, as of the 2019 annual audit. The attached schedule shall be amended annually following each annual audit to incorporate the cost of the Capital Improvements made during the audited period, less additional accumulated depreciation, the Net Book Value of Contributed and Grant Funded Capital Assets and capital asset disposals during the audited period. The attached schedule shall also identify the Depreciation Expense on capital assets during the audited period utilizing the straight-line method of depreciation.

The City shall maintain and annually provide the Utility Policy Committee with a detailed Capital Asset List supporting the attached schedule.

Appendix B - Schedule of Public Water System Current Capital Assets

Total Asset Value	6/30/2019 Data			
	Original <u>Cost</u>	Accumulated <u>Depreciation</u>	Net <u>Book Value</u>	Annual Depr <u>Expense</u>
<u>Category</u>				
Water Pumping	39,505,397	22,438,197	17,067,200	801,266
Elevated Storage Tank	8,077,412	3,784,152	4,293,259	194,513
Transmission Mains	11,930,082	4,702,353	7,227,729	228,667
Dist Mains - City	20,979,690	6,811,713	14,167,977	357,595
Dist Mains - Twp	42,464,150	17,272,628	25,191,522	804,875
Service Conn - City	18,472,885	5,784,963	12,687,922	332,538
Service Conn - Twp	26,072,252	9,437,366	16,634,887	473,834
Water Metering Devices	8,886,854	6,354,950	2,531,904	402,309
Hydrants - City	3,513,394	1,133,925	2,379,469	66,435
Hydrants - Twp	6,796,844	2,364,818	4,432,027	132,052
Water General	7,819,876	4,778,150	3,041,726	320,352
Administration	197,592	193,195	4,397	20,539
Total	194,716,429	85,056,410	109,660,019	4,134,975
Wholesale Service Assets	67,530,359	35,896,047	31,634,312	1,565,337
Retail Service Assets - City *	47,409,396	16,908,076	30,501,321	957,723
Retail Service Assets - Twps *	79,776,674	32,252,287	47,524,387	1,611,915
Total	194,716,429	85,056,410	109,660,019	4,134,975

* Assumes a 50/50 split of Water Metering Devices, which are not tracked by location

Contributed Asset Value	6/30/2019 Data			
	Original <u>Cost</u>	Accumulated <u>Depreciation</u>	Net <u>Book Value</u>	Annual Depr <u>Expense</u>
<u>Category</u>				
Water Pumping	1,124,471	667,069	457,402	17,421
Elevated Storage Tank	0	0	0	0
Transmission Mains	7,641,345	2,982,443	4,658,903	146,889
Dist Mains - City	8,884,748	2,845,984	6,038,764	152,651
Dist Mains - Twp	39,060,365	15,874,739	23,185,626	742,477
Service Conn - City	11,127,825	4,412,874	6,714,951	176,112
Service Conn - Twp	24,283,987	9,005,764	15,278,224	439,186
Water Metering Devices	0	0	0	0
Hydrants - City	1,449,363	457,053	992,310	27,476
Hydrants - Twp	6,016,080	2,165,506	3,850,573	115,015
Water General	0	0	0	0
Administration	0	0	0	0
Total	99,588,184	38,411,432	61,176,752	1,817,227
Wholesale Service Assets	8,765,816	3,649,511	5,116,304	164,310
Retail Service Assets - City *	21,461,936	7,715,911	13,746,025	356,239
Retail Service Assets - Twps *	69,360,432	27,046,009	42,314,423	1,296,678
Total	99,588,184	38,411,432	61,176,752	1,817,227

* Assumes a 50/50 split of Water Metering Devices, which are not tracked by location



Appendix B - Schedule of Public Water System Current Capital Assets

Net Local Asset Value	6/30/2019 Data			
	Original Cost	Accumulated Depreciation	Net Book Value	Annual Depr Expense
Category				
Water Pumping	38,380,926	21,771,128	16,609,798	783,845
Elevated Storage Tank	8,077,412	3,784,152	4,293,259	194,513
Transmission Mains	4,288,737	1,719,910	2,568,826	81,778
Dist Mains - City	12,094,942	3,965,729	8,129,213	204,944
Dist Mains - Twp	3,403,785	1,397,890	2,005,896	62,397
Service Conn - City	7,345,060	1,372,089	5,972,971	156,426
Service Conn - Twp	1,788,265	431,602	1,356,663	34,648
Water Metering Devices	8,886,854	6,354,950	2,531,904	402,309
Hydrants - City	2,064,031	676,871	1,387,159	38,959
Hydrants - Twp	780,765	199,311	581,453	17,037
Water General Administration	7,819,876	4,778,150	3,041,726	320,352
	197,592	193,195	4,397	20,539
Total	95,128,246	46,644,978	48,483,267	2,317,748
Wholesale Service Assets	58,764,543	32,246,536	26,518,007	1,401,027
Retail Service Assets - City *	25,947,460	9,192,164	16,755,296	601,484
Retail Service Assets - Twps *	10,416,242	5,206,278	5,209,964	315,237
Total	95,128,246	46,644,978	48,483,267	2,317,748

* Assumes a 50/50 split of Water Metering Devices, which are not tracked by location

APPENDIX C

Related Water Services

In addition to the Direct Operation, Maintenance, Repair and Replacement Services defined in Article 4.1, the Water Meters Services defined in Article 4.4 and the Water Mains and Hydrants Services defined in Article 4.5, the City shall provide the additional Related Water Services described in Article 4.3, including the following:

1. All related engineering services, including but not limited to:
 - a. Infrastructure design
 - b. Construction standards review
 - c. Project implementation and monitoring

2. All related environmental service, including but not limited to:
 - a. Sampling
 - b. Flow measuring
 - c. Cross connection enforcement
 - d. Emergency response
 - e. Lead and copper monitoring
 - f. Well head protection
 - g. Surface and ground water monitoring
 - h. DEQ regulation compliance and reporting

3. All related field services, including but not limited to:
 - a. Emergency response for watermain breaks
 - b. 24 hours response to customer complaints
 - c. Traffic control
 - d. Service line repair
 - e. Stop box repair
 - f. Ms. Dig compliance and monitoring
 - g. Water service installation and tap in services
 - h. Meter installation
 - i. Meter replacement
 - j. Water meter reading
 - k. Valve exercising

4. All related field supply, field distribution and fleet services

APPENDIX D

Reimbursable Cost Schedule

The following Reimbursable Costs for materials and services provided by the City shall be recaptured from the customer requesting the service and/or their contractors as follows:

1. New water service line installations less than two inches will be charged at \$5,500.00 for a “full service-street plus yard connection” and \$2,500.00 for a “partial service-yard connection”.
2. New water service line installation two inches or greater and water main and appurtenance, which the City installs, shall be charged at time and material costs based on actual labor hours and unit pricing. The 2020-unit pricing for materials is set forth below:

2020 Pricing

Tapping Valve and Sleeve			
	DESCRIPTION	PART NO	UNIT
2.00	Block, 24" MH	1004951	\$2.08
Valve Box	Box, CI, BVC 22, LG	1000894	\$130.50
4X4	Sleeve 4X4MJ Tapw/v	0085120	\$1,195.00
6X4	Sleeve 6X4MJ Tapw/v	0085130	\$921.00
6X6	Sleeve 6X6 MJ Tapw/v	0085135	\$1,525.00
8X4	Sleeve 8X4 MJ Tapw/v	0085142	\$903.00
8X6	Sleeve 8X6 MJ Tapw/v	0085154	\$941.00
8X8	Sleeve 8X8 MJ Tapw/v	0085155	\$2,125.00
10X4	Sleeve 10X4 MJ Tapw/v	0085170	\$975.00
10X6	Sleeve 10X6 MJ Tapw/v	0085178	\$1,208.00
10X8	Sleeve 10X8 MJ Tapw/v	0085190	\$1,518.00
10X10	Sleeve 10X10 MJ Tapw/v	0085191	\$3,762.00
12X4	Sleeve 12X4 MJ Tap w/v	0085196	\$2,594.00
12X6	Sleeve 12X6 MJ Tapw/v	0085202	\$2,784.00
12X8	Sleeve 12X8 MJ Tapw/v	0085214	\$3,228.00
12X10	Sleeve 12X10 MJ Tapw/v	1085220	\$4,075.00
12X12	Sleeve 12X12 MJ Tapw/v	0085215	\$4,862.00

16X4	Sleeve 16X4 MJ Tapw/v	0085216	\$6,062.00
16X6	Sleeve 16X6 MJ Tapw/v	0085221	\$6,366.00
16X8	Sleeve 16X8 MJ Tapw/v	0085222	\$6,737.00
16X10	Sleeve 16X10 MJ Tapw/v		

Tapping Valve and Sleeve

	DESCRIPTION	PART NO	UNIT
16X12	Sleeve 16X12 MJ Tapw/v	0085250	\$7,994.00
16X16	Sleeve 16X16 MJ Tapw/v		
20X4	Sleeve 20X4 MJ Tapw/v	0085227	\$7,741.00
20X6	Sleeve 20X6 MJ Tapw/v	0085225	\$7,931.00
20X8	Sleeve 20X8 MJ Tapw/v	1085224	\$8,028.00
20X12	Sleeve 20X12 MJ Tapw/v	1085226	\$9,583.00
24X6	Sleeve 24X6 MJ Tapw/v	1085230	\$9,594.00
24X8	Sleeve 24X8 MJ Tapw/v	1085228	\$10,080.00
24X12	Sleeve 24X12 MJ Tapw/v	1095232	\$11,239.00

1.00	Meter, 5/8" T10 P/C USG NEPTUNE	1059000	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00

1" SVC off of Fire

	DESCRIPTION	PART NO	UNIT
1.00	Valve, Apollo 1"	0096300	\$11.00
2.00	Connec, 1 Brass Meter	0017968	\$11.25
1.00	METER, 1" T10	1059010	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00

1 1/2" off of Fire

	DESCRIPTION	PART NO	UNIT
1.00	Valve, Ball 1 1/2"	0096333	\$25.80
1.00	Nipple-cpr, 11/2X51/2	0060510	\$17.14
1.00	Flange, Mtr 6m 11/2in	0030920	\$34.84

1.00	METER, 1 1/2" T10 MTR P/C USG*X NEPTUNE	1059015	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	0.00
1.00	Cplg, 1 1/2" Pack Joint	0020808	60.35
1.00	Bushing, 2X1 1/2	0011140	\$12.01

2" SVC off of Fire			
	DESCRIPTION	PART NO	UNIT
1.00	Valve, Ball 2"	0096400	\$36.50
1.00	Nipple-cpr, 2X51/2	0060687	\$21.98
1.00	Flange, Mtr 7m 2in	0030960	\$46.50
1.00	METER, 2" COMPOUND PROCORDER	1059022	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00
1.00	Cplg, 2 Pack Joint	0018596	\$68.77

2" SVC - Residential in Floor, Basement			
	DESCRIPTION	PART NO	UNIT
1.00	Saddle, 4"X2"	0016086	\$22.15
1.00	Saddle, 6"X2"	0016116	\$26.00
1.00	Saddle, 8"X2"	0016146	\$28.75
1.00	Saddle, 10"X2"	0016176	\$37.90
1.00	Saddle, 12"X2"	0016206	\$45.95
1.00	Saddle, 16"X2"	0016240	\$80.20

2.00	Nipple-cpr, 2X51/2	0060687	\$21.98
1.00	Valve, 2" Curb Stop	0097053	\$180.10
1.00	Box, Valve Complete	1000896	\$130.50

1.00	Valve, Ball 2"	0096400	\$36.50
1.00	Meter, 2" T10 MTR P/C USG*X NEPTUNE	1059020	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00
1.00	Cplg, 2 Pack Joint	0018596	\$68.77

2" SVC - Residential in Pit			
	DESCRIPTION	PART NO	UNIT
1.00	Saddle, 4"X2"	0016086	\$22.15
1.00	Saddle, 6"X2"	0016116	\$26.00
1.00	Saddle, 8"X2"	0016146	\$28.75

2" SVC - Residential in Pit			
	DESCRIPTION	PART NO	UNIT
1.00	Saddle, 10"X2"	0016176	\$37.90
1.00	Saddle, 12"X2"	0016206	\$45.95
1.00	Saddle, 16"X2"	0016240	\$80.20

2.00	Nipple-cpr, 2X51/2	0060687	\$21.98
1.00	Valve, 2" Curb Stop	0097053	\$180.10
1.00	Box, Valve Complete	1000896	\$130.50
1.00	Valve, Ball 2"	0096400	\$36.50
1.00	METER, 2" T10 P/C R900I PIT	1059021	\$0.00
1.00	Cplg, 2 Pack Joint	0018596	\$68.77

