

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. PACE (Program of All-inclusive Care for the Elderly) Month
2. National Community Planning Month

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting of September 11, 2018.
 - b. Special Meeting of September 17, 2018.
 - c. Pre-Council of September 24, 2018.
2. Approve the Accounts Payable Register of September 25, 2018 as presented.
3. Award a three year contract in the amount of \$515,796.29, with the option for three one-year renewals, to Waste Management of Michigan to perform the Annual Spring Cleanup Program and authorize the City Manager to execute all documents related to this action on behalf of the city.
4.
 1. Approve the purchase of a new broadcast and live-stream cablecasting system from AVI Systems, Incorporated, along with a three-year professional services contract for training and support maintenance, in the total amount of \$143,855.63;
 2. approve a two-year professional services contract with Image Stream in the amount of \$180,568 for the provisioning of professional cablecast operations;

and authorize the City Manager to execute all documents related to this action on behalf of the city.

5. Authorize the city acquisition of 117 East Centre Avenue, owned by Ronald Saline, for the amount of \$50,000, subject to satisfactory title and environmental assessment and authorize the Mayor to execute all related documents on behalf of the city.
6. Award a contract to Hoffman Bros., Incorporated, of Battle Creek, Michigan, for the Winter Forest Drainage Improvements Project in an amount not to exceed \$290,776.95 and authorize the City Manager to execute all documents related to this project on behalf of the city.
7. Award contracts to:
 1. Detroit Salt Company in the amount of \$63.91 per ton for 1,800 tons of ice control salt at a total cost of \$115,038 for early delivery; and
 2. Compass Minerals America, Inc., in the amount of \$76.61 per ton for 1,500 tons of ice control salt at a total cost of \$114,915 for seasonal back-up on an as-needed basis;

and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

8.
 1. Approve contract #18-5304 between the Michigan Department of Transportation and the City of Portage for the realignment of the intersection at Portage Road and Lakeview Drive;
 2. adopt a resolution authorizing the City Manager to sign all documents related to the project on behalf of the city; and
 3. award a contract amendment with Abonmarche Consultants, Incorporated, for project engineering services in the not-to-exceed amount of \$46,500.
9.
 1. Adopt a resolution approving the necessity to improve the storm drainage on South Westnedge Avenue at J.L. Hudson Drive and authorize the City Manager to obtain certain easement interests to accomplish this project in accordance with City Council policy
 2. award a contract to Peters Construction Company of Kalamazoo, Michigan in the amount not to exceed \$365,333.83

and authorize the City Manager to execute all documents related to this project on behalf of the city.

10. Award a paving contract to Niblock Excavating, Incorporated, of Bristol, Indiana for road paving in an amount not to exceed \$385,952.50, and authorize the City Manager to execute all documents related to the contract on behalf of the city.
11. Accept Rezoning Application #18/19-2, 4211 (east half) and 4525 Long Lake Drive, for first reading and set a public hearing for October 23, 2018.
12. Minutes of Boards & Commissions:
 - a. Human Services Board of May 3, 2018.
 - b. Historic District Commission of August 1, 2018.
 - c. Zoning Board of Appeals for August 13, 2018.
 - d. Planning Commission of August 16, 2018.

13. Materials Transmitted.

B. Petitions and Statements of Citizens:

C. Communications:

1. Calendar of Meetings:

- Historic District Commission, Wednesday, October 3, 2018 at 8:15 a.m. in City Hall Room #2.
- Parks Board, Wednesday, October 3, 2018 at 6:30 p.m. in Celery Flats.
- Human Services Board, Thursday, October 4, 2018 at 6:30 p.m. at Portage Community Center.
- Planning Commission, Thursday, October 4, 2018 at 7:00 p.m. in Council Chambers.
- Zoning Board of Appeals, Monday, October 8, 2018 at 7:00 p.m. in Council Chambers.
- Board and Commission Interviews, Tuesday, October 9, 2018 at 5:15 p.m., City Hall Room#1.

D. Public Hearings:

E. Regular Business Agenda:

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.



CITY OF PORTAGE PROCLAMATION

PACE Month

- WHEREAS,** PACE (Program of All-inclusive Care for the Elderly), addresses the needs of elderly and disabled adults 55 years of age or older, a population which is growing rapidly and significantly impacts health care costs in our community and throughout the country; and
- WHEREAS,** PACE is a fully integrated model that provides comprehensive, highly coordinated services allowing older adults who meet state eligibility criteria for nursing home level of care to continue living in the community; and
- WHEREAS,** Individuals enrolled in PACE receive all Medicare and Medicaid covered items and services, as well as additional supports which promote well-being and greater independence; and
- WHEREAS,** PACE programs assume full financial risk for all medical care and related services – including transportation, hospitalization, and long-term care – in return for capitated payments from Medicare and Medicaid, thereby controlling costs for the state while providing improved health outcomes and greater satisfaction for participants; and
- WHEREAS,** the PACE program will soon be established in the city of Portage under the auspices of CentraCare (a DBA of Comprehensive Senior Care Corporation), a non-profit organization, to daily care for the medical and social needs of 175 elderly participants throughout the greater Portage area; and
- WHEREAS,** PACE is dedicated to support the development, expansion, success and quality of the PACE program throughout our community, transforming health care for the elderly in Portage and the surrounding area.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, do hereby proclaim the month of September 2018, as PACE Month in the City of Portage and commend its observance to all citizens.

Signed this 25th day of September, 2018.

Patricia M. Randall, Mayor



CITY OF PORTAGE PROCLAMATION

National Community Planning Month

- WHEREAS,** Change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and
- WHEREAS,** Community planning and plans can help manage this change in a way that provides better choices for how people work and live; and
- WHEREAS,** Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and
- WHEREAS,** The full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and
- WHEREAS,** The month of October is designated as National Community Planning Month throughout the United States of America and its territories; and
- WHEREAS,** The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our communities; and
- WHEREAS,** The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Portage; and
- WHEREAS,** We recognize the many valuable contributions made by the professional community planners and Planning Commission of the City of Portage and other planning professionals and Planning Commissions working throughout Kalamazoo County and extend our heartfelt thanks for the continued commitment to public service by these professionals and citizen volunteers.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, , by virtue of the authority vested in me as the Mayor of Portage, do hereby proclaim the month of October 2018, as National Community Planning Month in the City of Portage.

Signed this 25th day of September, 2018.

Patricia M. Randall, Mayor

CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 11, 2018

The Regular Meeting was called to order by Mayor Randall at 7:00 p.m. At the request of Mayor Randall, the City Clerk called the roll with the following members present: Councilmembers Chris Burns, Richard Ford, Claudette Reid, Terry Urban and Mayor Patricia Randall. Councilmember Lori Knapp and Mayor Pro Tem Jim Pearson were absent with excuse. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk Adam Herringa.

Mayor Randall asked for a moment of silence in honor of the events and lives lost on September 11, 2001. City Council and the audience then recited the Pledge of Allegiance.

PROCLAMATION: Mayor Randall invited Susan Davis who was representing the Suicide Prevention Action Network to read the proclamation designating September as “Suicide Prevention Month” in the City of Portage. After reading the proclamation Ms. Davis shared that the Suicide Prevention Action Network has been working to revise the Suicide Prevention Plan for Kalamazoo County. Ms. Davis invited City Council to an upcoming event at which the Suicide Prevention Plan would be introduced and stated that the goal of the Suicide Prevention Action Network is to eliminate suicide as a cause of death in Kalamazoo County.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. No items were removed.

Motion by Reid, seconded by Burns, to approve the Consent Agenda items as presented. Upon a roll call vote, motion carried 5 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Burns, to approve the minutes of the Regular Meeting of August 28 and Pre-Council Meeting of September 10, 2018. Upon a roll call vote, motion carried 5 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 11, 2018: Motion by Reid, seconded by Burns, to approve the Accounts Payable Register of September 11, 2018. Upon a roll call vote, motion carried 5 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Burns, to receive minutes of the Senior Citizen Advisory Board of July 18 and Historic District Commission of August 1, 2018. Upon a roll call vote, motion carried 5 to 0.

ACCEPTANCE OF NEWLY CONSTRUCTED DEDICATED STREETS: Motion by Reid, seconded by Burns, to adopt a Resolution Accepting Newly Constructed Dedicated Streets as Public Streets and authorize the City Manager to execute all documents related to these actions on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

SPECIAL MEETING TO INTERVIEW BOARD AND COMMISSION APPLICANTS: Motion by Reid, seconded by Burns, to set a Special Meeting on Tuesday, October 9, 2018, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 5 to 0.

CONTRACT FOR CONTINUATION OF FIELD PERSONNEL RADIO DISPATCHING COMMUNICATIONS: Motion by Reid, seconded by Burns, approve the five-year AT&T MI-Deal special government pricing contract for the continuation of field personnel radio dispatching communications

in an annual amount not to exceed \$62,160 and authorize the City Manager to execute all documents related to this action on behalf of the City. Upon a roll call vote, motion carried 5 to 0.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Burns, to receive the Materials Transmitted of August 28, 2018. Upon a roll call vote, motion carried 5 to 0.

STATEMENTS OF CITIZENS: Mr. Alan Loveridge, 23965 88th Avenue, Marcellus, MI, spoke and asked City Council to reconsider the amount of time allotted for citizen comments and instead base it on the number of people planning to speak. Mr. Loveridge next stated his support for the United States Congress setting a price cap for each prescription drug that would be fair to the consumer. Should a drug manufacturer keep prices under the cap, he stated, lawsuits against the manufacturer could have caps on litigation awards and settlements.

COMMUNICATIONS:

CALENDAR OF MEETINGS: At the request of Mayor Randall, City Clerk Herringa read the meeting schedule for the record. Motion by Reid, seconded by Ford, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 5 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns shared that he recently attended a meeting of the Kalamazoo County Transportation Authority (KCTA) at which the next fiscal year budget was approved. He shared that the KCTA is financially healthy and has recently experienced a 5% increase in ridership. Councilmember Burns also shared that ridership numbers continue to indicate strong support for Sunday service. Mr. Burns shared that the KCTA would be meeting again this month as KCTA staff work on grants to support public transit. One grant, he stated, requires public input on the effectiveness of the system. In the future, Mr. Burns stated, he asked KCTA to ensure that Portage is invited to participate in such feedback sessions. Motion by Ford, seconded by Reid, to receive the Council Committee Report as presented. Upon a voice vote, motion carried 5 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban referenced the anniversary of the September 11th terrorist attacks and that it has been 17 years since the events unfolded. He shared that, to him, it feels like yesterday but to many children it feels like distant history much as Pearl Harbor feels like distant history to him. Councilmember Urban encouraged those who experienced the events of September 11th to share their feelings and emotions with their children and grandchildren. Mr. Urban commented that many, especially those in older generations, are not prone to discussing their feelings but encouraged everyone to do so. He referenced the suicide rate among veterans as an example and encouraged people to reach out to veterans and implored people to talk and reach out to one another.

Councilmember Reid stated that 9/11/2001 is one of those dates where people remember where they were and what they were doing when they heard the news. She stated that the events of the day changed the world and continue to shape the world we live in. Many of the issues facing the world at that time, she stated, continue to impact the world today. Work must be done to identify and implement long-term solutions. She cited the current protest against homelessness in the City of Kalamazoo as an example of a long-term problem that needs to be addressed with a long-term solution. She concluded by stating that addressing the long-term issue of homelessness will require a larger approach and Portage will be a part of it.

Councilmember Burns thanked first responders and those in the military along with their families and loved ones for their service and sacrifice and shared that he attended a ceremony in recognition of September 11th at Fire Station No. 1 earlier in the day. Mr. Burns next shared that he

would be participating in a continuing education program in Kalamazoo sponsored by the Michigan Government Finance Officers Association and reviewed some of the available courses. Mr. Burns next shared that the annual Portage Community Center Peacock Strut fundraiser was upcoming and that he and his wife would be participating in the events. Finally, Mr. Burns shared that there were openings on various boards and commissions and City Council would be conducting interviews and making appointments on October 9th.

Councilmember Ford stated that he shared the thoughts and sentiments that have been expressed with regard to September 11th. He expressed his regret that he was unable to attend the event at Fire Station No. 1 and shared that he participated in the event in 2017. He offered his thoughts and prayers to the victims, families and friends of those impacted by the events of September 11th and stated that he would be speaking with his son about the events and emotions of that day.

Mayor Randall shared that she attended the ceremony at Fire Station No. 1 recognizing September 11th and, like Councilmember Urban stated, she believes it important that efforts be made to ensure the tragedy is not forgotten. Mayor Randall next shared that she attended an event at StoryPoint which featured the Portage Senior Center Band. She commented that the band was very talented and that consideration be made to using the band in support of fundraising efforts for the new Senior Center. Mayor Randall commented that the band played a tribute to September 11th and that it was very moving and well received in the StoryPoint community given the number of veterans residing in the community. Finally, Mayor Randall shared information about an upcoming joint meeting between the Portage City Council and Portage Public Schools School Board.

ADJOURNMENT: Mayor Randall adjourned the meeting at 7:24 p.m.

Adam Herringa, City Clerk

**MINUTES OF THE SPECIAL JOINT MEETING
OF THE PORTAGE CITY COUNCIL AND PORTAGE PUBLIC SCHOOL BOARD
OF SEPTEMBER 17, 2018**

Mayor Patricia Randall called the meeting to order at 5:02 p.m. The following members of the Portage School Board were present: Trustees Dr. Celeste Shelton-Harris, Kurt Droppers, Rusty Rathburn, Robert Snyder and Joanne Willson, Vice President Terri Novaria and President Randy VanAntwerp. Also present was Superintendent Mark Bielang.

The following Councilmembers were present: Councilmembers Chris Burns, Richard Ford, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also present were City Manager Laurence Shaffer and City Clerk Adam Herringa. Councilmember Lori Knapp was absent with excuse.

Mayor Randall opened the meeting and reviewed the meeting format. She then asked School Board Trustees and Councilmembers to share their goals and expectations of the joint meeting. Mayor Randall thanked everyone for their comments and complimented the Portage City Council School Committee composed of Councilmembers Chris Burns, Claudette Reid and Terry Urban for their efforts.

PETITIONS AND STATEMENTS OF CITIZENS

Mayor Randall opened the meeting to public comment. State Senator Margaret O'Brien stated that she, along with State Representative Brandt Iden, would be happy to work with the School Board and City Council on their collaborative efforts. She then complimented the School Board and City Council on their efforts to work together.

State Representative Brandt Iden echoed the sentiments of Ms. O'Brien. Kalamazoo County Commissioner Scott McGraw also complimented the School Board and City Council on the joint meeting and willingness to collaborate.

POINTS OF PRIDE AND OPPORTUNITIES

Mayor Randall next invited the administrators of the City of Portage and Portage Public Schools to review and share some points of pride, opportunities and challenges facing their respective organizations.

Mark Bielang, School Superintendent, began by emphasizing a commitment to student success and highlighted the quality of the staff of the Portage Public Schools and emphasized the level of education of teachers and commitment to professional development. Mr. Bielang next emphasized the commitment to early childhood development and shared information related to the use of the Multi-Tiered System of Supports which utilizes research-based strategies to meet individual needs of the whole child. Finally, under the category of student success, Mr. Bielang pointed to the International Baccalaureate program.

Next, Mr. Bielang highlighted school facilities, in particular the high schools, forthcoming new middle schools and new athletic facilities as a point of pride for the school system. Finally, Mr. Bielang emphasized the commitment to continuous improvement and shared how the school system demonstrates and measures this commitment.

Mr. Bielang next highlighted challenges facing the district. The first challenge, he stated, are changing demographics and an increasing demand for English language learners.

Mr. Bielang also pointed to the number of students living in poverty and the need to “staff for diversity” as additional challenges. He stated that one goal is to have a staff that represents the diversity of the student population.

The next challenge Mr. Bielang highlighted was related to challenges facing aging elementary school facilities and a shifting population that impacts how students are distributed within the district.

The final challenge emphasized by Mr. Bielang was related to school safety. He highlighted efforts made to enhance student safety and shared that the new middle schools have been designed to promote safety.

Next, Mayor Randall invited City Manager Larry Shaffer to review the “points of pride and opportunities” of the City of Portage. Mr. Shaffer began by highlighting the strength of residential neighborhoods along with the business and retail sector. With regard to business, Mr. Shaffer pointed to the continued expansion of Pfizer and Stryker in the community as a sign of economic vitality. With regard to economic vitality, Mr. Shaffer pointed out that Portage is the center for jobs and home to the largest tax base in Kalamazoo County.

Mr. Shaffer next highlighted the quality school and system of parks along with access to commercial and retail opportunities as major strengths of the community. Finally, Mr. Shaffer complimented and emphasized the services provided by the City of Portage.

With regard to challenges, Mr. Shaffer pointed to the ongoing change in shopping habits of consumers and how this threatens the retail corridor of the community. Mr. Shaffer next identified work force development and need for employees that can meet the needs of businesses as they grow and expand. Finally, Mr. Shaffer stated that other challenges facing the City of Portage are the shrinking amount of easily developable property, need to maintain aging infrastructure and need to expand services to an aging and growing senior population.

Trustee Joanne Willson inquired as to the demographic breakdown of the student and faculty of Portage Public Schools. Mr. Bielang responded and explained that the figures may not be perfectly accurate as the data is self-reported.

NEW BUSINESS

SAFE LEARNING ENVIRONMENT: Mayor Randall introduced the next topic on the agenda. Superintendent Bielang provided an overview of efforts undertaken by the Portage Public Schools (PPS) to promote a safe learning environment. He referenced the importance of working to engage students and promote good relationships between students, faculty and the School Resource Officers. He also referenced the use of Multi-Tiered System of Supports in helping students and staff to identify unsafe behaviors. Next, Mr. Bielang identified efforts in altering and enhancing physical structures to promote safety and the use of crossing guards, cameras and drills. Mr. Bielang shared that ALICE training has been provided at all schools. Finally, Mr. Bielang referenced safety features being built into the new middle schools and the emphasis on crime prevention through environmental design.

Next, City Manager Shaffer spoke and complimented the PPS on their efforts with regard to safety. He thanked the schools for implementing ALICE training and for providing Public Safety with access to video during emergency situations at school facilities.

Mr. Shaffer introduced Director of Public Safety Nick Arnold to share his thoughts and departmental efforts on promoting school safety. Mr. Arnold thanked PPS for the great

partnership with his department and for their efforts regarding ALICE training. Other efforts undertaken by the Department of Public Safety include a greater presence of police officers when school is letting out, joint training scenarios, building access, sharing of security camera feeds, building safety assessments and joint press releases.

Mr. Arnold next reviewed a series of suggestions that could be implemented to enhance safety at school facilities. The list included universal markings on windows and doors such as unique numbers to more quickly identify the location of the emergency, access to social media “scrubbing” software to help identify threats, allowing School Resource Officers (SRO’s) to safely store their rifles within the school for quicker access and to be able to more effectively and better respond to active shooter situations, more complex multi-jurisdictional drills, requiring students to utilize only clear backpacks and handbags, consideration of metal detectors and additional SROs. With regard to SROs Mr. Arnold stated that there are currently 2 SROs that are responsible for 14 school buildings. The SROs, he continued, are each assigned to one high school and the associated feeder schools. Mr. Shaffer thanked Mr. Arnold for his comments along with the work of the City Council School Safety Committee.

Councilmember Ford commented that many of the suggestions made by Director Arnold would not be that costly and inquired if universal markings would be Smart 9-1-1 compatible so that officers would know the exact location of an incident before arriving at the scene. Chief Arnold responded that, in the event of an incident, it would not just be Portage police officers responding but other jurisdictions as well. Numbers on doors and windows would help with identification. In response to his inquiry, Director Arnold confirmed that there are response plans in place for school buildings. With regard to the social media “scrubbing” software Councilmember Ford inquired if the City would be willing to purchase such software and Mr. Shaffer responded in the affirmative. Mr. Ford concluded that allowing the officers to keep a rifle in the school could be a political issue.

Trustee Celeste Shelton-Harris shared that she has an interesting perspective given that she has served in a variety of roles within the school system including as principal of North Middle School. She commented that some of the concerns raised by Mr. Arnold, such as numbers on doors, have been brought up previously.

Councilmember Urban inquired if ALICE training has been held at all elementary schools and Mr. Bielang responded in the affirmative. Mr. Urban shared his belief that SROs should be permitted to keep their rifle secured within their assigned school building. He stated that school shooters typically utilize a high-powered long gun and we are asking the SRO to protect the school with a handgun. Mr. Urban also shared his understanding that an SRO recently attempted to place a gun safe in his assigned building in which to store his rifle but was denied. Mr. Bielang asked that the City provide additional information as to the circumstances surrounding this situation. Mr. Urban concluded by expressing support for additional SROs.

Councilmember Reid asked PPS Trustees for their thoughts on increasing the number of SROs. Trustee Rusty Rathburn stated his belief that students are taught in a safe environment and that there are lots of ideas on how to enhance safety. He suggested that building principals be asked for feedback on some of the issues raised by Director Arnold. However, Mr. Rathburn encouraged City Council and the School Board to go after “low-hanging fruit” such as numbering rooms and windows.

Trustee Joanne Willson inquired if the SROs were also expected to cover charter and parochial schools in addition to the public schools. Director Arnold stated that the

Department of Public Safety is obligated to provide service to non-public schools and daycare facilities. Currently these facilities are serviced by police officers and not SROs. Ms. Willson commented that installing metal detectors could present challenges and uniform rules, such as no backpacks, may have an impact on education time.

Ms. Shelton-Harris had questions about leaving school safety up to building principals and commented that this might be a good place to start. She commented that parents, students and faculty appreciate seeing an officer around the school and at events in uniform. It promotes safety and she emphasized the importance of the visibility.

Councilmember Burns inquired how an SRO spends his or her time. Director Arnold shared that the assigned officer serves for a three-year period, is trained extensively and has a primary goal of building relationships. These relationships, he stated, are critical to safety and to preventing incidents before they happen. Mr. Arnold stated that an SRO spends half of the time in the high school and the remainder in the various feeder buildings. Half of the annual call volume for an SRO, which Mr. Arnold estimated to be approximately 350, are from the assigned high school. Mr. Arnold stated that building trust, engaging with students, giving talks on issues such as distracted driving, bullying and alcohol awareness are other responsibilities of the SRO. Councilmember Burns commented that additional SROs would reduce response times, allow for more and improved relationships and increase visibility.

Trustee Shelton-Harris stated that in her experience the best time for the SROs to be visible is at the start of each school year when the Student Code of Conduct is reviewed. She also recommended that SROs be present during the lunch hour as this provides an excellent opportunity for interaction with students.

School Board Vice-President Terri Novaria inquired if the three-year term of service for an SRO is ever extended. Director Arnold responded in the negative and shared that the term of service is part of the union contract. He continued by stating that if an SRO is unable to complete his or her term the replacement officer is eligible to complete the term and be renewed for a full three-year term. Ms. Novaria commented that three years does not seem like a long time to develop long-lasting relationships and asked that the city consider revisiting this aspect of the union contract.

Mayor Pro Tem Pearson inquired if discussions had been held about lengthening the term of service. Director Arnold stated that conversations have been held about extending the term to four years and that the topic had not been part of recent negotiations. Mr. Arnold also shared that there had been discussions about, should additional SROs be hired, making some of the postings more permanent while keeping others on a rotation. Councilmember Urban commented that the SRO position is often viewed as a desirable posting thus the three-year term of service. Mr. Urban mentioned that PPS could set their own terms of service should they hire their own public safety officers but that he hopes the schools avoid taking such action.

City Manager Shaffer affirmed that the term of service has not been a topic of contention with the union but that City Administration would raise the topic. With regard to school security, Mr. Shaffer stated his belief that schools do an excellent job with education but it is the city's job to provide public safety.

Mayor Randall commented that now might be a good time for numbers to be assigned and applied to doors and windows as the new middle schools are being constructed. With regard to clear or no backpacks/bags, Mayor Randall stated her belief that, once implemented,

it would soon become the norm. She also shared that at a budget session earlier this year the City Council expressed support for adding additional SROs and inquired as to the cost. Director Arnold stated that the cost per SRO is \$100,000 annually and split 50/50 between PPS and the city.

School Board President Randy VanAntwerp stated his appreciation for the commitment of the City of Portage to support PPS. He stated that the School Board strives to find a balance between a safe and secure environment with a welcoming environment.

Trustee Kurt Droppers inquired as to the ideal number of SROs. Director Arnold stated that an additional 2 to 4 officers would be preferred. However, he stated, regardless of the number of SROs there is no guarantee that an officer would be in the right place at the right time should an incident occur. He pointed out that, in addition to strong relationships, oftentimes a little bit of luck is needed for a successful incident response and outcome.

PUBLIC MEDIA NETWORK: Mayor Randall asked City Manager Shaffer to begin discussion on this topic. City Manager Shaffer shared that City Council voted earlier this year to eliminate the cable broadcasting agreement with Public Media Network (PMN) and seek other vendors to provide equipment and cablecasting services. Mr. Shaffer reminded those present that PMN currently provides cablecasting services for School Board Meetings which will be lost once the city switches providers. Mr. Shaffer stated that he is willing to work with PPS on the transition with the goal of being able to continue to broadcast and livestream School Board Meetings.

Trustee Shelton-Harris inquired as to the quality of service that would be provided. City Manager Shaffer stated that the services will be provided with at least the same or improved quality of service. He shared that the equipment used to broadcast will be new and improved. Superintendent Bielang commented that school board meetings would continue to be broadcast so long as PMN provides service to the City of Portage.

Trustee Rusty Rathburn questioned how many people access or value the broadcast and livestream of school board meetings. However, he expressed optimism that perhaps a change in cable access providers could result in more exciting content. Mayor Randall shared that PMN has been unable to identify how many people watch City Council Meetings live. Councilmember Reid stated her belief as to the importance of Council Council and School Board Meetings being broadcast. She referenced the need to make meetings as open and accessible as possible and shared that she frequently hears from residents who have watched City Council Meetings. Ms. Reid next pointed out that residents are getting digital content in new ways and shifting away from traditional cable services. The result, she stated, will be a continued decline in franchise fees which fund cable access services.

President VanAntwerp stated his appreciation for the city's willingness to work with PPS on providing this service and of the importance of transparency with the public. Superintendent Bielang shared that PPS does not have the capability to record and broadcast School Board Meetings. As of this moment, he stated, PPS has no replacement for when PMN ceases to provide service. Mayor Randall stated that the city would be purchasing new equipment and hiring a vendor to provide broadcasting services. She stated that the city would be happy to work with PPS on how information is provided under the new scenario.

IDAHO/LOVERS/ZYLMAN STREET RECONSTRUCTION: Mayor Randall asked City Manager Shaffer to begin discussion on this topic. Mr. Shaffer reviewed the projects, source of funding and pointed out that reconstruction of Idaho will have an impact on Portage Northern High School and reconstruction of Zylman will have an impact on the bus garage. Vice-President Novaria inquired as to the timeline of the projects. Mr. Shaffer stated that design work will begin shortly but construction will take place next year. Trustee Rathburn asked that the city keep in mind that Idaho is used by visitors to the Portage Northern campus who are coming for events such as regional track meets and competitions. Trustee Shelton-Harris inquired if the project included sidewalks. Mr. Shaffer stated that the project will include sidewalks, bike lanes, traffic calming, lighting, etc.

Mayor Randall commented that the city is getting into design work on Zylman and asked PPS for any feedback that may enhance the design of this street. Superintendent Bielang emphasized the importance of coordination and timing of projects as they will have a major impact on the schools. Mayor Randall shared her preference that truck traffic not be permitted on the new road.

OTHER: Mayor Randall shared that she receives a lot of feedback on traffic issues. She commented that there are parents dropping kids off at school, students driving, etc. and traffic control is what is trying to be achieved. Unfortunately, she stated, nobody seems to have ownership over traffic around schools. She would like the city and schools to look at engineering and other solutions to address the situation. She asked that this be included as a topic for future discussion. Trustee Willson agreed that traffic on Moorsbridge is problematic and that building principals across the school district often serve as traffic directors. She stated that PPS has worked on a variety of solutions but traffic continues to be a problem. Mr. Bielang commented that each site has unique challenges. Trustee Bo Snyder stated his support for a joint effort to address traffic issues and thanked the city for allowing PPS to have an insert in the *Portager* newsletter.

Councilmember Reid raised the topic of skilled trades and the business need for individuals possessing such skills. She inquired as to the role of PPS with vocational education and shared her opinion that PPS does a great job with college preparation but pointed to a need for people with skilled trades. Mr. Bielang shared that there is a countywide effort to engage and support vocational education efforts. He stated that recommendations have been made and action steps are being taken with regard to vocational education.

Mayor Randall raised the topic of regional accessibility to public venues as a discussion topic for future meetings. She stated that Discover Kalamazoo can use accessibility to facilities as a way to help promote the region. Mayor Randall pointed to accessibility of facilities at West Middle School as an example of a community and regional benefit. She then pointed to the number of schools participating in the Portage Cross Country Invitational as a regional benefit and cited the wealth of athletic facilities as potential benefits to the area.

FINAL STATEMENTS: President VanAntwerp thanked the Mayor for hosting the joint meeting and expressed his confidence that both members of the the School Board and City Council learned and benefitted from the meeting. He thanked the city for continued support and shared that he is looking forward to future conversations. Mayor Randall shared her belief that the two elected bodies can benefit by working together and thanked everyone for coming.

Mayor Randall reviewed some of the points of discussion and asked that the two bodies meet again in the future to review items that had been discussed and cover new topics. Mayor Randall inquired of the group whether and how often it should meet. Sentiments as to frequency were mixed but the consensus was that additional cooperation between the two bodies is valuable and should occur. A suggestion was made that smaller committees be considered to address and focus on particular issues. The committees would then report back to the larger bodies. Trustee Snyder suggested that the group get together again but that the two administrators have an opportunity to work together before another meeting is scheduled.

