

**MINUTES OF REGULAR MEETING  
BOARD OF TRUSTEES**

A Regular meeting of the Board of Trustees of the Kalamazoo Valley Community College District, 6767 West O Avenue, Kalamazoo, Michigan, was held on Tuesday, November 11, 2014, at the KVCC Texas Township Campus, 6767 West O Avenue, Kalamazoo, Michigan, in Conference Room 4380.

Chairman Oberlin convened the meeting at 5:30 p.m. and led everyone in reciting the Pledge of Allegiance.

**ROLL CALL**

**Present:** Trustees Gustas, Miller, Oberlin, Patton, Schauer, Whitten and Young  
Marilyn J. Schlack, President  
Kathy Johnson, Recording Secretary and Executive Director for Government Relations and Special Projects

**OTHER ATTENDEES**

Michael Collins, Executive Vice President for Instructional and Student Support Services  
Sandy Bohnet, Vice President for Human Resources  
Linda Depta, Director of College Relations  
Mark Sheffer, Captain Public Safety  
Linda Mah, Kalamazoo Gazette

**MEMBERS' TIME AND REVIEW OF AUDIT**

The Board discussed items of general interest and reviewed a list of calendar items.

Chairman Oberlin recessed the meeting at 6:20 p.m. and stated that the board would reconvene in Board Room 3365 at 6:30 p.m. The meeting was reconvened at 6:30 p.m.

**APPROVAL OF AGENDA**

It was **MOVED** by Trustee Gustas, **SECONDED** by Trustee Young and **CARRIED** that the agenda be approved as presented.

**CONSENT AGENDA**

It was **MOVED** by Trustee Whitten, **SECONDED** by Trustee Miller, and **CARRIED** that the Consent Agenda Items for the month of November 2014 which includes the Secretary's Report, the Treasurer's Report, and the Curriculum Report be approved as presented and that copies of the reports be attached to and made an official part of the minutes of the meeting.

**PUBLIC PARTICIPATION**

There was no one present who desired to address the board.

mcf

## INFORMATION ITEMS

### Kalamazoo Valley Museum Board of Advisors Report

Trustee Whitten, Board liaison to the Kalamazoo Valley Museum Board of Advisors, reported on the October 2014 meeting. The Civil War exhibit "Kalamazoo for the Union" opened Oct. 18. The Storytelling Festival and the Fretboard Festival will take place in February and March of 2015. The Museum has issued a Request for Proposal to improve/create a Science, Technology, Engineering, and Math (STEM) Center.

### The Groves Center Board of Advisors' Update

Trustee Schauer, board liaison to the Groves Center Board of Advisors, reported an update from the October 2014 meeting. The inaugural Cell Tower Technician Academy will launch in 2015. A number of additional academies will also take place in 2015. Curt Peterson, Groves Center Advisory board chair, will be retiring in January 2015.

### KVCC Foundation Board Update

Trustee Young, board liaison to the KVCC Foundation Board of Trustees, presented an update of the October 2014 meeting. Mike Hansen, President of the Michigan Community College Association, attended the KVCC Foundation October meeting and presented on the history and future of Michigan Community Colleges. The Foundation's fiscal 2014 audit is complete and the Foundation received a clean, unmodified opinion.

### President's Report

The President presented the gifts and grants reports for the college and the museum. Kathy Johnson updated the Board on the Violence Against Women's Act (VAWA) and implications for KVCC.

## CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS WITH THE KALAMAZOO VALLEY COMMUNITY COLLEGE FEDERATION OF TEACHERS

It was **MOVED** by Trustee Patton, and **SECONDED** by Trustee Gustas to recess the open meeting and go into closed session to discuss negotiations with the Kalamazoo Valley Community College Federation of Teachers (KVCCFT). The motion **CARRIED** by the following Roll Call Vote:

AYES: 7

NAYS: 0

ABSENT: 0

ABSTENTIONS: 0

The board recessed the open meeting at 6:54 p.m. The open meeting was reconvened at 7:09 p.m.

## ACTION ITEMS

### Endorsement of KVCCFT Contract

Trustee Patton summarized the highlights of the proposal that the KVCCFT has agreed to:

The Kalamazoo Valley Community College Federation of Teachers, which represents the College's adjunct faculty, has agreed to a 3.5 year contract. The contract is effective January 1, 2015, and runs through the last day of the summer semester 2018. Continuing Status adjuncts will receive 5.75% and Less than Continuing Status adjuncts will receive 3.5% over the life of the contract.