2" SVC - Commercial - in Floor, Basement, Pit			
	DESCRIPTION	PART NO	UNIT
1.00	Saddle, 4"X2"	0016086	\$22.15
1.00	Saddle, 6"X2"	0016116	\$26.00
1.00	Saddle, 8"X2"	0016146	\$28.75
1.00	Saddle, 10"X2"	0016176	\$37.90
1.00	Saddle, 12"X2"	0016206	\$45.95
1.00	Saddle, 16"X2"	0016240	\$80.20
2.00	Nipple-cpr, 2X51/2	0060687	\$21.98
1.00	Valve, 2" Curb Stop	0097053	\$180.10
1.00	Box, Valve Complete	1000896	\$130.50

1.00	Valve, Ball 2"	0096400	\$36.50
1.00	METER, 2" COMPOUND PROCODER	1059022	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00
1.00	Cplg, 2 Pack Joint	0018596	\$68.77

1-1/4" SVC		
DESCRIPTION	PART NO	UNIT
Saddle, 4"X1"	0016212	\$12.50
Saddle, 6"X1"	0016218	\$14.50
Saddle, 8"X1"	0016224	\$16.45
Saddle, 10"X1"	0016228	\$19.40
Saddle, 12"X1"	0016244	\$20.85
1"X1-1/4" Corp	0017131	\$61.25
1-1/4" Curb Stop	0017282	\$118.60
94 E Box	0007370	\$70.00

INSIDE		
DESCRIPTION	PART NO	UNIT
Clamp, 2 Ground	0015985	\$6.47
Clamp, 3/4"Ground BLBJ BRNZ	0015972	\$3.81
Connect, 1 Brass Meter	0017968	\$11.25
Valve, Apollo 1"	0096300	\$11.00
METER, 1" T10 MTR P/C 8*X NEPTUNE	1059010	\$0.00
METER, R900 V4 WALL UNIT M10	1058999	

PIT		
1-1/4" Meter Yoke	08400	\$128.90
Meter Tile	8090	\$90.00
Cast Lid	08201	\$112.00
Cast Ring	08285	\$122.00
Cast Frost Lid	08060	\$40.00
Cast Riser	8772	\$90.00
Pipe, Copper, 1-1/4"	0070242	\$4.75
METER, 1" T10 MTR P/C R900I USG PIT NEPTUNE	1059011	\$0.00

3" SVC

3" SVC			
	DESCRIPTION	PART NO	UNIT
1.00	METER, 3" COMPOUND	1059026	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00
1.00	Adaptor, 3" HyMax Flange Cplg	0019854	\$266.41
2.00	Rod5/8Threaded - 36	0078070	\$3.80
1.00	Spool,3"X8 1/2" thru 18"	0086860	\$88.68

3" SVC			
	DESCRIPTION	PART NO	UNIT
1.00	Valve, 3" FLG RW OL w/Wheel	0096640	\$320.00
3.00	1/8"X3" Gasket	0033548	\$1.16
8.00	5/8"X3" Bolts	0006610	\$0.64
16.00	5/8" Nuts	0063240	\$0.17

4" SVC			
	DESCRIPTION	PART NO	UNIT
1.00	METER, 4" COMPOUND	1059031	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00
1.00	Adaptor, 4" HyMax Flange Cplg	0019875	\$330.00
2.00	Rod5/8Threaded - 36	0078070	\$3.80
1.00	Spool, 4"X1'0" FlgXPE DI	0086870	\$108.25
1.00	Valve, 4" FLG Wheel	96442	\$360.00
3.00	1/8"X4" Gasket	0033578	\$1.78
16.00	5/8"X3" Bolts	0006610	\$0.64
24.00	5/8" Nuts	0063240	\$0.17

6" SVC			
	DESCRIPTION	PART NO	UNIT
1.00	METER, 6" COMPOUND	1059036	\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00
1.00	Adaptor, 6" Flange Cplg	0019893	\$270.66

2.00	Rod3/4Threaded - 36	0078075	\$6.55
1.00	Spool, 6"X6" FlgXPE DI	0031180	\$278.00
1.00	Valve, 6" FLG Wheel	96754	\$450.00
3.00	1/8"X6" Gasket	0033608	\$3.39
16.00	3/4"X3" Bolts	0006700	\$1.03
24.00	3/4" Nuts	0063243	\$0.30

8" SVC

1.00	METER, 8" HP TURBINE PROCODER NEPTUNE		\$0.00
1.00	METER, R900 V4 WALL UNIT M10	1058999	\$0.00
1.00	FLG &SPGT 8x6'	31224	\$355.87
1.00	CPLG, 8" FLG ADPT	19895	\$364.79
1.00	Valve, 8" FLG Wheel	96756	\$1,117.37
3.00	1/8"X8" Gasket	33638	\$5.72
2.00	Rod3/4Threaded - 36	0078075	\$6.55
16.00	3/4"X3" Bolts	0006700	\$1.03
24.00	3/4" Nuts	0063243	\$0.30

APPENDIX E

Water Rate Making Methodology

E.1 Method

The Annual Revenue Requirements of the Public Water Supply System are reflected within the Water Service Agreement using the Cash Basis. (Article 8.4). To achieve Rate Equalization as defined in Article 8.2A, for Rate Year 2022, and each subsequent Rate Year, the Cash Basis Revenue Requirements identified in Article 8.4 shall be converted to the Utility Basis Revenue Requirements and allocated to each Customer Class as part of the Cost of Service Study identified in Article 8.3A using the methodology set forth in this Appendix.

E.2 Utility Basis Revenue Requirements

The Annual Utility Basis Revenue Requirements shall include the following components, each of which is described herein:

- Direct Operation, Maintenance and Repair Costs;
 - Administrative and Indirect Operating Costs;
 - Payment in Lieu of Taxes (“PILOT”);
 - Depreciation Expense;
 - Return on Rate Base (expressed in dollars).
- a) Direct Operation, Maintenance and Repair Costs – Component (as defined in Article 8.4A)
 - b) Administrative and Indirect Operation Cost – Component (as defined in Article 8.4B)
 - c) Payment in Lieu of Taxes (“PILOT”) – Component (as defined in Article 8.4D)
 - d) Depreciation Expense – Component

A Depreciation Expense shall be charged on the Capital Asset Element of the Rate Base Component in accordance with generally accepted accounting principles utilizing the straight-line method of depreciation. Construction completed prior to the beginning of each Rate Year shall be added to the Capital Asset Element of the Rate Base Component and depreciated according to the assets’ Useful Life. Depreciation on Contributed Capital Assets or Grant Funded Capital Assets shall not be included in the Depreciation Expense Component.
 - e) Return on Rate Base – Component

The Return on Rate Base shall be the aggregate sum of the total Annual Revenue Requirement for the Public Water Supply System as defined in Article 8.4 less the sum of the Utility Basis Revenue Requirement components established in (a) through (d) above.

(Annual Cash Basis Revenue Requirement – Direct Operation, Maintenance and Repair Costs – Administrative and Indirect Operating Costs - PILOT – Depreciation Expense = Return on Rate Base)

E.3 Annual Utility Basis Non-Revenue Requirement – Components

The following Utility Basis Non-Revenue Requirements support the development of the Depreciation Expense Component and the Return of Rate Base Component of the Utility Basis Revenue Requirements:

- Rate Base
- Rate of Return

a) Rate Base – Component

The Rate Base shall be aggregate sum of the Capital Asset Element plus the Working Capital Element.

(Capital Asset Element + Working Capital Element = Rate Base)

1) Capital Asset Element

The Capital Asset Element of the Rate Base shall be the Net Book Value of the Public Water Supply System Capital Assets, In-Service, Used, and Useful, at the end of the most recently audited year as identified in Appendix B, plus the Construction Work-In-Progress at the end of the most recently audited year, plus the projected Cost of the Capital Improvements made subsequent to that date through the end of the Rate Year, less the projected Net Book Value of Contributed and Grant Funded Capital Assets as of the end of the Rate Year.

2) Working Capital Element

The Working Capital Element shall be the stated value of the current Non-Capital Assets of the Public Water Supply System as determined by the annual City Audit including inventories which shall not exceed ninety (90) days of Operating Expenses.

3) Rate of Return

The Rate of Return shall be the product of the Return on Rate Base divided by the Rate Base. Effective Rate Year 2022, and each Rate Year thereafter, the Rate of Return used to allocate Utility Basis Revenue Requirements to all Customers shall be identical.

(Return on Rate Base ÷ Rate Base = Rate of Return)

E.4 Equivalent Water Rates

Effective Rate Year 2022, and each Rate Year thereafter, City customers and Township customers within each Customer Class shall be assessed the same Water Rates based on the same Rate of Return.

E.5 Annual Utility Basis Revenue Requirement – Tracking

a) Depreciation Expense Component – Tracking

The Rate Consultant and the City shall maintain a schedule of Public Water Supply System Current Capital Assets and shall track and report the annual Depreciation Expense related to each Capital Asset in the City and the Townships and provide an annual report regarding the Depreciation Expense to the Utility Policy Committee.

b) Rate Base Component – Tracking

The Rate Consultant and the City shall maintain a Schedule of Public Water Supply System Current Capital Assets (Appendix B). The Schedule shall identify each Public Water Supply System Capital Asset which is Used and Useful to the Customers of the Public Water Supply System (“Utility Plant In-Service”), the Net Book Value and Annual Depreciation Expense of each Capital Asset, the location of each Capital Asset, the date of purchase, the useful life, historical investment and Accumulated Depreciation of each Capital Asset. The Rate Consultant and the City shall annually amend the Schedule to identify, value and categorize newly constructed Capital Assets, and to remove Capital Assets no longer In-Service, Used and Useful, and to add Annual Depreciation to the Accumulated Depreciation of each Capital Asset. The Schedule shall also track Contributed or Grant Funded Capital Assets.

APPENDIX F

This Appendix contains “Table 19-Development of 2021 Water Rates (3) pages” from the City of Kalamazoo “Report on 2021 Water Rates”, dated December 16, 2020.

- Column 1 of Table 19 entitled “Existing Rates” identifies the current Water Rates paid by City Customers per customer class, meter size and device (inside City) and by Township Customers per customer class, meter size and device (outside City).
- Column 2 of Table 19 entitled “Indexed Adjustment for 2021” identifies the proposed rate adjustment from the “Existing Rates” identified in Column 1 of Table 19 for City Customers (inside City) and Township Customers (outside City) to the “Proposed 2021 Rates” identified in Column 3 of Table 19. The same “Indexed Adjustment” is proposed from the “Proposed 2021 Rates” identified in Column 3 of Table 19 to the “Projected Test Year 2022 Rates” identified in Column 4 of Table 19.
- Column 4 of Table 19 entitled “Projected Test Year 2022 Rates” identifies the Projected Equivalent Water Rates proposed for Rate Year 2022 for the City and Township Customers. The “Projected Test Year 2022 Rates” identified in Column 4 are projected Water Rates and the Water Rates adopted may vary from the projected Water Rates.

Regardless, for Rate Year 2022 and each Rate Year thereafter the City and Township Customers shall pay the same Water Rates as described in Article 8.2A.