Mayor Randall asked for feedback on the items discussed and asked for a formal written response from the City Manager. Mr. Shaffer shared that he has a good relationship with Superintendent Bielang and he looked forward to working on the issues that had been discussed.

ADJOURNMENT: Mayor Randall adjourned the meeting at 6:56 p.m.

Adam Herringa, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF SEPTEMBER 24, 2018**

Mayor Randall called the meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp, Claudette Reid and Mayor Pro Tem Jim Pearson joined via the conference phone line. Councilmembers Richard Ford and Terry Urban were absent with excuse. Also in attendance were Deputy City Manager Rob Boulis and City Clerk Adam Herringa.

Mayor Randall opened the meeting and inquired if there were any questions or concerns regarding items on the proposed September 25th Regular Meeting Agenda. With regard to Item A.3, Contract for Annual Spring Cleanup Program, Councilmember Reid inquired as to the cost of current contract and the percentage increase between the proposed contract and current contract. She also inquired if the cost of proposed contract would be covered by the current dedicated millage. Deputy City Manager Boulis confirmed that the proposed contract would not require a millage increase. He stated that he would research and respond to her first inquiry.

With regard to Item A.4, Contracts with AVI Systems and Image Stream, Councilmember Reid commented that the current equipment is owned by Public Media Network (PMN). She pointed out that the report on the agenda indicates the transition from PMN will take several weeks and inquired if PMN will still be used during the transition. Deputy City Manager Boulis stated that the current equipment and PMN will be used to broadcast meetings until the new equipment is installed. Councilmember Reid asked for more specificity with regard to the professional services that will be provided and inquired as to the meetings that will be covered under the proposed contract. She specifically inquired if it covered Portage School Board meetings and public service announcements. She also inquired when the hourly rate would be utilized. Mr. Boulis replied that the contract covers the broadcast of Planning Commission, Zoning Board of Appeals and City Council meetings along with some video productions. Councilmember Reid inquired if we have received any approvals from Charter or AT&T and how many channels the city will have access to. Mr. Boulis stated that the city has been working with Charter and AT&T on equipment specifications and that he believes the city will have access to one channel. However, Mr. Boulis stated that he would research and respond. Councilmember Burns pointed to the difference in bid amounts and inquired as to the gap and equipment that would be provided. Mr. Boulis stated that Director of Information Technology, Devin Mackinder, would be able to address this topic at the Council Meeting. However, Mr. Boulis commented that the gap is largely due to the types of equipment the bidders proposed using.

With regard to Item A.5, Purchase of 117 East Centre Avenue, Councilmember Reid inquired as to the impact on the nearby residential and commercial lots. Mr. Boulis stated that the purchase of 117 East Centre would not have an impact on these properties. He continued by stating that the City has been acquiring land in this area for many years and will keep watch for additional purchase opportunities. He stated that the goal of the land purchases is for future city development or private development. Councilmember Reid commented that the

rationale for purchasing land in this area seems to have changed. She stated that land had been purchased in the past for future retail development. Mr. Boulis commented that the point of the purchase remains future development to coincide with the "City Center" design concept. He informed City Council that city staff recently had informal conversations with a potential developer.

With regard to Item A.7, Ice Control Salt Purchase, Councilmember Reid inquired if the city is taking any steps to reduce the use of road salt. She commented that road salt can be harmful to water and is corrosive. Mr. Boulis stated that he would research and respond.

With regard to Item A.9, Storm Drainage Improvement, Councilmember Burns commented that it is his understanding that the property owner is unhappy with the proposed easement and inquired as to conversations held between the city and the property owner. Mr. Boulis reviewed the location of the proposed easement and shared that the property owner has been difficult to reach and work with. He confirmed that the property owner is not interested in providing the requested easement. Mr. Boulis stated that the city would compensate the owner for the easement. Councilmember Reid inquired if it would be a permanent easement or if the land would be returned to the owner following construction. Mr. Boulis stated that the easement would be permanent but that the city would complete the underground work and restore the surface to an improved condition. Councilmember Reid inquired if the city was considering eminent domain if the property owner continues to refuse to grant the easement. Mr. Boulis responded in the affirmative. Councilmember Knapp inquired if the storm drainage work would have impact on the work that is being done on South Westnedge. Mr. Boulis responded that the South Westnedge construction work is such that it anticipated the easement but that he would research and confirm. Mayor Randall inquired if the property owner had been contacted before or after the South Westnedge Avenue construction project and asked for additional information pertaining to conversations between the city and property owner. With regard to the first part of the question, Mr. Boulis stated that the property owner was contacted before the construction project but that he would confirm.

With regard to Item A.10, Paving Contract with Niblock Excavating, Mayor Randall inquired as to any news from the Governor's Office regarding the work stoppage that is impacting projects across the State of Michigan. Mr. Boulis shared that City Manager Larry Shaffer had been in contact with the office of the spokesperson for the Governor. Mr. Boulis also commented that the Michigan Department of Transportation (MDOT) has indicated that they will not accept a labor lockout as a reason for suspending the work and is considering instituting penalties. Councilmember Reid commented that she heard on National Public Radio that the Governor's Office is involved in the dispute and that the dispute has had a major impact on construction projects in Detroit and Ann Arbor. Ms. Reid inquired if city staff had reached out to other communities to learn how they are responding to the situation. Mr. Boulis stated that, to his knowledge, staff has not reached out to other communities but that conversations have been had with MDOT, the Governor's Office, the project contractor Reith-Reilly and Jackson County since this county has their own paving equipment. Councilmember Reid commented that she was uncomfortable with this item being on the Consent Agenda as she found it to be lacking in transparency. Ms. Reid inquired if City Attorney Brown had

provided any legal opinions related to the situation. Mr. Boulis shared that the City Attorney has provided feedback and commented that this is a unique situation without much case history. Mr. Boulis continued by stating that the city may be successful in resolving the work stoppage on the South Westnedge Avenue project without repercussions but that options are limited at this point. He pointed to the dwindling construction season as evidence. Councilmember Reid asked that City Council be provided with the legal counsel that has been provided by Attorney Brown.

With regard to Item A. 11, Rezoning of 4211 (east half) and 4525 Long Lake Drive, Councilmember Lori Knapp inquired if the proposed rezoning would have an impact on the Michigan Department of Natural Resources public boat launch. Mr. Boulis stated that the rezoning would not have an impact but that he would get information to City Council in this regard. Councilmember Reid inquired as to the potential historical significance of the roller rink and if any items or portions of the property should be kept or maintained. She followed by inquiring if the Historic District Commission had been contacted. Mr. Boulis stated that he is not aware of any historical implications and that he does not believe the Historic District Commission has been contacted.

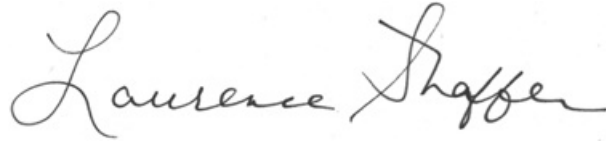
Mayor Randall summarized questions raised during the meeting and inquired, as it related to Item A.10, that City Council be provided with an update as to labor dispute from the Governor's Office. She also asked what the MDOT stance means as it relates to the dispute and potential penalties for the City of Portage. She asked for a writing from City Attorney Brown regarding the related legal implications.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:27 a.m.

Adam Herringa, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Approve the Accounts Payable Register of September 25, 2018 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period September 2, 2018 through September 16, 2018 and notes \$505,248.36 in automated clearing house payments, \$647,077.27 in paper checks and \$142,592.70 in auto-pay payments for a grand total of \$1,294,918.33.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of 9-25-18

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/2/2018 TO: 9/16/2018

Page 1 of 8

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
09/05/2018	9449(A)	COLLIER, MICHAEL	EMPLOYEE TRAINING	45.00
09/07/2018	9450(A)	A-1 SIGNS	MEMORIAL PLAQUES	65.55
09/07/2018	9451(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	95,972.57
09/07/2018	9452(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMP ASSISTANCE	346.39
09/07/2018	9453(A)	AMERICAN SAFETY & FIRST AID	FIRST AID SERVICE	72.96
09/07/2018	9454(A)	ANIMAL REMOVAL SERVICE, LLC	MOLE REMOVAL SERVICE	520.00
09/07/2018	9455(A)	AUMACK, MICHAEL	UMPIRE PAYROLL	200.00
09/07/2018	9456(A)	BEEBE, RONALD E.	UMPIRE PAYROLL	240.00
09/07/2018	9457(A)	BRENNER OIL CO.	GASOLINE	24,904.00
09/07/2018	9458(A)	C C I SOUTH, INC.	SKATE PARK TESTING	50.00
09/07/2018	9459(A)	C D W GOVERNMENT, INC.	FIRE TECHNOLOGY	393.00
09/07/2018	9460(A)	C M P DISTRIBUTORS, INC.	ARMOR EXPRESS	277.00
09/07/2018	9461(A)	CONSUMERS CONCRETE CORP.	CELERY FLATS PROJECT	466.80
09/07/2018	9462(A)	COX, DENNIS	EMPLOYEE TRAINING	190.00
09/07/2018	9463(A)	EDWARDS, HENRY	UMPIRE PAYROLL	92.00
09/07/2018	9464(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	EQUIPMENT REPAIRS	1,782.50
09/07/2018	9465(A)	FORSHEE, MARK	UMPIRE PAYROLL	329.00
09/07/2018	9466(A)	GORDON WATER SYSTEMS	WATER COOLER SERVICE	12.75
09/07/2018	9467(A)	GRAHAM FORESTRY SERVICE, INC.	CONSULTANT FORESTRY	768.00
09/07/2018	9468(A)	GWIN, KENDRA	TRAINING REIMBURSEMENT	382.78
09/07/2018	9469(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	8,863.64
09/07/2018	9470(A)	HARTMAN, CHARLES	UMPIRE PAYROLL	144.00
09/07/2018	9471(A)	HOWARD PRINTING	PRINTING SERVICE	2,816.00
09/07/2018	9472(A)	J & J LAWN SERVICE, INC.	LANDSCAPE SERVICES	100.00
09/07/2018	9473(A)	JACK DOHENY SUPPLIES INC.	VACTOR MAINTENANCE	467.00
09/07/2018	9474(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOM	105.00
09/07/2018	9475(A)	KEHOE, EDWARD J	PROGRAM INSTRUCTOR	320.00
09/07/2018	9476(A)	KUSHNER & COMPANY, INC.	COBRA & FSA	321.11
09/07/2018	9477(A)	LAND MATTERS LLC	LAND ACQUISITION SERV	1,196.09
09/07/2018	9478(A)	LOUTHAN, WILLIAM F	UMPIRE PAYROLL	48.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/2/2018 TO: 9/16/2018

Page 2 of 8

Check Date	Check	Vendor Name	Description	Amount
09/07/2018	9479(A)	MATERIALS RESOURCES	MISC SUPPLIES	224.80
09/07/2018	9480(A)	MCCULLIN, LARRY W.	UMPIRE PAYROLL	92.00
09/07/2018	9481(A)	MEJEUR ELECTRIC LLC	ELECTRICAL SERVICES	220.00
09/07/2018	9482(A)	NUYEN, ERIC	UMPIRE PAYROLL	126.00
09/07/2018	9483(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEES	6,229.20
09/07/2018	9484(A)	PCM SALES, INC.	OPERATING COSTS	41,165.91
09/07/2018	9485(A)	PREMIER SAFETY	FIRE SCBA MAINTENANCE	79.59
09/07/2018	9486(A)	R W LAPINE INC.	HVAC ON-CALL SERVICE	303.49
09/07/2018	9487(A)	REFRIGERATION SERVICES	MPIR CHILLER MAINTENCE	1,910.00
09/07/2018	9488(A)	RHODES, KEVIN	UMPIRE PAYROLL	192.00
09/07/2018	9489(A)	SEVERANCE ELECTRIC COMPANY,INC	MAST ARM REPLACEMENT	18,572.00
09/07/2018	9490(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	366.00
09/07/2018	9491(A)	SMITH, JESSICA	REIMBURSEMENT	637.99
09/07/2018	9492(A)	THOMPSON, HELENE	PROGRAM INSTRUCTOR	360.00
09/07/2018	9493(A)	TOO CLEAN JANITORIAL	CLEANING MAINTENANCE	7,620.00
09/07/2018	9494(A)	VANPORTFLIET, DEREK	TRAINING ADVANCE	35.00
09/14/2018	9495(A)	A NEW LEAF	PLANT CARE	85.00
09/14/2018	9496(A)	ABONMARCHE CONSULTANTS, INC	PFIZER EASEMENT	2,040.00
09/14/2018	9497(A)	AUTOMATIC MICROFILM CO.	RECORDS FILMING	98.55
09/14/2018	9498(A)	BLUESTONE PSYCH	PSYCH EVALUATION	1,860.00
09/14/2018	9499(A)	BYHOLT INC.	GRAVEL DELIVERY	421.15
09/14/2018	9500(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	3,046.35
09/14/2018	9501(A)	CAPITAL ADVANTAGE LEASING	EQPT LEASE DEC 2017	8,651.60
09/14/2018	9502(A)	CHARTER COMMUNICATIONS	CABLE TV	674.88
09/14/2018	9503(A)	CLEAN EARTH ENVIRONMENTAL SERV	GLWTP TANK CLEANING	5,200.00
09/14/2018	9504(A)	CROWN TROPHY	RECOGNITION SUPPLIES	210.00
09/14/2018	9505(A)	ENGINEERED PROTECTION SYSTEMS, INC.	MECHANICAL SERVICE	13,825.94
09/14/2018	9506(A)	FARM N GARDEN	SPLIT RAIL FENCE	1,464.32
09/14/2018	9507(A)	FISHBECK THOMPSON CARR & HUBER, INC	PROFESSIONAL SERVICE	380.00
09/14/2018	9508(A)	GAIL ANDRUS TRAVEL	TRIP VENDOR PAYMENT	620.00
09/14/2018	9509(A)	GORDON WATER SYSTEMS	WATER SERVICE	81.00
09/14/2018	9510(A)	GRIFFIN PEST SOLUTIONS, INC.	FIRE FACILITY MAINT.	170.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/2/2018 TO: 9/16/2018

Page 3 of 8

Check Date	Check	Vendor Name	Description	Amount
09/14/2018	9511(A)	HOWARD PRINTING	2018 FALL BROCHURE	6,218.00
09/14/2018	9512(A)	INDUSCO SUPPLY CO., INC.	CLEANING SUPPLIES	447.20
09/14/2018	9513(A)	IRISH AYRES ENTERPRISES, LLC	MOWING AND LANDSCAPE	16,521.25
09/14/2018	9514(A)	KLOSTERMAN DISTRIBUTING	RAMONA CONCESSIONS	154.65
09/14/2018	9515(A)	LAKE MICHIGAN MAILERS, INC.	METER PLUS MONTHLY	260.56
09/14/2018	9516(A)	LAWSON PRODUCTS, INC	BALL DIAMOND PAINT	600.00
09/14/2018	9517(A)	LOWE'S HOME CENTER	FIRE FACILITY MAINT.	1,572.30
09/14/2018	9518(A)	M & M CUSTOM FABRICATING INC.	NAME PLATE	15.66
09/14/2018	9519(A)	MATERIALS RESOURCES	MAINTENANCE SUPPLIES	328.38
09/14/2018	9520(A)	MCNALLY ELEVATOR CO.	ELEVATOR MAINTENANCE	131.75
09/14/2018	9521(A)	MEJEUR ELECTRIC LLC	ELECTRICAL OUTLET	70.00
09/14/2018	9522(A)	MYERS, JAMES	REIMBURSEMENT	499.16
09/14/2018	9523(A)	NYE UNIFORMS	MISC UNIFORM SUPPLIES	91.98
09/14/2018	9524(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEES	5,476.61
09/14/2018	9525(A)	PARIS CLEANERS	UNIFORM CLEANING	1,167.81
09/14/2018	9526(A)	PECKELS, CHRISTINE	PROGRAM INSTRUCTOR	240.00
09/14/2018	9527(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	5,633.63
09/14/2018	9528(A)	PERCEPTIVE CONTROLS, INC.	SCADA SYSTEM UPGRADE	38,100.00
09/14/2018	9529(A)	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MGMNT	230.00
09/14/2018	9530(A)	PROFESSIONAL BUILDING SERVICES LLC	JANITORIAL SERVICES	3,197.54
09/14/2018	9531(A)	R W LAPINE INC.	PLUMBING SERVICES	8,063.75
09/14/2018	9532(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	49.40
09/14/2018	9533(A)	RIETH-RILEY CONSTRUCTION CO., INC	2018 MILL & FILL	72,848.00
09/14/2018	9534(A)	ROE-COMM, INC.	FIRE OPS RADIO REPAIR	222.00
09/14/2018	9535(A)	S B F ENTERPRISES, INC.	UTILITY BILL PRINTING	731.97
09/14/2018	9536(A)	SAFETY SERVICES, INC.	AIR DETECTOR MAINT	160.14
09/14/2018	9537(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL UPGRADE	70,200.00
09/14/2018	9538(A)	TECHNOLOGY SOLUTIONS	LEAF PICKUP TRACKING	1,996.87
09/14/2018	9539(A)	THE POSTMAN INC.	FENCING REPAIRS - SW	10,832.00
09/14/2018	9540(A)	W W GRAINGER INC	MAINTENANCE SUPPLIES	155.95

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/2/2018 TO: 9/16/2018

Page 4 of 8

Check Date	Check	Vendor Name	Description	Amount
09/14/2018	9541(A)	WEST MICHIGAN STAMP & SEAL,INC	REVIEW STAMP	21.80
09/14/2018	9542(A)	WOLFE, MATTHEW	EMPLOYEE REIMBURSEMENT	556.09
Total ACH Transactions:				505,248.36

Check Type: Paper Check

09/07/2018	307375	ADP, INC.	BI-WEEKLY PAYROLL	853.16
09/07/2018	307376	ALL SEASON WINDOW, INC.	CDBG HOME IMPROVEMENT	8,141.00
09/07/2018	307377	ALLEGRA PRINT & IMAGING	RED MED FLYERS	123.00
09/07/2018	307378	ALLIED MECHANICAL SERVICE	BACKFLOW PREVENTER	421.72
09/07/2018	307379	ALTA EQUIPMENT CO.	CRACKSEALER REPAIRS	124.04
09/07/2018	307380	AMERICAN HOIST AIR & LUBE EQUIP INC	HOIST UPGRADES	4,596.00
09/07/2018	307381	BAUMGARTNER, RANDY	TRIP VENDOR PAYMENT	162.00
09/07/2018	307382	BAUMGARTNER, RANDY	TRIP VENDOR PAYMENT	544.00
09/07/2018	307383	BILL'S LOCK SHOP, INC.	SERVICE CALL & LOCK	180.00
09/07/2018	307384	BOYNE MOUNTAIN RESORT	MI CAMP RESERVATIONS	231.84
09/07/2018	307385	CARTRIDGE WORLD	INK CARTRIDGES	84.00
09/07/2018	307386	CINTAS CORP.	INSPECTORS PANT RENTAL	7.13
09/07/2018	307387	COCHRAN GLASS AND DOOR, LLC	DOOR MAINTENANCE	785.00
09/07/2018	307388	DENZEL, SANDY	MEMBERSHIP REFUND	25.00
09/07/2018	307389	DONNA CHIPPEWA	PAVILION PASSES REFUND	245.00
09/07/2018	307390	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE MAINT	88.25
09/07/2018	307391	FAWLEY OVERHEAD DOOR, INC.	FIRE FACILITY MAINT	273.00
09/07/2018	307392	FLETCHER ENTERPRISES	PAINTING SERVICES	1,625.00
09/07/2018	307393	FOUR WINDS CASINO SHUTTLE	PROGRAM VENDOR PAYMENT	156.00
09/07/2018	307394	HOME DEPOT	MISC BUILDING SUPPLIES	94.11
09/07/2018	307395	JO'S AMERICAN BISTRO	TRIP VENDOR PAYMENT	1,497.20
09/07/2018	307396	KALAMAZOO COUNTY HEALTH & COMMUNITY	2017-18 HHW PROGRAM	7,385.21
09/07/2018	307397	KZOO TIRE COMPANY	TIRES/TIRE REPAIRS	284.00
09/07/2018	307398	LAKESHORE MUSEUM CENTER	TRIP VENDOR PAYMENT	384.00
09/07/2018	307399	LANDTECH PROFESSIONAL SURVEYING	SURVEYING SERVICES	5,700.00
09/07/2018	307400	LANSING POLICE DEPARTMENT	EMPLOYEE LUNCH	10.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/2/2018 TO: 9/16/2018

Page 5 of 8

Check Date	Check	Vendor Name	Description	Amount
09/07/2018	307401	LANSING POLICE DEPARTMENT	EMPLOYEE LUNCH	10.00
09/07/2018	307402	MACY'S INC.	SIDEWALK EASEMENT	13,547.00
09/07/2018	307403	MAHN	MAHN CONFERENCE	150.00
09/07/2018	307404	MCDA	MCDA CONFERENCE	50.00
09/07/2018	307405	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIRS	3,657.61
09/07/2018	307406	MICHIGAN DEPARTMENT OF LICENSING	ART HOP LIQUOR LICENSE	50.00
09/07/2018	307407	MICHIGAN ELECTION RESOURCES, LLC	BALLOT MARKING INSTR	20.00
09/07/2018	307408	MIGALA CARPET ONE, INC.	CARPETING	3,995.63
09/07/2018	307409	NATIONS TITLE AGENCY OF MI	OVERPAYMENT REFUND	95.39
09/07/2018	307410	NORRIS, DEANNA	TRAINING EXPENSE	135.00
09/07/2018	307411	NORTHERN TOOL & EQUIPMENT CATALOG	TRANSFER TANKS	597.28
09/07/2018	307412	O'REILLY AUTO PARTS	FIRE APPARATUS MAINT	175.80
09/07/2018	307413	OFFICE DEPOT, INC.	OFFICE SUPPLIES	118.92
09/07/2018	307414	ONE ON ONE FITNESS INC	FIRE ADMIN MAINT	750.00
09/07/2018	307415	PETTY CASH-DEREK HENSON	REPLENISHMENT CHECK	204.18
09/07/2018	307416	PETTY CASH-TERESA GIPSON	REPLENISHMENT CHECK	182.18
09/07/2018	307417	PRICE, ANDREW	TRIP REFUND	109.00
09/07/2018	307418	PUBLIC SAFETY CENTER	MISC PATROL SUPPLIES	284.78
09/07/2018	307419	REMINGTON CONSTRUCTION CO. INC.	CONCRETE WORK	7,500.00
09/07/2018	307420	RIVERSIDE INTEGRATED SYSTEMS, INC.	ALARM MONTORING	270.00
09/07/2018	307421	ROBINSON, KEVIN	UMPIRE PAYROLL	184.00
09/07/2018	307422	STATE OF MICHIGAN (DOT)	S WESTNEDGE RECONSTRUCTION	38,854.00
09/07/2018	307423	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS	63.00
09/07/2018	307424	STATES GOLF COURSE	VENDOR PAYMENT	306.00
09/07/2018	307425	STINSON, JANE	RENTAL SECURITY DEPOSIT	100.00
09/07/2018	307426	TRACTOR SUPPLY CORP.	SUPPLIES - PARKS DIV	245.38
09/07/2018	307427	TRUGREEN PROCESSING	FLEA & TICK APPLICATION	127.37
09/07/2018	307428	U S POSTAL SERVICE	POSTAGE REFILL	5,000.00
09/07/2018	307429	VARTEC, LLC	FOOT PEDALS, HEADSET	553.69
09/07/2018	307430	WALTER, CATHERINE	UTILITY REFINO	108.36
09/07/2018	307431	WASHCO, LLC	POWER WASHING SERVICE	2,750.00
09/07/2018	307432	WELLS FARGO BANK	OVERPAYMENT REFUND	6,881.33

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/2/2018 TO: 9/16/2018

Page 6 of 8

Check Date	Check	Vendor Name	Description	Amount
09/07/2018	307433	WENSTRUP, CATHY	TRIP REFUND	94.00
09/07/2018	307434	WEST MICHIGAN ROOFING	CDBG HOME IMPROVEMENT	1,700.00
09/07/2018	307435	WILLIAM A. WATSON	CONSULTING/EE TRAINING	1,250.00
09/07/2018	307436	WILLIAMS ASSOCIATES ARCHITECTS, LTD	FIRE - NEW STATION 2	146,929.07
09/07/2018	307437	WRAPS N SIGNS	MISC GRAPHICS	79.00
09/07/2018	307438	XYLEM DEWATERING SOLUTIONS, INC.	PUMP RENTAL	397.60
09/14/2018	307439	A T & T	TELEPHONE SERVICE	10,224.74
09/14/2018	307440	ACE PARKING LOT STRIPING, INC.	PARKING LOT STRIPING	483.50
09/14/2018	307441	ALISON SEIM	REIMBURSEMENT	101.00
09/14/2018	307442	ALLEGRA PRINT & IMAGING	ENVELOPES, BUSINESS	1,396.90
09/14/2018	307443	ARROWHEAD SCIENTIFIC, INC.	MISC EVIDENCE SUPPLIES	87.40
09/14/2018	307444	AUTOBODY USA - SOUTHSIDE	REPAIR VEHICLE 158	758.47
09/14/2018	307445	BELDEN BRICK AND SUPPLY	CFVC PAVILION STONE	12,789.80
09/14/2018	307446	BRANCH COUNTY COURT	BAIL BOND	500.00
09/14/2018	307447	BROWN, SARAH	SWIM LESSON REFUND	15.00
09/14/2018	307448	BUELOW, CHRIS	SCHRIER DEPOSIT REFUND	150.00
09/14/2018	307449	CAPITAL ADVANTAGE LEASING	EQUIPMENT LEASING	2,375.10
09/14/2018	307450	CHICAGO TITLE OF MI	OVERPAYMENT REFUND	35.70
09/14/2018	307451	CINTAS CORP.	INSPECTORS PANT RENTAL	304.15
09/14/2018	307452	COLEMAN, HELEN	SWIM LESSON REFUND	7.50
09/14/2018	307453	COMMERCIAL DOOR SERVICES	FIRE FACILITY MAINT.	3,330.00
09/14/2018	307454	COMPLETE LANDSCAPING SOLUTIONS	TALL GRASS AND WEEDS	64.80
09/14/2018	307455	CONTROLLED F.O.R.C.E., INC.	RECERTIFICATION TRNG	2,010.00
09/14/2018	307456	CORPORATE SETTLEMENT SOLUTIONS	DUPLICATE STAX18	1,792.15
09/14/2018	307457	D L GALLIVAN INC.	COPY MACHINE USAGE	17.55
09/14/2018	307458	DAVE'S CONCRETE PRODUCTS, INC.	CELERY FLATS PROJECT	7,639.87
09/14/2018	307459	DEVON TITLE AGENCY	OVERPAYMENT REFUND	128.30
09/14/2018	307460	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	524.00
09/14/2018	307461	ENGINEERING SUPPLY & IMAGING	BOND PAPER	430.92
09/14/2018	307462	GLADSTONE & ASSOCIATES	CONSULTING SERVICES	500.00
09/14/2018	307463	GLENN MILLER PRODUCTIONS, INC.	GLENN MILLER CONCERT	4,750.00
09/14/2018	307464	H & H PROPERTY MAINTENANCE, LLC	HYDROSEEDING SERVICE	1,850.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/2/2018 TO: 9/16/2018

Page 7 of 8

Check Date	Check	Vendor Name	Description	Amount
09/14/2018	307465	HALL, BRITTANY	SWIM LESSON REFUND	7.50
09/14/2018	307466	HARBEN, INC.	TRAILER MOUNTED RODDER	39,994.40
09/14/2018	307467	HOME DEPOT	MISC MAINTENANCE SUP	1,438.58
09/14/2018	307468	HORNEV, ALLISON	SWIM LESSON REFUND	7.50
09/14/2018	307469	ICE CREATIONS	MONSTER MASH PUMPKIN CRVNG	212.50
09/14/2018	307470	KAL-CREEK COMMERCIAL APPRAISERS, LC	APPRAISAL FEE	875.00
09/14/2018	307471	KALAMAZOO GAZETTE	SUBSCRIPTION	280.40
09/14/2018	307472	KALAMAZOO LANDSCAPE SUPPLIES	TOP SOIL	352.00
09/14/2018	307473	KALAMAZOO NATURE CENTER, INC.	INVASIVE SPEC SERIES	4,500.00
09/14/2018	307474	KIENBAUM, RICHARD	PMN CABLE-CASTING PROJ	3,900.00
09/14/2018	307475	KLOOSTER, FRAN	PSC BAND EXPENSE	72.00
09/14/2018	307476	KZOO TIRE COMPANY	TIRES/TIRE REPAIRS	99.50
09/14/2018	307477	LANGUAGE LINE, INC	LANGUAGE LINE USAGE	8.51
09/14/2018	307478	LED LIGHTING WHOLESALE INC.	LIGHTING SUPPLIES	450.00
09/14/2018	307479	LOCEY SWIM POOL CO.	2 CANS FOUNTAIN PAINT	46.80
09/14/2018	307480	LOEBIG, ELIZABETH	IAML SEMINAR	2,005.78
09/14/2018	307481	MASTENBROOK INC	OVERPAYMENT STAX18	434.52
09/14/2018	307482	MATHIESON, JULIE	SWIM LESSON REFUND	7.50
09/14/2018	307483	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	511.00
09/14/2018	307484	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIRS	1,092.65
09/14/2018	307485	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL SERVICE	1,437.50
09/14/2018	307486	MLIVE MEDIA GROUP	AUGUST LEGAL NOTICES	1,018.89
09/14/2018	307487	NELSON'S HARDWARE	GRAIN ELEVATOR REPAIR	19.68
09/14/2018	307488	NEWSTED, BRYNN	SCHRIER DEPOSIT REFUND	150.00
09/14/2018	307489	O'REILLY AUTO PARTS	MAINTENANCE SUPPLIES	71.38
09/14/2018	307490	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,066.37
09/14/2018	307492	PACKER, ADAM	SWIM LESSON REFUND	15.00
09/14/2018	307493	PAPER CENTRAL	COPY & PRINTER PAPER	847.00
09/14/2018	307494	PETERMAN CONCRETE CO.	CELERY FLATS PROJECT	927.48
09/14/2018	307495	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	314.20
09/14/2018	307496	PFIZER, INC	OVERPAYMENT REFUND	5.23
09/14/2018	307497	PHILLIPS, SAMANTHA	GRAIN ELV/SCHOOL REFUND	300.00

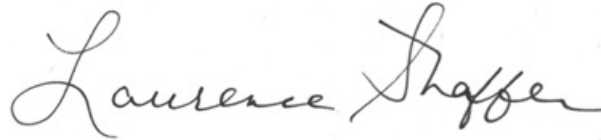
ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/2/2018 TO: 9/16/2018

Page 8 of 8

Check Date	Check	Vendor Name	Description	Amount
09/14/2018	307498	POLDERMAN'S FLOWER SHOP	FLOWERS	40.00
09/14/2018	307499	PORTELLA, MARCIA	SWIM LESSON REFUND	15.00
09/14/2018	307500	PRESTON EAKINS	BALLOONS-MONSTER MASH	400.00
09/14/2018	307501	RATHCO SAFETY SUPPLY, INC.	SIGNS/SIGN MATERIALS	125.00
09/14/2018	307502	RATLIFF, ALEXANDRA	HAYLOFT DEPOSIT REFUND	150.00
09/14/2018	307503	RESIDENTIAL OPPORTUNITIES	RAMONA REFUND	300.00
09/14/2018	307504	SCHULTZ, GREG	TOURNAMENT- KLASH 9/	100.00
09/14/2018	307505	STAR LINE MACKINAC ISLAND FERRY INC	TRIP VENDOR PAYMENT	60.00
09/14/2018	307506	STATE OF MICHIGAN	SOR FEES	30.00
09/14/2018	307507	STEVEN RICHARD ELLIS	ADVERTISEMENT	350.00
09/14/2018	307508	STIVALET, ISELA	SWIM LESSON REFUND	15.00
09/14/2018	307509	STJOHNDEPPE, HOLLY	SWIM LESSON REFUND	7.50
09/14/2018	307510	TODD ARBANAS ENTERPRISES INC.	TREE REMOVAL SERVICE	5,300.00
09/14/2018	307511	ULINE, INC.	LOCKOUT SUPPLIES	393.13
09/14/2018	307512	UNITED PARCEL SERVICE	WEEKLY DELIVERY	32.49
09/14/2018	307513	UNIVERSAL SIGN, INC.	GATEWAY/PARK SIGNS	99,929.00
09/14/2018	307514	VERIZON WIRELESS SERVICES, LLC	CELL PHONE SERVICE	2,809.20
09/14/2018	307515	WASTE MANAGEMENT	2018 SPRING CLEAN UP	150,690.00
09/14/2018	307516	WEST BEND MUTUAL INSURANCE COMPANY	ART HOP ALCOHOL INSURANCE	50.00
Total Paper Check:				647,077.27
Check Type: Auto-Pay Payments				
09/04/2018	6958	CONSUMERS ENERGY	GAS-ELECTRIC	88.30
09/07/2018	6965	CONSUMERS ENERGY	GAS-ELECTRIC	92,449.31
09/10/2018	6966	CONSUMERS ENERGY	GAS-ELECTRIC	16,409.34
09/11/2018	6973	CONSUMERS ENERGY	GAS-ELECTRIC	1,025.27
09/12/2018	6976	CONSUMERS ENERGY	GAS-ELECTRIC	3,407.63
09/13/2018	6992	CONSUMERS ENERGY	GAS-ELECTRIC	19,037.34
09/14/2018	6998	CONSUMERS ENERGY	GAS-ELECTRIC	10,175.51
Total Auto-Pay Payments:				142,592.70
Grand Total:				1,294,918.33

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Spring Cleanup Program - Bid Tabulation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: Award a three year contract in the amount of \$515,796.29, with the option for three one-year renewals, to Waste Management of Michigan to perform the Annual Spring Cleanup Program and authorize the City Manager to execute all documents related to this action on behalf of the city.

