2-1-2019

WMU Board of Trustees Formal Session February 1, 2019

WMU Board of Trustees

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1. Acceptance of the Agenda – Rinvelt

2. Public Comments Regarding Action Items – Schuemann

Action Items – Rinvelt

3. Howard Street Easement – Van Der Kley

4. Consent Items – Rinvelt
   A. Personnel Report

5. General Public Comments – Schuemann

Supplemental and supporting agenda materials can be viewed at: http://www.wmich.edu/trustees
PROPOSAL: Howard Street Easement – City of Kalamazoo

Background

At the August 20, 2018 Board meeting, a resolution was passed to allow the City of Kalamazoo temporary easement to WMU property for the construction of a sidewalk on the eastern edge of Howard Street between W. Michigan and Stadium Drive. The full resolution has been included in your packet for convenience. As a requirement of the funding source the City is obtaining for the sidewalk project, WMU must now convert the temporary easement to a permanent easement.

The impact of converting the easement from temporary to permanent to WMU is negligible. The City will install, operate and maintain the sidewalk as well as hold WMU harmless for any loss or damage associated with the sidewalk and its associated activities except for our own negligence. In the future, only if WMU would desire to relocate the sidewalk, WMU would do so at its own expense. The easement has been reviewed by counsel and Facilities Management and is acceptable in form and content.

Recommended Action

It is recommended the Western Michigan University Board of Trustees authorize the Treasurer or Assistant Treasurer to rescind the temporary easement previously approved on August 20, 2018.

It is then recommended the Board authorize the Treasurer or Assistant Treasurer to execute the proposed permanent easement to the City of Kalamazoo for the construction of the sidewalk on the eastern edge of Howard Street between W. Michigan Avenue and Stadium Drive.
PROPOSAL: Temporary Easement of Property on Howard Street Between W. Michigan and Stadium Drive

Background

MDOT has obtained funding that is dedicated for the re-design of the Howard Street/Stadium Drive intersection. This intersection is critical for Western Michigan University due to the volume of students, faculty and staff, and campus visitors who access our campus via this intersection. MDOT received the project funding due to the accident counts in this intersection which allowed the project to be initiated due to safety factors.

Both the University and the City of Kalamazoo have an interest in this project and have been engaged with MDOT during the design sessions. As a result, WMU has had input in lane width, safety lights, pedestrian walkways, pedestrian medians, and location of the bus stop. Construction will begin 2019.

In tandem with the intersection design project, the City of Kalamazoo has been engaged in designing a sidewalk to run along the east side of Howard Street between Stadium Drive and W. Michigan. Currently, a sidewalk does not exist along this road stretch on either edge of Howard Street. The placement of the sidewalk in light of the MDOT project is one consideration. The University is also interested in the placement for our student safety when considering proximity to Howard Street’s traffic, the wooded areas and lighting, the topography, and the bridge between main campus and Lawson Arena. WMU has worked collaboratively with the City on the design. The City of Kalamazoo plans on initiating this project in 2019 as well.

In order for the City to obtain funding from MDOT and proceed, it is necessary for WMU to grant a temporary grading easement that allows the work to be done. WMU owns the land on which the sidewalk will be located. The temporary easement is attached for your review.

Recommended Action

It is recommended the Treasurer and the Assistant Treasurer be granted authority to negotiate terms and conditions and to enter into agreements as necessary that allow the City of Kalamazoo temporary easement to our property to allow the construction of the sidewalk on the eastern edge of Howard Street between W. Michigan and Stadium Drive.
SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Western Michigan University ("Grantors"), whose address is 1903 West Michigan Avenue, Kalamazoo, Michigan 49008 party of the first part, for and in consideration of $1.00 paid to party of the first part by the City of Kalamazoo, ("City") State of Michigan, party of the second part, located at 241 West South Street, Kalamazoo, Michigan 49007, do hereby grant to the said party of the second part a Permanent easement for the construction, operation, maintenance, repair and/or replacement, and public use of a Sidewalk over, on, through and across land more particularly described as:

Commonly known as: Western Michigan University
(Part of) Tax Parcel No. 06-20-281-001

AS PER THE PROJECT PLANS ON FILE WITH THE
CITY OF KALAMAZOO

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the Sidewalk, or the facilities incidental thereto, which may be located in the easement.

All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the Sidewalk shall be restored by the City to its immediately prior condition, except to the extent permanent improvements or alterations necessary to the use and exercise of easement rights granted hereunder are made.

This easement shall be irrevocable and non-exclusive, and Grantor and Grantor’s successors and assigns may use and enjoy the easement area in common with the City. The City shall hold the Grantor harmless from and against any claims, losses, and damages made and/or suffered by reason of, or in relation to, the construction and public use of the pathway on the above described property, unless caused by Grantor’s own acts or omissions.