Table 19
Water Utility
Development of 2021 Water Rates

Line		(1)	(2)	(3)	(4)
<u>No.</u>		<u>Existing Rates</u>	<i>Indexed Adjustment for 2021</i>	<u>Proposed 2021 Rates</u>	<i>Projected Test Year 2022 Rates</i>
		\$/unit	<i>1/2 of Adj from Table 17</i>	\$/unit <i>[1] * (1+[2])</i>	<i>from Table 17</i>
Commodity Charges - \$/cu mtr					
<u>Inside City</u>					
1	Single Family	0.496	24.4%	0.617	0.767
2	Multi Family	0.405	18.9%	0.482	0.573
3	Commercial	0.454	19.1%	0.541	0.644
4	Seasonal	0.741	18.3%	0.877	1.037
<u>Outside City</u>					
5	Single Family	0.660	7.8%	0.711	0.767
6	Multi-Family	0.465	11.0%	0.516	0.573
7	Commercial	0.522	11.1%	0.580	0.644
8	Seasonal	0.988	2.4%	1.012	1.037
<u>Fire Protection Detector Checks</u>					
9	Inside City	0.449	19.9%	0.539	0.646
10	Outside City	0.518	11.7%	0.578	0.646

Table 19
Water Utility
Development of 2021 Water Rates

Line		(1)	(2)	(3)	(4)
		<u>Existing Rates</u>	<i>Indexed Adjustment for 2021</i>	Proposed 2021 Rates	<i>Projected Test Year 2022 Rates</i>
<u>No.</u>		\$/unit	<i>1/2 of Adj from Table 17</i>	\$/unit <i>[1] * (1+[2])</i>	<i>from Table 17</i>
Meter Service Charges - \$/bill					
<u>Inside City - Quarterly</u>					
11	5/8"-3/4"	30.70	15.5%	35.45	40.94
12	1"	41.19	15.3%	47.48	54.73
13	1-1/2"	51.70	15.1%	59.52	68.53
14	2"	80.54	15.0%	92.60	106.46
15	3"	271.86	19.1%	323.86	385.81
16	4"	355.85	17.3%	417.27	489.28
17	6"	531.46	17.3%	623.16	730.69
18	8"	732.14	17.3%	858.47	1,006.59
<u>Inside City - Monthly</u>					
19	5/8"-3/4"	13.18	16.7%	15.38	17.95
20	1"	16.69	16.2%	19.40	22.54
21	1-1/2"	20.19	15.9%	23.41	27.14
22	2"	29.82	15.5%	34.45	39.79
23	3"	100.65	14.9%	115.66	132.90
24	4"	126.89	14.9%	145.74	167.39
25	6"	188.10	14.8%	215.92	247.86
26	8"	258.03	14.8%	296.12	339.83
<u>Outside City - Quarterly</u>					
27	5/8"-3/4"	33.51	10.5%	37.04	40.94
28	1"	45.30	9.9%	49.79	54.73
29	1-1/2"	57.09	9.6%	62.55	68.53
30	2"	89.52	9.1%	97.62	106.46
31	3"	326.53	8.7%	354.93	385.81
32	4"	414.47	8.7%	450.32	489.28
33	6"	619.67	8.6%	672.89	730.69
34	8"	854.18	8.6%	927.26	1,006.59
<u>Outside City - Monthly</u>					
35	5/8"-3/4"	13.86	13.8%	15.77	17.95
36	1"	17.79	12.6%	20.02	22.54
37	1-1/2"	21.72	11.8%	24.28	27.14
38	2"	32.53	10.6%	35.98	39.79
39	3"	112.13	8.9%	122.07	132.90
40	4"	141.60	8.7%	153.96	167.39
41	6"	210.38	8.5%	228.35	247.86
42	8"	288.99	8.4%	313.38	339.83

Table 19
Water Utility
Development of 2021 Water Rates

Line		(1)	(2)	(3)	(4)
<u>No.</u>		<u>Existing Rates</u>	<i>Indexed Adjustment for 2021</i>	<u>Proposed 2021 Rates</u>	<i>Projected Test Year 2022 Rates</i>
		\$/unit	<i>1/2 of Adj from Table 17</i>	\$/unit <i>[1] * (1+[2])</i>	<i>from Table 17</i>
Fire Protection					
<u>Quarterly</u> Detector Checks - Service Charges - \$/bill					
43	Inside City				
44	4"	51.76	21.5%	62.87	76.37
45	6"	62.57	27.8%	79.96	102.19
46	8"	88.72	32.7%	117.70	156.14
47	10"	253.70	25.8%	319.19	401.58
	Outside City				
48	4"	64.16	9.1%	70.00	76.37
49	6"	85.45	9.4%	93.45	102.19
50	8"	129.26	9.9%	142.07	156.14
51	10"	328.70	10.5%	363.32	401.58
<u>Monthly</u> Detector Checks - Service Charges - \$/bill					
52	Inside City				
53	4"	34.16	16.7%	39.85	46.49
54	6"	41.64	15.0%	47.90	55.10
55	8"	56.83	13.4%	64.44	73.08
56	10"	120.80	13.2%	136.79	154.89
	Outside City				
57	4"	39.88	8.0%	43.06	46.49
58	6"	48.10	7.0%	51.48	55.10
59	8"	64.71	6.3%	68.77	73.08
60	10"	133.52	7.7%	143.81	154.89
<u>Fire Hydrants - \$/hydrant/year</u>					
61	Public	0.00		0.00	0.00
62	Private	40.00	0.0%	40.00	40.00

Table 19
Water Utility
Development of 2021 Water Rates

Line		(1)	(2)	(3)	(4)
<u>No.</u>		<u>Existing Rates</u>	<u>Indexed</u>	<u>Proposed</u>	<u>Projected</u>
		\$/unit	<u>Adjustment</u>	2021 Rates	Test Year
			<u>for 2021</u>	\$/unit	2022 Rates
			<i>1/2 of Adj</i>	[1] * (1+[2])	<i>from Table 17</i>
			<i>from Table 17</i>		<i>from Table 17</i>
Fire Protection					
<u>Quarterly</u> Detector Checks - Service Charges - \$/bill					
43	Inside City				
44	4"	51.76	21.5%	62.87	76.37
45	6"	62.57	27.8%	79.96	102.19
46	8"	88.72	32.7%	117.70	156.14
47	10"	253.70	25.8%	319.19	401.58
	Outside City				
48	4"	64.16	9.1%	70.00	76.37
49	6"	85.45	9.4%	93.45	102.19
50	8"	129.26	9.9%	142.07	156.14
51	10"	328.70	10.5%	363.32	401.58
<u>Monthly</u> Detector Checks - Service Charges - \$/bill					
52	Inside City				
53	4"	34.16	16.7%	39.85	46.49
54	6"	41.64	15.0%	47.90	55.10
55	8"	56.83	13.4%	64.44	73.08
56	10"	120.80	13.2%	136.79	154.89
	Outside City				
57	4"	39.88	8.0%	43.06	46.49
58	6"	48.10	7.0%	51.48	55.10
59	8"	64.71	6.3%	68.77	73.08
60	10"	133.52	7.7%	143.81	154.89
<u>Fire Hydrants - \$/hydrant/year</u>					
61	Public	0.00		0.00	0.00
62	Private	40.00	0.0%	40.00	40.00

**KALAMAZOO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN**

**RESOLUTION APPROVING WATER SERVICES AGREEMENT AND
AMENDED APPENDICES A THROUGH F**

Adopted:_____

Effective:_____

WHEREAS, on December 14, 2020 the Kalamazoo Charter Township Board approved a Water Services Agreement with the City of Kalamazoo, subject to the finalization of certain information in Appendices B through F therein within 60 days; and

WHEREAS, on February 8, 2021 the Charter Township of Kalamazoo received from its consultants the Water Services Agreement and final Appendixes A through F, as recommended by the Regional Water & Wastewater consultants that were instrumental in the formulation and finalization of the agreement and its appendices with indication that it was in form for final approval; and

WHEREAS the Township Board of Kalamazoo Charter Township wishes to approve the final Water Services Agreement and Appendices A through F and to allow the Township Supervisor and Clerk to sign said agreement on behalf of the Township.

NOW THEREFORE IT IS HEREBY RESOLVED, that the Township of Kalamazoo Charter hereby approves the City of Kalamazoo-Water Services Agreement dated _____, including Appendices A through F; agrees to be bound by the terms therein and authorizes the Township Supervisor and Clerk to sign said agreement on behalf of the Charter Township of Kalamazoo.

BE IT FURTHER RESOLVED that the signatures of the Supervisor and Clerk on the final agreement shall serve to effectuate the replacement of the December 14, 2020 Water Services Agreement with the final-form authorized Water Services Agreement and Appendices A through F therein.

Motion was made by_____ and seconded by _____, to adopt the foregoing Resolution.

Upon roll call vote the following voted "aye":

The following voted "nay":

The Chairman declared the motion carried and the Resolution duly adopted.

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Kalamazoo Charter Township Board held via permitted ZOOM video conference during COVID-19 public health crises as authorized by PA 254 of 2020 on _____, 2021 which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

Mark E. Miller, Clerk
Charter Township of Kalamazoo

Attest:

Donald D. Martin, Supervisor



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 9C

FOR MEETING DATE: Monday, February 22, 2021

SUBJECT: Professional Services Agreement

REQUESTING DEPARTMENT: Manager

SUGGESTED MOTION:

To approve the professional Services Agreement between Prein & Newhof Inc and Kalamazoo Township

Financing Cost: \$ varies

Source: General Fund X Grant _____ Other _____

Are these funds currently budgeted? Yes X No _____

Other comments or notes:

The financial cost will vary based on project, please see the fee schedule.

Submitted by: Township Manager

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

Sent via email: manager@ktwp.org

January 13, 2021

Mr. Dexter Mitchell
Manager
Charter Township of Kalamazoo
1720 Riverview Drive
Kalamazoo, MI 49004-1099

RE: Engineering Services Letter of Engagement (2021)

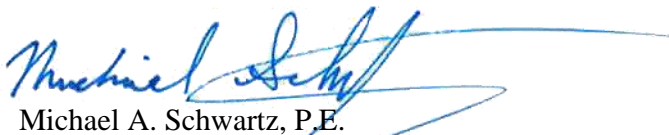
Dear Mr. Mitchell:

Prein&Newhof is pleased to present our Professional Services Agreement to provide as needed engineering services to Kalamazoo Township. P&N will provide engineering services as requested by the Township Administration. If such services are not directly related to a specific project that has a separate agreement with the City to provide professional services, then we propose to perform these services at our normal hourly rates plus expenses billed monthly (current fee schedule attached).

If this proposal meets with your approval, please sign and return the Professional Services Agreement as authorization to proceed. If you have any questions, please contact our office.

Sincerely,

Prein&Newhof



Michael A. Schwartz, P.E.

MAS:dlj

Enclosures: Professional Services Agreement (2 pg.) Terms & Conditions (3 pg.)
Fee Schedule (1 pg.)

Professional Services Agreement

This Professional Services Agreement is made this ____ day of _____, 2021 (“Agreement”) by and between Prein & Newhof, Inc. (“P&N”), of 1707 South Park Street, Suite 200, Kalamazoo, MI 49001, and Charter Township of Kalamazoo (“Client”), of 1720 Riverview Drive, Kalamazoo, MI 49004-1099.

WHEREAS Client intends to:

Obtain as needed Engineering Services.

NOW THEREFORE, for and in consideration of the terms and conditions contained herein, the parties agree as follows:

ARTICLE 1 – DESIGNATED REPRESENTATIVES

Client and P&N each designate the following individuals as their representatives with respect to the Project.

For Client
Name: Dexter Mitchell
Title: Manager
Phone Number: (269) 381-8080
Facsimile Number: (269) 381-3550
Email: manager@ktwp.org

For P&N
Name: Michael A. Schwartz, P.E.
Title: Project Manager
Phone Number: (269) 372-1158
Facsimile Number: (616) 364-6955
Email: mschwartz@preinnewhof.com

ARTICLE 2 – GENERAL CONDITIONS

This Agreement consists of this Professional Services Agreement and the following documents which by this reference are incorporated into and made a part of this Agreement.

- P&N Standard Terms and Conditions for Professional Services
- P&N Proposal dated January 13, 2021
- P&N Standard Rate Schedule
- P&N Supplemental Terms and Conditions
- Other:

ARTICLE 3 – ENGINEERING SERVICES PROVIDED UNDER THIS AGREEMENT:

Client hereby requests, and P&N hereby agrees to provide, the following services:

- P&N Scope of Services per Proposal dated January 13, 2021

Scope of Services defined as follows:

ARTICLE 4 – COMPENSATION:

Lump Sum for Services Described in Article 3 above - \$_____.

Additional services to be billed per P&N’s Standard Rate Schedule in effect on the date the additional service are performed.

Hourly Billing Rates plus Reimbursable Expenses per P&N’s Standard Rate Schedule in effect on the date services are performed.

Other:

ARTICLE 5 – ADDITIONAL TERMS (If any)

None

This Agreement constitutes the entire Agreement between P&N and Client and supersedes all prior written or oral understandings. This Agreement may not be altered, modified or amended, except in writing properly executed by authorized representatives of P&N and Client.

Accepted for:

Accepted for:

Prein&Newhof, Inc.

Client: _____

By: _____

By: _____

Printed Name: Thomas C. Wheat, P.E.

Printed Name: _____

Title: Office Manager

Title: _____

Date: _____

Date: _____

Bill To/Ship To (if different)

Name: _____

Company: _____

Address: _____

Ph: _____

Fx: _____

Email: _____

Standard Terms & Conditions

- A. General** - As used in this Prein&Newhof Standard Terms and Conditions for Professional Services (hereinafter “Terms and Conditions”), unless the context otherwise indicates: the term “Agreement” means the Professional Services Agreement inclusive of all documents incorporated by reference including but not limited to this P&N Standard Terms and Conditions for Professional Services; the term “Engineer” refers to Prein & Newhof, Inc.; and the term “Client” refers to the other party to the Professional Services Agreement.

These Terms and Conditions shall be governed in all respects by the laws of the United States of America and by the laws of the State of Michigan.