Funding for the annual Spring Cleanup Program is provided through the special millage Fund 226. The program involves the collection of unwanted household items each spring. The current contract with Waste Management of Michigan was awarded by City Council on September 11, 2012 and will expire September 30, 2018.

Invitations to bid on the Spring Cleanup Program were sent to three potential bidders and advertised on the city web site. On August 21, 2018, the two bids submitted were opened, with the low bid being submitted by Waste Management of Michigan in the amount of \$515,796.29.

Waste Management has successfully completed previous Spring Cleanup services for the city from 1998 to the present. Under the proposed contract, Waste Management would provide Spring Cleanup services for a three-year period in the amount of \$163,615.00 for 2019, \$171,795.75 for 2020 and \$180,385.54 for 2021, with the option for up to three one-year renewals.

It is recommended that the Council award a three-year contract in the amount of \$515,796.29, with the option for three one-year renewals, to Waste Management of Michigan to provide Spring Cleanup program and authorize the City Manager to execute all documents related to the contract.

FUNDING: Funds will be budgeted and appropriated in Fund 226 for each of the fiscal budget years.

Attachments: 1. Bid Tabulation

SPRING CLEANUP PROGRAM
BID TABULATION

	Republic Services	Waste Management	Best Way Disposal
Three Year Proposal for Spring Cleanup			
Spring 2019	No Bid	\$163,615.00	\$176,643.00
Spring 2020	No Bid	\$171,795.75	\$185,475.00
Spring 2021	No Bid	\$180,385.54	\$194,748.00
Total:	No Bid	\$515,796.29	\$556,866.00

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Provisioning of Cable Access Broadcasting and Live Streaming Services

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED:

1. Approve the purchase of a new broadcast and live-stream cablecasting system from AVI Systems, Incorporated, along with a three-year professional services contract for training and support maintenance in the total amount of \$143,855.63,
2. approve a two-year professional services contract with Image Stream in the amount of \$180,568 for the provisioning of professional cablecast operations

and authorize the City Manager to execute all documents related to this action on behalf of the city.

On April 24, 2018, City Council authorized the City Manager to notify Public Media Network (PMN) that the city intends to withdraw its membership from the media consortium and to begin the process of transitioning PMN cablecasting duties to the city. Providing in-house cablecasting and government channel programming services will require engineering and design of a new broadcast and live-stream cablecasting system and professional cablecast operations personnel.

Requests for sealed proposals for 1) a design and engineering solution for a cablecasting and programming system, as well as support and training, and 2) professional cablecasting operations and videography services were advertised. A total of six proposals for design and engineering of a cablecasting and programming system and three proposals for cablecasting operations and videography services were received. The City Administration conducted an extensive review of the proposals, including interviews with the vendors, and recommends the approval of one three-year contract with AVI Systems, Incorporated of Byron Center, Michigan in the amount of \$143,855.65 (\$122,952.65 for equipment and \$20,902.98 for professional services) and Image Stream of Portage, Michigan in the amount of \$180,568.

The table below shows the total combined cost of both recommended proposals of \$419,221.83 over a three-year period, which is an approximate cost reduction of \$722,245 over the same three-year period based on historic annual payments to PMN, calculated at \$1,141,467. Approximately \$30,000 of special encoding equipment will be purchased separately from the cable service providers (Spectrum and AT&T).

	Current Operational Expenses	New Annual Operational Expenses	Annual Savings
Year One	\$380,489	\$220,204.31	\$160,284.69
Year Two	\$380,489	\$97,251.66	\$283,237.34
Year Three	\$380,489	\$101,765.86 (5% estimated price increase)	\$278,723.14
TOTALS	\$1,141,467	\$419,221.83	\$722,245.17

The proposals from AVI Systems, Incorporated, and Image Stream provide the best and most complete level of capability, experience, quality, support and value required by the city for a successful cablecasting operation, while also providing a significant reduction (nearly 63%) in cablecasting expenses. The cost savings associated with this new operation will allow the city to support a more comprehensive community communications program and reduce technology-related capital expenses.

AVI Systems, Incorporated, provided the most detailed proposal, inclusive of engineering design schematics, equipment breakdown and statement of work. The proposed solution best meets city requirements using quality, industry-standard equipment that can support future growth without the need for a complete overhaul and brings all systems to current standards. The proposed maintenance, support and training program is superior over other vendors. The proposed solution also includes special features such as remote system access for posting emergency notifications and live dynamic content for local news, weather and traffic alerts.

Image Stream offers the most experienced staff who have direct experience with cable access center operations and running live municipal cable access meetings, as well as with major live “town hall” type broadcasts for a major local employer that are viewed simultaneously from 11 locations around the world. Image Stream also has experience developing award-winning municipal video productions and provides the lowest hourly rates for additional, non-contractual work.

The transition is expected to take approximately six to eight weeks for equipment installation, systems testing, staff training and setup of a new government channel through Spectrum and AT&T. The Technology Services Department will continue to oversee all aspects of this important project, including coordination with PMN for the removal of equipment and setup of initial government channel programming.

It is recommended that City Council approve the purchase of a new broadcast and live-stream cablecasting system from AVI Systems, Incorporated, along with a three-year professional services contract for training and support maintenance in the total amount of \$143,855.63, approve a two-year professional services contract with Image Stream in the amount of \$180,568 for the provisioning of professional cablecast operations and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funds are budgeted and available in the Fiscal Year 2018-19 Cable Access Fund for this purpose.

Attachments: 1. Pricing Tabulation - Engineered Solution

2. Pricing Tabulation - Cablecast Services

**VIDEO BROADCAST/LIVE STREAMING EQUIPMENT FOR CITY COUNCIL CHAMBERS
FINAL TABULATION**

	Third Coast Tech LLC	TPC Technologies Inc.	P.S. Ideas LLC dba Summit Engineering Group	AVI Systems	Sport View Technologies	Stream Station, Inc.
New Equipment	\$61,689.34	\$79,975.82	\$112,783.32	\$122,952.65	\$123,817.51	See Below
Turnkey Solution						
Year 1	Included	Included	\$15,459.00	\$6,967.66	\$9,045.02	\$238,840.00
Year 2	\$2,196.15	\$1,000.00	\$3,200.00	\$6,967.66	\$9,045.02	\$238,840.00
Year 3	\$2,495.18	\$1,000.00	\$3,500.00	\$6,967.66	\$9,045.02	\$238,840.00
Grand Total Equipment and Yearly Rates	\$66,380.67	\$81,975.82	\$134,942.32	\$143,855.63	\$150,952.57	\$716,520.00

TABULATION OF PROPOSALS
CABLECAST, LIVE STREAM, VIDEOGRAPHY OPERATIONS

<u>Firm</u>	<u>Annual Rate</u>			<u>Hourly Rates/Additional Work/Other Charges</u>	
	<u>Cablecast, Live Stream, Editing, Programming, Scheduling</u>	<u>Video Production</u>	<u>Annual Total</u>	<u>Description</u>	<u>Hourly Rate</u>
Absolute Video 951 W. Milham Ave. Portage, MI 49024	\$61,200	\$24,000.00	\$85,200.00	Field Videography	\$180.00
				Editing & Multi-Media Design	\$120.00
				Website & App Development	\$120.00
				Project Management	\$120.00
				Transfers	\$25.00 each
				Basic Training & Community Support	Negotiated
ImageStream, Inc. 6646 Portage Road Portage, MI 49002	\$41,534.00	\$48,750.00	\$90,284.00	Additional professional hours	\$120.00
				Additional edit hours	\$150.00
				Additional Technical hours	\$90.00
				*These costs would be applied to additional programming supplied by the City such as podcasts, Power Point presentations	
Lawrence Productions, Inc. 6146 W. Main Kalamazoo, MI 49009	\$60,200.00	\$50,200.00	\$110,400.00	Coverage of Additional Meetings	\$200.00
				2-Person Video Crew	\$200.00
				Producer/Director	\$100.00
				Post Production	\$200.00
				Audio Recording Studio	\$110.00
				File Conversions & Uploads	\$50.00 each
				Multi-Camera Remote Studio	\$500.00
				Teleprompter	\$300.00/day
				Makeup/Stylist	\$600.00/day
				Licensed Music	\$100.00/cut
				Drone & Licensed Operator	\$250.00

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Acquisition of 117 East Centre Avenue

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Authorize the city acquisition of 117 East Centre Avenue, owned by Ronald Saline, for the amount of \$50,000, subject to satisfactory title and environmental assessment and authorize the Mayor to execute all related documents on behalf of the city.

The City Administration has negotiated a purchase and sale agreement for 117 East Centre Avenue, owned by Ronald Saline. The vacant, 0.2 acre property is zoned B-3, General Business. As shown on the vicinity map, the acquisition of this parcel would enhance the value of other city-owned property within the Brown/Centre/South Westnedge block. The additional property would afford the city greater flexibility in considering public/civic uses in this area at some point in the future, be that in pursuit of an expanded Senior Center/community center or alternative public use. Also, given the location of the parcel in close proximity to the South Westnedge Avenue/Centre Avenue intersection, public ownership would provide the opportunity to control access and/or assist with the provision of a right-turn lane for westbound vehicles if determined appropriate in future years. Finally, as an economic development public purpose, acquisition of the property would also strengthen the ability of the city to influence redevelopment of the area consistent with the City Centre Plan and Vision 2025.

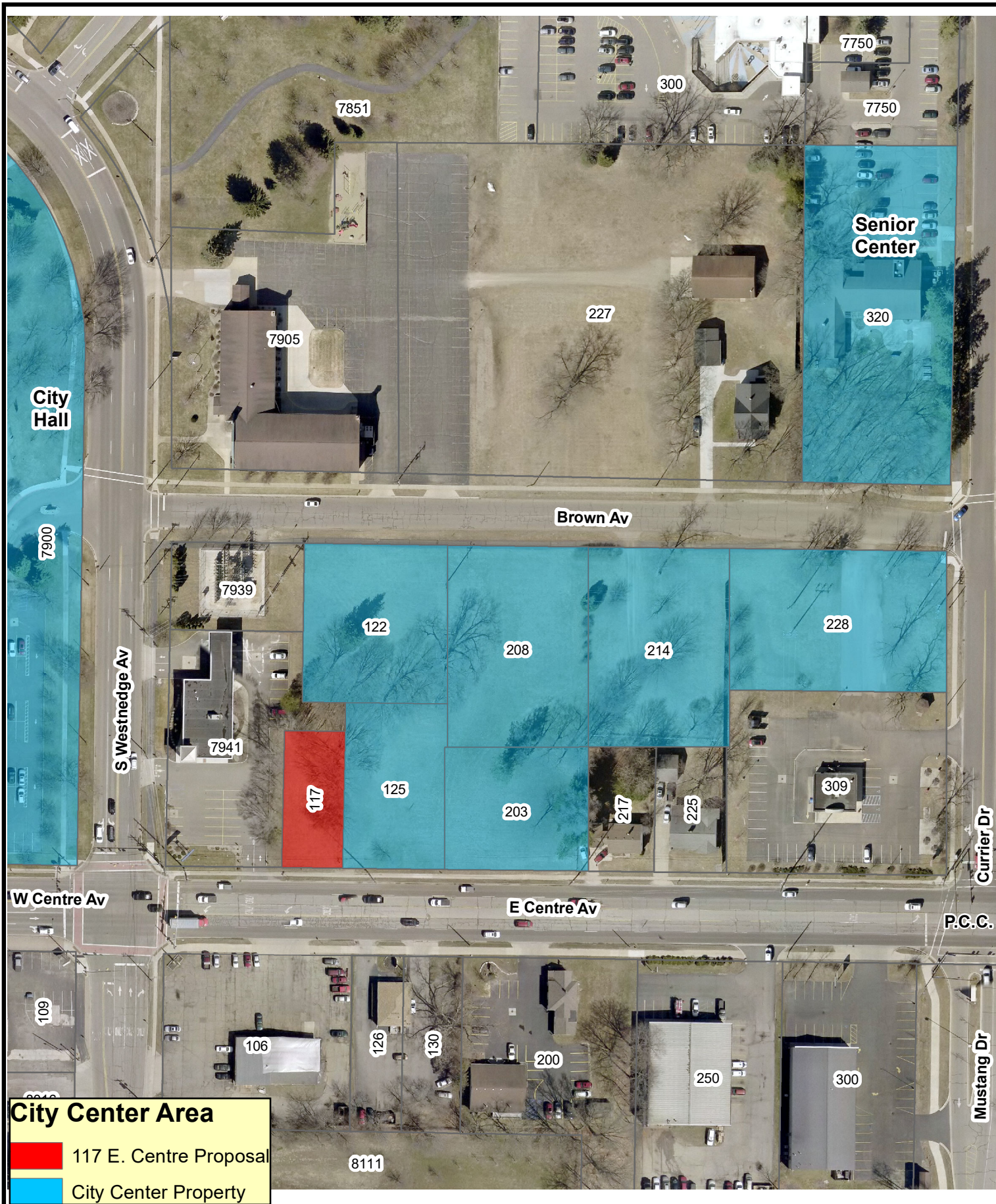
In December 2012, a proposal to purchase this property was approved by City Council. Subsequent to the approval, however, the property owner sold the property to Mr. Saline. The city obtained an appraisal of the property in August 2018, which indicates the estimated market value of the property is \$53,000, whereas the negotiated purchase price is \$50,000. Funding for this acquisition will come from the accumulated fund balance at the end of FY 2017-2018.

It is recommended that City Council approve the acquisition subject to clean title and a Phase 1 Environmental Report and authorize the Mayor to execute all related documents on behalf of the city.

FUNDING: \$50,000 from the accumulated fund balance at the end of FY 2017-2018.

Attachments:

1. 117 East Centre Avenue - Vicinity Map
2. Kal-Creek Commercial Appraisers report
3. Authorized Buy & Sell Agreement



City Center Area Map

Date: 9/14/2018

1 inch = 125 feet



Kal-Creek Commercial Appraisers, L.C.

3129 Fleetwood Drive
Portage, Michigan 49024
Phone (269) 327-1100
E-Mail: jfrancis.kalcreek@gmail.com

Appraisal Report



117 East Centre Avenue
Portage, Michigan 49002



Vacant Commercial Land



Prepared By: Joel Francis, SRA, GRI



Kal-Creek File #15112

Table of Contents

Page

1 Cover Page

Part 1 - Introduction & Premises of the Appraisal

3 Transmittal Information
4 Market Value - Defined
5 Appraisal Summary
3-Year Property History
7 Certification
8 Assumptions and Limiting Conditions
11 Scope of Work
12 Hypothetical Conditions / Extraordinary Assumptions
13 Public Records

Part 2 - Presentation of Data

14 Location Observations and Descriptions
16 FEMA Flood Hazard Status
Environmental Concerns and Adverse Conditions
Zoning
17 Real Estate Taxes, Assessed Value and Special Assessments
Site Descriptions
18 Exhibits

Part 3 - Analysis of Market Data and Conclusions

24 Highest & Best Use and Related Considerations
25 Sales Comparison Analysis
36 Marketing Time / Exposure Time

Part 4 - Value Conclusion

37 Review of Indicated Values
Reconciliation
Value Conclusion

Part 5 - Appraiser Information and Addenda

38 Appraiser Information
39 Privacy Notice

Kal-Creek Commercial Appraisers, L.C.

◆◆◆ Transmittal Information ◆◆◆

Client / Intended User	City of Portage 7900 South Westnedge Avenue Portage, Michigan 49002
Attention	Larry Shaffer City Manager
Subject Properties	117 East Centre Avenue Portage, Michigan 49002 (Vacant Commercial Land)
Owner of Record	Saline, Ronald J. 3059 Woodhams Avenue Portage, Michigan 49002
Client's Instructions	
• <i>Appraise</i>	Subject property identified above
• <i>Type of value</i>	Market Value
• <i>Property rights</i>	Fee Simple
• <i>Report format</i>	Narrative Report
• <i>Purpose/Intended use</i>	To provide my opinion of market value, as of the effective date, to assist the client with the possible purchase of the property.
Opinion of Value	
• <i>Basis</i>	Analysis of market data available when the report was prepared
• <i>Property status</i>	"As Is"
• <i>Effective date</i>	August 30, 2018
• <i>Property tour date</i>	August 30, 2018
• <i>Exposure time</i>	1-year or less
• <i>Report signed</i>	September 10, 2018 (date of the report)
• <i>Market Value</i>	\$53,000 (Fifty three thousand dollars)

Appraiser

Joel Francis, SRA, GRI
Certified General Appraiser, State of Michigan

Appraiser Competency

I have the educational background, appraisal experience with this property type, geographical competency and appraisal license level required to competently appraise the subject property.

Advocacy

It is unethical for me to be an advocate for anyone's value preferences, including the client. *I can only be an advocate for the value type(s) defined in this appraisal report.*

Transmittal Information Continued on Next Page.....

Instructions to the Reader

- This appraisal report contains 39 pages which are all numbered; and must remain attached as a single document for the value opinion(s) to be valid.
- The reader is encouraged to review the entire appraisal report, particularly the:
 - Assumptions and Limitations of the Appraisal
 - Extraordinary Assumptions and Hypothetical Conditions
 - Scope of Work
- It is expected that the client/owner(s) will read the entire report and inform me of possible errors so that these can be corrected, if warranted.

Personal Property / Non-Realty Items / Trade Fixtures

No personal property, non-realty items or trade fixtures are included in the appraised value.

Appraisal Report

- The report may include abbreviated discussions of the data, reasoning, and analysis used in the appraisal process.
- Supporting documentation is retained in the Kal-Creek office files.
- Information in this report is specific client's needs and for the stated intended use.
- I am not responsible for unauthorized use of this report.

Market Value - Defined

The most probable price a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- buyer and seller are typically motivated;
- both parties are well informed or well advised, and acting in what they consider their own best interests;
- a reasonable time is allowed for exposure in the open market;
- payment is made in terms of cash in U.S. dollars, or in terms of financial arrangements comparable thereto; and
- the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].)

Appraisal Summary

Additional Location Information

- City of Portage, Kalamazoo County, Michigan
- Location classification: Suburban
- Public School District: Portage

Subject Property Classification(s)

Commercial Vacant Land

Highest and Best Use

Two reasonable scenario's

- Improve the subject property with a commercial/office building that compliments this area and market segment. The small site size narrow's the number of potential uses of the property; and the property only fronts on East Centre Avenue near the intersection with South Westnedge Avenue. During high traffic periods, traffic backs make access to the subject somewhat inconvenient at times. This is an inferior option compared to the next option.
- Assemble this property with adjacent site(s) to create a more functional and larger commercial/office building site. Ideally the assemblage would include frontage on Brown Street to provide a second access to the subject property.

Zoning

"B-3" General Business District

Subject Site

- **Dimensions**
 - 60' x 135.75' (per sectional map)
 - Net of public road right-of-way
 - Subject to property boundary survey
- **Site Size**
 - 8,145 square feet, also expressed as 0.187 acre

Buildings

None

3-Year Property History

Sales Activity

- According to assessor's records and the Multiple Listing Service information, no known sales have occurred within the past 3 years.
- Per assessor's records, this property last sold 3-18-13 for \$30,000. On 7-15-05 this property sold for \$130,000, at which time there was an older residence on the property.

Pending Sale / Listing Activity

The subject property is currently listed for sale

- *Current List Price* \$59,900
- *Market Exposure* On-off market since 5-18-15 (3+ years)
- *Initial List Price* \$79,900
- ***Pending Sale Price*** **\$52,000 (sales agreement not provided to appraiser)**
- *Purchase Options* *None known*

Certification

I Certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. I have performed no services, as an appraiser, or in any other capacity regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
9. I have made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the person signing this certification.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with, and is subject to, the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
13. As of the date of this report, I have not completed the continuing education program for Designated Members of the Appraisal Institute.
14. As of the date of this report, I have completed the Standards and Ethics Education Requirements for Candidates of the Appraisal Institute.
15. In Michigan, appraisers are required to be licensed/certified and are regulated by the Michigan Department of Licensing and Regulatory Affairs, P.O. Box 30018, Lansing, Michigan 48909. (517)241-9201. The certification number for Joel Francis is 1201000573. The expiration date is July 31, 2019.


Joel Francis, SRA, GRI

Assumptions and Limiting Conditions

- This appraisal is solely for property valuation, and I am not qualified to go beyond that narrow scope.
- The accuracy of the information and analysis in this appraisal is limited.
- It is important to read this entire section to understand the limitations.
- This appraisal report is not intended for use by any 3rd party without my express written permission.
- Any losses and/or damages resulting from this appraisal are limited to the amount of the appraisal fee; and then only if the fee has been paid in full to the appraiser.

1.) Appraisal is not a survey. Assumptions:

- Legal description is correct.
- Use of the land and improvements is within the property boundaries and no encroachment or trespass exists unless noted.
- Maps, plats and drawings are reliable. Exhibits are visual aids for matters discussed in the report and are not guaranteed to be correct. A surveyor should be consulted for property boundaries, setbacks, encroachments, or other survey matters.
- Survey, legal description, and plans and specifications that were not available for the appraisal, when finalized will conform to the preliminary information provided by the client.

2.) Appraisal is not a legal opinion. Assumptions:

- Title is good and marketable. Responsibility is not assumed for legal matters that affect title to the property nor is an opinion of title given. The value estimate is given without regard to any questions of title, boundaries, encumbrances, or encroachments.
- Full compliance with federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report. A comprehensive examination of laws and regulations affecting the subject property was not performed for the appraisal.
- Applicable zoning, use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report. Information and analysis shown in this report concerning these items is based on a rudimentary investigation. Questions, concerns and verifications should be addressed to local zoning officials, land use officials or an attorney.
- Required licenses, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been, or can be obtained or renewed for any use on which the value estimate contained in this report is based. Consult appropriate government officials or an attorney for questions or concerns. I am not qualified to comprehensively examine laws and regulations affecting the subject property.

3.) Appraisal is not an engineering or property inspection report

- The appraisal is not a report on the physical items, although the report may include general physical descriptions. The information is for the property valuation and not a complete or detailed physical report. I am not a construction, engineering, environmental, or legal expert, and any statements on these matters should be considered preliminary in nature.

- The description of the condition of the physical items is based on a casual inspection only. For example, I am not an expert on heating systems and no attempt was made to inspect the interior of the furnace. The structure(s) was not checked for building code violations, and it is assumed that all buildings meet applicable building codes unless stated.
- Conditions behind walls, above ceilings, behind locked doors, blocked from view, or under ground are not exposed to casual view and were not inspected. Insulation materials are seldom exposed and are assumed to conform with the subject's market segment unless otherwise stated.
- It is assumed that there are no hidden or unapparent conditions on the property, subsoil, or structures that would render it more or less valuable. No responsibility is assumed for such conditions, or for the engineering to discover these factors.
- Building ages are estimated and based on circumstantial evidence such as: architectural plans, a conversation with those familiar with the history of the property such as the property owner(s) or on-site personnel, or are sometimes available from property assessment records.
- No guarantee is made for the adequacy of the foundation, roof, exterior walls, interior walls, floors, mechanical systems or any other component of the subject improvements.
- Appraisals subject to satisfactory completion, repairs, or alterations, are contingent upon completion of the improvements in a workmanlike manner, and in conformance with the plans and specifications provided to the appraiser. Construction inspections performed by the appraiser are only to verify that specified phases of the construction process have been completed. I am not a building inspector/engineer. The inspection is not for the purposes of evaluating building techniques or the adequacy of the materials being used for construction.
- Well and septic systems, private or public utilities (if any), are assumed to be in good working condition, and of sufficient size and capacity.

4.) Appraisal is not an environmental audit

I am not an environmental expert, and do not have the expertise necessary to determine the existence of environmental hazards on the subject property or surrounding properties. If I am aware of any adverse conditions, they are discussed. Non-disclosure is not an indication that problems do not exist. Consult an environment expert if there are concerns.

5.) Appraisal is made under conditions of uncertainty with limited data

- Appraisals are performed with limited data. Data limitations result from areas of expertise that are beyond the scope of the appraisal profession, certain components of the subject property are not accessible, and the inherent limitations of relying on information provided by others.
- The appraisal fee for this assignment did not contain unlimited funds for investigation. The appraiser has concentrated the investigation in areas pertinent to the appraisal problem. It is probable the appraiser does not have all information relevant to the subject property.
- Information provided by other sources such as governmental agencies, financial institutions, accountants, attorneys, and others is assumed to be true, correct and reliable. I assume no responsibility for the accuracy of such information.
- The comparable sales data is assumed to be from reliable sources. It is not possible to inspect each comparable in detail.

- Values in the appraisal report are projections based on analysis as of the effective date of the appraisal. These values may not be valid in other time periods or as conditions change. The appraiser takes no responsibility for events, conditions, or circumstances affecting the property's market value that take place after the effective date of value contained in this report, or the date of the field inspection.
- Mathematical models and other projections are based on estimates and assumptions subject to uncertainty. I do not represent them as results that will actually be achieved.
- No responsibility is assumed for incorrect analysis as a result of incorrect or incomplete information. If new information is provided after the completion of the appraisal, the value given in this report is subject to change without notice.
- Opinions and estimates in the appraisal are the appraiser's best judgment, but should not be taken as advice or recommendation to act. Actions should be based on your own judgment; and the decision process should consider many factors other than the value estimate and information given in this report.
- I assume that the property owner(s) or their representatives have represented the property accurately and completely, and have not withheld important information. This includes information regarding permits from appropriate governing authorities for any alterations or additions to the property.