It was **MOVED** by Trustee Oberlin, and **SECONDED** by Trustee Miller to endorse the agreement between KVCCFT and Kalamazoo Valley Community College, effective November 11, 2014. The Motion **CARRIED** by the following Roll Call Vote:

AYES: 7

NAYS: 0

ABSENT: 0

ABSTENTIONS: 0

## Acceptance of Audit Report for 2013-2014

Chairman Oberlin presented an overview of the Kalamazoo Valley Community College Audited Financial Statements and Other Financial Information for the Fiscal Year ended June 30, 2014, and the A-133 audit, noting that the college received a clean, unqualified (unmodified) opinion.

It was **MOVED** by Trustee Miller, **SECONDED** by Trustee Young and **CARRIED** that upon the recommendation of the Board Audit/Governance Committee the Audited Financial Statements and Other Financial Information for the fiscal year ended June 30, 2014, and the A-133 audit be accepted.

## Resolution for Property Condemnation

It was **MOVED** by Trustee Gustas , and **SECONDED** by Trustee Young that the Resolution (attached as Exhibit A) authorizing the initiation of condemnation proceedings for the purpose of acquiring land necessary for the construction of Kalamazoo Valley Community College's Healthy Living Campus be adopted. The Motion **CARRIED** by the following Roll Call Vote:

AYES: 7

NAYS: 0

ABSENT: 0

ABSTENTIONS: 0

## OTHER ITEMS

No other items of interest were shared.

## FUTURE AGENDA ITEMS AND EVALUATION OF MEETING AND MATERIALS

No additional items were discussed.

## ADJOURNMENT

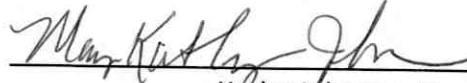
It was **MOVED** by Trustee Young, **SECONDED** by Trustee Miller, and **CARRIED** to adjourn the meeting. Chairman Oberlin declared the meeting adjourned at 7:20 p.m.



Derl Oberlin, Chairman



Anna Whitten, Secretary



Kathy Johnson, Rec. Sec.

**A RESOLUTION AUTHORIZING THE INITIATION OF CONDEMNATION  
PROCEEDINGS FOR THE PURPOSE OF ACQUIRING LAND NECESSARY FOR  
CONSTRUCTION OF KALAMAZOO VALLEY COMMUNITY COLLEGE'S  
HEALTHY LIVING CAMPUS**

WHEREAS, Kalamazoo Valley Community College ("KVCC") has established educational facilities in the City of Kalamazoo;

AND WHEREAS, in the development and construction of those facilities it is necessary to acquire real property to provide necessary facilities to enhance educational programs to be conducted at KVCC;

AND WHEREAS, the Board of Trustees of KVCC has determined that there is a public necessity for acquiring the property hereinafter described;

AND WHEREAS, before initiating negotiations for the purchase of the property hereinafter described:

- a. KVCC, through an appraisal process, established an amount that it believed to be just compensation for the property hereinafter described and submitted to the owners of beneficial interests in the property a good faith offer to acquire the property for the full amount established by the appraisal;
- b. The amount of the offer was not less than KVCC's estimate of just compensation for the property hereinafter described; and
- c. KVCC provided the owners of beneficial interests in the property hereinafter described with an opportunity to review the written appraisal;

AND WHEREAS, KVCC has been unable to negotiate the purchase of the interests in the property hereinafter described, after making said good faith written offer to purchase the property hereinafter described;

AND WHEREAS, KVCC desires to commence an action in the Kalamazoo County Circuit Court to acquire the property.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of KVCC as follows:

1. The Board of Trustees of KVCC deems it necessary to take the private property hereinafter described for public purposes and public uses pursuant to Public Act 331 of 1966, as amended, and Public Act 87 of the of 1980, as amended, namely to provide needed land for the KVCC Healthy Living

Campus in Kalamazoo, Michigan, which is for a public improvement and public purpose consistent with the purposes of KVCC.