- B. Standard of Care** - The standard of care for all professional and related services performed or furnished by Engineer under the Agreement will be the care and skill ordinarily used by members of Engineer’s profession of ordinary learning, judgment or skill practicing under the same or similar circumstances in the same or similar community, at the time the services are provided.
- C. Disclaimer of Warranties** - Engineer makes no warranties, expressed or implied, under the Agreement or otherwise.
- D. Construction/Field Observation** - If Client elects to have Engineer provide construction/field observation, client understands that construction/field observation is conducted to reduce, not eliminate the risk of problems arising during construction, and that provision of the service does not create a warranty or guarantee of any type. In all cases, the contractors, subcontractors, and/or any other persons performing any of the construction work, shall retain responsibility for the quality and completeness of the construction work and for adhering to the plans, specifications and other contract documents.
- E. Construction Means and Methods** - Engineer shall not have control or charge of and shall not be responsible for construction means, methods, techniques, sequences, or procedures, or for any safety precautions and programs in connection with the construction work, for the acts or omissions of the Contractor, Subcontractors, or any other persons performing any of the construction work, or for the failure of any of them to carry out the construction work in accordance with the plans, specifications or other contract documents.
- F. Opinions of Probable Costs** – Client acknowledges that Engineer has no control over market or contracting conditions and that Engineer’s opinions of costs are based on experience, judgment, and information available at a specific period of time. Client agrees that Engineer makes no guarantees or warranties, express or implied, that costs will not vary from such opinions.

G. Client Responsibilities

1. Client shall provide all criteria, Client Standards, and full information as to the requirements necessary for Engineer to provide the professional services. Client shall designate in writing a person with authority to act on Client’s behalf on all matters related to the Engineer’s services. Client shall assume all responsibility for interpretation of contract documents and construction observation/field observation during times when Engineer has not been contracted to provide such services and shall waive any and all claims against Engineer that may be connected thereto.
2. In the event the project site is not owned by the Client, the Client must obtain all necessary permission for Engineer to enter and conduct investigations on the project site. It is assumed that the Client possesses all necessary permits and licenses required for conducting the scope of services. Access negotiations may be performed at additional costs. Engineer will take reasonable precaution to minimize damage to land and structures with field equipment. Client assumes responsibility for all costs associated with protection and restoration of project site to conditions existing prior to Engineer’s performance of services.
3. The Client, on behalf of all owners of the subject project site, hereby grants permission to the Engineer to utilize a small unmanned aerial system (sUAS) for purposes of aerial mapping data acquisition. The Client is responsible to provide required notifications to the property owners of the subject project site and affected properties where the sUAS services will be performed. The Engineer will operate the sUAS in accordance with applicable State and Federal Laws.

H. Hazardous or Contaminated Materials/Conditions

1. Client will advise Engineer, in writing and prior to the commencement of its services, of all known or suspected Hazardous or Contaminated Materials/Conditions present at the site.
2. Engineer and Client agree that the discovery of unknown or unconfirmed Hazardous or Contaminated Materials/Conditions constitutes a changed condition that may require Engineer to renegotiate the scope of or terminate its services. Engineer and Client also agree that the discovery of said Materials/Conditions may make it necessary for Engineer to take immediate measures to protect health, safety, and welfare of those performing Engineer’s services. Client agrees to compensate Engineer for any costs incident to the discovery of said Materials/Conditions.

3. Client acknowledges that Engineer cannot guarantee that contaminants do not exist at a project site. Similarly, a site which is in fact unaffected by contaminants at the time of Engineer's surface or subsurface exploration may later, due to natural phenomena or human intervention, become contaminated. The Client waives any claim against Engineer, and agrees to defend, indemnify and hold Engineer harmless from any claims or liability for injury or loss in the event that Engineer does not detect the presence of contaminants through techniques commonly employed.
4. The Client recognizes that although Engineer is required by the nature of the services to have an understanding of the laws pertaining to environmental issues, Engineer cannot offer legal advice to the Client. Engineer urges that the Client seek legal assistance from a qualified attorney when such assistance is required. Furthermore, the Client is cautioned to not construe or assume that any representations made by Engineer in written or conversational settings constitute a legal representation of environmental law or practice.
5. Unless otherwise agreed to in writing, the scope of services does not include the analysis, characterization or disposal of wastes generated during investigation procedures. Should such wastes be generated during this investigation, the Client will contract directly with a qualified waste hauler and disposal facility.

I. Underground Utilities – To the extent that the Engineer, in performing its services, may impact underground utilities, Engineer shall make a reasonable effort to contact the owners of identified underground utilities that may be affected by the services for which Engineer has been contracted, including contacting the appropriate underground utility locating entities and reviewing utility drawings provided by others. Engineer will take reasonable precautions to avoid damage or injury to **underground** utilities and other underground structures. Client agrees to hold Engineer harmless for any damages to below ground utilities and structures not brought to Engineers attention and/or accurately shown or described on documents provided to Engineer.

J. Insurance

1. Engineer will maintain insurance for professional liability, general liability, worker's compensation, auto liability, and property damage in the amounts deemed appropriate by Engineer. Client will maintain insurance for general liability, worker's compensation, auto liability, and property damage in the amounts deemed appropriate by Client. Upon request, Client and Engineer shall each deliver certificates of insurance to the other evidencing their coverages.
2. Client shall require Contractors to purchase and maintain commercial general liability insurance and other insurance as specified in project contract documents. Client shall cause Engineer, Engineer's consultants, employees, and agents to be listed as additional insureds with respect to any Client or Contractor insurances related to projects for which Engineer provides services. Client agrees and must have Contractors agree to have their insurers endorse these policies to reflect that, in the event of payment of any loss or damages, subrogation rights under these Terms and Conditions are hereby waived by the insurer with respect to claims against Engineer.

K. Limitation of Liability - The total liability, in the aggregate, of Engineer and Engineer's officers, directors, partners, employees, agents, and consultants, whether jointly, severally or individually, to Client and anyone claiming by, through, or under Client, for any and all injuries, losses, damages and expenses, whatsoever, arising out of, resulting from, or in any way related to the Project or the Agreement, including but not limited to the performance of services under the Agreement, from any cause or causes whatsoever, including but not limited to the negligence, professional errors or omissions, strict liability or breach of contract or warranty, expressed or implied, of Engineer or Engineer's officers, directors, partners, employees, agents, consultants, or any of them, shall not exceed the amount of the compensation paid to Engineer under this Agreement, or the sum of fifty thousand dollars and no cents (\$50,000.00), whichever is less. Recoverable damages shall be limited to those that are direct damages. Engineer shall not be responsible for or held liable for special, indirect or consequential losses or damages, including but not limited to loss of use of equipment or facility, and loss of profits or revenue.

Client acknowledges that Engineer is a corporation and agrees that any claim made by Client arising out of any act or omission of any director, officer, or employee of Engineer, in the execution or performance of the Agreement, shall be made against Engineer and not against such director, officer, or employee.

L. Documents and Data

1. All documents prepared or furnished by Engineer under the Agreement are Engineer's instruments of service, and are and shall remain the property of Engineer.
2. Hard copies of any documents provided by Engineer shall control over documents furnished in electronic format. Client recognizes that data provided in electronic format can be corrupted or modified by the Client or others, unintentionally or otherwise. Consequently, the use of any data, conclusions or information obtained or derived from electronic media provided by Engineer will be at the Client's sole risk and without any liability, risk or legal exposure to Engineer, its employees, officers or consultants.

3. Any extrapolations, conclusions or assumptions derived by the Client or others from the data provided to the Client, either in hard copy or electronic format, will be at the Client's sole risk and full legal responsibility.
- M. Differing Site Conditions** - Client recognizes that actual site conditions may vary from the assumed site conditions or test locations used by Engineer as the basis of its design. Consequently, Engineer does not guarantee or warrant that actual site conditions will not vary from those used as the basis of Engineer's design, interpretations and recommendations. Engineer is not responsible for any costs or delays attributable to differing site conditions. .
- N. Terms of Payment** - Unless alternate terms are included in the Agreement, Client will be invoiced on a monthly basis until the completion of the **Project**. All monthly invoices are payable within 30 days of the date of the invoice. Should full payment of any invoice not be received within 30 days, the amount due shall bear a service charge of 1.5 percent per month or 18 percent per year plus the cost of collection, including reasonable attorney's fees. If Client has any objections to any invoice submitted by Engineer, Client must so advise Engineer in writing within fourteen (14) days of receipt of the invoice. Unless otherwise agreed, Engineer shall invoice Client based on hourly billing rates and direct costs current at the time of service performance. Outside costs such as, but not limited to, equipment, meals, lodging, fees, and subconsultants shall be actual costs plus 10 percent. In addition to any other remedies Engineer may have, Engineer shall have the absolute right to cease performing any services in the event payment has not been made on a current basis.
- O. Termination** - Either party may terminate services, either in part or in whole, by providing 10 calendar days written notice thereof to the other party. In such an event, Client shall pay Engineer for all services performed prior to receipt of such notice of **termination**, including reimbursable expenses, and for any shut-down costs incurred. Shut-down costs may, at Engineer's discretion, include expenses incurred for completion of analysis and records necessary to document Engineer's files and to protect its professional reputation.
- P. Severability and Waiver of Provisions** - Any provision or part of the Agreement held to be void or unenforceable under any laws or regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Client and P&N, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable **provision** that comes as close as possible to expressing the intention of the stricken provision. Non-enforcement of any provision by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of the Agreement.
- Q. Dispute Resolution** - If a dispute arises between the parties relating to the Agreement, the parties agree to use the following procedure prior to either party pursuing other available remedies:
1. Prior to commencing a lawsuit, the parties must attempt mediation to resolve any dispute. The parties will jointly appoint a mutually acceptable person not affiliated with either of the parties to act as mediator. If the parties are unable to agree on the mediator within twenty (20) calendar days, they shall seek assistance in such regard from the Circuit Court of the State and County wherein the Project is located, who shall appoint a mediator. Each party shall be responsible for paying all costs and expenses incurred by it, but shall split equally the fees and expenses of the mediator. The mediation shall proceed in accordance with the procedures established by the mediator.
 2. The parties shall pursue mediation in good faith and in a timely manner. In the event the mediation does not result in resolution of the dispute within thirty (30) calendar days, then, upon seven (7) calendar days' written notice to the other party, either party may pursue any other available remedy.
 3. In the event of any litigation arising from the Agreement, including without limitation any action to enforce or interpret any terms or conditions or performance of services under the Agreement, Engineer and Client agree that such action will be brought in the District or Circuit Court for the County of Kent, State of Michigan (or, if the federal courts have exclusive jurisdiction over the subject matter of the dispute, in the U.S. District Court for the Western District of Michigan), and the parties hereby submit to the exclusive jurisdiction of said court.
- R. Force Majeure** - Engineer shall not be liable for any loss or damage due to failure or delay in rendering any services called for under the Agreement resulting from any cause beyond Engineer's reasonable control.
- S. Assignment** - Neither party shall assign its rights, interests or obligations under this Agreement without the express written consent of the other party.
- T. Modification** - The Agreement may not be modified except in writing signed by the party against whom a modification is sought to be enforced.
- U. Survival** - All express representations, indemnifications, or limitations of liability included in the Agreement shall survive its completion or termination for any reason.
- V. Third-Party Beneficiary** - Client and Engineer agree that it is not intended that any provision of this Agreement establishes a third party beneficiary giving or allowing any claim or right of action whatsoever by a third party.

Current Fee Schedule

Prein&Newhof bills for each hour spent on a project at the hourly rate of the employees assigned. Mileage is charged at \$0.60 per mile. Direct expenses and sub-consultant costs are billed at invoice plus a 10% handling charge.

Identified below are the hourly rates for various employee classifications:

Employee Classification	Hourly Billing Rate*
Senior Consultant	\$180
Senior Project Manager II	\$157
Senior Project Manager	\$144
Project Manager, Senior Engineer II, Landscape Architect III, Senior Technician IV	\$132
Senior Technician III, Geologist, Airport Planner, Lab Manager	\$120
Senior Engineer, Surveyor II, Landscape Architect II	\$116
Engineer II, Senior Technician II, Senior Office Technician	\$110
Engineer, Senior Technician, Surveyor, Senior Construction Observer	\$100
Technician IV, Construction Observer II, Landscape Architect	\$92
Technician III, Construction Observer, Lab Technician, Office Technician	\$84
Technician II	\$74
Technician	\$62

*Hourly rates are typically adjusted yearly.

NOTE: Includes overhead, fringe benefits and profit; effective January, 2021.



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 9D

FOR MEETING DATE: February 22, 2021

SUBJECT: PAR Funds

REQUESTING DEPARTMENT: Manager

SUGGESTED MOTION:

To approve the matching PAR Funds

Financing Cost: \$178,000

Source: General Fund X Grant _____ Other _____

Are these funds currently budgeted? Yes X No _____

Other comments or notes:

Submitted by: Township Mannager

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.



Road Commission
of Kalamazoo County

3801 E. Kilgore Road
Kalamazoo, MI 49001
(269) 381-3171
Fax (269) 381-1760
www.kalamazoocountyroads.com

December 18, 2020

Dear Kalamazoo County Townships/Partners,

The Board of County Road Commissioners of the County of Kalamazoo (Board) and staff appreciate the participation and level of commitment by our Townships for infrastructure improvements. Together we completed many local construction and preventive maintenance projects countywide. 2020 continued to have a large number of projects in a challenging year. The Road Commission of Kalamazoo County (RCKC) would like to provide the following updated information for 2021.