6.) Appraisal report limitations

- Appraisal reports are addressed to the specific needs of the client. The report does not contain all of the information available concerning the subject property or the real estate market. No significant factors have been knowingly withheld. It is possible that information is not included which may be important to others but, in my opinion, is not applicable to this specific assignment.
- No consideration is given to personal property, or the cost of moving or relocating personal property, unless specifically stated.
- Unless stated in this report, the subject property is appraised without a specific compliance survey to determine conformance to the requirements of the Americans with Disabilities Act (ADA). Architectural and communications barriers that restrict access by disabled individuals may adversely affect the property's value, or marketability.
- I am not qualified to determine flood hazard area. Flood hazard information is from FEMA flood hazard maps.

7.) Appraisal restrictions

- This appraisal is prepared at the request of, and for the exclusive use of, the client to whom the appraisal is addressed. No third party has the right to use or rely upon this appraisal for any purpose.
- I am not required to give testimony or appear in court or pretrial conference or is my appearance required by subpoena with reference to the subject property, unless sufficient notice is given to allow for adequate preparation. Also, additional fees are to be paid by the client at our regular fees/rates for preparation and appearances.
- This report is made for the information and/or guidance of the client. The possession of this report, or a copy of the report, does not carry with it the right of publication. Neither all nor part of the contents of this report shall be conveyed to the public through news, advertising, public relations, sales, or other media without written consent and approval by the appraiser. Nor shall the appraiser, firm, or professional organization of which the appraiser is a member, be identified without the written consent of the appraiser.

- The client is advised not to give copies of the appraisal report to others. Legal advice should be obtained on potential liability issues before this is done. Anyone distributing incomplete or altered copies of the appraisal report (including all attachments) does so at their own risk and assumes complete liability for any harm caused.
- Values and conclusions are valid only when making a summation. They are not to be used independently for any purpose, and are invalid if so used. The allocation of the total value in this report between land and improvements applies only under the reported highest and best use of the property.
- No change of any item in the appraisal report shall be made by anyone other than me. I am not responsible for any unauthorized change(s).

8.) Miscellaneous assumptions

- Responsible ownership and competent property management are assumed.

Scope of Work

- The scope of this assignment is specific to the needs of ***City of Portage, the client and intended user.*** All other parties that choose to rely on the appraisal report do so at their own risk and should recognize that the assignment results were not developed or reported in a manner consistent with the needs or uses of parties other than the client.
- The property tour was performed within the context of the intended use and the intended user. The appraiser's viewing of the property is for valuation purposes only and is for the following ***intended use: To provide my opinion of market value, as of the effective date of this appraisal, to assist the client with the possible purchase of the subject property.***
- I personally:
 - Viewed the subject site/land from the public road
 - Toured the surrounding area
- Reviewed public records and/or conferred with public officials/employees concerning subject property information. This included assessors, treasurers and zoning data.
- Comparable sales data sources typically include: Kal-Creek files, assessor's records, Southwest Michigan Regional Information Center, Realtors, and appraisers.
- I personally viewed the comparable properties from public roads.
- Because sales are rare in this market segment, so for the comparable sale search it was necessary to include:
 - Older sales than preferred
 - Properties not as similar to the subject as preferred.
- The scope of work **does not** include:
 - Any attempt at discovery (or reporting) of potentially adverse neighborhood influences such as, but not limited to: nearby criminal activity; registered sex offenders; or interim rehabilitative facilities for felonious offenders.
 - A detailed analysis of every characteristic of the subject property's site and improvements relative to current zoning and building ordinances. Statements regarding zoning compliance are intended in the most general sense.
 - An environmental assessment of the subject property and should not be relied on as such.
 - An assessment of many site related issues. While no adverse site conditions were observed, many site related issues are beyond the scope of this assignment

and the expertise of the appraiser. A current boundary survey was not available which may reveal encroachments, easements, zoning violations, or other matters that could warrant modification of the appraiser's analysis and opinions.

- A complete or detailed physical report. I am not a construction, engineering, environmental, or legal expert. Any statements on these matters should be considered preliminary in nature.
- Appraisals are performed with limited data. There are areas of expertise that are beyond the scope of the appraisal profession; and there are inherent limitations by relying on information provided by others.
- The appraisal fee for this assignment does not contain unlimited funds for investigation. The investigation has been concentrated in areas pertinent to the appraisal problem. It is probable that I do not have all information relevant to the subject property. It is not reasonable or possible to deal with every aspect of the subject property or comparable properties in detail.
- My opinion of value is for a specific point in time, the effective date of appraisal, only. This value may not be valid in other time periods because of changing market conditions.
- **Additional Scope of Work items may be presented in other parts of this appraisal report.**

Hypothetical Conditions / Extraordinary Assumptions
--

Hypothetical Conditions

None

Extraordinary/Assumptions

None

Comments

The use of extraordinary assumptions and/or hypothetical conditions may affect the assignment results. I maintain the option to change the appraisal should these be incorrect.

Public Record

117 E CENTRE AVE PORTAGE, MI 49002 (Property Address)

Parcel Number: 00015-320-0

No Images Found

Property Owner: SALINE, RONALD J

Summary Information

> Assessed Value: \$16,600 | Taxable Value: \$16,600 > Property Tax information found
> 3 Building Department records found

Owner and Taxpayer Information

Owner	SALINE, RONALD J 3059 WOODHAMS AVE PORTAGE, MI 49002	Taxpayer	SEE OWNER INFORMATION
--------------	--	-----------------	-----------------------

General Information for Tax Year 2018

Property Class	202 COMMERCIAL VACANT	Unit	10 CITY OF PORTAGE
School District	PORTAGE	Assessed Value	\$16,600
SECTION	Not Available	Taxable Value	\$16,600
BOOK	Not Available	State Equalized Value	\$16,600
PROPERTY TYPE	Not Available	Date of Last Name Change	10/02/2013
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
CODE	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date No Data to Display

Principal Residence Exemption	June 1st	Final
2019	0.0000 %	-
2018	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2017	\$16,600	\$16,600	\$16,600
2016	\$29,000	\$29,000	\$27,983
2015	\$27,900	\$27,900	\$27,900

Land Information

Zoning Code	B-3	Total Acres	0.190
Land Value	\$33,200	Land Improvements	Not Available
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	EAST CENTRE COMMERCIAL	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	60.00 ft	135.00 ft
Total Frontage: 60.00 ft		Average Depth: 135.00 ft

Legal Description

SEC 15-3-11 BEG IN S LI SEC 15 AT PT 148.75 FT E OF SW COR TH E ALG SD S LI 60 FT TH N 178.75 FT, TH W 60 FT, TH S 178.75 FT TO BEG. RES S 43 FT FOR HWY

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
03/18/2013	\$30,000.00	WD	RLS LLC	SALINE, RONALD J	ARMS LENGTH	2013-013547
07/16/2005	\$0.00	QC	SCHIEFLER, ROGER & KATHLEEN	RLS LLC	INVALID SALE	2005-037310
07/15/2005	\$130,000.00	WD	ZIGTERMAN, MARK A & J	SCHIEFLER, ROGER	ARMS LENGTH	2005-057866

Location Observations and Descriptions

Subjects Location

- City of Portage, Kalamazoo County, Michigan.
- Classification: Suburban
- Public School District: Portage

Population

- City of Portage (Subject is located here)
 - 44,897 (2000 Census)
Change: **+3.1%**
 - 46,292 (2010 Census)
Change: **+5.5%**
 - 48,816 (2017 Census, estimate)
- City of Kalamazoo (Located immediately north of the city of Portage)
 - 76,145 (2000 Census)
Change: **-2.5%**
 - 74,262 (2010 Census)
Change: **+2.1%**
 - 75,807 (2017 Census, estimate)
- Kalamazoo County (City of Portage is part of Kalamazoo County)
 - 238,603 (2000 Census)
Change: **+4.9%**
 - 250,331 (2010 Census)
Change: **+3.3%**
 - 262,985 (2017 Census, estimate)

Highway Access

- US-131 is 3 miles west. This is a north-south highway that runs south to the Indiana border, and north a couple of hundred miles.
- Interstate-94 (I-94) is 2.5 miles north. I-94 is an east-west highway that passes through multiple states. I-94 provides direct access from Kalamazoo/Portage to Chicago and Detroit. The commute time ranges from 2 to 3 hours.

Local Economy

This part of Michigan has had overall, stable real estate market and economic conditions for many years. This is the result of: a diverse economic base; strategic location between Detroit and Chicago; close proximity to Interstate highways; and Western Michigan University is located in Kalamazoo (enrollment: 23,000 students).

Beginning in approximately 2007-2008, real estate values generally declined, in many cases dramatically. This continued until approximately late 2012. Beginning in approximately early 2013, real estate market conditions generally stabilized. Many market segments have appreciated since this time period.

Commercial/Office Market Condition Observations

- While market conditions appear to have improved in recent months, a high degree of uncertainty remains in the market. There is conflicting data that does not provide a clear indication of the future direction of the market.
- The subject property has a commercial zoning designation which would accommodate various commercial and office use possibilities.
- The Multiple Listing Service (MLS) provides the following supply and demand information.

- Search criteria: vacant land; all of MLS zone "K" (which is the greater Kalamazoo-Portage Area and immediately surrounding areas)

	<u>Commercial</u>	<u>Office</u>
▪ Currently Active Listings	109	14
▪ Pending Sales	9	0
▪ Closed Sales	19 (past 1-year)	0

Based on this there is a 3.9 year supply of commercial vacant land. Data is insufficient to establish a conclusive level of demand for offices.

- Search criteria: commercial vacant land; city of Portage (MLS areas "K19" and "K20")

	<u>Commercial</u>	<u>Office</u>
▪ Currently Active Listings	30	5
▪ Pending Sales	3	0
▪ Closed Sales	7 (past 1-year)	0

Based on this there is a 3 year supply of commercial vacant land. Data is insufficient to establish a conclusive level of demand for office buildings.

Land Uses

Land uses are mixed in the nearby area including:

- North Vacant land
- West Comerica Bank branch
- South Auto repair facility
- East Vacant land

Area Improvements

- *Public Utilities:* water, sewer, natural gas lines, electricity
- *Other:* paved roads, curbs and gutters, sidewalks, storm sewers, street lighting

Road Frontage

The subject property fronts on East Centre Avenue

- One of the primary east-west traffic-commercial corridors for the greater Portage area.
- 4-lane road (plus center turn lane) that accommodates overall high traffic levels.
- In 2011, Average Daily Traffic (ADT) counts were studied by the Kalamazoo County Road Commission for this part of East Centre Avenue. Close to the subject, the count was 22,031 vehicles per day.

Comments

- Most properties within the nearby area appear to be adequately to well maintained.
- The subject is close the intersection of East Centre Avenue and South Westnedge Avenue. During higher traffic periods, access to the subject property is more difficult.

FEMA Flood Hazard Status

Flood Hazard No
FEMA Map Zone "X"
Map # 26077 C 0304 D
Map Date 2-17-10

Comment

I am not qualified to identify flood hazard areas. If there are concerns, a surveyor should be consulted.

Environmental Concerns and Adverse Conditions

- The assessor's records does not include the year built of the subject building that was razed in recent years. It was likely constructed well before the late 1970's, at a time when asbestos and lead based paints were in use.
- The property located across the street to the south, is a former gas station. There is the potential for environmental issues, primarily related to underground fuel storage tanks.
- Radon has been detected at some properties in this part of Michigan.
- ***Note:*** I am not an environmental expert. Concerns should be directed to an environmental auditing firm.

Zoning

Designation "B-3" General Business District
Zoning Change Unlikely in near future. The future land use map labels the immediate area as "City Centre."

Comment

- The scope of this assignment does not include a detailed analysis of every characteristic of the subject property's site and/or improvements relative to current zoning and building ordinances.
- This zoning district allows for a broad spectrum of uses, including uses allowed in the B-2 (community business), B-1 (local business) and OS-1 (off-service) districts.
- Future Land Use: City Centre

Real Estate Taxes, Assessed Value & Special Assessments
--

<i>Parcel</i>	3910-00015-320-O
<i>Assessed Value (2018)</i>	\$16,600
<i>Taxable Value (2015)</i>	\$16,600
<i>Special Assessments</i>	None known
<i>Assessor's Market Value</i>	\$33,200

Property Taxes

• Winter 2017	\$ 56.28
• Summer 2018	<u>\$ 954.73</u>
• 1-Year Total	\$1,011.01

Assessed Value History

• 2018	\$16,600	
Change		No Change
• 2017	\$16,600	
Change		-42.76%
• 2016	\$29,000	
Change		+3.94%
• 2015	\$27,900	

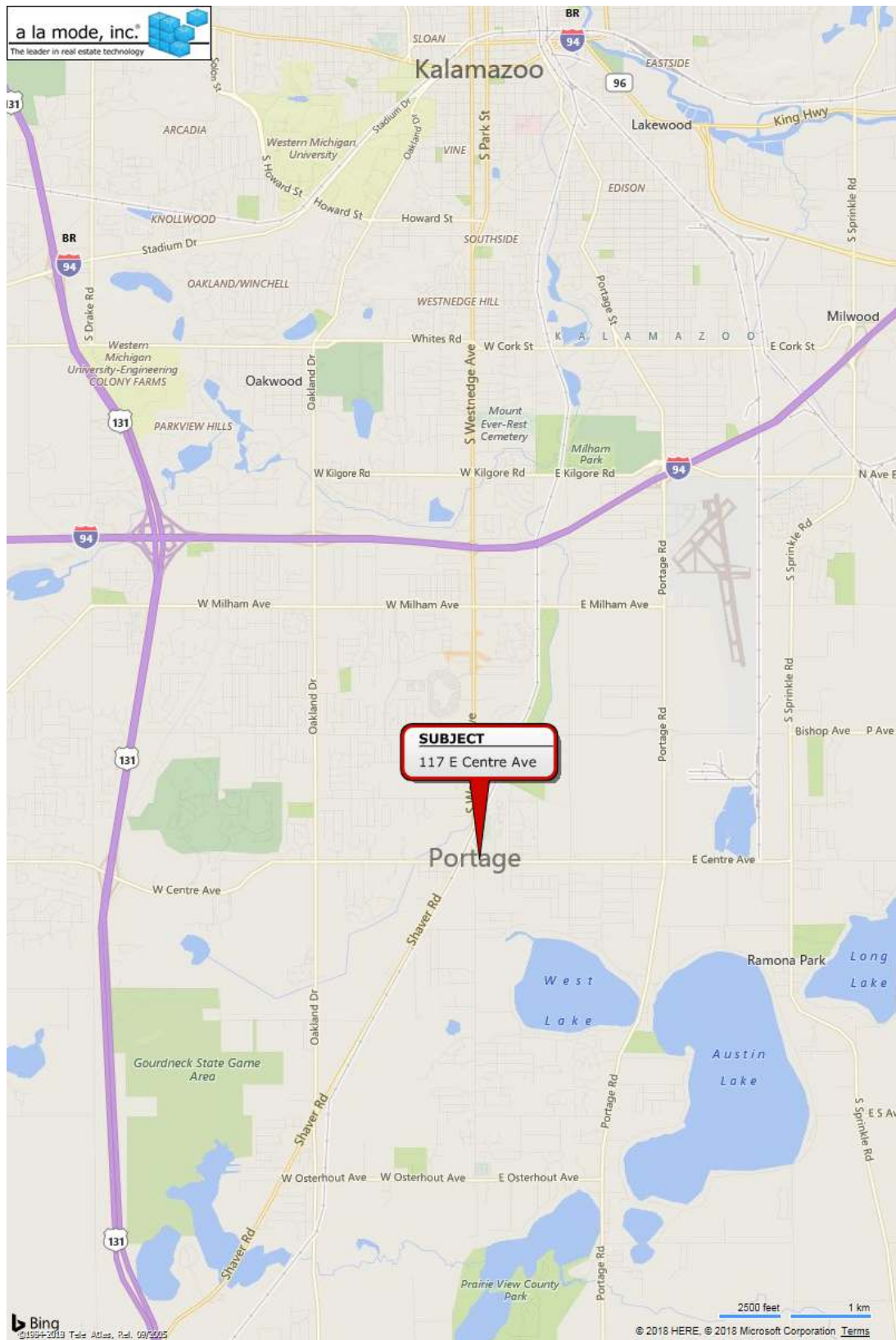
Comments

- *Theoretically, properties in Michigan are assessed at 50% of their actual market value.

Site Descriptions

<i>Dimensions</i>	60' x 135.75' (net of the public road right-of-way)
<i>Site Sizes</i>	8,145 square feet, also expressed as 0.187 acre
<i>Shape</i>	Rectangular
<i>Topography</i>	Level
<i>Visibility</i>	Good (main road)
<i>Corner</i>	No

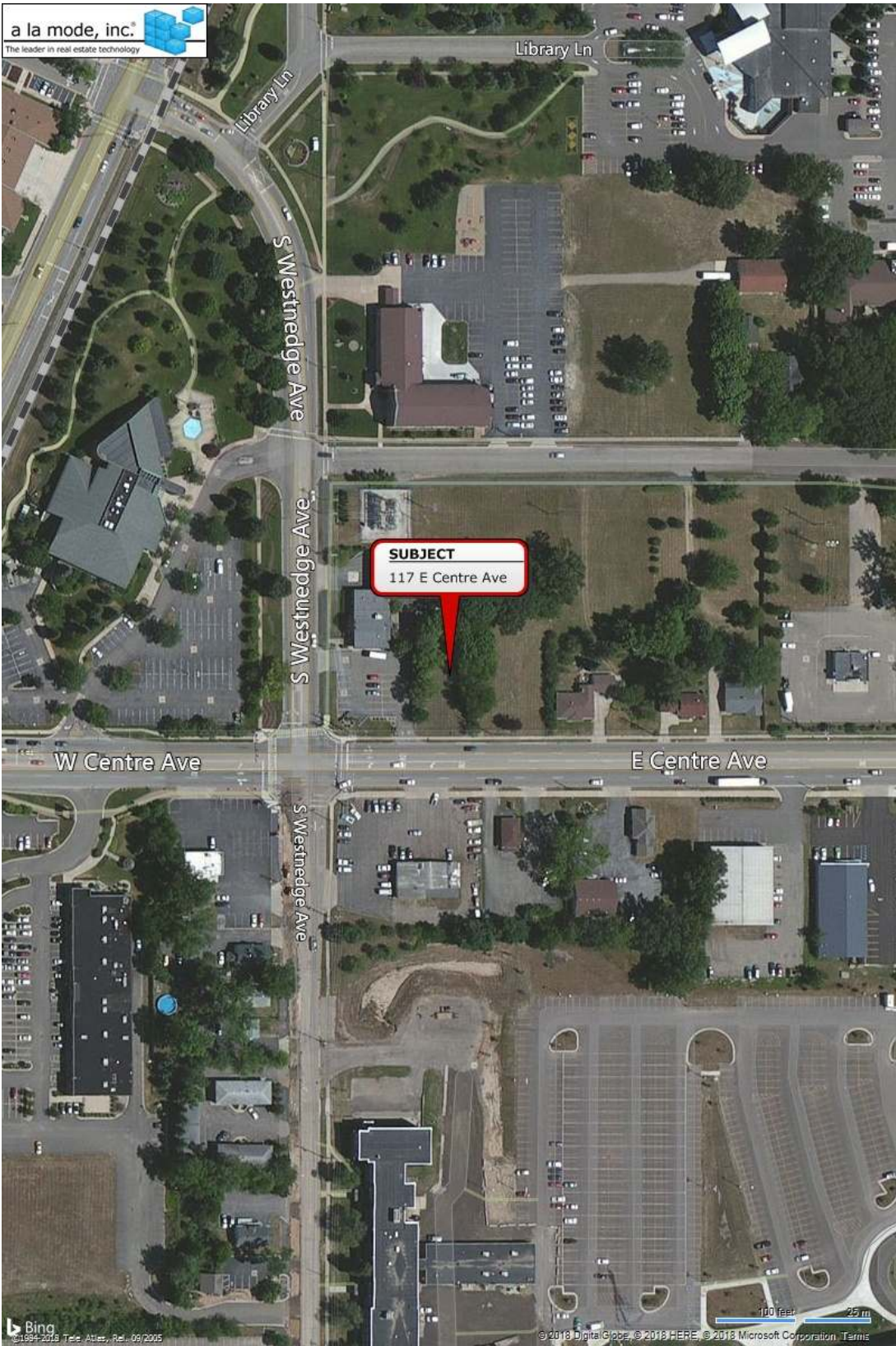
Regional Map



Aerial Area Map



Local Aerial Map



Aerial Sectional Map





East Centre Avenue - Looking West



East Centre Avenue - Looking East



Subject Land - Viewed from East Centre Avenue



Subject Land - Viewed from Brown Avenue



Comerica - Located Immediately West



Area View - Looking South

Highest & Best Use and Related Considerations

Typical Buyer

Typical buyers could include:

- An investor(s) with intentions of
 - Constructing an income generating building on the subject site as configured.
 - Assembling the subject land with adjacent parcels for larger scale development.
- Owner-occupant with intentions of constructing a building to accommodate their business.

Current Use of Subject Property

The subject is currently a vacant site/land.

Highest and Best Use

Two reasonable scenario's

- Improve property with commercial/office building that compliments this area and market segment. The small site size narrow's the number of potential uses of the property; and the property only fronts on East Centre Avenue near the intersection with South Westnedge Avenue. During high traffic periods, traffic backups can make accessing the subject property somewhat inconvenient. This is an inferior option compared to the next option.
- Assemble this property with adjacent site(s) to create a more functional and larger commercial/office building site. Ideally the assemblage would include a property with frontage on Brown Street to provide a second access to the subject property.

Comments

The city of Portage, the client for this appraisal, also owns six other parcels on the same block as the subject property. I have observed instances in the region, where the assemblage of parcels of land in key locations has resulted with a composite value in excess of the total cost to acquire the individual pieces of land. I have not been asked to value the parcels as an assembled property, therefore, it is unknown if there is additional value or not in this particular case. Following is a map showing the subject property in relationship to other properties owned by the city of Portage.

Parcels Owned by City of Portage



Sales Comparison Analysis

- The sales comparison approach is the analysis of comparable property sales situated in the same or similar markets.
- Sales are rare in this market segment. The search included:
 - Multiple Listing Service
 - Assessor's records (searching for private sales). I avoid using private sales because: these properties are often not exposed to the market; and it is difficult and often not possible to verify sale information with a satisfactory level of confidence. In situations similar to this, it is often necessary to include these.
- Because sales are exceptionally rare, it was necessary to include:
 - Properties with diverse property features and characteristics, and not as similar to the subject as preferred.
 - Sales that are older than preferred.
 - Some comparable sales that are improved with older residences that contribute little to nothing to the overall property value, and may indeed be a negative factor due to the cost to raze the structures.
- In addition to the sales comparison analysis, I reviewed several current, expired and canceled competitive listings. These are not included in the report.
- It is often appropriate to analyze the comparables using units of comparison. The most appropriate unit of comparison for this market segment is the price per square foot of land size.
- The final value conclusion is valid on the effective date only, a single point in time. There is a high degree of uncertainty and no predominate consensus as to what the market will do in the near future. Any market changes have the potential to drastically affect the value of the subject from this *point in time* value estimate.
- The property rights appraised for the subject is the fee simple interest. All of the comparable sales were sold on a fee simple interest basis
- I personally viewed all comparable sales from the public road.

Comparable 1



710, 732 East Centre Avenue

City of Portage, Kalamazoo County

Price per Square Foot of Site

\$2.36

<i>Price</i>	\$230,000
<i>Terms</i>	Cash
<i>Closed</i>	10-7-15
<i>Grantor</i>	Alto Convenience, Inc.
<i>Grantee</i>	Portage Memory Care, LLC
<i>Recording Instrument</i>	Warranty Deed, document #2015-035201
<i>Market Exposure Time</i>	161 days
<i>List Price</i>	Initial and final: \$299,000
<i>3-Year Property History</i>	Previous sale: 12-9-13 for \$185,000
<i>MLS #</i>	14062957
<i>Assessor's Parcel #</i>	♦ 710 E. Centre Ave.: 3910-04680-016-O ♦ 732 E. Centre Ave.: 3910-00022-150-O

Site

<i>Size (combined)</i>	97,574 square feet , also expressed as 2.24 acres
<i>Road Frontage</i>	♦ 300.29 feet on E. Centre Ave. (primary frontage) ♦ 163.59 feet on Lakewood Dr.
<i>Public Utilities</i>	Water, sewer, electricity, natural gas
<i>Zoning</i>	"OS-1" Office/Service
<i>Corner</i>	Yes, southeast corner of Lakewood Dr. and W. Centre Ave.
<i>Features</i>	Level topography

Comments

- These parcels are contiguous
- Listing-selling agent, Dane L. Davis, NAI Wisinski, (269) 549-0431.
- Public School District: Portage
- This property, for several years, accommodated a fresh produce market. Prior to this sale, several structures were razed.
- Construction of Portage Memory Care was recently completed on this site.
- Per the Kalamazoo County Road Commission, the ADT count(s) include:
 - Taken in 2015, 1.5 blocks west: 21,239
 - Taken in 2015, 1.5 blocks east: 20,407

Kal-Creek Commercial Appraisers, L.C.

City of Portage Map Document



1:2500

Map Publication:

Wed Jan 22 2014 02:39:28 PM

Disclaimer:

This map does not represent a survey or legal document and is provided on an "as is" basis. City of Portage expresses no warranty for the information displayed on this map document.

Comparable 2



203 East Centre Avenue & 208 Brown Avenue

City of Portage, Kalamazoo County

Price per Square Foot of Site

\$4.04

<i>Price</i>	\$180,000
<i>Terms</i>	Conventional mortgage
<i>Closed</i>	7-3-15
<i>Grantor</i>	Meyer, Marian, et.al
<i>Grantee</i>	City of Portage
<i>Recording Instrument</i>	Warranty Deed, document #2015-020964
<i>Market Exposure Time</i>	63 days
<i>List Price</i>	Initial and final: \$195,000
<i>3-Year Property History</i>	None known
<i>MLS #</i>	15004448
<i>Assessor's Parcel #</i>	3910-00015-330-A and 3910-01480-004-O

Site

<i>Size (combined)</i>	44,578 square feet , also expressed as 1.02 acre
<i>Road Frontage</i>	◆ 141.28 feet on W. Centre Ave. ◆ 139.5 feet on Brown Ave.
<i>Public Utilities</i>	Water, sewer, electricity, natural gas
<i>Zoning</i>	"B-3" General Business
<i>Corner</i>	No, but has frontage on 2 roads
<i>Features</i>	Level topography

Comments

- Listing/selling agent, Ellie Callander, Callander Commercial Realtors, (269) 349-1000
- Public School District: Portage
- I have appraised this property
- This property is 2 properties east of the subject.
- Per the Kalamazoo County Road Commission, the ADT count(s) include:
 - Taken in 2011, on same block: 22,031

[illegible]

Comparable 3



1801 West Centre Avenue
City of Portage, Kalamazoo County

Price per Square Foot of Site

\$5.00

<i>Price</i>	\$200,000
<i>Terms</i>	Cash
<i>Sold</i>	11-15-17
<i>Grantor</i>	Portage Free Methodist
<i>Grantee</i>	Kathrine Khaghany, LLC
<i>Instrument Type</i>	Warranty Deed, document #2017-039729
<i>Market Exposure Time</i>	Not applicable, private sale
<i>List Price</i>	Not applicable, private sale
<i>3-Year Sales History</i>	None known
<i>Listing #</i>	Not applicable, private sale
<i>Assessor's Parcel #</i>	3910-00020-015-B

Site

<i>Size</i>	40,020 square feet , also expressed as 0.919 acre
<i>Road Frontage</i>	172.5 feet on West Centre Avenue
<i>Zoning</i>	"OS-1" Office-Service District
<i>Public Utilities</i>	Water, sewer, electricity and natural gas
<i>Corner</i>	No
<i>Features</i>	Level topography

Comments

- Since the sale date, this property has been improved with a new office building.
- Public School District: Portage
- Per the Kalamazoo County Road Commission, the ADT count(s) include:
 - Taken in 2014, 1 block west: 21,297
 - Taken in 2015, 1 blocks east: 22,840

Comparable 3 - Aerial Sectional Map



Comparable 4 (REO)



217 East Centre Avenue
City of Portage, Kalamazoo County

Price per Square Foot of Site

\$5.88

<i>Price</i>	\$47,350
<i>Terms</i>	Cash
<i>Sold</i>	4-29-13
<i>Grantor</i>	Federal National Mortgage Association
<i>Grantee</i>	Mattingly, Stephen & Amy
<i>Recording Instrument</i>	Warranty Deed, document #2013-021658
<i>Market Exposure Time</i>	2.4 years
<i>List Price</i>	Initial: \$150,000. Final: \$52,000
<i>3-Year Sales History</i>	None known, only foreclosure related activity
<i>MLS #</i>	12059993
<i>Assessor's Parcel #</i>	3910-00015-335-O

Site

<i>Dimensions</i>	66' x 122'
<i>Size</i>	8,052 square feet ; also expressed as 0.18 acre
<i>Road Frontage</i>	66 feet
<i>Zoning</i>	"B-3" General Business
<i>Public Utilities</i>	Sewer, water, electricity and natural gas
<i>Corner</i>	No

Building

♦ <i>Gross Building Area</i>	832 square feet	♦ <i>Year Built / Age</i>	1957 / 58 years
♦ <i>Substructure</i>	Wood frame	♦ <i>Foundation</i>	Full basement
♦ <i># Buildings</i>	1	♦ <i>#Levels</i>	1

Comments

- This property was bank-owned at the time of sale; however, it had more than adequate market exposure time.
- 1-car attached garage
- This property has been listed as an improved site, and as a vacant redevelopment site.
- This property is located 3 properties east of the subject property.
- This property also had an Arm's Length sale 6-30-06 for \$134,900.