Grantor expressly reserves to Grantor’s successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement, and public use of the Sidewalk: (a) the right of ingress and egress over, and through and across the easement and the right to grant other non-exclusive easements and rights-of-way, across, over, under and through the easement parcel, with the condition that prior to such a grant written consent shall be obtained from the City.
WHEREFORE, upon approval by the City the undersigned Grantor hereby creates, confirms and conveys the Sidewalk Easement described herein.

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this _____ day of ______________________, 2018, by Western Michigan University.

By: ________________________________

Please print name in black ink

Its: ________________________________

Please print title in black ink

STATE OF MICHIGAN )
) ss
COUNTY OF KALAMAZOO )

On this ________ day of ______________________, 2018, ___________________________________ executed the foregoing document before me and, being duly sworn, states that He/she is the __________________________ of Western Michigan University and the he/she executed the foregoing document on behalf of Western Michigan University with its full authority and as its free act and deed.

________________________________________

Notary Public, Kalamazoo County, Michigan

My Commission Expires ______________
Acting in Kalamazoo County.

Drafted by:
City of Kalamazoo
Assistance by
Hubbell, Roth & Clark. Inc.
555 Hulet Dr. P.O. Box 824
Bloomfield Hills, Michigan 48303-0824

Return to:
City Clerk
City of Kalamazoo
241 West South St.
Kalamazoo, Michigan 49007

Project: Howard Street Pedestrian Upgrades
(Project No.: HRC 20170557
(Part of) Tax Parcel No.: 06-20-281-001

Project No.: HRC 20170557
(Part of) Tax Parcel No.: 06-20-281-001
PROPOSAL: Personnel Report

ACADEMIC

Appointments – Administrative
Christopher Cheatham; Vice Provost for Budget and Personnel; Office of the Provost and Vice President for Academic Affairs; effective November 1, 2018 through June 30, 2021 (change in title only).

Return to Faculty
Thomas Marks; Master Faculty Specialist; Center for English Language and Culture for International Students; effective January 1, 2019.

Appointments – Tenure Track
Alyssa Eminhizer; Faculty Specialist I – Clinical Specialist; Department of Speech, Language and Hearing Sciences; effective January 1, 2019.

Appointments – Term
Teresa Bingman; Faculty Specialist II – Professional Specialist; School of Interdisciplinary Health Programs; effective January 1, 2019 through August 31, 2019 (change in date only).

June Gothberg; Assistant Professor; Department of Educational Leadership, Research and Technology; effective January 1, 2019 through December 31, 2019.

Mark Schreiner; Instructor; Department of Mathematics; effective January 1, 2019 through December 31, 2019.

Appointments – Adjunct
Andrew Geeslin; Adjunct Associate Professor; Department of Mechanical and Aerospace Engineering; effective January 1, 2019 through December 31, 2021.

Richard Hartman; Adjunct Professor; Department of Chemical and Paper Engineering; effective January 1, 2019 through December 31, 2021.

Change in Department Affiliation
Tiffany Lee; Associate Professor; from the Department of Physician Assistant to the School of Interdisciplinary Health Programs; effective January 1, 2019.

Dennis Simpson; Professor; from the Department of Physician Assistant to the School of Interdisciplinary Health Programs; effective January 1, 2019.
Faculty Retirement
Robert Dlouhy; Master Faculty Specialist – Language Specialist Emeritus of the Center for English Language and Culture for International Students; Haenicke Institute for Global Education; effective May 31, 2019 (change in date only).

Alan Hovestadt; Professor Emeritus of Counselor Education and Counseling Psychology; Department of Counselor Education and Counseling Psychology; effective January 3, 2020.

Richard Malott; Professor Emeritus of Psychology; Department of Psychology; effective August 31, 2019.

Arthur McGurn; Professor Emeritus of Physics; Department of Physics; effective August 31, 2019.

Faculty Resignation
Andro Mondala; Assistant Professor; Department of Chemical and Paper Engineering; effective January 1, 2019.

NON-ACADEMIC

Appointments – Administrative
Kristen DeVries; Vice President for Development and Alumni Relations and Executive Director of the WMU Foundation; effective January 2, 2019.

Resignations – Administrative
Sherine Obare; Associate Vice President for Research; Office of the Vice President for Research; effective January 14, 2019.

Retirements
Susan Brand; Gardener; Facilities Management – Maintenance Services; effective January 4, 2019.

Patty DeLoach; Administrative Assistant II; Department of Gender and Women’s Studies; effective January 1, 2019.

Susan Meisner; Budget Analyst; Unified Clinics; effective January 3, 2019.


Barbara Rhodes; Office Assistant Senior; Office of Admissions; effective January 1, 2019.

Kathlene Scheffers; Business Manager; College of Health and Human Services; effective January 5, 2019.
NON-ACADEMIC Retirements Continued

William St. Clair; Applications Programmer Analyst Senior; Office of Information Technology; effective January 3, 2019.

Laurie White; Telecom Service Representative; Office of Information Technology; effective January 2, 2019.