Local Road Participation Program:

Annually, our Board reviews the amount of available participation (PAR) funds for our local road improvement projects as part of our budget process. The local road PAR fund allocation is based on the distribution from the Michigan Transportation Fund (MTF). RCKC has allocated \$2,045,000 toward this partnership which continues our commitment level from 2020 to the local road program.

Local Road Participation Fund Policy:

Key Dates are as follows:

- **RCKC PAR Funds Available: by December 20**
- Townships Notify RCKC of PAR Fund Intentions: by January 20
We ask that each Township please notify RCKC by January 20 by EMAIL to mworden@kalamazoocountyroads.com if you are;
 1. Unable to use any of the allocated PAR funds, or
 2. Only able to use a PORTION (amount indicated \$_____)
of the allocated PAR funds, or
 3. Able to use ALL of the allocated PAR funds, but NOT committed to participate in the PAR funds redistribution, or
 4. Able to use ALL of the allocated PAR funds and COMMITTED to participating in the PAR funds redistribution.
- PAR Fund Redistribution: by January 31
- PAR Fund Contracts hot mix asphalt (HMA) Early Bid Letting: by February 15
- **PAR Fund Final Obligation: by March 15**

Local Road Projects Average Costs:

A 2020 local road projects average cost sheet by treatment type has been included for reference based on 2020 project average costs. Please note these costs are based on 2020 average project costs and updated estimates will need to be produced based on current market conditions per project.

Non-motorized Facilities:

To establish adequate planning, communication and coordination of local and primary road projects, RCKC has developed an application process for approval of non-motorized facilities in the public right of way. We have also incorporated the option of an umbrella agreement. Projects to be considered should be submitted at minimum of three (3) years in advance of design engineering for federal projects and prior to the start of design engineering for other projects, unless funding requests makes this impossible, preferably in the early design stages. Projects should be identified as part of the RCKC local and/or primary road plan. Applications submitted after that deadline will be considered for approval and funding after all timely applications are processed and may be subject to additional charges connected with the late submission and related costs, if any.

Asset Management:

We will be updating our asset management data and maps for 2021 to include projects completed and ratings collected in 2020. Pavement surface evaluation and rating (PASER) local road data collected in 2020 were Cooper, Kalamazoo, Pavilion, Prairie Ronde and Wakeshma Townships. In 2021, PASER local road data will be collected for Alamo, Brady, Climax, Ross and Texas Townships.

We appreciate your commitment to asset management planning with the “right fix at the right time.” We are also building 2021 - 2025 5-year local road plans, which will be added to our [RCKC website](#). This information will assist with coordination with utilities planning for sewer and water. We understand and share that these plans are for planning purposes and certainly there may be project adjustments needed.

RCKC Communication:

- We have included an update of our RCKC administration team contact list (attached).
- To assist with communication channels, Mark Worden, Engineering and Public Relations Director will serve as your primary RCKC team liaison for Township Supervisors.
- *We encourage you and our citizens to call our office main switchboard and/or use our website “[Service Requests](#)” with any service requests/general questions or areas needing attention vs. direct staff contact for tracking purposes. We have updated our service request system to provide automatic notices for receipt and completion of service requests to the service request originator.*
- We would appreciate opportunities to share our information in your newsletters or any communication mediums, including linking to our [website](#). Please do not forget the opportunities to “share” from our Facebook, Twitter, Instagram and LinkedIn tool

We also encourage you to help us spread the word on “[RCKC Connect](#)”. This mass notification service allows us to alert citizens on where, what and how they prefer to be contacted with general RCKC news, construction, and road closures. We have added two additional RCKC Connect groups; Utility & Plat and Transportation for those who may be interested in information pertinent to utilities, development and right-of-way and transportation related permits. Just look for this logo on our website to sign up:



RCKC CONNECT
RCKC - Kalamazoo County

In 2021, we will continue to work with you in scheduling Township/RCKC Joint meetings to foster our continued partnerships. Selena Rider, RCKC Administrative Assistant will contact each Township after the first of the year to begin scheduling.

Once again thank you for your support of infrastructure improvements and we look forward to working together in the New Year!

Sincerely,

Joanna I. Johnson

Digitally signed by Joanna I. Johnson
DN: cn=Joanna I. Johnson, o=Kalamazoo
County, ou=Managing Director,
email=johnsonjo@kalamazoo-county.gov, c=US
Date: 2021.12.18 16:07:11 -0500

Joanna I. Johnson,
Managing Director

Attachments

- RCKC Contact Information*
- 2021 Local Road Participation Fund Allocation*
- 2020 Local Road Projects Project Average Costs*
- Local Road Cost Sharing Policy*
- Local Road Participation Fund Policy*
- Local Road Culvert Replacement Policy*
- Local Road Bridge Replacement Policy*
- Local Road Delayed Payment by Townships Policy*
- Failed Condition Local Road Policy*
- Cost Sharing for a Township Initiated Sewer/Water Related Project Policy*



ROAD COMMISSION OF KALAMAZOO COUNTY (RCKC)
 3801 E Kilgore Road
 Kalamazoo, MI 49001
www.kalamazooountyroads.com

Regular Business Hours: 7:30am - 4:00pm

We encourage calls to our main switchboard and/or use our website with any service requests/general questions or areas needing attention.

You can reach RCKC staff directly by dialing (269) 381-3170 and then the extension number listed below. Fax: (269) 381-1760

Extension

- 226 Ausbury, Rebekkah — Project Engineer
- 240 Bartholomew, Travis — Operations Director
- 224 Blonde, Elli — Communications Administrator
- 245 DeYoung, Bill — General Superintendent
- 231 Disterheft, Dean — Project Engineer
- 221 Engel, Will — Road Maintenance Superintendent
- 270 Fitzsimmons, Jon — Permit Agent
- 273 Franklin, Brian — Permit Agent
- 241 Janke, Mark — Forester/Consultant
- 276 Hassenzahl, Rich - Road Maintenance Superintendent
- 285 Hendricks, Tara - Administrative Assistant - Operations
- 203 Hill, Debbie — Assistant Finance Director - Human Resources
- 274 Hoekstra, Jim —Traffic and Project Engineer
- 206 Howell, Katie — Accounting Clerk
- 220 Johnson, Joanna — Managing Director
- 288 Klein, Edward — Project Superintendent
- 275 Minkus, Ryan — County Engineer
- 202 Olson, Steve — Accountant
- 286 Oxx, Bill — Project Superintendent
- 247 Page, Jim — Road Maintenance Superintendent
- 200 Rider, Selena — Administrative Assistant
- 201 Simmons, Ann — Finance Director
- 246 Worden, Mark — Engineering and Public Relations Director

If you are unable to reach our staff directly, please dial our main number (269) 381-3171 and ask the operator to connect you.
 Please route calls after business hours to 911 dispatch for emergency issues.

	<i>(2021 Leadership and Township Liaison)</i>	
Deborah J. Buchholtz	Chair - Alamo, Oshtemo, Richland	269-567-0866
Thom Brennan	Vice Chair - Brady, Climax, Charleston	269-365-8139
David C. Pawloski	Prairie Ronde, Schoolcraft, Texas	269-744-6774
Larry Stehouwer	Comstock, Pavilion, Ross	269-760-4711
Michael Boersma	Cooper, Kalamazoo, Wakarusa	269-720-1409



Your Local Road Professionals



Road Commission
of Kalamazoo County
3801 E. Kilgore Road
Kalamazoo, MI 49001
(269) 381 3171
Fax (269) 381 1760
www.kalamazoo-countyroads.com

ROAD COMMISSION OF KALAMAZOO COUNTY 2021 Local Road Participation (PAR) Fund Allocation

Updated: 12/18/20

Township	2010		% of		Local		% of		2021		2020		2021 Total	
	Census	Population	35%	Mileage **	Urban	Mileage	Urban	Distribution	Total	PAR	Carryover	PAR Funds	PAR Funds	Available
Alamo	3,762	3.16%	18,956	37.88	4.59%	51,135	0.33	0.09%	298	70,389	0.00	0.00	70,389.00	70,389.00
Brady	3,613	3.03%	18,176	46.63	5.65%	62,943	9.62	2.59%	8,575	89,694	0.00	0.00	89,694.00	89,694.00
Charleston	1,942	1.63%	9,778	23.95	2.90%	32,307	2.44	0.66%	2,185	44,270	0.00	0.00	44,270.00	44,270.00
Climax	1,696	1.42%	8,518	47.40	5.75%	64,058	0.00	0.00%	0	72,576	0.00	0.00	72,576.00	72,576.00
Comstock	14,854	12.47%	74,804	74.50	9.03%	100,598	67.19	18.09%	59,893	235,295	0.00	0.00	235,295.00	235,295.00
Cooper	10,111	8.49%	50,929	62.83	7.62%	84,890	32.49	8.75%	28,970	164,789	11,628.28	11,628.28	176,417.28	176,417.28
Kalamazoo	21,918	18.40%	110,376	74.89	9.08%	101,155	74.89	20.17%	66,780	278,311	1,103.51	1,103.51	279,414.51	279,414.51
Oshtermo***	21,705	18.22%	109,296	77.72	9.42%	104,943	49.19	13.25%	43,869	258,108	57,692.03	57,692.03	315,800.03	315,800.03
Pavilion	6,222	5.22%	31,313	48.32	5.86%	65,283	19.94	5.37%	17,779	114,375	0.00	0.00	114,375.00	114,375.00
Prairie Ronde	2,250	1.89%	11,338	52.11	6.32%	70,408	0.00	0.00%	0	81,746	6,982.17	6,982.17	88,728.17	88,728.17
Richland	6,829	5.73%	34,373	49.24	5.97%	66,508	22.22	5.98%	19,799	120,680	0.00	0.00	120,680.00	120,680.00
Ross	3,812	3.20%	19,196	53.44	6.48%	72,190	2.11	0.57%	1,887	93,273	0.00	0.00	93,273.00	93,273.00
Schoolcraft	4,418	3.71%	22,255	34.23	4.15%	46,233	20.39	5.49%	18,177	86,665	0.00	0.00	86,665.00	86,665.00
Texas	14,697	12.34%	74,024	93.97	11.40%	127,001	70.56	18.99%	62,874	263,899	0.00	0.00	263,899.00	263,899.00
Wakeshma	1,301	1.09%	6,538	47.52	5.78%	64,392	0.00	0.00%	0	70,930	0.00	0.00	70,930.00	70,930.00
	119,130	100.00%	599,870	824.63	100.00%	1,114,044	371.37	100.00%	331,086	2,045,000	77,405.99	77,405.99	2,122,405.99	2,122,405.99

January 20th **Townships must provide notice to the Board of one of the following by email:

1. Unable to use any of the allocated PAR Funds;
2. The specific portion of allocated PAR Funds able to use;
3. Able to utilize ALL of the allocated PAR Funds, but not committed to PAR Funds re-distribution; OR
4. Able to utilize ALL of the allocated PAR Funds and COMMITTED to participating in the PAR Funds re-distribution.

January 31st The Road Commission will complete the one time re-distribution based on the January 20th response, and notify townships.

February 15th Townships must provide notice to the Board for the first hot mix asphalt (HMA) projects by this date to be included in the first HMA bid letting.

March 15th Local Road Contracts must be received by this date; any local road participation funds allocated, but not obligated by March 15th are reallocated to RCKC primary road fund.

*Please see RCKC policies for further information.