- Per the Kalamazoo County Road Commission, the ADT count(s) include:
 - Taken in 2011, on same block: 22,031

Comparable 4 - Aerial Sectional Map



Comparable Sale Location Map



Sales Comparison Adjustment Grid

	<u>Subject</u> 117	<u>Comp. 1</u> 710 & 732	<u>Comp. 2</u> 203	<u>Comp. 3</u> 1801	<u>Comp. 4</u> 217
<i>Address</i>	E. Centre Ave.	E. Centre Ave.	E. Centre Ave.	W. Centre Ave.	E. Centre Ave.
<i>Price per Sq. Ft. of Site</i>	-----	\$2.36	\$4.04	\$5.00	\$5.88
<i>Time Adjustment</i>	9-18	<u>10-15</u> +5%	<u>7-15</u> +5%	<u>11-17</u> +3%	<u>4-13</u> +5%
<i>Location Adjustment</i>	Good	<u>Inferior</u> +2%	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-
<i>Site Adjustment</i>	8,145 sq.ft.	<u>97,574 sq.ft.</u> +89%	<u>44,578 sq.ft.</u> +36%	<u>40,020 sq.ft.</u> +32%	<u>8,052 sq.ft.</u> -0-
<i>Zoning Adjustment</i>	"B-3"	<u>"OS-1"</u> +10%	<u>"B-3"</u> -0-	<u>"OS-1"</u> +10%	<u>"B-3"</u> -0-
<i>Functional Adjustment</i>	See Comments	<u>Superior</u> -5%	<u>Superior</u> -5%	<u>Similar</u> -0-	<u>Similar</u> -0-
<i>Other Adjustment</i>	See Comments	<u>Similar</u> -0-	<u>Inferior</u> +5%	<u>Similar</u> -0-	<u>Inferior</u> +5%
<i>Net Adjustment</i>		+101%	+41%	+45%	+10%
Adjusted Price per Sq.Ft. of Site		\$4.74	\$5.70	\$7.25	\$6.47

Sale Comparison Analysis - Indicated Value

- The comparables have adjusted sales prices per square foot of site size ranging from \$4.74 to \$7.25. Sales in this market segment are rare, and market participants have little on which to based pricing decisions. As a result, sales prices are somewhat inconsistent.
- Comparable #4, even though it is an older sale, is given somewhat greater consideration. This property is located three properties east of the subject property. The land size is similar to the subject's. The land sizes of the other comparables are considerably larger than the subject.
- Based on the sales comparison analysis and taking into consideration the recently improving market conditions, a rate of **\$6.50 per square foot of site size** is reasonable for the subject property, multiplied by the subject's site size of **8,145 square feet** equals \$52,943 rounded to **\$53,000.**

Sales Comparison Analysis - Adjustment Comments

Time

- Beginning in 2013, property values began stabilizing somewhat following a several years of general decline, at times the decline was quite dramatic for most market segments.
- Because sales are very rare in the subject's market segment, it was not possible to develop a time adjustment directly from this segment. The adjustment rate is based on observations I have made for commercial-office properties in general in the region. The adjustments are based on a rate of 3% per year, also expressed as 0.25% per month.
- For the Commercial-Office market segments, property appreciation generally began in early 2017. Commercial-Office, lagged behind the recovery of most residential market segments. Therefore, adjustments are only applicable from approximately January 1, 2017.

Location

Comparable #1 had a slightly lower/inferior ADT count than the subject.

Site

Adjustments are for differences in land size and are based on the premise that, all else being equal, the larger the parcel, the lower the price per square foot of site size.

Zoning

The "B-3" zoning is more flexible and allows a broader spectrum of uses than does the "OS-1" zoning. The adjustments reflect this difference.

Functional Issues

The subject property is not situated on a corner.

- **Comparable #1** is situated on a corner which improves the utility of the site.
- **Comparable #2** is not situated on a corner, but has frontage on two roads.

Other

Comparables #2 and #4 were sold with older houses in tact. The house on Comparable #2 was razed shortly after the sale. The house on Comparable #3 has not yet been razed. Having no structures is considered to be an advantage because then there are no razing costs in the site redevelopment process.

Marketing Time / Exposure Time

- **Marketing times** typically range from a few weeks to 1 year; and occasionally longer. The comparable sales included in this appraisal had market exposure times ranging from 63 days to 2.4 years. There is no consistently predominate marketing time in this market segment. If the subject property were offered for sale on the effective date of the appraisal, the marketing time would likely be 1 year or less, assuming reasonable pricing.
- The value conclusion for the subject property is based on an **exposure time** of up to 1 year prior the effective date of the appraisal.

Review of Indicated Values

<i>Cost Approach</i>	Not applicable
<i>Sales Comparison Approach</i>	\$53,000
<i>Income Approach</i>	Not applicable

Reconciliation

Cost Approach

The Cost Approach is not applicable for vacant land appraisals.

Sales Comparison Analysis

This valuation approach is relied on as the sole indicator of value. This approach directly reflects conditions in the subject's market segment. Comparable sales provide adequate inferences for an indication of value, however, the reliability is diminished somewhat as a result of sales being rare, and the diverse characteristics and features of each comparable property.

Income Approach

Market data is insufficient to develop an indication of value by this valuation approach

Value Conclusion

In my opinion, the market value for the subject property as of August 30, 2018:

\$53,000 (Fifty three thousand dollars)

Appraiser Information

Appraiser

Joel Francis, SRA, GRI

Professional Designations

- SRA Member of the Appraisal Institute, Continuing Education Completed
- GRI Designation, National Association of Realtors

Work History

- Kal-Creek Appraiser, L.C., 1993 - Present (Co-owner and Co-founder)
- Kalamazoo Appraisal Service, 1988 – 1993
- C. William Hurley Appraisers, 1983 - 1988

Education

- Institution Western Michigan University
- Degree Bachelors - Business Administration
- Major Real Estate Major (emphasis in Finance)
- Graduated 1982

License

- Level Certified General Appraiser License
- State Michigan
- License # 1201000573
- Expires July 31, 2019

Memberships, Affiliations and Approvals

- Associate Member - Greater Kalamazoo Association of Realtors
- Member - State and National Association of Realtors
- MDOT approved

Appraisal Experience

- **Property Types** Vacant land, Residential, Subdivisions, Plats, PUD's, Apartments, Commercial, Industrial, Mixed use, Special use, Unique properties, Properties with detrimental conditions.
- **Appraisal Purposes** Mortgages, Proposed Construction, Appraisal Reviews, Litigation and Expert Witness, Tax Appeals, Estates, Market Rent Studies including Section 8 for HUD, Eminent Domain, Relocation, Quality Control, Insurance
- **Geographical** Southwestern Michigan
- **Client Types** Lending Institutions, Relocation Services, Insurance Companies, Attorneys, Realtors, Individuals, Michigan Department of Transportation, Insurance Companies, Appraisal Management Companies.

PRIVACY NOTICE

Pursuant to the Gramm-Leach-Bliley Act of 1999, effective July 1, 2001, Appraisers, along with all providers of personal financial services are now required by federal law to inform their clients of the policies of the firm with regard to the privacy of client nonpublic personal information. As professionals, we understand that your privacy is very important to you and are pleased to provide you with this information.

Types of Nonpublic Personal Information We Collect

In the course of performing appraisals, we may collect what is known as "nonpublic personal information" about you. This information is used to facilitate the services that we provide to you and may include the information provided to us by you directly or received by us from others with your authorization.

Parties to Whom We Disclose Information

We do not disclose any nonpublic personal information obtained in the course of our engagement with our clients to nonaffiliated third parties, except as necessary or as required by law. By way of example, a necessary disclosure would be to our employees, and in certain situations, to unrelated third party consultants who need to know that information to assist us in providing appraisal services to you. All of our employees and any third party consultants we employ are informed that any information they see as part of an appraisal assignment is to be maintained in strict confidence within the firm.

A disclosure required by law would be a disclosure by us that is ordered by a court of competent jurisdiction with regard to a legal action to which you are a party.

Confidentiality and Security

We will retain records relating to professional services that we have provided to you for a reasonable time so that we are better able to assist you with your needs. In order to protect your nonpublic personal information from unauthorized access by third parties, we maintain physical, electronic and procedural safeguards that comply with our professional standards to insure the security and integrity of your information.

Please feel free to call us any time if you have any questions about the confidentiality of the information that you provide to us.



AUTHORIZED BUY & SELL AGREEMENT ("Agreement") OF THE GREATER KALAMAZOO ASSOCIATION OF REALTORS®

Vacant Free left to Comerica 85K



Date August 15, 2018 ☐ A.M./ ☐ P.M. (TIMES ARE KALAMAZOO, MICHIGAN TIME.) MLS No. 18031863

AGENCY

The undersigned Buyer and Seller ("The Parties") each acknowledge that they have read and signed the Real Estate Agency Disclosure.

The agency relationships at the time of execution of this Agreement are as follows:

<u>Bruce R.E.</u> , Listing Broker represents: ☒ Seller Only (Check only one) ☐ Seller and Buyer (Disclosed Dual Agent) ☐ Neither (Transaction Coordinator)	<u>Joycia Roubos</u> , Selling Broker represents: ☐ Seller Only (Check only one) ☒ Buyer Only ☐ Seller and Buyer (Disclosed Dual Agent) ☐ Neither (Transaction Coordinator)
<u>Erica Saline</u> , Listing Salesperson represents: ☒ Seller Only (Check only one) ☐ Seller and Buyer (Disclosed Dual Agent) ☐ Neither (Transaction Coordinator)	<u>Bill Fugler</u> , Selling Salesperson represents: ☐ Seller Only (Check only one) ☒ Buyer Only - Addendum # <u>50456</u> ☐ Seller and Buyer (Disclosed Dual Agent) - Addendum # _____ ☐ Neither (Transaction Coordinator) - Addendum # _____

OFFER

- PRIOR OFFERS:** This offer terminates any prior offers or counteroffers between The Parties for The Property.
- PROPERTY DESCRIPTION:** Buyer agrees to buy from Seller The Property, whose address is 117 E. Centre Ave,
(Property Street Address—Full Mailing Address)
Portage, MI 49002. The Property is located in the ☒ CITY ☐ VILLAGE ☐ TWP. of Portage,
(City) (Zip) (City/Village/Township Name)
Kalamazoo County, Michigan, and legally described as: Notes and Bounds approx 60x135
(County Name) ("The Property")
subject to existing zoning ordinances. TAX ID# 3900015-320-0

The Property shall include all buildings, improvements, appurtenances, fixtures and, if now in or on the property, the following: antennas and/or satellite dishes including all accessories and complete rotor equipment (unless rented); all landscaping, including all plantings; landscape lighting; ceiling fans; lighting fixtures, light bulbs and their shades; built-in sound system wiring and built-in speakers; wall mounted hardware for TV's (excluding TV); security systems; fireplace doors, screens and grates; wood burners and fireplace inserts; drapery and curtain hardware; window shades and blinds; wall-to-wall carpeting; screens, storm windows and doors; stationary laundry tubs; all water conditioning equipment (unless rented); water heaters (unless rented); sump pumps; heating and air conditioning equipment (excluding window units); LP tanks (unless rented); water pump and pressure tank; underground sprinkling systems; built-in kitchen appliances; awnings; mail boxes; garage door openers and transmitters; stationary outdoor grills; storage sheds; pool and pool equipment; fencing; attached: outdoor play equipment, work benches, cabinetry, shelving, mirrors, smoke/fire detectors, carbon monoxide detectors, thermostats, timers, and under-cabinet appliances; invisible fencing and controllers; hot tub and/or spa and all related equipment, and

But shall exclude RENTED ITEMS and _____

- SALE PRICE:** Fifty Seven Thousand (\$ 50,000.00) Dollars
- CLOSING:** Sale shall be closed on a day and time mutually agreeable to The Parties, but not earlier than _____ and not later than _____. Buyer shall pay any closing fee charged by a title company, except Seller shall pay said closing fee and wood destroying insect inspection fee(s) if required by a VA lender. Seller shall pay real estate transfer taxes at the time the deed is delivered.
- POSSESSION:** Buyer shall be entitled to possession of The Property as follows: (Check one box)

- ☒ At the completion of closing. **OR**
☐ Seller shall pay to Buyer at closing, a non-refundable delayed possession fee of \$ _____, and shall have the right to possession of The Property until 11:59 p.m. on the _____ day after the day of closing.

Seller shall not be entitled to possession after the time agreed above. Unless otherwise provided in writing and signed by The Parties, Seller shall provide possession of The Property free from the rights of any other person or entity, including, but not limited to, tenants. At the time of transfer of possession of The Property, Seller shall have removed all personal property (unless otherwise stated in this or an additional written agreement), made arrangements for final payment on all utilities, and shall deliver all keys to Selling Broker or Buyer.

The Property shall be free and clear of trash and debris; buildings and improvements shall be left in broom-clean condition. Seller shall maintain The Property in its present condition until time of possession in this transaction, normal and reasonable wear excepted. Seller shall pay for utilities and for any repairs due to damage caused by the Seller to The Property after closing and before transfer of possession. Seller is responsible for obtaining any insurance Seller deems necessary, covering Seller to the time of transfer of possession.

If Seller fails to give possession to Buyer as provided, Seller shall pay Buyer \$ _____ for each day that Seller retains The Property beyond the agreed time and shall be liable for all court costs and reasonable actual attorney fees incurred by Buyer in obtaining possession and collecting the amount due.

- ATTACHMENTS:** ☐ No ☐ Yes Attachments and/or addendum #: _____

7. **DISCLAIMER:** Buyer understands and agrees that the real estate Brokers and Salespersons do not warrant: (i) The Property's boundaries, the size of the land, the size of the buildings and improvements; (ii) the condition of The Property; or (iii) that appropriate permits were obtained for repairs or other work performed on buildings or improvements. Buyer understands and agrees that the real estate Brokers and Salespersons also do not assume any responsibility for the representations made by Seller. It is further understood that no representations or promises have been made to Buyer by the real estate Brokers or Salespersons, or by Seller other than those contained in this Agreement or as otherwise made or given by Seller to Buyer in the written disclosure statement(s). The Parties understand that Brokers and Salespersons are not environmental experts. Unless expressly contained in a written instrument signed by the Brokers, Brokers and Salespersons have no knowledge of, and make no representations regarding (a) the environmental condition of The Property, (b) the existence of underground storage tanks at The Property now, or in the past, (c) whether The Property is, has been or may be listed as a site of environmental contamination, or (d) whether any such sites are located in the proximity of The Property. If Buyer or Seller requests the Brokers or Salespersons to recommend inspectors, repairmen or other professionals, The Parties agree that the Brokers and Salespersons shall not be liable for errors or omissions made by said inspectors, repairmen or other professionals.
8. **BUYER INVESTIGATIONS:**
- A. **Buyer Acknowledgment:** Buyer acknowledges that Buyer has been advised to carefully evaluate The Property to determine its condition and suitability for Buyer's intended use. Buyer is aware that inspectors and inspection services are available to aid Buyer in these evaluations. Items Buyer should evaluate include, but are not limited to, the following: structural integrity; condition of mechanical systems; infestation by termites or other wood-destroying insects; environmental concerns such as underground storage tanks or abandoned uncapped wells; health or safety issues, including radon and mold; zoning; assessed valuation, including the Principal Residence Exemption status and any possible changes to that status; the size of the land; the size of the buildings and improvements; the availability of utilities, including the cost to extend or hook-up; soil erosion or settling; the existence of wetlands; the availability of homeowner's insurance or flood insurance at a cost acceptable to Buyer.
- B. **Buyer Investigation Period:** Buyer shall have ten (10) days from the last dated acceptance of this Agreement ("Investigation Period") to investigate The Property. During the Investigation Period, Buyer and Buyer's investigators shall have reasonable access to The Property to conduct investigations as Buyer deems necessary. Buyer agrees to defend, indemnify and hold Seller harmless from any physical damage to persons or property resulting from such investigations. To the extent The Property is damaged due to any of Buyer's investigations, Buyer agrees to restore The Property to its original condition. Buyer is solely responsible for ordering and paying for any inspections and evaluations, except, if Buyer has elected to use VA financing, Seller shall pay for the wood destroying insect inspection at closing.
- C. **Seller Responsibility Concerning Utilities:** Seller shall have the following utilities, if attached, turned on for Buyer's investigations, appraisals and final inspection: electric, natural gas, propane, heating oil, sewer and water. Seller shall be solely responsible for de-winterization, re-winterization and any and all costs and procedures associated with this subparagraph.
- D. **Results of Investigations:** If any investigation reveals a condition unacceptable to Buyer, then, **prior to the expiration of the Investigation Period**, Buyer may pursue one of the following resolutions:
1. **Buyer may Deliver to Seller or Listing Broker a written request for corrective action(s)** on the GKAR Investigations Addendum, or a similar notice, along with any applicable documentation or report(s) AND ANY APPLICABLE WRITTEN COST ESTIMATE(S). Seller shall have five (5) days from receipt of the Investigations Addendum, or a similar notice, to respond to Buyer, in writing, as to whether Seller will agree to pay for and/or perform said requested corrective action(s). **If Seller rejects any part of Buyer's request in writing, Buyer shall have three (3) days from receipt of Seller's written rejection to terminate this Agreement in writing. If Seller does not respond in writing, Buyer shall have three (3) days from the expiration of Seller's allowed five (5) day period to terminate this Agreement in writing. If Buyer fails to so terminate this Agreement, Buyer shall be deemed to have accepted the condition of the Property in its "AS-IS" condition as it relates to this paragraph.**
 - OR
 2. **Buyer may terminate this Agreement** by providing written notice of the termination to Seller or Listing Broker, identifying the unacceptable condition. If requested by Seller, Buyer shall provide Seller with a copy of any inspection report or documentation of unacceptable condition.
- E. **Waiver of Contingencies:** BUYER AGREES THAT THE CONTINGENCIES IN THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN WAIVED IF (1) BUYER FAILS TO DELIVER WRITTEN NOTICE OF BUYER'S PROPOSED RESOLUTION TO SELLER OR LISTING BROKER WITHIN THE INVESTIGATION PERIOD OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE. IF THESE CONTINGENCIES ARE WAIVED, OR IF BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY IN ITS "AS-IS" CONDITION AS OF THE DATE OF CLOSING.
9. **LOCATION OF BOUNDARIES AND IMPROVEMENTS:** Buyer may, at Buyer's expense, obtain a survey or mortgage report of The Property. If the survey or mortgage report: (1) reveals material differences in The Property's boundaries or land area from that which was represented by Seller in writing, or (2) reveals encroachments, setback violations, or matters which would interfere with Buyer's intended use of The Property ("Survey Defects"), Buyer shall furnish Seller with a copy of the survey or mortgage report, along with a written request that Seller correct the Survey Defect(s). These must be received by Seller no later than fifteen (15) days after delivery of the title commitment referenced in Paragraph 16 to Buyer or Selling Broker. Seller shall respond in writing to Buyer within five (5) days as to whether or not Seller will correct the Survey Defect(s). If Seller does not agree to do so or fails to respond, Buyer shall have three (3) days from receipt of Seller's written refusal (if any) or from the expiration of Seller's allowed time, whichever first occurs, to terminate this Agreement in writing. BUYER AGREES THAT THIS CONTINGENCY SHALL BE DEEMED WAIVED IF (1) BUYER FAILS TO PROVIDE SELLER WITH A SURVEY OR MORTGAGE REPORT OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE. IF THIS CONTINGENCY IS WAIVED AND BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE LOCATION OF THE PROPERTY BOUNDARIES AND IMPROVEMENTS, "AS IS".
10. **WELL/WATER/SEPTIC SYSTEM EVALUATIONS:** If The Property is serviced by a water well, Seller agrees to order within five (5) days of the last dated acceptance of this Agreement and promptly provide to Buyer and/or Selling Broker, at Seller's expense, an evaluation report from the County Health Department or the private well evaluation company listed in Paragraph 11, covering the well and tests for nitrates and bacteria in the water by either the County Health Department or other government approved laboratory. Any water evaluation beyond tests for nitrates and bacteria shall be Buyer's responsibility and Buyer's expense. If The Property is serviced by a septic system, Seller agrees to order within five (5) days of the last dated acceptance of this Agreement and promptly provide to Buyer and/or Selling Broker, at Seller's expense, an evaluation report covering the condition of the septic system by the local County Health Department or the private septic evaluation company named in Paragraph 11. Seller further agrees to have the septic tank pumped if required by the local County Health Department.

If the evaluation report(s) in any of the above circumstances disclose(s) a condition which Buyer reasonably deems unacceptable, Buyer shall notify Seller or Listing Broker of such condition and requested corrective action in writing within five (5) days of the date Buyer has received the applicable report(s). If Seller does not agree or fails to respond within fifteen (15) days of Buyer's requested corrective action, Buyer shall have the right to terminate this Agreement by providing written notice to Seller or Listing Broker within three (3) days from receipt of Seller's written refusal (if any) or from the expiration of Seller's allowed time, whichever first occurs.

BUYER AGREES THAT THE CONTINGENCY PROVIDED BY THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN WAIVED IF (1) BUYER FAILS TO PROVIDE WRITTEN NOTICE OF A CONDITION DEEMED UNACCEPTABLE WITHIN FIVE (5) DAYS AFTER BUYER HAS RECEIVED THE APPLICABLE REPORT(S) OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE.

IF THESE CONTINGENCIES ARE WAIVED, OR IF BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY IN ITS "AS IS" CONDITION AS OF THE DATE OF CLOSING.

11. **PRIVATE WELL AND/OR SEPTIC EVALUATION COMPANIES:** The Parties agree that the following shall be used to evaluate the well/water/septic system per Paragraph 10: For evaluation of the well and water: _____.
For evaluation of the septic system: _____. A blank line shall indicate the agreement of The Parties to use the local County Health Department.

12. **SOURCE OF FUNDS:** This Agreement:

☒ A. **IS NOT CONTINGENT** on the sale or exchange of any real or personal property by Buyer. **BUYER REPRESENTS THAT THE FUNDS NECESSARY TO COMPLETE THIS AGREEMENT (ON THE TERMS SPECIFIED) ARE CURRENTLY AVAILABLE TO BUYER IN CASH OR AN EQUALLY LIQUID EQUIVALENT.**

☐ B. **IS CONTINGENT ON:**

☐ (1) THE CLOSE OF THE PENDING SALE OF BUYER'S PROPERTY located at _____.

A copy of the agreement(s) to sell or exchange Buyer's property is being delivered to Seller or Listing Broker along with this offer. Buyer shall notify Seller or Listing Broker in writing within 48 hours of any changes in the terms or progress of said agreement(s) that will delay or materially affect the consummation of this Agreement. In such an event, Seller may terminate this Agreement by written notice to Buyer or Selling Broker within 48 hours of receipt of said notice from Buyer. Failure of Buyer to notify Seller of such changes, or a default by Buyer in said agreement(s), shall be considered a default in this Agreement.

☐ (2) **OTHER:** _____

13. **METHOD OF PAYMENT:** All moneys must be paid in US funds by wire transfer, certified check, cashier's check, or money order. The sale will be completed upon Seller's delivery of a warranty deed conveying marketable title by the following method:

☒ A. **CASH.** Buyer will pay the sale price by cash, certified check, cashier's check or money order.

☐ B. **NEW MORTGAGE.** This Agreement is contingent upon Buyer's ability to obtain a(n) _____ (type) mortgage loan in the amount of \$ _____ or _____ % of the sale price. Buyer shall apply for the loan from _____ (name of financial institution-Lender) within _____ days of the last dated acceptance of this Agreement.

Loan application shall include the payment of any appraisal fee, application fee, and all other costs customarily charged by Lender for loan approval. Buyer acknowledges that failure to complete the loan application as agreed shall constitute a default by Buyer. Buyer shall take no action that would impair Buyer's credit or ability to obtain the loan and shall accept such loan if offered. Buyer may waive this mortgage loan contingency by written notice to Seller or Listing Broker and pay cash as provided in subparagraph A above.

Seller may terminate this Agreement by written notice to Buyer or Selling Broker if Buyer fails to provide Seller or Listing Broker with evidence of loan approval by 5:00 p.m. _____ ("Loan Approval Deadline Date"). If Buyer is unable to obtain written verification of Lender's approval, Buyer may provide oral verification from Lender to Seller or Listing Broker. If said loan approval is acceptable to Seller, no response shall be necessary.

If Seller reasonably determines that the evidence of loan approval is inadequate or unacceptable and if Seller therefore wishes to terminate, Seller must deliver written notice of termination of this Agreement by 5:00 p.m. on the third day after the Loan Approval Deadline Date. If Seller so terminates, Buyer may waive this mortgage contingency and void the termination by delivering written notice of such waiver to Seller or Listing Broker by 5:00 p.m. on the third day after Seller's delivery of termination. If Buyer waives this mortgage contingency and subsequently fails to close due to Buyer's failure to secure financing, Buyer shall be considered in default in this Agreement.

BUYER HEREBY INSTRUCTS LENDER TO RELEASE TO SELLING BROKER AND SELLER OR LISTING BROKER INFORMATION CONCERNING COMPLETION OF LOAN APPLICATION AND STATUS OF LOAN APPROVAL.

☐ C. **LAND CONTRACT.** See attached GKAR Land Contract Addendum.

14. **SELLER'S DISCLOSURE STATEMENT:** BUYER ☐ HAS ☒ **HAS NOT RECEIVED A COMPLETED AND SIGNED COPY OF THE SELLER'S DISCLOSURE STATEMENT # _____ DATED OR REVISED _____.** SELLER HEREBY CERTIFIES THAT, TO THE BEST OF SELLER'S KNOWLEDGE, THE INFORMATION CONTAINED IN SUCH SELLER'S DISCLOSURE STATEMENT IS CURRENT AS OF THE DATE OF THIS AGREEMENT. FURTHER, SELLER AGREES TO INFORM BUYER IN WRITING OF ANY CHANGES IN THE CONDITION OF THE PROPERTY RELATING TO THE INFORMATION CONTAINED IN SUCH DISCLOSURE STATEMENT.

15. **LEAD BASED PAINT DISCLOSURE STATEMENT:** BUYER ☐ HAS ☒ **HAS NOT RECEIVED BOTH AN EPA PAMPHLET "PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME" AND A COMPLETED AND SIGNED COPY OF THE SELLER'S LEAD BASED PAINT DISCLOSURE STATEMENT # _____.**

If The Property was constructed prior to January 1, 1978, Buyer will not be obligated to the terms of this Agreement unless the above documents are received by Buyer. If the above documents are received after the last dated acceptance of the Agreement, Buyer shall have the right to terminate this Agreement within 72 hours after Buyer's receipt of the above documents if the Seller's Lead Based Paint Disclosure Statement indicates any condition unacceptable to Buyer. If Buyer fails to terminate this Agreement within said 72 hours, Buyer's right to terminate under this provision shall be considered waived. BUYER ☒ **WAIVES OR** ☐ **REQUESTS LEAD BASED PAINT INSPECTIONS TO BE PERFORMED PER LEAD-BASED PAINT ADDENDUM # _____, WHICH IS ATTACHED HERETO.**

16. TITLE EVIDENCE: Seller agrees to convey marketable title to The Property subject to: conditions, limitations, building and use restrictions and easements of record ("Exceptions"). As evidence of marketable title, Seller shall furnish Buyer, at Seller's expense, an *expanded coverage ALTA Homeowner's Policy of Title Insurance* ("Expanded Policy"), if available, in the amount of the sale price. Seller shall order the commitment for such policy, along with copies of the Exceptions, and shall deliver same to Buyer or Selling Broker within ten (10) days after the last dated acceptance of this Agreement. If a survey or mortgage report is required by the commitment, it shall be completed at Buyer's expense in accordance with Paragraph 9 LOCATION OF BOUNDARIES AND IMPROVEMENTS. If an *Expanded Policy* is not available or if Buyer declines any required survey or mortgage report cost, Seller agrees to provide and Buyer agrees to accept a *standard coverage ALTA Owner's Policy of Title Insurance including all standard exceptions*.

If the commitment discloses any title defect(s) or anything in the Exceptions which would interfere with Buyer's intended use of The Property, Buyer must notify Seller or Listing Broker, in writing, of Buyer's objections within five (5) days of Seller's delivery of the commitment and Exceptions. Further, if, prior to closing, Buyer shall become aware of new title defect(s), Buyer must notify Seller or Listing Broker, in writing, within five (5) days of Buyer becoming aware of such defect(s).

If Seller receives any such notification, Seller shall have either thirty (30) days from Buyer's delivery of written objection(s) or until the latest closing date set forth in Paragraph 4 of this Agreement, whichever first occurs, to resolve Buyer's objection(s). If Seller is unable to cure the title defects(s), or unable or unwilling to resolve Buyer's objection(s) to Exceptions, within this time period, Buyer may terminate this Agreement in writing and receive a full refund of the earnest money or proceed to closing, accepting the status of the title "AS IS".

17. PRORATIONS: Items normally prorated in real estate transactions, including association fees, rental income, taxes as discussed below, interest on any existing land contract, mortgage, or lien assumed by Buyer shall be adjusted to the date of closing in accordance with the calendar year. All rental security deposits shall be paid to Buyer at closing.

18. REAL ESTATE TAXES: Current real estate taxes shall be prorated to the date of closing and shall be deemed to cover the calendar year in which they become due and payable. Taxes shall be deemed due and payable as follows: Summer taxes – July 1st or August 1st; Winter taxes – December 1st. If the actual tax bill(s) for the year have not been determined by the municipality at the time of closing, taxes shall be estimated by multiplying the current taxable value by the most recently available tax rate. If The Property's Principal Residence Exemption ("PRE") status for the calendar year in which the closing occurs will change as a result of the closing, the tax rate associated with the new PRE status shall be used.