2. Such taking is a public purpose and public use within the scope of the purpose and powers of KVCC, and is for the use and benefit of the public.
3. The Board of Trustees does hereby issue the Statement of Necessity, attached as Attachment A, and incorporated by reference hereto, finding that it is necessary to expand the educational facilities of KVCC in the City of Kalamazoo and that such expansion is for a public purpose and for the benefit of the public. It is further declared and determined that it is necessary for the use and benefit of the public to acquire and take the private property hereinafter described for the public purpose of expanding the KVCC educational facilities in the City of Kalamazoo.
4. A description of the parcel of private property that is necessary to be taken for such public purposes and public uses, the names of each known owner of said property, a statement of the estate or interest in the property being taken, and a statement of the sum of money estimated by KVCC to be just compensation for the parcel of property being acquired is provided at Exhibit A.
5. By virtue of the authority vested in the Board of Trustees of KVCC pursuant to Michigan Public Act 331 of 1966, as amended, and Public Act 87 of 1980, as amended, it is hereby and now declared and determined that title to property described in Exhibit A is taken by KVCC. A Declaration of Taking is attached as Attachment B, and is incorporated by reference hereto.
6. KVCC administration and staff is hereby authorized and directed to retain legal counsel which shall institute such proceedings pursuant to Michigan Public Act 87 of 1980, as amended, and file such documents, declarations, and determinations as may be necessary to effectuate the provisions hereof and to take and acquire the above-described property.
7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Dated: November 11, 2014



Anna Whitten, Secretary, Board of Trustees  
Kalamazoo Valley Community College

**Kalamazoo Valley Community College  
Certificate of Resolution**

The undersigned does hereby certify that:

1. She is the Secretary of the Board of Trustees of Kalamazoo Valley Community College, counties of Kalamazoo, Barry, Calhoun, St. Joseph and Van Buren, Michigan.
2. The foregoing is a true and exact copy of a Resolution adopted by the Board of Trustees at its regular meeting held on Tuesday, November 11, 2014.
3. Proper notice of the time and place of the meeting was given to each Board member as provided by the applicable provisions of Michigan's Community College Act of 1966, as amended, and the Board's bylaws, and to the public as required by the Open Meetings Act, as amended.



\_\_\_\_\_  
Anna Whitten, Secretary, Board of Trustees  
Kalamazoo Valley Community College

**EXHIBIT A**

**LEGAL DESCRIPTION**

The Westerly six feet and eleven inches of Lot 41 and the Easterly thirty-six feet and two inches of Lot 42 of the Plat of Garrett and John R. Van Bochoce's Addition to the City of Kalamazoo, according to the plat thereof on file and of record in the Office of the Register of Deeds for said Kalamazoo County.

Address: 517 East Dutton, Kalamazoo, Michigan

Parcel No. 3906-22-222-042

Owners: Michael Myers (5/12 interest); Arden Shaw (1/12 interest); David Myers (1/12 interest); Brian Myers (1/12 interest, deceased, sole heir is Renee Floyd Myers); Eleanor Marie Myers (1/3 interest, deceased, heirs are Melanie J. Perry and Wilma J. Mills).

Estimated Just Compensation: \$31,500.00



**ATTACHMENT A**

**STATEMENT OF NECESSITY**

STATE OF MICHIGAN                     )  
  )ss  
COUNTY OF KALAMAZOO             )

WHEREAS, the development of Kalamazoo Valley Community College's ("KVCC") culinary arts and food innovation programs and the expansion of its health careers programs necessitates the acquisition of fee simple interest in property located in the City of Kalamazoo to accommodate the construction of campus facilities and related site improvements; and

WHEREAS, KVCC has approved a plan to construct certain site improvements through property commonly referred to as Tax Parcel No. 3906-22-222-042.

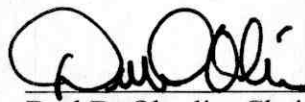
THEREFORE, IT IS HEREBY DECLARED AND DETERMINED, by virtue of the authority vested in KVCC by law, that it is necessary to acquire a fee simple interest in the following property located in Kalamazoo County, Michigan, for the construction of certain site improvements referenced above:

The Westerly six feet and eleven inches of Lot 41 and the Easterly thirty-six feet and two inches of Lot 42 of the Plat of Garrett and John R. Van Bochoce's Addition to the City of Kalamazoo, according to the plat thereof on file and of record in the Office of the Register of Deeds for said Kalamazoo County.

IT IS FURTHER DECLARED AND DETERMINED that it is necessary to acquire and take the fee simple interest in the aforementioned parcel of land located in Kalamazoo County, Michigan as more fully described in the Description of Taking attached hereto, without the consent of the owners thereof for purposes of constructing certain site and campus related improvements as described above, that said parcel is necessary for the use and benefit of the public, and that good faith offers to purchase said interest in the property have been made; and

WHEREFORE, the attorneys for KVCC are hereby directed to institute condemnation proceedings against the owners and other parties of interest in said private property necessary for the construction of certain site and campus related improvements.