** Total Local Mileage is based on year-to-date accepted roadways.

***Oshtermo Township 2020 Carryover PAR Funds may be adjusted pending final 8th Street project costs.



Road Commission of Kalamazoo County Local Road Projects

2020 PROJECTS AVERAGE COSTS*

Treatment Type	Treatment Definition	Anticipated Service Life***	Average Cost per Sq/Yd	Average Cost per Ton	Range	Average Cost per Mile (20' width)	PASER**
Crack Fill	Material Applied to Prevent Water Infiltration Through Cracks	1 - 3 Years	N/A	N/A	\$1028 - \$13,750/Mile	\$3,811.00	8,7,6,5,4
22A Gravel	Processed Aggregate Used to Improve Surface Condition	Varies	\$2.13	\$12.88	\$12.65 - \$15.00/Ton	\$24,935.68	ALL
23A Gravel	Processed Aggregate used to Improve Surface Condition	Varies	\$2.15	\$13.06	\$12.65 - \$15.00/Ton	\$25,284.16	ALL
Chip Seal	Emulsion Applied to Pavement Covered with Aggregate	5 - 7 Years	\$1.65	N/A	\$1.37 - \$2.07/SYD	\$19,360.00	7,6,5,4
Chip Seal (Plat)	Emulsion Applied to Pavement Covered with Aggregate	5 - 7 Years	\$1.75	N/A	\$1.46 - \$2.44/SYD	\$20,533.33	7,6,5,4
Fog Seal	Diluted Emulsion Application to Reduce Dust and Lock Aggregate	1 - 3 Years	\$0.35	N/A	\$0.21 - \$0.53/SYD	\$4,106.67 (2011 Average Cost) \$27,104.00	7,6,5,4
Micro Seal	Emulsion, Aggregate and Portland Cement Thin Surface Treatment	6 - 8 Years	no projects in 2020 (2016 Average Cost)	N/A	N/A		7,6,5,4
Gravel/Pulverize/ Double Chip Seal	2 Chip Seal Applications Over an Improved or Recycled Gravel Surface	8 - 10 Years	\$8.95	N/A	N/A	\$105,000.00	3,2,1
HMA Ultra-Thin Overlay	A Thin Overlay of Hot Mix Asphalt (HMA)	5 - 7 Years	(2014 Average Cost) \$3.11	(2014 Average Cost) \$80.11	(2014 Prices) \$2.80 - \$5.00/SYD	(2014 Average Cost) \$42,123.00	7,6,5
HMA Wedging 36A MOD.	Full Lane, Intermittent HMA Repairs	Varies	\$1.08	\$69.50	\$69.50/Ton	\$17,375.00	5,4,3
HMA Overlay 1 1/2 inches	HMA Rehabilitation of Existing Pavement	15 - 20 Years	\$7.99	\$72.67	\$59.50 - \$96.95/Ton	\$93,750.00	5,4
13A MOD. HMA Overlay HMA Overlay 2 inches	HMA Rehabilitation of Existing Pavement	15 - 20 Years	(2019 Average Cost) \$8.48	(2019 Average Cost) \$77.13	(2019 Prices) \$58.50 - \$78.53/Ton	(2019 Average Cost) \$99,495.84	5,4,3
Gravel/Pulverize/HMA Paving	HMA Paving Over a Recycled Gravel Surface	20 - 30 Years	\$23.27	\$105.77	\$89.83-\$134.00/Ton	\$273,000.00 (Estimated Cost)	3,2,1
Gravel/Pulverize	Constructing an Improved Gravel Surface with Recycled HMA and Gravel	Varies	\$3.75	N/A	N/A	\$44,000.00	3,2,1

*Figures provided above, are average costs for local road projects in 2020. Project estimates for the 2021 construction season will be determined based on bid/projected material, equipment, labor, and overhead/fringe cost.

**Pavement Surface Evaluation and Rating

***Anticipated Service Life may vary based on preventive maintenance investments.

12/14/2020



POLICY

LOCAL ROAD COST SHARING

It is the policy of the Board of County Road Commissioners of the County of Kalamazoo (Board) to have requirements for cost sharing for certain work on the local road system. Annually, the Board determines the amount of Local Road Participation Funds that may be used for matching purposes on local road heavy maintenance and construction projects. The money is distributed to each township on the basis provided for in the Board's Local Road Participation Fund Policy.

The Board has developed other policies addressing its requirement in participation for the placement of certain size culverts and replacement of bridges. However, the Board will approve the allocation of local road participation funds, to the extent they may be available, for use by the township to pay up to one-half the cost of the township share.

The Board will fund all routine maintenance activities from the road commission's local road maintenance budget to the extent that funds are available.

The Board will fund the application of a dust control agents to gravel roads from the road commission's local road maintenance budget to the extent that funds are available. If a township determines it to be desirable to apply additional dust control agents to gravel roads on the local road system, the township may apply for a right-of-way permit in accordance with Board guidelines.

All work entered into with the township shall have a local road contract approved and signed by both the appropriate township official and the Board can designate the Managing Director to sign the local road contract(s) before the commencement of work. The local road contract shall include, at a minimum, the following: project description, including type of proposed improvement; estimated project costs, including engineering/permits; the amount of participation or other matching funds to be applied; and the township share for the improvement activity. In addition, the local road contract shall specify how overruns are to be addressed. The local road contract charges shall include the direct costs, the fringe, the indirect, the equipment, and the overhead charges as calculated by the most recent Act 51 Public Acts of 1951 report as filed with the State of Michigan.

Adopted: 9/20/94
Amended: 4/23/02
Amended: 11/30/10
Amended: 11/28/17



Road
Commission
of Kalamazoo
County

Policy

LOCAL ROAD PARTICIPATION FUND

It is the policy of the Board of County Road Commissioners of the County of Kalamazoo (Board) to provide for and have requirements for its Local Road Participation Fund. Annually, the Board shall determine, in accordance with its budget, the amount of participation (PAR) funds to be made available to the townships for use on local road preservation-structural improvement (including special assessment), preventive maintenance and construction projects. Each township, in order to receive local road (PAR) funds, must match the funds on a dollar-for-dollar basis. The source of the township's matching money may be from its own funds, property owners' special assessment contributions, or unique private/public contributions.

The Board requests each township to work with our Road Commission designee to develop a 5-year road improvement plan supporting asset management for planning purposes and local road preservation. Eligible local road preservation-structural improvement, preventive maintenance, and construction projects include such activities as: significant storm sewer replacements/improvements, maintenance seals, hot mix asphalt (HMA) overlays, culvert/bridge replacements and road reconstruction activities. The Board will fund the pulverization costs of a local road project, if the road is returned to hard surface (HMA or double chip seal) within the same construction season. The Board will fund the cost of tree removal, ditching, high side shoulder removal and culvert replacements that have been identified as maintenance by the Road Commission for a project.

The Board's PAR fund allocation for use by the township is to be on the same basis that local road fund money is distributed to the Board from the Michigan Transportation Fund. **The Road Commission is to notify each township of the amount of PAR funds available for its use by December 20.**

Each township shall notify the Road Commission by January 20 their intentions regarding the local road PAR fund allocation, as follows;

1. Unable to use any of the allocated PAR funds, **or**
2. Only able to use a PORTION (amount indicated \$ _____) of the allocated PAR funds, **or**
3. Able to use ALL of the allocated PAR funds, but NOT committed to participate in the PAR funds redistribution, **or**
4. Able to use ALL of the allocated PAR funds and COMMITTED to participating in the PAR funds redistribution.

The PAR funds from townships that are not being used, as indicated by January 20, will be redistributed by January 31st one time by the current distribution formula to those townships committed to participating in the additional PAR funds.

To encourage the bidding of HMA paving work early in the construction season and to be included in an early HMA bid letting, interested townships must provide a signed specific local road contract(s) based on a project estimate, by the close of business on February 28 . If February 28 falls on a Saturday or a Sunday, the following Monday is the due date. Beginning January 2016, this deadline will be February 15.

The local road contract(s) with the Board will include language that authorizes the Board to proceed with the award of the bids to the lowest responsive and responsible bidder unless advised in writing (by the appropriate township official by no later than the day before the Board meeting) that due to the cost of the project with overhead, the cost exceeds the local road contract and therefore the township requests not to make the award to the bidder.

Each township must obligate its portion of the PAR funds with signed specific local road contract(s) based on project estimates prepared by the Road Commission, which have been received by the close of business on May 15. If May 15 falls on a Saturday or a Sunday, the following Monday is the due date. Any participation funds not obligated by the close of the business day by the due date will be reallocated to the Board's primary road fund. Beginning January 2016, this deadline will be March 15.

PAR funds that are not obligated prior to May 15 (March 15 beginning in 2016) will be carried over to a subsequent year only with a specific project and a written agreement requiring Board approval. Such agreements will be made only under very special circumstances.

Local road project final billing(s) will be deducted from the township obligated yet unspent PAR funds. The township may use these remaining obligated yet unspent funds on another local road project or may apply it to a new local road project during that year, if time and weather permits, or will be allowed to carry the amount over to the following year with the provision that the carryover funds will be used first in that following year.

Adopted: 10/24/89
Reviewed: 9/20/94
Amended: 4/23/02
Amended: 12/26/06
Amended: 11/30/10
Amended: 12/16/14



Road
Commission
of Kalamazoo
County

POLICY

LOCAL ROAD CULVERT REPLACEMENT

It is the policy of the Board of County Road Commissioners of the County of Kalamazoo to provide for, and to require township participation, in the local costs associated with the replacement or construction of culverts >42" on the local road system. Local costs are defined as those charges associated with the replacement or construction of a bridge on the local road system that is not eligible for reimbursement from other sources. Those costs could include, but are not limited to engineering, permits, land acquisition, mitigation work, legal fees, as well as the construction work itself.

The Board will pay up to seventy percent (70%) of the local cost, outside of the local road participation fund program; to the extent the Board has funds that can be made available for this purpose. The Board will work to secure other funding sources whether from other local, and/or state, and/or federal in nature, to assist in helping financially support the culvert replacement or construction effort.

Adopted: 8/9/83
Amended: 6/15/93
Reviewed: 9/20/94
Amended: 5/07/02
Amended: 2/8/05
Amended: 11/9/10



LOCAL ROAD BRIDGE REPLACEMENT

It is the policy of the Board of County Road Commissioners of the County of Kalamazoo to provide for, and to require township participation, in the local costs associated with the replacement or construction of bridges on the local road system. Local costs are defined as those charges associated with the replacement or construction of a bridge on the local road system that is not eligible for reimbursement from other sources. Those costs could include, but are not limited to engineering, permits, land acquisition, mitigation work, legal fees, as well as the construction work itself.

A bridge is defined as a structure including supports erected over a depression or an obstruction such as water, highway, pedestrian, or railway and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than twenty (20) feet between under copings of abutment or spring lines of arches, or extreme ends of openings for multiple boxes. This may include multiple culverts and/or pipes, where the clear distances between openings is less than half of the smaller contiguous opening.

The Board will pay up to fifty percent (50%) of the local cost, outside of the local road participation fund program; to the extent the Board has funds that can be made available for this purpose. The Board will work to secure other funding sources whether from other local, and/or state, and/or federal in nature, to assist in helping financially support the bridge replacement or construction effort.

Adopted: 8/7/79
Reviewed: 9/20/94
Amended: 5/21/02
Amended: 11/9/10



LOCAL ROAD DELAYED PAYMENT BY TOWNSHIPS

It is the policy of the Board of County Road Commissioners of Kalamazoo County (Board) to consider and possibly approve requests made by township boards of trustees to delay final payment(s) on specific local road improvement projects.

The Board will consider and approve a delay of the final payment(s) for a local road improvement project when:

1. The request is by official township board action for a specific project and a specific dollar amount.
2. The dollar amount and the length of delay are itemized at the time the local road contract is approved. Under no circumstances, unless otherwise contractually agreed to, will the Board authorize the final payment for a project after April 1 of the year following completion of the project.
3. The Board believes the Road Commission has adequate cash flow to carry the balance.
4. The Board believes that the project is in the best interests of the public, taking into consideration safety, health, and welfare of the public.
5. The township's budget, in relation to its road improvement program, appears appropriate.
6. The requested delay of payment was created by a situation that was unforeseen by the township or the Board, such as a major project cost overrun.
7. The township describes the specifics of the request in writing to the Board in a timely manner.

Although the Board does not normally charge interest on the unpaid balances of these invoices, the Board reserves the right to establish an interest rate as deemed appropriate and in accordance with state statute. In no case will the Board allow the following year's Participation Funds to be applied to the balance due.

Adopted: 4/5/94
Reviewed: 9/20/94
Amended 5/07/02
Amended: 11/9/10

FAILED CONDITION LOCAL ROAD

It is the policy of the Board of County Road Commissioners of the County of Kalamazoo to have requirements for cost sharing for road improvements on our local road system. Annually, the Board determines the amount of Local Road Participation (PAR) Funds that may be used for matching purposes on local road heavy maintenance and construction projects. The money is distributed to each township on the basis provided for in the Board's Local Road Participation Fund Policy.

The Road Commission of Kalamazoo County (RCKC) is responsible for the safety of the traveling public and must provide "reasonably safe" road conditions. It is critical to maintain our infrastructure assets as efficiently and cost effectively as possible. A transportation asset management plan on the local road network allows the RCKC to plan and prioritize road improvements. Data is collected on our local road system evaluating surface conditions using the Pavement Surface Evaluation Rating (PASER) system.