If the current PRE percentage claimed by Seller is greater than zero, Seller represents that such claim by Seller is accurate and lawful. Such representations shall survive the closing. Seller shall defend, indemnify and hold harmless Buyer from any loss, claim or damage resulting from any inaccuracy in such representations. Such loss, claim or damage shall include, but shall not be limited to, any loss, claim or damage resulting subsequently to Buyer from the tax proration calculation made at the time of closing or from the change in PRE status by the municipality for any prior years. Seller shall also be responsible for reasonable actual attorney fees incurred by Buyer in enforcing the provisions of this paragraph, regardless of whether suit is actually filed. The representations and obligations under this paragraph may only be terminated by a separate written document signed by The Parties specifically referring to this paragraph by number.

19. SPECIAL ASSESSMENTS: Special assessments levied on The Property shall be handled as follows:

- A. Existing special assessments, whether there is a lien or not, which can be paid in full and permanently discharged shall be paid by Seller at close of sale.
- B. Existing special assessments which have ongoing installments and cannot be paid in full and permanently discharged shall be prorated as referenced in the paragraph entitled Prorations. This type of assessment is generally for services or maintenance, including, but not limited to: street lighting, lake weed control, emergency services, etc.
- C. Special assessments which are levied on The Property after the last dated signature of this Agreement shall be the responsibility of Buyer.

20. WATER/SEWER CHARGES: Seller shall be responsible for water and sewer charges until date of possession. The cost of water and sewer hookups after closing shall be paid by Buyer. If The Property is not presently served by these utilities, Buyer is advised to consult with the local units of government for information regarding when and if such hookup is or may be required, feasibility and cost of such hookup, and whether any assessment will be imposed at that time.

21. LIQUID FUEL: Seller agrees that the existing supply of liquid heating and cooking fuel shall be depleted only in the course of normal usage. Buyer shall be entitled to all such fuel owned by Seller and located or stored upon The Property at the time of possession. Buyer acknowledges Buyer has been advised to determine whether any existing supply of liquid fuel is owned by Seller or the supplier.

22. SELLER'S REPRESENTATIONS: The following representations shall survive the closing and, except as otherwise disclosed in writing, Seller represents to the best of Seller's knowledge and belief that:

- A. There are no existing violations of any laws, statutes, ordinances, regulations, orders or requirements of any governmental authority affecting The Property.
- B. There is no pending or threatened litigation, administrative action or claim relating to The Property.
- C. Seller has not been notified of any assessments to be placed on The Property.
- D. The Seller is the owner of title to The Property in the condition required for performance hereunder.

If The Property is rented to tenants:

- E. As referenced in Paragraph 5, Seller shall notify Buyer or Selling Broker in writing of the possession rights of any person or entity, including, but not limited to, tenants. Seller shall provide copies of all leases and security deposit information to Buyer or Selling Broker within three (3) days of the last dated acceptance of this Agreement. This Agreement is contingent upon Buyer's written acceptance of such possession rights, leases and security deposit information within five (5) days of receipt of such notice and copies. If Seller does not provide such notice and copies within such three (3) days, Seller warrants that no other person or entity has possession rights. If Buyer receives such notice and copies and neither accepts nor rejects such items within the five (5) days, Buyer shall be deemed to have accepted them and this contingency shall be deemed satisfied.
- F. None of the tenants occupying The Property shall be entitled to any concessions, rebates, allowances or free rent for any period after the Closing Date.
- G. After the date hereof, the Seller will not enter into any agreement pertaining to The Property or any modification of, or release from, an existing lease or rental agreement, without the prior written consent of Buyer.

34. OTHER PROVISIONS:

Buyer has the right to assign this agreement to a third party.

35. **DEFAULT:** If Buyer defaults, Seller may enforce this Agreement, or may declare Buyer's right to purchase terminated, retain the earnest money, and pursue Seller's legal remedies. If Seller defaults, Buyer may enforce this Agreement, or may demand return of the earnest money and pursue Buyer's legal remedies. Broker(s) and Salesperson(s) have no responsibility for the performance of this Agreement by the parties.

36. **EARNEST MONEY:** Buyer is depositing \$ 4000.00 ☐ cash ☒ check ☐ note with Broker as earnest money evidencing good faith. Broker is required by law to deposit the earnest money in a separate custodial or trust account within two (2) banking days after this Agreement is signed by The Parties. If the offer made is not accepted or if the sale is not closed due to a failure to satisfy a contingency specified herein for a reason other than the fault of Buyer, the earnest money shall be refunded to Buyer. The earnest money will be applied to the sale price at closing.

ACCEPTANCE

WHEN SIGNED BY BOTH PARTIES, BUYER AND SELLER AGREE THAT THIS SHALL BE A BINDING AGREEMENT FOR THE SALE AND PURCHASE OF THE PROPERTY. DELIVERY OF ACCEPTANCE OF THIS OFFER AFTER SIGNING BY THE PARTIES IS NOT NECESSARY TO CREATE A BINDING AGREEMENT.

37. **TIME IS OF THE ESSENCE:** TIME IS OF THE ESSENCE WITH RESPECT TO THIS AGREEMENT. TIME LIMITS SHALL BE STRICTLY OBSERVED.

38. **AUTHORIZATION:** Buyer gives Broker until 8/16, 2018, 5:00 ☐ A.M. / ☒ P.M. to obtain Seller's written acceptance of Buyer's offer.

39. **FINAL AGREEMENT:** THIS AGREEMENT EXPRESSES THE ENTIRE UNDERSTANDING BETWEEN THE PARTIES CONCERNING THIS TRANSACTION AND SUPERCEDES ALL PREVIOUS UNDERSTANDINGS, WHETHER ORAL, WRITTEN OR ELECTRONIC, INCLUDING ANY PROMOTIONAL MATERIALS OR LISTING DESCRIPTIONS. No modifications of this Agreement shall be binding unless in writing and signed by Buyer and Seller. In signing below, The Parties acknowledge that they have read the Agreement carefully before signing and have received copies of pages 1, 2, 3, 4, 5 & 6 as well as any attachments.

40. **FUTURE NOTICES:** The Parties authorize Broker(s) to use the contact information set forth below for notices after the last dated acceptance of this Agreement. During the term of this Agreement, The Parties agree to notify Broker(s) of any contact information changes. The contact information set forth below shall not constitute a material part of this Agreement and any addition or modification of the same shall not constitute a rejection of an offer, the creation of a counteroffer or an amendment to this Agreement. Any future notices required or permitted to be given under this Agreement shall be in writing and signed by the party giving notice. Notice shall be deemed to have been given: (i) at the time of personal delivery; or (ii) at the time sent by facsimile (with a successful facsimile confirmation sheet); or (iii) at the time sent by electronic mail. Future notices shall be given to Buyer's or Seller's Broker and shall constitute notice given to Buyer or Seller, respectively. If either party is not represented by a Broker, future notices shall be given to such party directly.

Salesperson Name (print): _____

X
Buyer

Salesperson Phone: _____ Fax: _____

Print Legal Name (as you wish it to appear on final papers)

Salesperson Email: _____

X
Buyer

Buyer Street Address: _____

Print Legal Name (as you wish it to appear on final papers)

City: _____ State: _____ Zip: _____

SELLER'S RESPONSE: (Date/Time) _____, 20____, _____ ☐ A.M. / ☐ P.M.

41. **THE ABOVE TERMS OF SALE ARE** (Check one) ☐ ACCEPTED AS OFFERED ☐ SUBJECT TO COUNTEROFFER NO. _____

Salesperson Name (print): _____

X
Seller

Salesperson Phone: _____ Fax: _____

Print Legal Name (as you wish it to appear on final papers)

Salesperson Email: _____

X
Seller

Seller Street Address: _____

Print Legal Name (as you wish it to appear on final papers)

City: _____ State: _____ Zip: _____

23. **FINAL INSPECTION:** Buyer shall have the right to inspect The Property within seventy-two (72) hours prior to closing to make sure that the real estate and personal property are in place and in a condition that is not substantially different from the condition at the time of Buyer's offer per this Agreement, or as improved by any agreed-upon corrective action. If substantial differences have occurred, then Buyer shall immediately notify Seller and/or Listing Broker in writing, of said differences and Buyer's requested corrective action. The Parties shall be deemed to have settled such differences as of close of sale. Broker(s) and/or Salesperson(s) have no responsibility for the condition of The Property.
24. **DISCLOSURE:** Buyer acknowledges Buyer has been advised that Seller and Seller's agent may not consider the existence of or terms of Buyer's offer to be confidential. The Parties further acknowledge that the sale price and terms will be disclosed to the Greater Kalamazoo Association of REALTORS® MLS/SWMRIC, who may use it in the ordinary course of business.
25. **UNPLATTED LANDS:** Seller represents that The Property is not a new land division under the Land Division Act and Seller owns no other contiguous, unplatted land unless otherwise disclosed in writing. Seller is transferring to Buyer all available divisions, if any, under Section 108 of the Land Division Act but makes no representations as to the number. Buyer has not relied on any information or opinions of the Broker(s) or Salesperson(s) on this matter.
26. **LEGAL COUNSEL:** Buyer acknowledges that Broker(s) and/or Salesperson(s) have recommended that Buyer retain an attorney to pass upon the marketability of title to The Property. The Parties acknowledge that Broker(s) and/or Salesperson(s) have recommended that they each retain an attorney to ascertain that the requirements of this Agreement have been met.
27. **DUE ON SALE: SELLER UNDERSTANDS THAT SELLING OR TRANSFERRING THE PROPERTY DOES NOT RELIEVE SELLER OF ANY MORTGAGE OBLIGATION OR OTHER INDEBTEDNESS TO WHICH THE PROPERTY IS SUBJECT, UNLESS OTHERWISE AGREED TO BY THE LENDER OR REQUIRED BY LAW OR REGULATION.**
28. **CONSENT TO FEES:** The Parties acknowledge that Brokers may be offered placement fees, finder's fees or other consideration from others who become involved in the sale of The Property. The Parties hereby grant Broker(s) permission to receive such fees and/or consideration, unless otherwise agreed in writing.
29. **CASUALTY:** In the event that, on or before the closing date, any buildings or other improvements on The Property shall be damaged by fire, storm or other casualty, and the cost to repair same is in excess of 10% of the sale price, either party shall have the right to rescind this Agreement by written notice to the other party within seven (7) days after receiving notice of such casualty, and Buyer shall be entitled to a refund of any earnest money.
30. **ARBITRATION:** The Parties acknowledge that they have been informed that any claim or dispute between them, related to this Agreement, may be arbitrated if Seller and Buyer each agree in writing to such arbitration.
31. **EARNEST MONEY RESOLUTION:** If this Agreement is not closed in the time and manner provided, the Selling Broker shall have the right, but is not obligated, to propose a final disposition of the earnest money in writing to Buyer or Buyer's Salesperson and to Seller or Seller's Salesperson. Unless Broker, within thirty (30) days of the date of giving such notice, receives different instructions in a written instrument signed by both of The Parties, or is furnished written evidence that a lawsuit has been filed relating to enforcement or termination of this Agreement or disposition of the earnest money, all parties shall be deemed to have agreed to Broker's proposed disposition of the earnest money. If a party objects and no mutually agreeable disposition can be negotiated, Broker may deposit the funds by interpleader with a court of proper jurisdiction or await further actions by The Parties. In the event of litigation involving the earnest money, in whole or in part, the non-prevailing Buyer or Seller, as determined by the court, shall reimburse the other for reasonable actual attorneys' fees and expenses incurred in connection with the litigation, and shall reimburse Broker for any reasonable actual attorney's fees and expenses incurred in connection with the interpleader action instituted.
32. **COUNTERPARTS/SIGNATURES:** This Agreement may be signed in one or more counterparts each of which will be deemed to be an original copy of this Agreement and all of which, when taken together will be deemed to constitute one Agreement. The exchange of copies of this Agreement and signature by facsimile or other similar electronic device shall constitute effective execution and delivery of this Agreement as to The Parties, and may be used in lieu of the original Agreement for all purposes. Copies shall be deemed to mean any duplicate, reproduction or similar or exact imitation of the original executed Agreement. Signatures of The Parties transmitted by facsimile or other similar device shall be deemed to be their original signatures for all purposes and shall be deemed valid and binding upon The Parties as if their original signatures, initials and modifications were present on the documents in the handwriting of each party. Neither Buyer nor Seller shall assert the statute of frauds or non-enforceability or validity of this Agreement because of facsimile or similar electronic device copies being used, and both of The Parties specifically waive and relinquish any such defense. Each party agrees to provide an original signed document to the other upon request.
33. **HOME PROTECTION PLAN:** The Parties have been informed that home protection plans are available. Such plans may provide additional protection and benefit to the parties.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Winter Forest Drainage Improvements Project - Bid Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract to Hoffman Bros., Incorporated of Battle Creek, Michigan for the Winter Forest Drainage Improvements Project in an amount not to exceed \$290,776.95 and authorize the City Manager to execute all documents related to this project on behalf of the city.

The 2017- 2018 Capital Improvement Program budget contains a project for the repair and maintenance of the storm drainage outfalls through the Winter Forest well field. The outfalls receive water from Winter Forest Drive and Woodland Avenue storm sewer systems and the water flows across the well field to the Schuring Drain. High intensity rain fall has caused erosion at the outfalls. The project will stabilize and reinforce the outfall channel and improve functionality and safety of the channel. A restored channel will provide improved storm sewer capacity and improved water quality to Portage Creek.

On September 12, 2018, six construction bids were received for the Winters Forest Drainage Improvement Project, with the low bid submitted by Hoffman Bros, Incorporated of Battle Creek, Michigan in the amount of \$290,776.95. Hoffman Bros, Incorporated has successfully completed similar projects for the city in the past. Construction work will begin in October 2018 and be completed by the spring of 2019.

It is recommended that City Council award a contract to Hoffman Bros, Incorporated for the Winter Forest Drainage Improvements Project in an amount not to exceed \$290,776.95 and authorize the City Manager to execute all documents related to this project on behalf of the city.

FUNDING: 2017-2018 Water Capital Improvement Program budget

Attachments: 1. Bid Tabulation

2018 STORM DRAINAGE IMPROVEMENTS
DIVISION B - WINTER FOREST DRAINAGE IMPROVEMENTS
BID TABULATION

<u>BIDDER</u>	<u>TOTAL</u>
Hoffman Brothers Inc. 8574 Verona Road Battle Creek, MI 49014	\$290,776.95
Peters Construction Co 3325 E. Kilgore Road Kalamazoo, MI 49001	\$331,126.58
Nashville Construction 11205 Lawrence Hgwy Nashville, MI 49073	\$336,270.00
J. Sebastian Trucking 11575 Pope Church Road Springport, MI 49284	\$356,596.30
Mead Bros. Excavating Post Office Box 99 Springport, MI 49284	\$369,731.50
B & L Excavating LLC 3312 12th Street Wayland, MI 49348	\$405,910.00

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ice Control Salt Purchase - Cooperative Purchase

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: Award contracts to:

1. Detroit Salt Company in the amount of \$63.91 per ton for 1,800 tons of ice control salt at a total cost of \$115,038 for early delivery and
2. Compass Minerals America, Inc. in the amount of \$76.61 per ton for 1,500 tons of ice control salt at a total cost of \$114,915 for seasonal back-up on an as-needed basis

and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

Each year, the city participates in the Michigan Delivering Extended Agreements Locally (MiDEAL) program for the procurement of winter ice control salt. This purchasing program provides the city excellent economic savings due to the large volume purchasing power of the State of Michigan. The state request for ice control salt bids is structured for early deliveries, as well as for seasonal back-up quantities delivered on an as-needed basis. Salt continues to be the most cost-effective deicing agent for assuring safe roadway travel during the winter months.

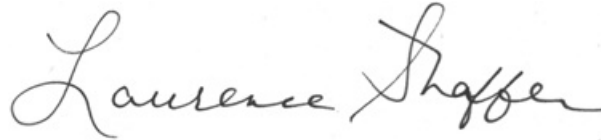
It is recommended that City Council approve the purchase in the amount of \$115,038 from Detroit Salt Company of Detroit, Michigan, for the early delivery of 1,800 tons of ice control salt at the price of \$63.91 per ton. In addition, it is recommended that City Council approve a purchase in the amount of \$114,915 from Compass Minerals America, Inc. of Overland, Kansas, for 1,500 tons of ice control salt for seasonal back-up on an as-needed basis at the price of \$76.61 per ton. This pricing represents a 40 percent increase per ton from FY 2017-2018 due to increased salt used across the country during the last winter.

FUNDING: Fund are budgeted and available for this purchase in the FY 2018-2019 Major and Local Streets budgets.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Portage Road/Lakeview Drive Intersection Alignment

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED:

1. Approve contract #18-5304 between the Michigan Department of Transportation and the City of Portage for the realignment of the intersection at Portage Road and Lakeview Drive,
2. adopt a resolution authorizing the City Manager to sign all documents related to the project on behalf of the city and
3. award a contract amendment with Abonmarche Consultants, Incorporated for project engineering services in the not-to-exceed amount of \$46,500.

The 2017–2018 Capital Improvement Program budget contains a project to realign the intersection at Portage Road and Lakeview Drive. Portage Road is a major arterial street that serves as a connection between residential, industrial and commercial areas and Lakeview Drive is a local street that terminates at Portage Road with a skew intersection. Geometric and physical restrictions at the Lakeview Drive intersection make turning movements difficult during peak traffic times. Realignment and reconstruction of the intersection approximately 200 feet to the south will result in improved function of the intersection and safety for Portage Road and Lakeview Drive. The realignment will also provide opportunities to facilitate traffic calming measures along the Portage Road corridor. The project also involves construction of a small cul-de-sac to accommodate existing driveways on Lakeview Drive, installation of water and sewer main across the new roadway and installation of retaining wall and sidewalk. See attached Relocated Lakeview map.

Kalamazoo Area Transportation Study (KATS) and the Michigan Department of Transportation (MDOT) have approved the project. Since the project involves Federal Transportation Safety funding, MDOT is involved as a facilitator. The bid opening by MDOT for the construction is scheduled on October 5, 2018. MDOT requires that an agreement with the local government agency be executed prior to construction award. The estimated total construction cost of the project is \$507,200 with \$352,800 in Federal Transportation Safety funds. The balance of \$154,400 will be funded by the 2017-2018 Major Streets Capital Improvement Program budget. Following the contract award by MDOT, construction will likely commence in the winter 2018, with completion in summer 2019.

On May 23, 2017, City Council approved a contract amendment to Abonmarche Consultants, Incorporated in the amount of \$48,450 for engineering services for the redesign and relocation of the intersection at Portage Road and Lakeview Drive. The design work for the intersection relocation has

been challenging and elements of the project required re-work to incorporate the intersection redesign with the West Lake Estates final site plan adjacent to the intersection. In addition, Abonmarche Consultants, Incorporated re-surveyed the property to determine the extent of Japanese Knotweed, an invasive species, on the property and wrote specifications for treatment and removal of the plant. Abonmarche Consultants has submitted a reasonable request for an additional \$46,500 for this highly technical work.

It is recommended that City Council approve the contract between the Michigan Department of Transportation and the City of Portage for realignment of the intersection at Portage Road and Lakeview Drive, adopt a resolution authorizing the City Manager to sign all documents related to the project on behalf of the city and award a contract amendment with Abonmarche Consultants, Incorporated for project engineering services in the not-to-exceed amount of \$46,500.

FUNDING: The estimated total cost of the project is \$507,200 with \$352,800 in Federal Transportation Safety funds. The balance of \$154,400 will be funded by the 2017-2018 Major Street Capital Improvement Program budget. Sufficient funds are available in the 2017-2018 Major Street Capital Improvement Program budget for the additional \$46,500 for Abonmarche Consultants, Incorporated.

Attachments:

1. Resolution
2. Relocated Lakeview Map

CITY OF PORTAGE

Resolution

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2018 at 7:00 p.m., local time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____.

RESOLVED, the City Council for the City of Portage, does hereby authorize the City Manager, Laurence Shaffer, to sign contract 18-5304 between the City of Portage and the Michigan Department of Transportation. This contract is for the roadway realignment and reconstruction work at the Lakeview Drive and Portage Road intersection; and all together necessary related work.

ADOPTED: YEAS:

NAYS:

ABSENT:

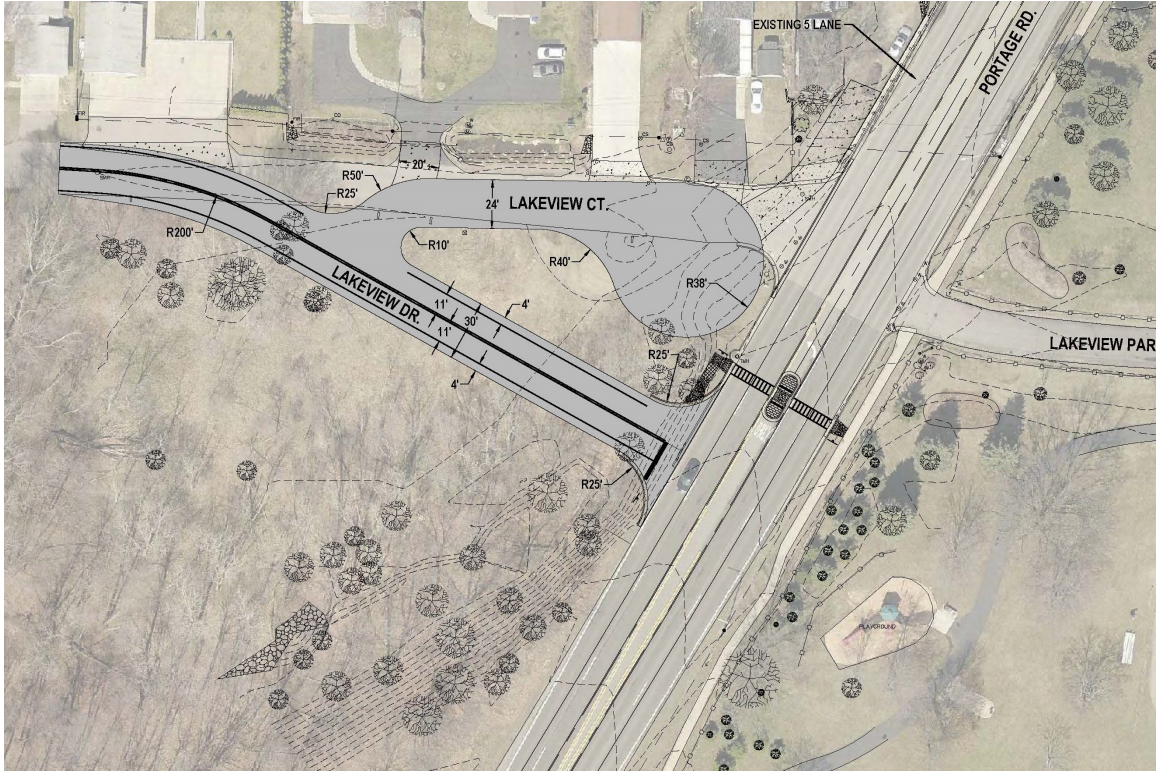
Adam Herringa, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2018 that the foregoing is a true and complete copy of the original on file in my office.

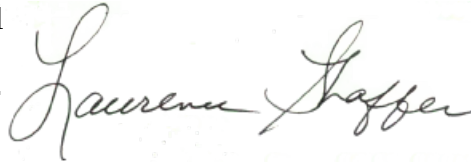
APPROVED AS TO FORM
DATE 9/12/2018
[Signature]
CITY ATTORNEY

Adam Herringa, City Clerk



TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: South Westnedge Avenue Relief Storm Sewer

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED:

1. Adopt a resolution approving the necessity to improve the storm drainage on South Westnedge Avenue at J.L. Hudson Drive and authorize the City Manager to obtain certain easement interests to accomplish this project in accordance with City Council policy, and
2. award a contract to Peters Construction Company of Kalamazoo, Michigan in the amount not to exceed \$365,333.83

and authorize the City Manager to execute all documents related to this project on behalf of the city.

The 2017-2018 Capital Improvement Program budget contains a project for the installation of a relief storm sewer from the intersection of South Westnedge Avenue and J.L. Hudson Drive east to a city retention basin with an overflow to the wetlands mitigation area north of Romence Road Parkway.



The South Westnedge Avenue commercial corridor is the heaviest traveled street in the city and experiences street flooding during periods of moderate rainfall along South Westnedge Avenue in the vicinity of J.L. Hudson Drive. This situation has existed for many years but with continued commercial development in the overall drainage area and changes in weather patterns, the situation has worsened in recent years. Flooding is significant enough to cause lane closures approximately four to five times per year as depicted in the photos to the left and below.



In 2006, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber, Incorporated (FTCH) for preparation of a feasibility study for the South Westnedge Avenue Relief Storm Sewer. FTCH analyzed the drainage area and recommended a design solution to provide flooding relief on South Westnedge Avenue in this area, which would also have a beneficial effect on adjacent private parking areas that also experience ponding of water during moderate rainfalls. The study performed by FTCH determined that the best alternative was to separate the South Westnedge Avenue storm sewer system in the vicinity of J.L. Hudson Drive from the Consolidated Drain and provide a separate outlet to the east.

On September 26, 2017, City Council awarded an engineering services contract to Hurley & Stewart, LLC for the 2018 Storm Drainage Improvement Projects which included the South Westnedge Avenue Relief Storm Sewer. Hurley & Stewart, LLC has completed the design for South Westnedge Avenue Relief Storm Sewer and prepared the necessary easement documents that traverse the Portage Crossings Development. Hurley & Stewart, LLC contracted with Michiana Land Services to assist in easement acquisition. Meetings were held with the property owners of the Portage Crossings Development, Hurley & Stewart, LLC, Michiana Land Service and city staff. The property owners are resistant to a storm water easement on their property.

In order to ensure that all needed easements are acquired for the project, the attached resolution has been prepared by legal counsel, which establishes the necessity of the project and authorizes the City Manager to obtain the needed easements of interest. Adoption of the resolution will allow the acquisition of easements needed to complete the project in accordance with City Council policy. This is a standard resolution prepared for similar projects in the past and is necessary as a protection for the public.

On September 12, 2018, five construction bids were received for the South Westnedge Avenue Relief Storm Sewer Project Phase 1, with the low bid submitted by Peters Construction Company of Kalamazoo, Michigan in the amount of \$365,333.83. Peters Construction Company has successfully completed similar projects for the city in the past. If approved, construction work will begin in October 2018 and will be completed by the spring of 2019.

It is recommended that City Council resolution approving the necessity to improve the storm drainage on South Westnedge Avenue at J.L. Hudson Drive, award a contract to Peters Construction Company of Kalamazoo, Michigan for the South Westnedge Avenue Relief Storm Sewer Project Phase 1 in an

amount not to exceed \$365,333.83 and authorize the City Manager to obtain certain easement interests to accomplish this project in accordance with City Council policy.

FUNDING: FY 2017-18 Water Capital Improvement Program budget.

- Attachments:**
1. Resolution of Necessity
 2. Sketches – Storm Water and Temporary Construction Easements
 3. Bid Tabulation

CITY OF PORTAGE

RESOLUTION OF NECESSITY

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in the City Council Chambers, City Hall, 7900 South Westnedge Avenue, on _____ day of _____ at 7:00 P.M.

PRESENT: Council Members _____

ABSENT: Councilmembers _____

THE FOLLOWING preamble and resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS, South Westnedge Avenue is a main thoroughfare of the City of Portage with significant traffic volumes; and

WHEREAS, South Westnedge Avenue; specifically the area of South Westnedge Avenue at and adjacent to its intersection with J L Hudson Drive (the "Affected Road Area") is frequently affected by significant flooding which impedes traffic and presents safety and public welfare concerns; and

WHEREAS, the recurring flooding problems in the Affected Road Area are described and analyzed in the January 23, 2007 study prepared by Fishbeck, Thompson, Carr & Huber entitled South Westnedge Relief Storm Sewer Study (the "Study"), which concluded the flooding in the Affected Roadway is caused by the convergence of drainage from existing drains from both the north and the south, and that even moderate rainfall (.5 inches) in a short duration (30 minutes) was enough to cause lane closures; and

WHEREAS, the Study documents ongoing and significant flooding problems of the Affected Road Area which flooding, since the date of the Study, has continued to be a persistent problem posing ongoing roadway safety concerns in the Affected Road Area during times of rainfall; and

WHEREAS, the City's Department of Transportation and Utilities has identified and developed a drainage solution to the flooding in the Affected Road Area; namely, constructing a storm water drainage facility from the Affected Road Area to the east (the "Project"), delivering and draining the floodwater to an unimproved water retention area that exists at 522 Ruth Street, Parcel ID 10-00010-185-A to which the City has obtained rights, and which is adjacent to a wetland existing on City Property at 720 Ruth Street Parcel ID 10-00010-190-0 (collectively the "Drainage Parcels");

WHEREAS, the Project must necessarily pass through two parcels of real property located between the Affected Road Area and the Drainage Parcels, which parcels are more fully described on **Exhibit A** (the "Third Party Parcels" and defined as Parcel 1 and Parcel 2 on the exhibit); and

WHEREAS, the Project requires certain property interests in the Third Party Parcels; namely, temporary construction easements as described on **Exhibit B-1** (for Third Party Parcel 1) and **Exhibit B-2** (for Third Party Parcel 2), and permanent and perpetual storm water utility easements described on **Exhibit C-1** (for Third Party Parcel 1) and **Exhibit C-2** (for Third Party Parcel 2), in each case upon, through, and under the Third Party Parcels (collectively the "Property Interests");

WHEREAS, the City of Portage is a public corporation possessing the authority and power, pursuant to applicable state laws and the City Charter, to acquire the Property Interests by eminent domain; and

WHEREAS, the Uniform Condemnation Procedures Act, Act No. 87 of the Public Acts of Michigan of 1980, as amended (the "Act"), MCL 213.51 et seq., establishes certain procedures for the taking of property by eminent domain.

WHEREAS, Part 201 of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.20101 et seq. establishes certain requirements for those acquiring interests in real property who wish to avoid liability for any pre-existing environmental contamination of the property.