IN WITNESS WHEREOF, we have executed this Statement of Necessity on this 11 day of November, 2014.



\_\_\_\_\_  
Derl D. Oberlin, Chairman, Board of Trustees  
Kalamazoo Valley Community College



Anna Whitten  
Anna Whitten, Secretary, Board of Trustees  
Kalamazoo Valley Community College

STATE OF MICHIGAN

)

) ss:

COUNTY OF KALAMAZOO

)

Acknowledged before me in Kalamazoo County, Michigan, on November 11,  
2014, by Derl D. Oberlin and Anna Whitten.

Candace J. Horton

Notary public, State of Michigan, County of VAN BUREN  
My commission expires OCTOBER 19, 2017  
Acting in the County of KALAMAZOO

PREPARED BY AND RETURN TO:  
Ian R. Kennedy (P67775)  
WARNER NORCROSS & JUDD LLP  
401 E. Michigan Ave., Ste. 200  
Kalamazoo, Michigan 49007  
Telephone: (269) 276-8111

## ATTACHMENT B

### DECLARATION OF TAKING

STATE OF MICHIGAN                    )  
  )ss  
COUNTY OF KALAMAZOO            )

A Statement of Necessity having been made by Kalamazoo Valley Community College ("KVCC") setting forth that the acquisition of certain real property located in the City of Kalamazoo, Kalamazoo County, Michigan, which property is more particularly described herein is necessary for the construction of certain site and campus related improvements, and that, as a result, it is necessary to acquire a fee simple interest in said property for public purposes, and that a good faith written offer to purchase said property has been made prior to this Declaration.

THEREFORE, by virtue of the authority vested in KVCC by the Michigan Community College Act, Act 331 of 1966, MCL 389.1 *et seq.*, as amended, and pursuant to the Uniform Condemnation Procedures Act, Act 87 of 1980, MCL 213.51 *et seq.*, as amended, IT IS NOW DECLARED that by the filing of the related Complaint and this Declaration in the Circuit Court for the County of Kalamazoo, fee simple title to the property hereinafter described is taken in the name of KVCC for public purposes. Furthermore, KVCC waives its rights to bring federal or state cost recovery actions against the present owners of the property.

A (a) description of the property interest taken, sufficient for identification, the (b) names of the persons interested in said interest in property so far as is known, a (c) statement of the estate of interest being taken, and a (d) statement of the sum of money estimated by KVCC to be just compensation for the property to be taken, as described above, is as follows:

(a) Fee simple interest in the following property:

The Westerly six feet and eleven inches of Lot 41 and the Easterly thirty-six feet and two inches of Lot 42 of the Plat of Garrett and John R. Van Bochoce's Addition to the City of Kalamazoo, according to the plat thereof on file and of record in the Office of the Register of Deeds for said Kalamazoo County.

(b) Michael Myers (5/12 interest); Arden Shaw (1/12 interest); David Myers (1/12 interest); Brian Myers (1/12 interest, deceased, sole heir is Renee Floyd Myers); Eleanor Marie Myers (1/3 interest, deceased, heirs are Melanie J. Perry and Wilma J. Mills).

(c) Fee simple interest.

(d) \$31,500.00.

IN WITNESS WHEREOF, we have executed this Declaration of Taking on this 11 day of November, 2014.



Derl D. Oberlin, Chairman, Board of Trustees  
Kalamazoo Valley Community College



Anna Whitten, Secretary, Board of Trustees  
Kalamazoo Valley Community College

STATE OF MICHIGAN

)

) ss:

COUNTY OF KALAMAZOO

)

Acknowledged before me in Kalamazoo County, Michigan, on November 11, 2014, by Derl D. Oberlin and Anna Whitten.



Notary public, State of Michigan, County of VAN BUREN  
My commission expires OCTOBER 19, 2017  
Acting in the County of KALAMAZOO

PREPARED BY AND RETURN TO:  
Ian R. Kennedy (P67775)  
WARNER NORCROSS & JUDD LLP  
401 E. Michigan Ave., Ste. 200  
Kalamazoo, Michigan 49007  
Telephone: (269) 276-8111