This policy applies to local roads deemed as failed condition by the RCKC in partnership with the Township and is the first step to improving the road long term. The first step to improve a failed road is to pulverize the existing surface and return it back to gravel in order to effectively maintain a "reasonably safe" condition. If a failed road is not improved according to our local road cost sharing and local road participation fund program, the RCKC will implement the following steps to decrease our liability and maintain safe travel for the public:

- Attend Township Board meeting to specifically discuss and seek solutions for the failed local road segment.
- Staff will host a public meeting with the Township and the residents along the failed local road to discuss possible options for improvement.
- As an intermediate step, for a maximum of 6 months and/or as deemed in the best interest of public safety the RCKC will:
 - Reduce the speed limit and close the road to thru traffic as an initial step (Rough Road/Advisory Speed)
 - Continue to provide minimal routine maintenance in an effort to sustain the infrastructure reasonably safe for residence access.
- The RCKC will continue to encourage the Township to pursue other avenues for funding a project including special assessment and millage revenue.
- If a repair has not been initiated by the Township and/or residents within 6 months of closure to thru traffic the RCKC Board will require a written request from the Township Board for a local road PAR fund contract to return the failed road to gravel. The local road contract will include the RCKC pay 100% of the pulverizing. The remaining project cost will follow the Local Road Participation Fund policy with RCKC contributing fifty percent (50%) utilizing that Township's current year PAR funds, until the Township's portion of the contract is repaid.
- If the Township is unable to contribute fifty percent (50%) of the remaining project cost, that Township's current and/or future years' PAR funds will be utilized to fund the remaining fifty percent (50%) of the total project cost, until the Township's portion of the contract is repaid, including 100% pulverization.

Adopted: 1/27/15

Amended: 2/10/15



POLICY

COST SHARING FOR A TOWNSHIP INITIATED SEWER/WATER RELATED PROJECT

The Board of Road Commissioners of the County of Kalamazoo (Board) is committed to working with local governments to develop safe and efficient project coordination, across infrastructure assets, throughout the communities within Kalamazoo County. The Road Commission of Kalamazoo County (RCKC) recognizes the value of coordination, while simultaneously acknowledging the necessity of working within applicable funding requirements and fiscal limitations and competing needs of other considerations for public use including utilities, engineering issues such as proper drainage, safety, and public right-of-way (ROW). All of these community and infrastructure interests should be valued appropriately in facilitating the development of coordination among infrastructure assets.

The RCKC recognizes the greatest opportunity for input is in the early planning stages for projects. Annually, RCKC publicizes our primary and local road capital improvement plan projects and works closely with local entities to plan local road projects according to the principles of asset management in a 5-year plan.

It is the policy of the Board to coordinate and have requirements for cost sharing hot mix asphalt (HMA) rehabilitation/reconstruction in coordination with township sewer or water installation projects within the public road right-of-way (ROW).

PRIMARY ROADS

The Board will consider allowing the allocation of funding to a township to assist with the HMA road rehabilitation/reconstruction, in coordination with a township sewer or water project, if the Board determines:

- the primary road is currently in poor condition (4,3,2,1) based on the pavement surface evaluation and rating (PASER), therefore requiring rehabilitation/reconstruction,
- the potential impact to other roads or infrastructure within the respective township would not be severely impacted,
- the township has worked cooperatively with the Board in advance planning for such project, and
- the project is identified in the current 5-year Primary Road Capital Improvement Plan.

LOCAL ROADS

Annually, the Board determines the amount of Local Road Participation (PAR) Funds that may be used for matching purposes on local road, heavy maintenance and construction projects. PAR fund dollars are distributed to each township on the basis provided for in the Board's Local Road PAR Fund Policy.

The Board will consider allowing the allocation of up to one-half of a township's current year's Local Road PAR Funds to that township to assist with the HMA road rehabilitation/reconstruction, in coordination with a township sewer or water project, if the Board determines:

- the local road is currently in poor condition (4,3,2,1) based on the pavement surface evaluation and rating (PASER), therefore requiring rehabilitation/reconstruction,
- the current average PASER for the Board's local road system within the respective township is currently in a fair PASER rating (7, 6, 5) condition,
- the potential impact to other roads or infrastructure within the respective township would not be severely impacted, and
- the township has worked cooperatively with the Board to plan projects in advance of a given project to develop a 5-year road improvement plan supporting asset management for planning purposes and local road preservation.

Any RCKC funds shall only be applied to the costs for the top course of HMA on a local road or primary road, to the extent funds may be available. All other costs associated with the rehabilitation/reconstruction of the roadway for the sewer or water project shall be the responsibility of the township. The township will provide any and all requested documentation with the invoicing to the Road Commission for this improvement including, purchasing/bid documentation, proof of acceptable contractor payment, design/construction plans, inspection reports, material testing reports etc. RCKC shall verify the newly constructed road meets current policy and construction guidelines before payment is issued.

All local road and primary road projects with the township shall have a project estimate from the township and a local road contract approved and signed by both the appropriate township and RCKC official. The Board can designate the Managing Director to sign the local road contract(s) at minimum one (1) year before the commencement of work. The RCKC road contract shall include, at a minimum, the following provided by the township: project description, including type of proposed improvement; estimated project costs, including engineering/permits; the amount of participation or other matching funds to be applied; and the township share for the sewer or water improvement activity. The road contract shall specify the township will be responsible for the project and overruns. In addition all other Board policies, permitting and guidelines apply. If applicable, the road contract charges shall include the direct costs, the fringe, the indirect, the equipment, and the overhead charges as calculated by the most recent Act 51 Public Acts of 1951 report as filed with the State of Michigan.

Adopted: 2/5/19



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 02222021 9E

FOR MEETING DATE: Monday, February 22, 2021

SUBJECT: Lake Street Improvement

REQUESTING DEPARTMENT: Manager

SUGGESTED MOTION:

to approve the three way partnership split for the Lake Street Improvements

Financing Cost: \$1,357,104

Source: General Fund _____ Grant _____ Other Sewer _____

Are these funds currently budgeted? Yes X No _____

Other comments or notes:

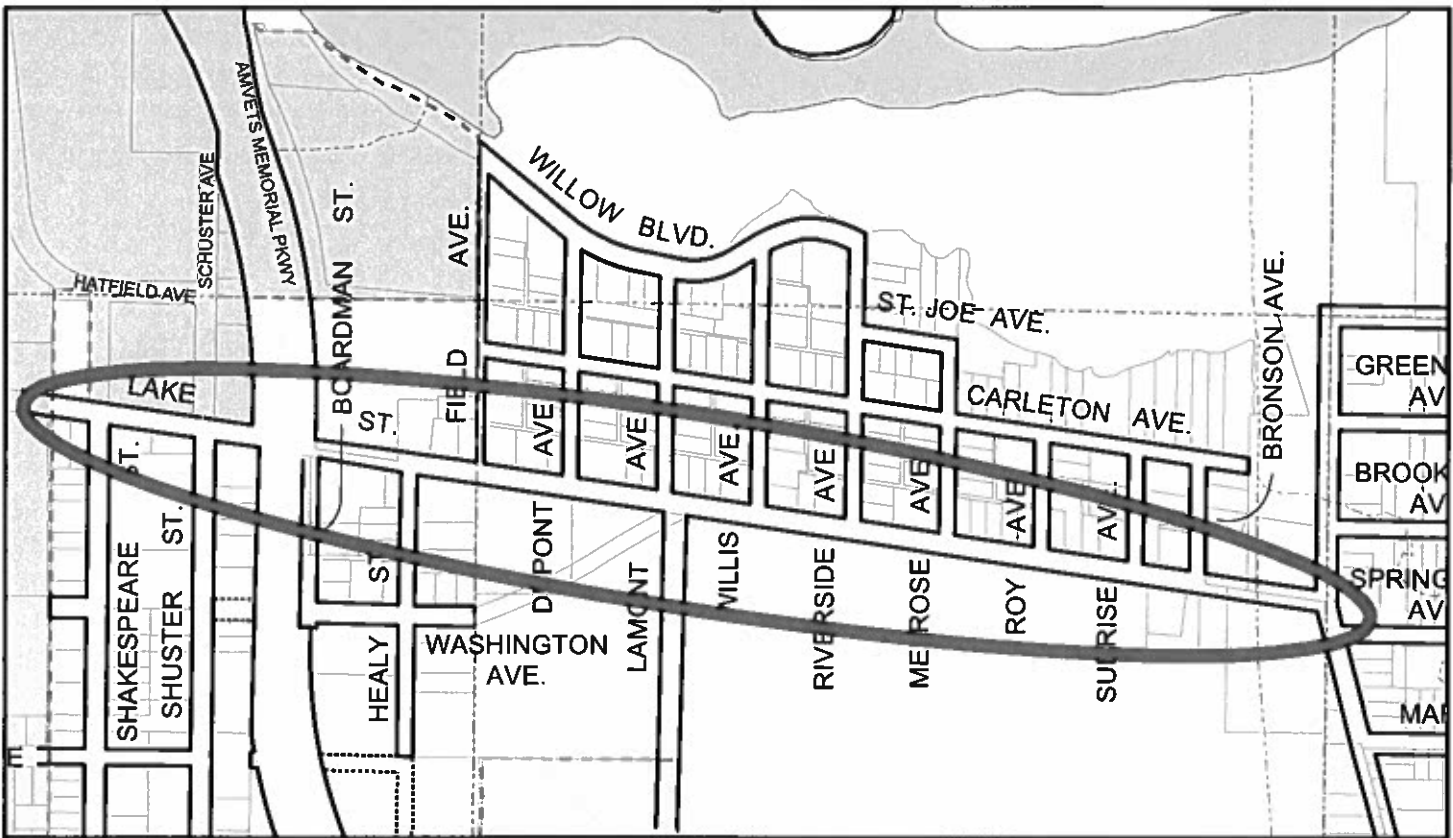
This work will include watermain replacement, sanitary sewer replacement, storm sewer replacement, road improvements, and sidewalk improvements.

Submitted by: Township Manager

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.



Project Description:

The proposed project limits for the Lake Street Project are from the City of Kalamazoo Limits to Olmstead. Anticipated work will include watermain replacement, sanitary sewer replacement, storm sewer replacement, road improvements, and sidewalk improvements. Watermain is anticipated to be a new 16-inch watermain the entire length of the project and will include any necessary lead service replacements. Sanitary sewer replacement is anticipated to be the entire length of the project. Lake Street, west of the Business Loop, will be reconstructed to the existing width following sanitary and water installation. Lake Street east of the Business Loop will be reconstructed with curb and gutter and is anticipated to be 43' back-of-curb to back-of-curb. New storm sewer pipes are anticipated within the section of Lake Street east of the Business Loop to Olmstead. Sidewalk improvements are anticipated with ADA ramps installed at the intersections within the project and sidewalk filled in along the south side of Lake Street, in front of the EXPO property.

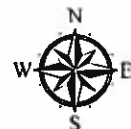
Kalamazoo Charter Township

Kalamazoo County, Michigan

Lake Street Improvements:

City of Kalamazoo Limits to Olmstead

LEGEND



Date Printed: February 2021
Job Number: 2200326

Prein&Newhof

Owner:

Charter Township of Kalamazoo / City of Kalamazoo / Road Commission of Kalamazoo County

Project Title:

Lake Street - City of Kalamazoo Limits to Olmstead Reconstruction

Date:

February 3, 2021

Project #:

2200326

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
Sanitary Sewer & Sidewalk - Township					
1	Sanitary - General Condition and Mobilization (10%)	1	LS	\$56,720.00	\$56,720.00
2	8" Sanitary Sewer	3,276	LF	\$60.00	\$196,560.00
3	10" Sanitary Sewer	400	LF	\$65.00	\$26,000.00
4	6" Sanitary Lead	500	LF	\$40.00	\$20,000.00
5	6" Riser	12	EA	\$1,000.00	\$12,000.00
6	Connect to ex. Sanitary manhole	8	EA	\$1,500.00	\$12,000.00
7	Standard Manhole	16	EA	\$4,500.00	\$72,000.00
8	Dewatering	1	LS	\$50,000.00	\$50,000.00
9	Bore & Jack Casing-Sanitary	240	LF	\$350.00	\$84,000.00
10	Sidewalk - Preparation	1,600	LF	\$7.00	\$11,200.00
11	Concrete Sidewalk - expo	8,000	SF	\$7.00	\$56,000.00
12	ADA ramps - expo	2	EA	\$2,000.00	\$4,000.00
13	Remove and Replace Fence - expo	0	LF	\$30.00	\$0.00
14	Remove Conc Sidewalk	220	SF	\$5.00	\$1,100.00
15	Concrete Sidewalk	620	SF	\$7.00	\$4,340.00
16	ADA ramps	9	EA	\$2,000.00	\$18,000.00
	Subtotal				\$623,920.00

Owner:

Charter Township of Kalamazoo / City of Kalamazoo / Road Commission of Kalamazoo County

Project Title:

Lake Street - City of Kalamazoo Limits to Olmstead Reconstruction

Date:

February 3, 2021

Project #:

2200326

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
<u>Watermain - COK</u>					
17	Water - General Condition and Mobilization (10%)	1	LS	\$88,340.00	\$88,340.00
18	16" Watermain	4,025	LF	\$140.00	\$563,500.00
19	6" Hydrant Complete	9	EA	\$5,000.00	\$45,000.00
20	16" Butterfly Valves	7	EA	\$4,000.00	\$28,000.00
21	16"x16"x8" Tee	18	EA	\$2,000.00	\$36,000.00
22	16"x16"x16" Tee	1	EA	\$2,000.00	\$2,000.00
23	8" Watermain	340	LF	\$85.00	\$28,900.00
24	16"x8" Reducer	2	EA	\$500.00	\$1,000.00
25	16"x6" Reducer	18	EA	\$1,500.00	\$27,000.00
26	8" Gate Valves	18	EA	\$1,000.00	\$18,000.00
27	Water Service replacement/connections	20	EA	\$2,500.00	\$50,000.00
28	Bore & Jack Casing-Watermain	240	LF	\$350.00	\$84,000.00
Subtotal					\$971,740.00
<u>Road and Drainage Improvements - RCKC</u>					
29	Road - General Condition and Mobilization (10%)	1	LS	\$47,150.00	\$47,150.00
30	Concrete Curb & Gutter	6,500	LF	\$20.00	\$130,000.00
31	Pavement Stripping	16,000	LF	\$0.50	\$8,000.00
32	Pavement Markings (Turn arrows, "Only", etc.)	1	LS	\$5,000.00	\$5,000.00
33	Casting Adjustments / Replacement	15	EA	\$500.00	\$7,500.00
34	2' Dia. Storm Sewer Inlet	15	EA	\$2,200.00	\$33,000.00
35	4' Dia. Storm Sewer Catch Basin	5	EA	\$4,500.00	\$22,500.00
36	12" Storm Sewer	500	LF	\$50.00	\$25,000.00
37	15" Storm Sewer	0	LF	\$60.00	\$0.00
38	18" Storm Sewer	0	LF	\$75.00	\$0.00
39	24" Storm Sewer	2,500	LF	\$95.00	\$237,500.00
40	Connection to Ex. Storm manhole/Stub	3	EA	\$1,000.00	\$3,000.00
Subtotal					\$518,650.00

Owner:

Charter Township of Kalamazoo / City of Kalamazoo / Road Commission of Kalamazoo County

Project Title:

Lake Street - City of Kalamazoo Limits to Olmstead Reconstruction

Date:

February 3, 2021

Project #:

2200326

Item No.	Description	Quantity	Unit	Unit Price	Total Amount	
	<u>3 way split</u>					
41	General Condition and Mobilization (10%)	1	LS	\$111,579.00	\$111,579.00	
42	Removal of Hazardous materials (if necessary)	200	CY	\$100.00	\$20,000.00	
43	Remove HMA	18,085	SY	\$4.00	\$72,340.00	
44	Machine Grading	40	STA	\$2,000.00	\$80,000.00	
45	Sand Subbase	6,030	CY	\$15.00	\$90,450.00	
46	8" Aggregate Base (21AA)	9,600	TON	\$15.00	\$144,000.00	
47	6" HMA, LVSP	7,500	TON	\$80.00	\$600,000.00	
48	Driveway Aprons / Road approaches	1	LS	\$50,000.00	\$50,000.00	
49	Traffic Control	1	LS	\$30,000.00	\$30,000.00	
50	Soil Erosion Control	1	LS	\$5,000.00	\$5,000.00	
51	Restoration	40	STA	\$600.00	\$24,000.00	
	Subtotal				\$1,227,369.00	
						2022 - with 3%
	Subtotal				\$3,341,679.00	\$3,441,929.37
	Engineering				\$560,000.00	\$560,000.00
	Contingencies (10%)				\$334,167.90	\$344,192.94
	Project Total				\$4,235,846.90	\$4,346,122.31

Lake Street Cost Break-Down

	2022 Construction Season <u>Construction + Contingencies</u>	<u>1/3 Engineering</u>	<u>Total</u>
Township	\$1,170,438	\$186,667	\$1,357,104
City	\$1,564,518	\$186,667	\$1,751,184
RCKC	\$1,051,167	\$186,667	\$1,237,833
	\$3,786,122	\$560,000	\$4,346,122

Nichols Road - Kalamazoo Township Costs	Township Cost	Comparison RCKC Cost
Current Design Engineering Effort:	\$ 3,777.00	\$ 85,000.00
Current ROW Effort:	\$ 3,776.00	\$ 6,500.00
Current Design and ROW Engineering:	\$ 7,553.00	\$ 91,500.00
Revised Design Engineering :	\$ 4,350.00	\$ 17,840.40
Revised ROW Engineering :	\$ 8,200.00	\$ 11,300.00
Revised Design and ROW Engineering:	\$ 20,103.00	\$ 120,640.40
Total ROW Costs (9 ROW Permits):	\$ 2,374.00	\$ 3,298.50
Tree, Rem, 19 inch to 36 inch		\$ 3,000.00
Tree, Rem, 6 inch to 18 inch		\$ 12,200.00
Stump Rem, 19 inch to 36 inch		\$ 400.00
Stump, Rem, 6 inch to 18 inch		\$ 2,000.00
Curb and Gutter, Rem		\$ 2,540.00
Pavt, Rem		\$ 1,080.00
Sidewalk, Rem		\$ 425.00
Cold Milling HMA Surface		\$ 8,815.50
HMA Surface, Rem		\$ 14,110.00
Edge Trimming		\$ 2,120.00
Aggregate Base, 4 inch		\$ 750.00
Sewer, CI IV, 12 inch, Tr Det A		\$ 41,000.00
Video Taping Sewer and Culv Pipe		\$ 1,296.00
_ Sewer, Perf, 12 inch		\$ 4,370.00
_ Sewer, Perf, 18 inch		\$ 42,480.00
Dr Structure Cover, Type K		\$ 9,750.00
Dr Structure, 48 inch dia		\$ 30,000.00
Dr Structure, Add Depth of 48 inch dia, 8 foot to 15 foot		\$ 2,400.00
_ Dr Structure, 48 inch dia, Leaching Basin		\$ 4,000.00
_ Monument Box Preservation, Modified		\$ 1,000.00
_ Sanitary Structure Cover, Adj, Modified		\$ 2,000.00
_ Water Valve Utility Cover, Adj, Modified		\$ 3,000.00
_ Seal Fog		\$ 540.00
Conc Base Cse, Nonreinf, 7 inch		\$ 5,320.00
Curb and Gutter, Conc, Det F4		\$ 65,751.00
Curb Ramp Opening, Conc		\$ 1,300.00
Sidewalk Ramp, Conc, 6 inch		\$ 1,686.00
Sidewalk, Conc, 4 inch		\$ 3,035.00
_ Detectable Warning Surface, Modified		\$ 1,560.00
Post, Mailbox		\$ 1,100.00
_ Native Seeding		\$ 23,850.00
_ Turf Establishment		\$ 7,005.00
Fence, Rem		\$ 400.00
_ Wood Fence, Split Rail		\$ 1,500.00
Riprap, Plain		\$ 1,700.00
Culv End Sect, Conc, 15 inch		\$ 1,000.00
Sewer, CI IV, 15 inch, Tr Det A		\$ 7,600.00
_ Storm Cover, Modified		\$ 800.00
_ Storm Structure Cover, Adj, Modified		\$ 1,000.00
Shoulder Gutter, Conc, Det 3		\$ 650.00
Spillway, Conc		\$ 150.00
Embankment, CIP	\$ 11,940.00	\$ 11,300.00
Excavation, Earth	\$ 16,600.00	\$ 20,400.00
Subbase, CIP	\$ 3,480.00	\$ 16,000.00
Aggregate Base, 8 inch	\$ 2,610.00	\$ 32,670.00
Hand Patching	\$ 8,000.00	\$ 40,125.00
_ HMA, 36A, Modified	\$ 2,240.00	\$ 65,870.00
Estimated Construction Costs: *	\$ 44,870.00	\$ 501,048.50
Estimated Construction Engineering:	\$ 10,900.00	\$ 100,300.00
Total Estimated Cost for Township	\$ 78,247.00	

Note: * Comparison cost for RCKC is for the same area as widening for township work (Sheets 27-30)



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 20222021 9G

FOR MEETING DATE: 2/22/2021

SUBJECT: Climate Action Committee

REQUESTING DEPARTMENT: Township Board

SUGGESTED MOTION:

I move to create a Climate Action Committee for the Township, with membership of Clerk Miller, Trustee Glass, Trustee Moiaery, Molly Cole, Manager Mitchell ex officio, former Trustee Leigh, and several other Township residents to be named by Supervisor Martin.

Financing Cost: \$0

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

The board's charge to this committee will be to develop a formal climate action plan for the Township, including concrete action steps, a plan to communicate climate actions to residents, and standards to evaluate future actions according to climate impact.

Submitted by: Clerk Mark Miller

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: _____

FOR MEETING DATE: Feb. 22, 2021

SUBJECT: Sidewalk Task Force

REQUESTING DEPARTMENT: _____

SUGGESTED MOTION:

Motion to convene Kalamazoo Township Sidewalk Task Force.

Financing Cost: \$ _____

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

Please see attached supporting materials.

Submitted by: Ashley Glass

Manager's Recommendation: Support

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office **NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING**. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

Convening the Kalamazoo Township Sidewalk Task Force

This task force will have specific assignments, work with defined deadlines, and are composed of one group of members for the duration. I recommend a group of 8-12 members including members of the Township Planning Commission, 1-2 representatives from each Township neighborhood, 1-2 trustees, road commission member, city staff member or commission member, 1-2 student or youth members from the high school and/or university, 1-2 business or organization members with stake in township walkability. Perhaps the city and road commission member will not want to attend every meeting but we should have a point person whom we can keep looped in throughout the entire process.

Task Force Charges:

Identifying and assisting the board with pursuing sustainable funding: While the bond was an excellent start to funding our sidewalk needs, it was not solely dedicated to the sidewalks. I believe we need a more sustainable plan presented to our community that is dedicated solely to our sidewalks to progress this project. We should explore grant funding based on creating equity for our community (for those that need to walk and need safer ways to walk) and related to creating a more environmentally friendly method of movement for our community. Our community supports millages for school improvements, fire, policing, road repairs – I believe with the proper planning and community buy-in (instigated by this task force) this is a viable option in the future. Support and education should be conducted prior to the ask for this. We should also explore where we can partner with the city and other organizations to get the most ‘bang for our buck’.

Reviewing current plan/priorities: Assisting the planning Commission and board with the review of the portion of non-motorized plan related to sidewalks and walkability.

Are current funding needs different from what was determined in 2014?
Are priorities still relevant- are there changes we should make to

Identifying long-term goals:

Evaluation: Establishing benchmarks for improvement process. These would be related to the physical improvements and also to the task force’s work (i.e. completing portions of their charges).

Post-task force capacity: What will this effort look like once the task force has wrapped up their initial charges? Would we like to see a dedicated staff member to maintaining the efforts of the group? Would we like to focus on building a strong volunteer base? There needs to be discussion about how we will continue maintenance, enforcement/assistance in keeping sidewalks safe and clear. One concern is the lack of time for the current Code Enforcement Officer. Perhaps removing this responsibility from the PD and placing sidewalk maintenance and enforcement under dedicated person-program manager who can also identify problem areas and work with community to find solutions and build volunteer efforts. Seek grant funds initially? If successful make a permanent position.

Communication: Create accountability and transparency. How will the township communicate on this issue with community moving forward? Dedicated space on the website or a webpage where submissions of issues/problems/complaints, volunteer opportunities, ordinance and reminders?

Forming the Task Force and Acting

Draft Timeline of activities:

March Focus:

- March 1 - 15: Call for members and recruitment efforts, scheduling first meeting
 - A combination of social media, direct email, neighborhood association meetings, nominations
- March 8: Update board and community on progress of finalizing task force charges, forming membership, and upcoming meeting dates
- March 22: Introduce resolution officially forming task force and charging them.
- March 22 – April 1: First meeting takes place to charge the group and create introductions, define member roles, goals and responsibilities.
 - Trustee members in collaboration with planning commission members and currently engaged citizens should develop the member responsibilities, commitment, and finalize charges/goals of the group.
- March 22 – April 1: Presentation/meeting with John Licitra from Ithaca to give us ideas and speak about what has worked in their efforts

April Focus: Funding sources

- Discuss and identify all potential funding mechanisms for sidewalk improvements
- Identify at least one grant that could assist in our efforts and assign members to begin the application/inquiry process.
 - Determine what portions of our goals would fit with grants identified
- Discuss communication plan to inform residents of options and garner support for any funding options that would need their buy-in (i.e. fees, millages, etc.)

May Focus:

- Sharing progress of task force
- Organizing a volunteer day that touches each neighborhood. Asking folks to edge and clear sidewalks in each neighborhood in order to promote the issue and engage community in solutions and the work being done by the task force. Task force members could be in each area to share progress on the sidewalk issue, make connections, take pictures, etc.