NOW THEREFORE, this City Council does resolve, find and declare as follows:

1. The acquisition and construction of the Project in the City of Portage, Michigan is necessary to protect and enhance the public health, safety and welfare and is within the scope of the powers of the City of Portage.
2. In order to construct the Project, it is necessary to acquire the Property Interests described above and in the attached exhibits.
3. The Director of Transportation & Utilities, the City's engineering and other staff, the Mayor, the City Assessor and the City's legal counsel, City Attorney Randy Brown and Bloom Sluggett, PC, are authorized and directed to take any and all action necessary to acquire the Property Interests by negotiation or by eminent domain including, without limitation, the making of good faith written offers; the execution, completion, filing and recording on behalf of the City a declaration of taking; waiving or reserving federal or state cost recovery actions for the release of hazardous substances; the filing of a complaint; engaging appraisers and other experts who, in the opinion of staff or the attorneys, may be needed for the acquisitions with or without further approval; undertaking any necessary litigation; negotiating and consummating a compromise or

settlement of the litigation or for the purchase of the Property Interests and any other reasonably necessary actions.

4. The City reserves its right to bring federal or state cost recovery actions against the present owners of the properties described herein arising out of the release or threat of release of hazardous substances.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

Adam Herringa, City Clerk

CERTIFICATION

The foregoing resolution was adopted at a regular meeting of the Portage City Council held on this _____ day of _____, 2018.

Adam Herringa, City Clerk

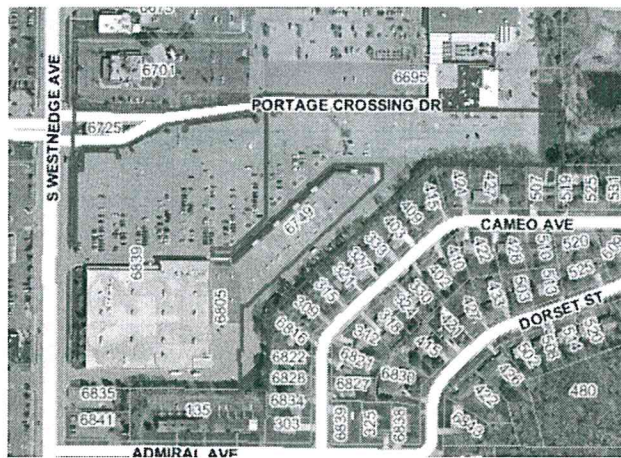
APPROVED AS TO FORM
DATE 9/17/2018
R
CITY ATTORNEY

Exhibit A

Third Party Parcel Descriptions

"Parcel 1":

Address: 6725 S Westnedge Ave
Parcel ID: 10-06460-005-R
Owner: Portage Crossings II, LLC



"Parcel 2":

Address: 6695 S Westnedge Ave
Parcel ID: 10-06460-002-0
Owner: Portage Crossings II, LLC



Exhibit B-1

Temporary Construction Easement for Parcel 1

1. Description: See the attached Temporary Construction Easement Sketch and legal description, incorporated by reference in this Exhibit.
2. Nature of Interest:

A temporary construction easement to enter upon and occupy the easement area for the staging of materials, equipment, machinery, and other incidents of construction, to stage excavated soils, to excavate, to install and construct all Project infrastructure and other such items, for inspections and other due diligence, and to otherwise generally utilize the easement area to enable and provide for the construction of the Project. The temporary construction easement will expire upon the earlier of 60 days after completion of all construction or one year following the commencement of construction.

Exhibit B-2

Temporary Construction Easement for Parcel 2

1. Description: See the attached Temporary Construction Easement Sketch and legal description, incorporated by reference in this Exhibit.
2. Nature of Interest:

A temporary construction easement to enter upon and occupy the area of the easement for the staging of materials, equipment, machinery, and other incidents of construction, to stage excavated soils, to excavate, to install and construct all Project infrastructure and other such items, for inspections and other due diligence, and to otherwise generally utilize the easement area to enable and provide for the construction of the Project. The temporary construction easement will expire upon the earlier of 60 days after completion of all construction or one year following the commencement of construction.

Exhibit C-1

Permanent Storm Water Utility Easement for Parcel 1

1. Description: See the attached Stormwater Easement Sketch and legal description, incorporated by reference in this Exhibit.
2. Nature of Interest:

A permanent, perpetual easement to install, upgrade, maintain, repair, and replace storm water drainage facilities including culverts, pipelines, and other installations within the easement area, together with the right to temporarily enter upon and traverse adjacent land sufficient to allow all of the foregoing.

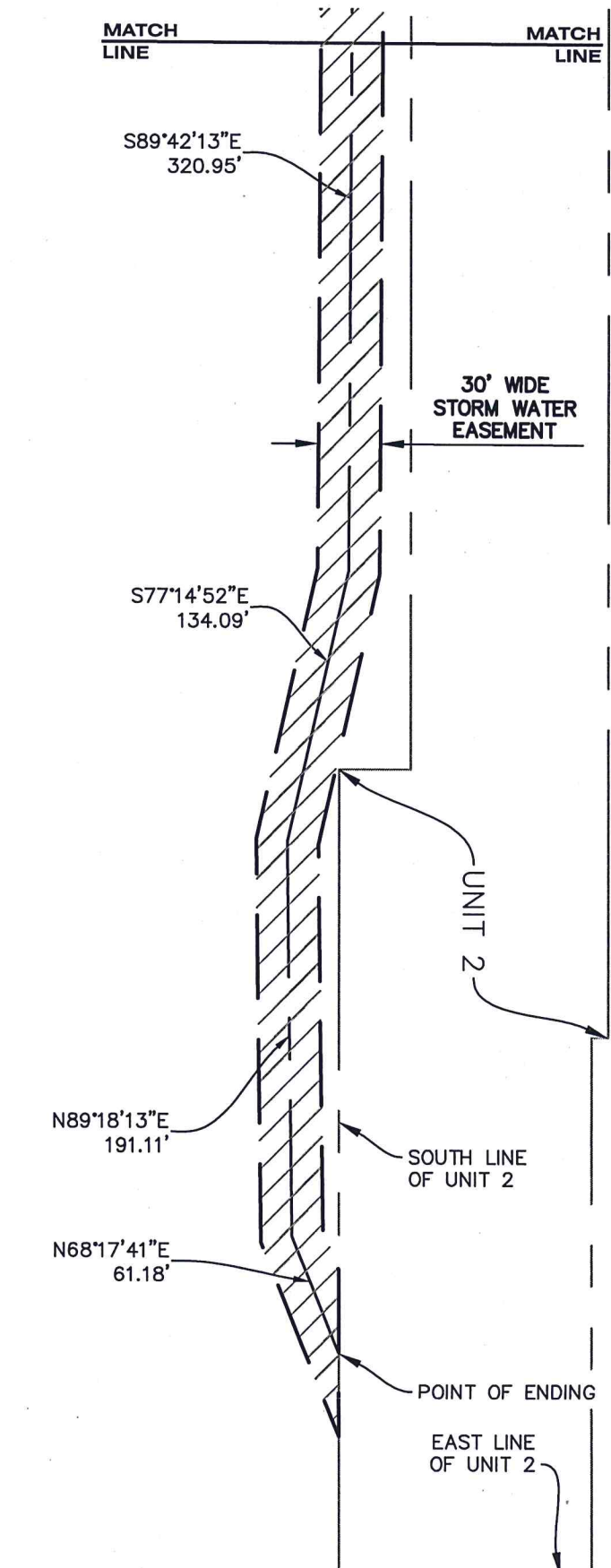
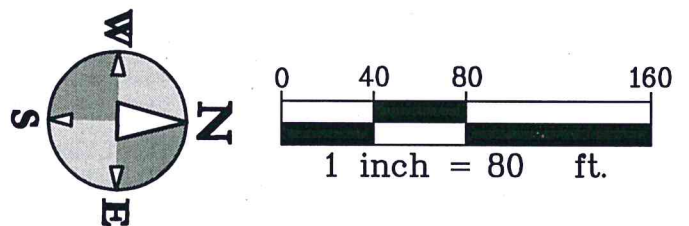
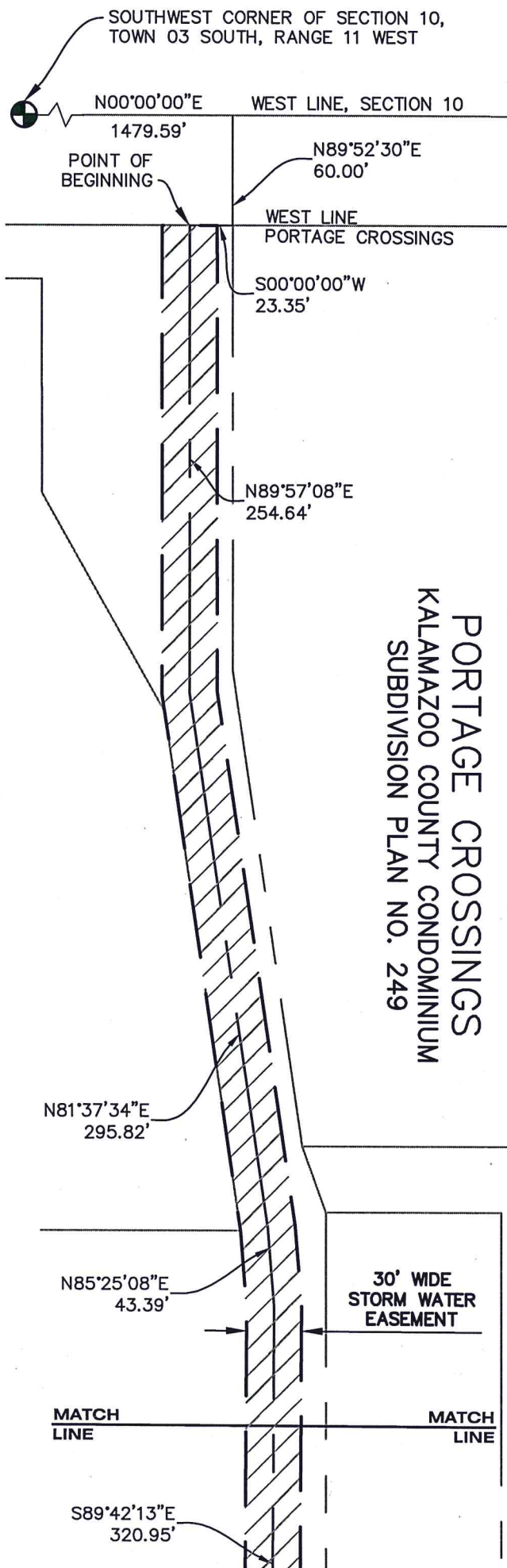
Exhibit C-2

Permanent Storm Water Utility Easement for Parcel 2

1. Description: See the attached Stormwater Easement Sketch and legal description, incorporated by reference in this Exhibit.
2. Nature of Interest:

A permanent, perpetual easement to install, upgrade, maintain, repair, and replace storm water drainage facilities including culverts, pipelines, and other installations within the easement area, together with the right to temporarily enter upon and traverse adjacent land sufficient to allow all of the foregoing.

STORMWATER EASEMENT SKETCH



Drawing No.

1 OF 2

Title:

Project:

Client:

STORMWATER EASEMENT - DIV C

STORMWATER IMPROVEMENTS (2018)

CITY OF PORTAGE

Job No.: 17-048D

Date: 04/12/18

Scale: AS NOTED

P.M.: TAK

Dft: RRP

QA/QC: 04/12/18



hurley & stewart

hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

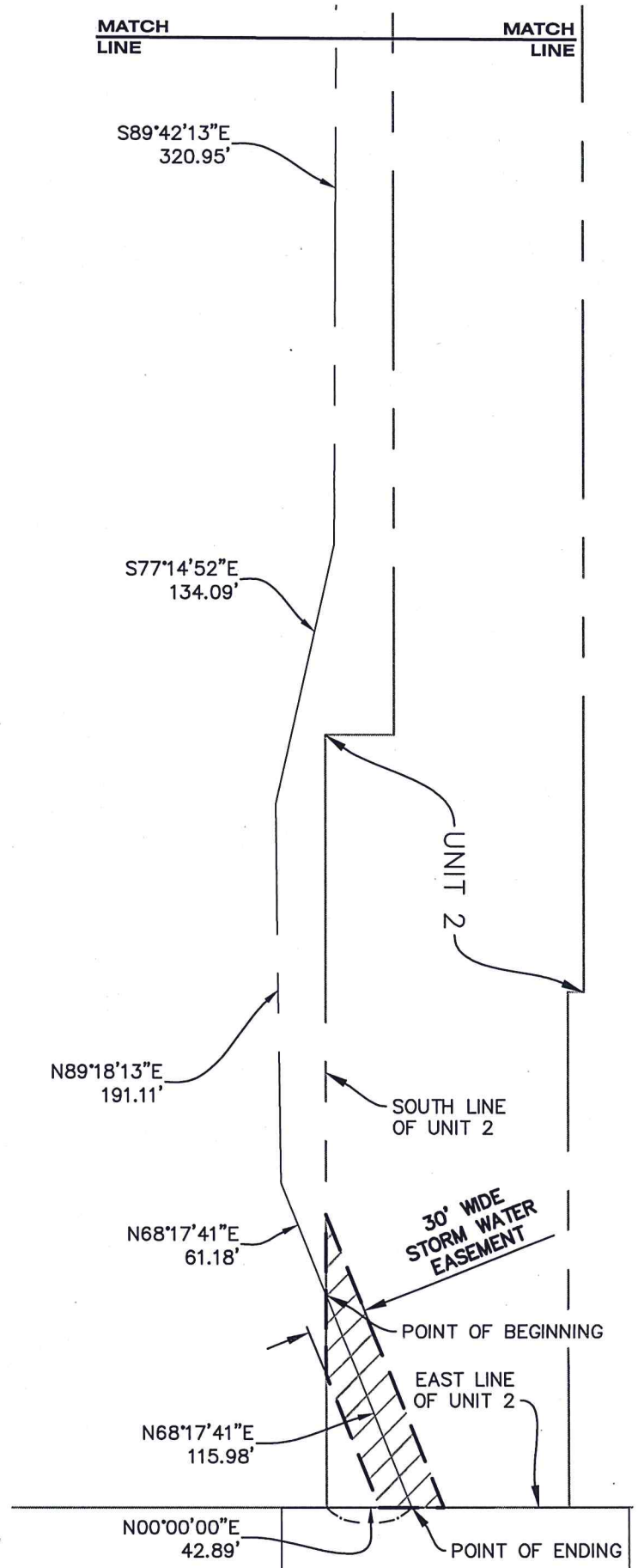
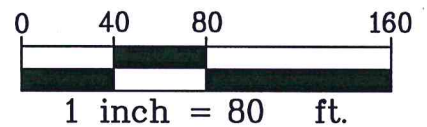
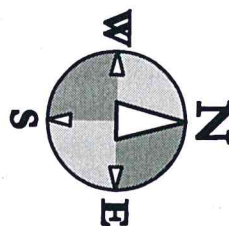
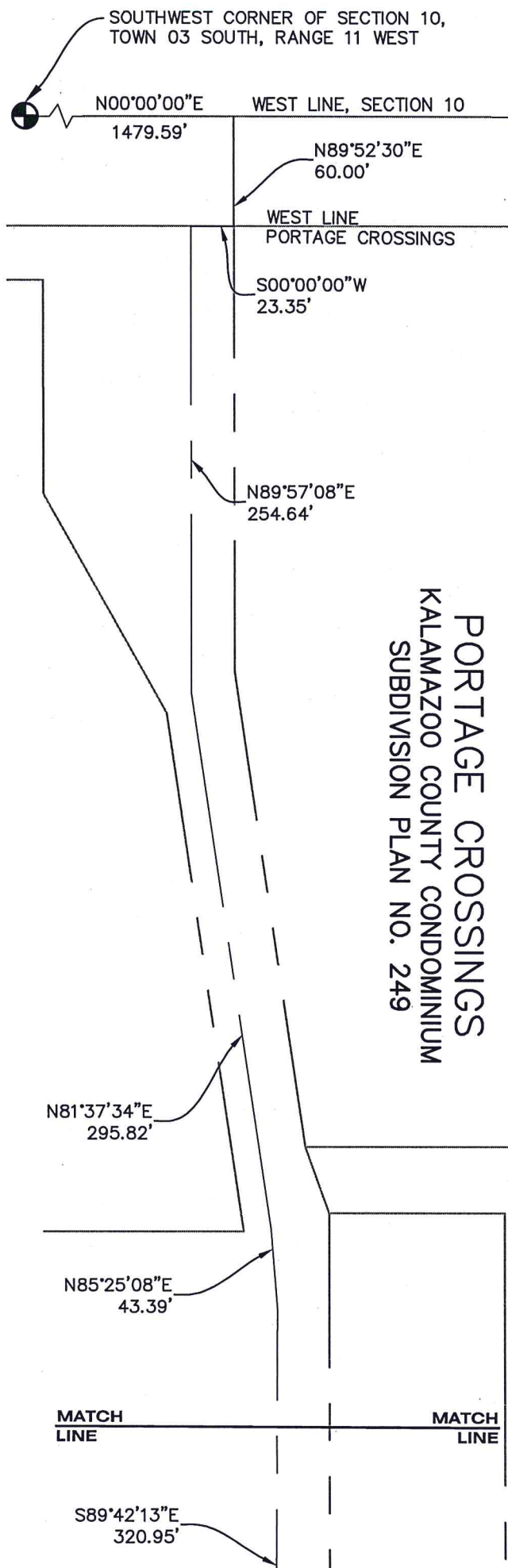
STORMWATER EASEMENT DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS:

A STRIP OF LAND 30.00 FEET WIDE LYING 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN; THENCE ALONG THE WEST LINE OF SAID SECTION NORTH 00°00'00" EAST 1479.59 FEET; THENCE NORTH 89°52'30" EAST 60.00 FEET TO THE WEST LINE OF PORTAGE CROSSINGS (KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 249); THENCE ALONG SAID WEST LINE SOUTH 00°00'00" WEST 23.35 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°57'08" EAST 254.64 FEET; THENCE NORTH 81°37'34" EAST 295.82 FEET; THENCE NORTH 85°25'08" EAST 43.39 FEET; THENCE SOUTH 89°42'13" EAST 320.95 FEET; THENCE SOUTH 77°14'52" EAST 134.09 FEET; THENCE NORTH 89°18'13" EAST 191.11 FEET; THENCE NORTH 68°17'41" EAST 61.18 FEET TO THE SOUTH LINE OF UNIT 2 OF PORTAGE CROSSINGS AND THE POINT OF ENDING. THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED SO AS TO ELIMINATE GAPS OR OVERLAPS. SAID PARCEL CONTAINS 0.90 +/- ACRES (39,047 +/- SQUARE FEET).

Drawing No. 2 OF 2	Title: STORMWATER EASEMENT - DIV C Project: STORMWATER IMPROVEMENTS (2018) Client: CITY OF PORTAGE	Job No.: 17-048D Date: 04/12/18 Scale: AS NOTED P.M.: TAK Dft: RRP QA/QC: 04/12/18	 hurley & stewart 2800 south 11th street kalamazoo, michigan 49009 269.552.4960 fax 269.552.4961 www.hurleystewart.com
------------------------------	--	---	--

STORMWATER EASEMENT SKETCH



Drawing No.

1 OF 2

Title:

Project:

Client:

STORMWATER EASEMENT - DIV C
STORMWATER IMPROVEMENTS (2018)
CITY OF PORTAGE

Job No.: 17-048D

Date: 04/12/18

Scale: AS NOTED

P.M.: TAK

Dft: RRP

QA/QC: 04/12/18

HS
hurley & stewart

hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4980 fax 269.552.4981
www.hurleystewart.com

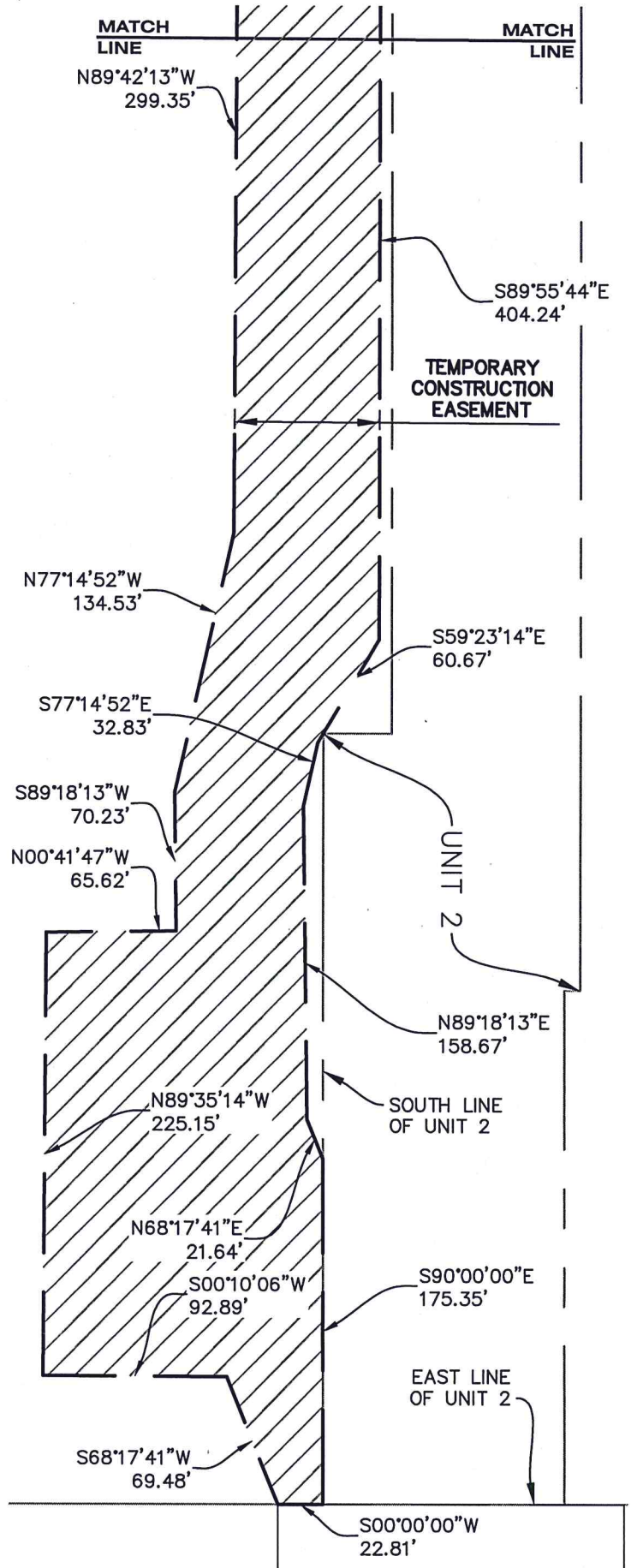
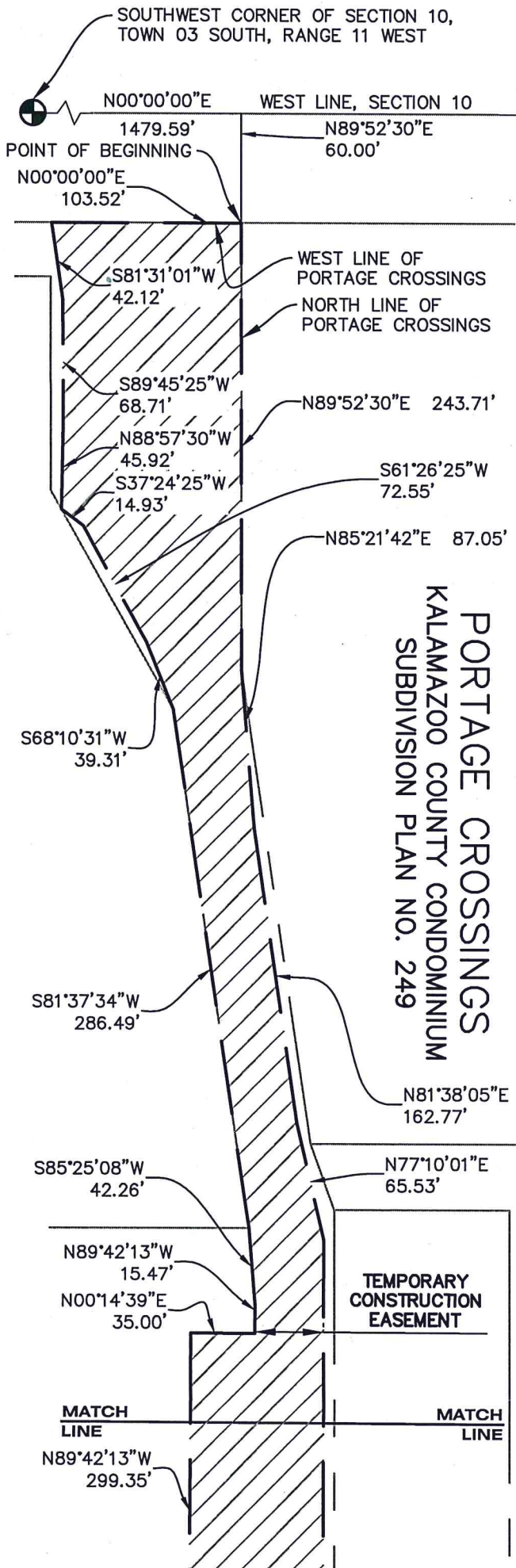
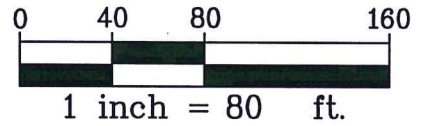
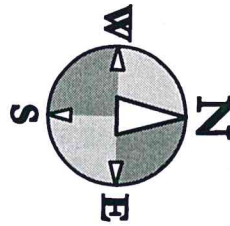
STORMWATER EASEMENT DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS:

A STRIP OF LAND 30.00 FEET WIDE LYING 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN; THENCE ALONG THE WEST LINE OF SAID SECTION NORTH 00°00'00" EAST 1479.59 FEET; THENCE NORTH 89°52'30" EAST 60.00 FEET TO THE WEST LINE OF PORTAGE CROSSINGS (KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 249); THENCE ALONG SAID WEST LINE SOUTH 00°00'00" WEST 23.35 FEET; THENCE NORTH 89°57'08" EAST 254.64 FEET; THENCE NORTH 81°37'34" EAST 295.82 FEET; THENCE NORTH 85°25'08" EAST 43.39 FEET; THENCE SOUTH 89°42'13" EAST 320.95 FEET; THENCE SOUTH 77°14'52" EAST 134.09 FEET; THENCE NORTH 89°18'13" EAST 191.11 FEET; THENCE NORTH 68°17'41" EAST 61.18 FEET TO THE SOUTH LINE OF UNIT 2 OF PORTAGE CROSSINGS AND THE POINT OF BEGINNING; THENCE NORTH 68°17'41" EAST 115.98 FEET TO A POINT ON THE EAST LINE OF UNIT 2 OF PORTAGE CROSSINGS WHICH LIES NORTH 00°00'00" EAST 42.89 FEET FROM THE SOUTH EAST CORNER OF UNIT 2, SAID POINT BEING THE POINT OF ENDING. THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED SO AS TO ELIMINATE GAPS OR OVERLAPS. SAID PARCEL CONTAINS 0.08 +/- ACRES (3,479 +/- SQUARE FEET).

Drawing No.	Title:	Job No.: 17-046D	 hurley & stewart 2800 south 11th street kalamazoo, michigan 49009 269.652.4980 fax 269.652.4981 www.hurleystewart.com
2 OF 2	Project:	STORMWATER EASEMENT - DIV C	
		STORMWATER IMPROVEMENTS (2018)	
	Client:	CITY OF PORTAGE	
		Date: 04/12/18 Scale: AS NOTED P.M.: TAK Dit: RRP QA/QC: 04/12/18	

TEMPORARY CONSTRUCTION EASEMENT SKETCH



Drawing No.

1 OF 2

Title: **TEMPORARY CONSTRUCTION EASEMENT - DIV C**
Project: **STORMWATER IMPROVEMENTS (2018)**
Client: **CITY OF PORTAGE**

Job No.: 17-048D
Date: 04/18/18
Scale: AS NOTED
P.M.: TAK
Dft: RRP
QA/QC: 04/18/18



hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

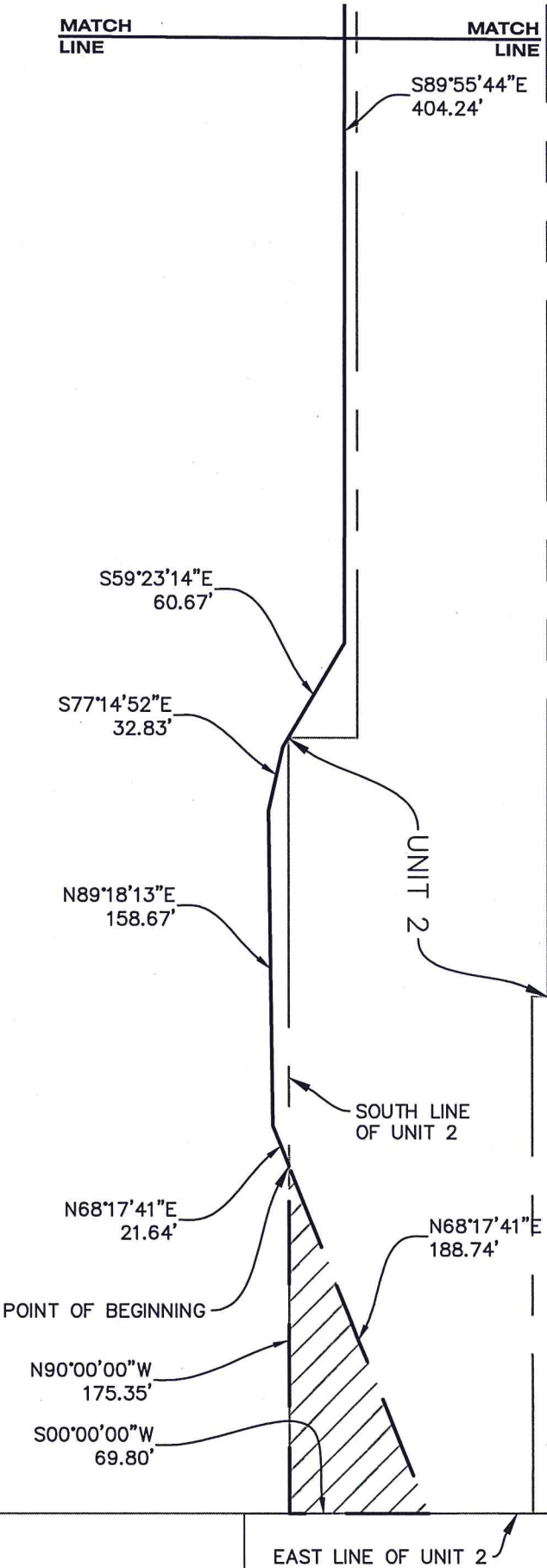
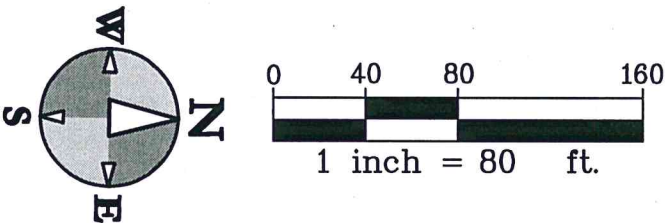
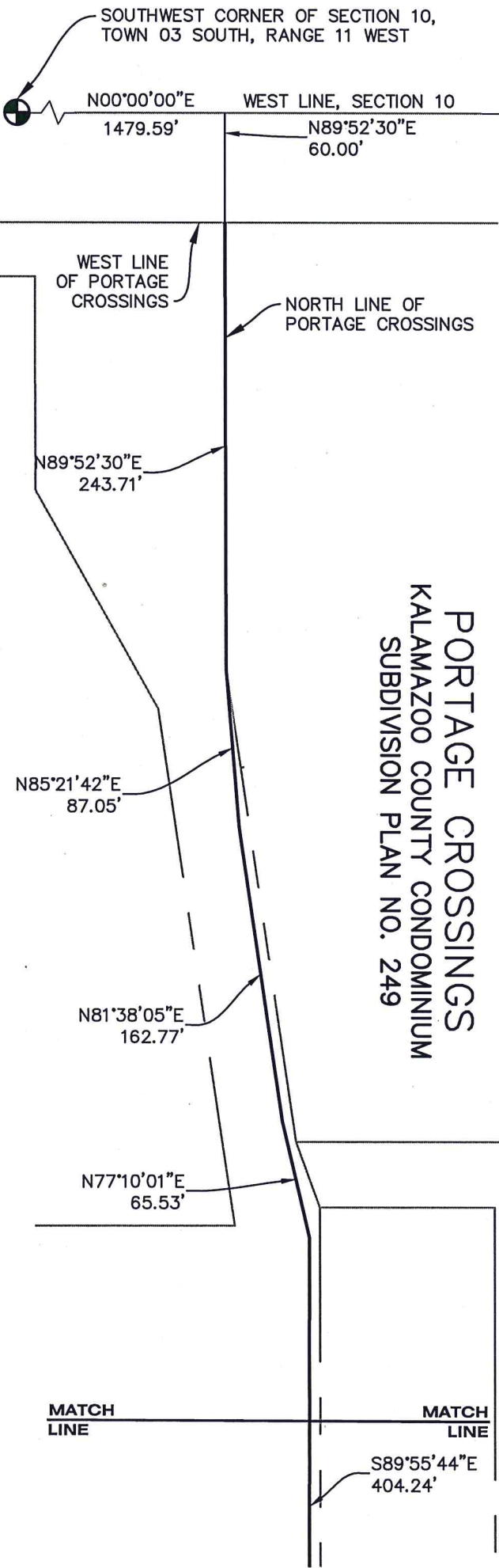
TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN; THENCE ALONG THE WEST LINE OF SAID SECTION NORTH 00°00'00" EAST 1479.59 FEET; THENCE NORTH 89°52'30" EAST 60.00 FEET TO NORTHWEST CORNER OF PORTAGE CROSSINGS (KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 249) AND THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF PORTAGE CROSSINGS, NORTH 89°52'30" EAST 243.71 FEET; THENCE NORTH 85°21'42" EAST 87.05 FEET; THENCE NORTH 81°38'05" EAST 162.77 FEET; THENCE NORTH 77°10'01" EAST 65.53 FEET; THENCE SOUTH 89°55'44" EAST 404.24 FEET; THENCE SOUTH 59°23'14" EAST 60.67 FEET; THENCE SOUTH 77°14'52" EAST 32.83 FEET; THENCE NORTH 89°18'13" EAST 158.67 FEET; THENCE NORTH 68°17'41" EAST 21.64 FEET TO THE SOUTH LINE OF UNIT 2 OF PORTAGE CROSSINGS; THENCE ALONG SAID SOUTH LINE, SOUTH 90°00'00" EAST 175.35 FEET TO THE SOUTHEAST CORNER OF UNIT 2 AND THE EAST LINE OF PORTAGE CROSSINGS; THENCE ALONG SAID EAST LINE, SOUTH 00°00'00" WEST 22.81 FEET; THENCE SOUTH 68°17'41" WEST 69.48 FEET; THENCE SOUTH 00°10'06" WEST 92.89 FEET; THENCE NORTH 89°35'14" WEST 225.15 FEET; THENCE NORTH 00°41'47" WEST 65.62 FEET; THENCE SOUTH 89°18'13" WEST 70.23 FEET; THENCE NORTH 77°14'52" WEST 134.53 FEET; THENCE NORTH 89°42'13" WEST 299.35 FEET; THENCE NORTH 00°14'39" EAST 35.00 FEET; THENCE NORTH 89°42'13" WEST 15.47 FEET; THENCE SOUTH 85°25'08" WEST 42.26 FEET; THENCE SOUTH 81°37'34" WEST 286.49 FEET; THENCE SOUTH 68°10'31" WEST 39.31 FEET; THENCE SOUTH 61°26'25" WEST 72.55 FEET; THENCE SOUTH 37°24'25" WEST 14.93 FEET; THENCE NORTH 88°57'30" WEST 45.92 FEET; THENCE SOUTH 89°45'25" WEST 68.71 FEET; THENCE SOUTH 81°31'01" WEST 42.12 FEET TO THE WEST LINE OF PORTAGE CROSSINGS; THENCE ALONG SAID WEST LINE, NORTH 00°00'00" WEST 103.52 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.39 +/- ACRES (104,099 +/- SQUARE FEET).

Drawing No. 2 OF 2	Title: TEMPORARY CONSTRUCTION EASEMENT - DIV C Project: STORMWATER IMPROVEMENTS (2018) Client: CITY OF PORTAGE	Job No.: 17-048D Date: 04/16/18 Scale: AS NOTED P.M.: TAK Dft: RRP QA/QC: 04/16/18	 hurley & stewart 2800 south 11th street kalamazoo, michigan 49009 269.552.4980 fax 269.552.4981 www.hurleystewart.com
------------------------------	--	---	--

TEMPORARY CONSTRUCTION
 EASEMENT SKETCH



Drawing No. 1 OF 2	Title: TEMPORARY CONSTRUCTION EASEMENT - DIV C	Job No.: 17-048D	 hurley & stewart 2800 south 11th street kalamazoo, michigan 49009 269.552.4900 fax 269.552.4961 www.hurleystewart.com
	Project: STORMWATER IMPROVEMENTS (2018)	Date: 04/16/18	
	Client: CITY OF PORTAGE	Scale: AS NOTED P.M.: TAK Dft: RRP QA/QC: 04/16/18	

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN; THENCE ALONG THE WEST LINE OF SAID SECTION, NORTH 00°00'00" EAST 1479.59 FEET; THENCE NORTH 89°52'30" EAST 60.00 FEET TO THE NORTHWEST CORNER OF PORTAGE CROSSINGS (KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 249); THENCE ALONG THE NORTH LINE OF PORTAGE CROSSINGS, NORTH 89°52'30" EAST 243.71 FEET; THENCE NORTH 85°21'42" EAST 87.05 FEET; THENCE NORTH 81°38'05" EAST 162.77 FEET; THENCE NORTH 77°10'01" EAST 65.53 FEET; THENCE SOUTH 89°55'44" EAST 404.24 FEET; THENCE SOUTH 59°23'14" EAST 60.67 FEET; THENCE SOUTH 77°14'52" EAST 32.83 FEET; THENCE NORTH 89°18'13" EAST 158.67 FEET; THENCE NORTH 68°17'41" EAST 21.64 FEET TO THE SOUTH LINE OF UNIT 2 OF PORTAGE CROSSING AND THE POINT OF BEGINNING; THENCE NORTH 68°17'41" EAST 188.74 FEET TO THE EAST LINE OF UNIT 2; THENCE ALONG SAID EAST LINE, SOUTH 00°00'00" WEST 69.80 FEET TO THE SOUTHEAST CORNER OF UNIT 2; THENCE ALONG SAID SOUTH LINE, NORTH 90°00'00" WEST 175.35 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 0.14 +/- ACRES (6,120 +/- SQUARE FEET).

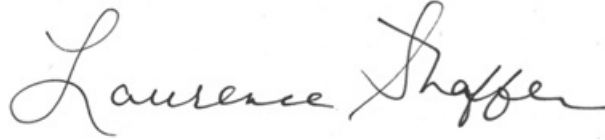
Drawing No.	Title:	Job No.:		hurley & stewart, llc 2800 south 11th street kalamazoo, michigan 49009 269.552.4960 fax 269.552.4961 www.hurleystewart.com
2 OF 2	Project:	Date:		
	Client:	Scale:		
		P.M.:		
		Dft:		
		QA/QC:		

2018 STORM DRAINAGE IMPROVEMENTS
DIVISION C - SOUTH WESTNEDGE AVENUE RELIEF STORM SEWER
BID TABULATION

<u>BIDDER</u>	<u>TOTAL</u>
Peters Construction Co 3325 E. Kilgore Road Kalamazoo, MI 49001	\$365,333.83
Nashville Construction 11205 Lawrence Hgwy Nashville, MI 49073	\$374,922.50
Mead Bros. Excavating Post Office Box 99 Springport, MI 49284	\$449,795.63
J. Sebastian Trucking 11575 Pope Church Rd. Springport, MI 49284	\$515,454.10
Hoffman Brothers Inc. 8574 Verona Road Battle Creek, MI 49014	\$561,734.95

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Road Paving

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a paving contract to Niblock Excavating, Incorporated of Bristol, Indiana for road paving in an amount not to exceed \$385,952.50 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

Niblock Excavating, Incorporated of Bristol, Indiana has provided a quote in the amount of \$385,952.50 to conduct road paving to be completed prior October 15, 2018.

It is recommended that City Council award a contract to Niblock Excavating, Incorporated of Bristol, Indiana for road paving in the amount not to exceed \$385,952.50 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: 2017-2018 Capital Improvement Program Budget

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Rezoning of 4211 Long Lake Drive (east half) and 4525 Long Lake Drive

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Accept Rezoning Application #18/19-2, 4211 (east half) and 4525 Long Lake Drive, for first reading and set a public hearing for October 23, 2018.

An application has been received from Cassandra Hammermeister requesting that 4525 Long Lake Drive be rezoned from B-3, general business to R-1A, one family residential. The applicant has recently purchased the subject property and is requesting the rezoning to facilitate demolition of the former Long Lake Roller Rink buildings and construction of a new single-family lake home.

During administrative review of the rezoning request, it was noted that the eastern portion of 4211 Long Lake Drive is also zoned B-3 (western portion of 4211 Long Lake Drive is zoned R-1A, one family residential). The property at 4211 Long Lake Drive is owned by the Michigan Department of Natural Resources (MDNR) and developed as a public access/boat launch to Long Lake. Given the applicant's rezoning request and the surrounding residential zoning/land use pattern in the area, the City Administration expanded the rezoning application to also include consideration of the eastern portion of 4211 Long Lake Drive.

In a report dated August 30, 2018, the Department of Community Development concluded the proposed R-1A zoning is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern. For these reasons, staff is supportive of the proposed zoning change to R-1A.

The Planning Commission convened a public hearing during the August 16 and September 6, 2018 meetings to consider the rezoning request. Roger Zahm and Robin Hammermeister were present to speak on behalf of the applicants. No additional citizens spoke during the public hearing and no communications regarding the proposed rezoning have been received.

After careful consideration, the Commission voted 8-0 to recommend to City Council that Rezoning Application #18/19-2 be approved and the east half of 4211 Long Lake Drive and 4525 Long Lake Drive be rezoned from B-3, general business to R-1A, one family residential with a finding that the R-1A district is appropriate in this area of the city and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern.

FUNDING: Not applicable.

Attachments: 1. Planning Commission transmittal dated September 14, 2018

2. Planning Commission meeting minutes dated August 16, 2018 and September 6, 2018
3. Department of Community Development staff report dated August 30, 2018 with attachments
4. Long Lake rezoning - ordinance amendment

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: September 14, 2018

SUBJECT: Rezoning Application #18/19-2, 4211 (east ½) and 4525 Long Lake Drive

The Planning Commission convened a public hearing during the August 16th and September 6th, 2018 meetings to consider the rezoning application submitted by Cassandra Hammermeister and expanded by the city administration to 4211 (east ½) and 4525 Long Lake Drive from B-3, general business to R-1A, one family residential. Roger Zahm of Battle Creek, Michigan (applicant's father) was present during the August 16th meeting and Robin Hammermeister of Stevensville, Michigan (applicant's representative) was present at the September 6th meeting to support the rezoning request and explain the applicant's plan to demolish the former Long Lake Roller Rink buildings and construct a new single family lake home on the 4525 Long Lake Drive parcel. No additional citizens spoke during the public hearings and no communications regarding the proposed rezoning have been received.

After careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Corradini, to recommend to City Council that Rezoning Application #18/19-2 be approved and the east ½ of 4211 Long Lake Drive and 4525 Long Lake Drive be rezoned from B-3, general business to R-1A, one family residential. The motion included a finding that the R-1A district is appropriate in this area of the city and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern. The motion was unanimously approved 8-0.

Sincerely,


Wayne Stoffer
Chairman 

Mr. West discussed the original Greenspire PD rezoning and tentative plan/narrative approval and indicated the final plan for Phase V-C has been designed in substantial conformance with the approved tentative plan/narrative. Mr. West then briefly discussed access to Phase V-C, minimum apartment building setbacks, sidewalk installation and outdoor lighting. Mr. West indicated that storm water from Phase V-C will be collected and conveyed to a treatment cell located between Buildings 4 and 5, along the north side of Fawn Cove, prior to being discharged to the adjacent lowland/wetland area. Mr. West indicated that the Michigan Department of Environmental Quality (MDEQ) has preliminarily reviewed this design and the appropriate approved/permit is pending.

Greg Dobson (representing H & G II, LLC) was present to support the final plan and discuss Phase-V-C of the Greenspire Apartment. Mr. Dobson provided a brief history of Greenspire Apartments development and indicated an ongoing demand for additional housing units. Mr. Dobson discussed the ongoing efforts to preserve trees and natural features with Phase V-C to continue the wooded/natural theme of the Greenspire Apartments complex. Mr. Dobson also provided an update on the MDEQ review and approval of the permit to discharge storm water into the adjacent lowland/wetland area.

After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Corradini, to recommend to City Council that the Final Plan for Greenspire Apartments (Phase V-C), 3413 Fawn Cove and 3413 West Centre, be approved subject to MDEQ approval of the storm water discharge and finalization of the detailed engineering plans related to the underground utilities (storm sewer, water and sanitary). The motion was unanimously approved 6-0.

PUBLIC HEARING:

1. Rezoning Application #18/19-1, 5932 Iowa Avenue. Mr. West referred the Planning Commission to communication dated August 15, 2018 from the applicant (Matt Callander) requesting that the rezoning application be withdrawn from further consideration. Chairman Stoffer asked if anyone in the audience was present for this matter and indicated the Commission would be accepting the applicant's request to withdraw the application.

Tim Miller, on behalf of his mother Lois Miller who owns 5928 Iowa Avenue, requested clarity on the proposed withdraw of the rezoning application. Mr. West indicated the applicant had submitted a site plan earlier in the week for the office redevelopment which identified elimination of the storm water retention pond from the 5932 Iowa Avenue parcel. Site plan had been redesigned with storm water retention being handled underneath the parking lot on the office zoned parcels along West Milham Avenue.

After additional discussion, a motion was made by Commissioner Schimmel, seconded by Commissioner Baldwin, to accept the applicant's request to withdraw Rezoning Application #18/19-1, 5932 Iowa Avenue, from further consideration. The motion was unanimously approved 6-0.

2. Preliminary Report: Rezoning Application #18/19-2, 4211 (east ½) and 4525 Long Lake Drive. Mr. West summarized the August 10, 2018 preliminary staff report regarding a request from Cassandra Hammermeister to rezone property located at 4525 Long Lake Drive from B-3, general business to R-1A, one family residential. During the administrative review of the rezoning request, Mr. West indicated that staff also noted that the eastern portion of 4211 Long Lake Drive is also zoned B-3 (western portion of 4211 Long Lake Drive is zoned R-1B, one family residential). Mr. West stated the property at 4211 Long Lake Drive is owned by the Michigan Department of Natural Resources (MDNR) and developed as a public access/boat launch to Long Lake. Given the applicant's request and the surrounding residential zoning/land use pattern in the area, Mr. West indicated the city administration expanded the rezoning application to also include consideration of the eastern portion of 4211 Long Lake Drive.

Roger Zahm of Battle Creek (applicant representative) was present to support the rezoning application. Mr. Zahm stated the applicant (Cassandra Hammermeister) was his daughter and her and her husband currently reside in Texas. Mr. Zahm indicated his daughter and her husband were planning on relocating back to Portage and planned to demolish the former Long Lake Roller Rink and construct a new lake home.

The public hearing was opened by Chairman Stoffer. No citizens spoke regarding the proposed rezoning. After a brief conversation, a motion was made by Commissioner Patterson, seconded by Commissioner Baldwin, to adjourn the public hearing for Rezoning Application #18/19-2, 4211 (east 1/2) and 4525 Long Lake Drive, to the September 6, 2018 meeting. The motion was unanimously approved 6-0.

3. Preliminary Site Condominium: Pennridge Trail Subdivision (Phase 1), 1722 and 1800 West Osterhout Avenue. Mr. West summarized the August 10, 2018 staff report regarding a request from Westview Capital LLC to construct Phase 1 of the Pennridge Trail site condominium. Mr. West stated Phase 1 of the Pennridge Trail Subdivision proposes 22 single family residential lots/units and construction of a new public street (Pennridge Drive) from West Osterhout Avenue. Mr. West indicated the PD, planned development rezoning and tentative plan/narrative for the Pennridge Trail Planned Development received City Council approval in June 2018. Mr. West stated the overall PD project includes a total of 137 single family detached/attached residential homes (63 single family detached homes and 74 attached duplex units) in multiple phases on the 46.54 acre tract of land with approximately 16 acres (34%) devoted to open space areas. Mr. West indicated Phase 1 of the Pennridge Trail Subdivision has been designed in substantial compliance with the approved tentative plan/narrative and is recommended for approval subject to the two conditions contained in the staff report.

Brian Wood (Westview Capital LLC representative) was present to support the plan and explain the timeline for construction of Phase 1 of the Pennridge Trail Subdivision. Chairman Stoffer opened the public hearing. No citizens spoke regarding proposed preliminary site condominium. A motion was made by Commissioner Baldwin, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 6-0.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to recommend to City Council that the Preliminary Condominium for Pennridge Trail Subdivision (Phase 1), 1722 and 1800 West Osterhout Avenue, be approved subject to the two conditions outlined in the August 10, 2018 staff report. The motion was unanimously approved 6-0.

4. Special Land Use Permit: Paver Dog Park, 9651 Portage Road. Mr. West summarized the August 10, 2018 staff report regarding a Special Land Use Permit submitted by John Paver to construct an outdoor fenced dog park in conjunction with a pet supply store proposed at 9651 Portage Road. Mr. West stated the 1.4 acre parcel is zoned B-3, general business and occupied by a 7,000 square foot retail building and associated parking lot along the northern portion of the property. Mr. West indicated the applicant proposes to utilize the currently vacant southern portion of the property for the outdoor fenced dog park. Mr. West provided a brief summary of the 2010/2011 city administration determination under Section 42-652 that an outdoor dog park and/or dog day care were uses not specifically addressed in the Zoning Code and may be allowed in the B-3 zoning district as a Special Land Use subject to review and approval by the Planning Commission. Mr. West discussed the specifics of the outdoor dog park, surrounding land use/zoning and indicated that staff was supportive of the proposal subject to several conditions outlined in the staff report. Mr. West then referred the Commission to the letter of opposition contained in the final agenda packet from Mark Bainbridge of Colonial Engineering, owners of the vacant property located to the east of the subject parcel.

John Paver (applicant) was present to speak in support of the proposed outdoor fenced dog park. Mr. Paver discussed the nature of the outdoor dog park and how the membership program would work allowing access through an electronic reader card. Mr. Paver stated he has read the staff report and concurs with the recommended conditions of approval. The Commission and Mr. Paver next discussed various aspects of the proposed outdoor dog park.

The public hearing was then opened by Chairman Stoffer. Two citizens spoke regarding the proposed outdoor dog park: 1) Jason Groth (323 Dawnlee), and 2) Peg Fraga (5124 Midfield). Mr. Groth spoke in support of the outdoor dog park and inquired about the regulations for placement of screening fences on residential properties. Mr. West stated fencing on residential property may be placed up to the property line, and that a fence under seven feet in height does not require a building permit. Ms. Fraga also spoke in support of the outdoor dog park indicating that Portage does not have enough dog parks, and the addition of the Paver Dog Park would be a welcomed addition to the community. No additional citizen spoke regarding the proposed

PLANNING COMMISSION

September 6, 2018

The City of Portage Planning Commission meeting of September 6, 2018 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seventeen citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll: Baldwin (yes); Pezzoli (yes); Joshi (yes); Place (yes); Harrell-Page (no); Schimmel (yes); Stoffer (yes); Corradini (yes); and Patterson (yes).

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the August 16, 2018 meeting minutes contained in the agenda packet. Commissioner Schimmel asked that the minutes be amended to clarify that she would be present during the September 6, 2018 meeting. A motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the minutes as amended. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None

PUBLIC HEARING:

1. Final Report: Rezoning Application #18/19-2, 4211 (east ½) and 4525 Long Lake Drive. Mr. Forth summarized the August 30, 2018 final report regarding a request from Cassandra Hammermeister to rezone property located at 4525 Long Lake Drive from B-3, general business to R-1A, one family residential. Mr. Forth stated staff is recommending the rezoning application be approved since the R-1A district is appropriate in this area of the City and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern. Commission Joshi asked about the potential for flooding due to the presence of a wetland area. Mr. Forth stated that the potential for flooding and associated risk factors will be carefully reviewed upon submittal of building plans. Commissioner Joshi also asked if the potential for flooding might be a barrier to approving the rezoning request. Mr. Forth stated those type of environmental issues would impact placement of the building(s) on the property and not a zoning change.

Robin Hammermeister, Stevensville, Michigan, (applicant representative) was present to support the rezoning application. Ms. Hammermeister stated the applicants currently reside in Texas and plan to return to Kalamazoo and construct a new lake home.

The public hearing was opened by Chairman Stoffer. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Baldwin, seconded by Commissioner Place to close the public hearing. The motion was unanimously approved 8-0. There being no further discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Corradini, to recommend to City Council that Rezoning Application #18/19-2 be approved and the east ½ of 4211 Long Lake Drive and 4525 Long Lake Drive be rezoned from B-3, general business to R-1A, one family residential. The R-1A district is appropriate in this

area of the City and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Accessory Building (Warner), 10650 South Westnedge Avenue. Mr. Forth summarized the August 30, 2018 staff report concerning a request from Adam and Katie Warner to construct a 2,400 square foot (40-foot by 60-foot) detached accessory building along the southeast portion of the property. According to the applicant, the accessory building will be of pole barn construction and will be utilized for storage of personal items and will not be used for any business related purposes. The applicants were present to support the request. Ms. Warner confirmed the building will only be used for the storage of personal items. Chairman Stoffer stated this wasn't a public hearing but if anyone in the audience would like to comment, they could do so at this time. Ms. Cheryl Butler, 10717 South Westnedge Avenue spoke in support of the application.

There being no further discussion, a motion was made by Commissioner Corradini, seconded by Commissioner Patterson, to approve the proposed 2,400 square foot Accessory Building for Adam and Katie Warner, 10650 South Westnedge Avenue. The motion was unanimously approved 8-0.

STATEMENT OF CITIZENS/COMMISSIONERS:

Chairman Stoffer requested staff check on whether or not Commissioner Harrell-Page had been excused from tonight's meeting. Mr. Forth stated he would check and advise the Commission during the next meeting.

Commissioner Baldwin stated she would not be present at the October 4, 2018 meeting.

Commissioner Joshi invited the Portage community to the Superhero 5K walk/run at Celery Flats that will benefit child abuse prevention efforts.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

TO: Planning Commission

DATE: August 30, 2018

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Final Report: Rezoning Application #18/19-2, 4211 (east ½) and 4525 Long Lake Drive

I. INTRODUCTION:

An application has been received from Cassandra Hammermeister, requesting that 4525 Long Lake Drive be rezoned from B-3, general business to R-1A, single family residential. The applicant has recently purchased the subject property and is requesting the rezoning to facilitate demolition of the former Long Lake Roller Rink and construction of a new single family home on the approximate 2.67 acre parcel.

During administrative review of the rezoning request, it was noted that the eastern portion of 4211 Long Lake Drive is also zoned B-3 (western portion of 4211 Long Lake Drive is zoned R-1B, one family residential). The property at 4211 Long Lake Drive is owned by the Michigan Department of Natural Resources (MDNR) and developed as a public access/boat launch to Long Lake. Given the applicant's rezoning request and the surrounding residential zoning/land use pattern in the area, the city administration expanded the rezoning application to also include consideration of the eastern portion of 4211 Long Lake Drive.

II. EXISTING CONDITIONS:

Land Use/Zoning	<u>Rezoning Site:</u> 4525 Long Lake Drive is currently developed with an approximate 13,618 square-foot roller/skating rink and associated gravel parking area (formerly Long Lake Roller Rink). 4211 Long Lake Drive is currently owned by the MDNR and developed as a public access/boat launch to Long Lake. <u>North:</u> Long Lake <u>South (south side of Long Lake Drive):</u> Single family residences zoned R-1B, one family residential. <u>East:</u> Single family residences zoned R-1A, one family residential. <u>West (west of the MDNR public access):</u> Single family residences zoned R-1A, one family residential and a retail supermarket zoned B-1, local business, along the south side of Long Lake Drive.
Zoning/Development History	No rezoning of properties in the surrounding area have occurred in the past 10 years.
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	Long Lake Drive is designated as a two-lane local residential street and traffic counts are not available.
Public Utilities	Municipal water and sanitary sewer are available along Long Lake Drive.
Environmental	The City of Portage Natural Resources Map identifies a potential wetland area within the middle portion of the 4211 Long Lake Drive parcel

III. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the rezoning request at the August 16, 2018 meeting. Roger Zahm of Battle Creek (applicant representative) was present to support the rezoning application. Mr. Zahm stated the applicant (Cassandra Hammermeister) was his daughter and her and her husband currently reside in Texas. Mr. Zahm indicated his daughter and her husband were planning on relocating back to Portage and planned to demolish the former Long Lake Roller Rink and construct a new lake home. No additional citizens spoke during the public hearing and no written communications have been received regarding the proposed rezoning.

IV. FINAL ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map component of the 2014 Comprehensive Plan identifies the rezoning parcels, along with properties situated to the east and west as appropriate for low density residential land use. Properties located to the south, along the south side of Long Lake Drive, as designated for single-family detached medium density residential land use. The proposed R-1A, one family residential zoning district is consistent with the Comprehensive Plan and Future Land Use Map.

While these designations are intended to serve as a general guide for future development and rezoning considerations, specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The proposed rezoning is consistent with applicable Development Guidelines contained in the Comprehensive Plan (see attached Development Guidelines Table).

Suitability of Existing B-3 Zone/Impacts of Proposed R-1A Zone. With the recent closure of the Long Lake Roller Rink and change in ownership of the property, an evaluation of the current B-3 zoning of the subject parcels is appropriate. The subject properties are located within an established single family residential area, along a two-lane local residential street, and redevelopment with a different B-3 commercial land use would not be appropriate or consistent with the surrounding single family residential development pattern. Further commercial development on the subject properties would also be challenging given the proximity to Long Lake and the elevated groundwater table, and could produce adverse impacts on adjacent single family residences. The proposed R-1A zoning district would facilitate demolition of the former Long Lake Roller Rink and construction of a new single family residence consistent with the surrounding single family residential zoning/land use pattern. For Commission information, the property located at 4525 Long Lake

PUBLIC NOTICE

In accordance with the Michigan Planning Enabling Act (Public Act No. 33 of 2008, as amended), a public notice was published in the local newspaper and written notice was mailed to owners of land immediately adjoining the proposed rezoning property 15 days prior to the date of the public hearing.

Drive could potentially be divided to accommodate up to four residential building sites. Finally, and with regard to the eastern portion of the MDNR property, changing the zoning from B-3 to R-1A would not adversely impact current or future use of the property by the MDNR as a public access/boat launch.

Traffic Considerations. Rezoning the subject properties from B-3 to R-1A would result in a decrease in traffic generation that is typically associated with a commercial land use. Specific access related issues including driveway location, would be reviewed at the residential building application stage.

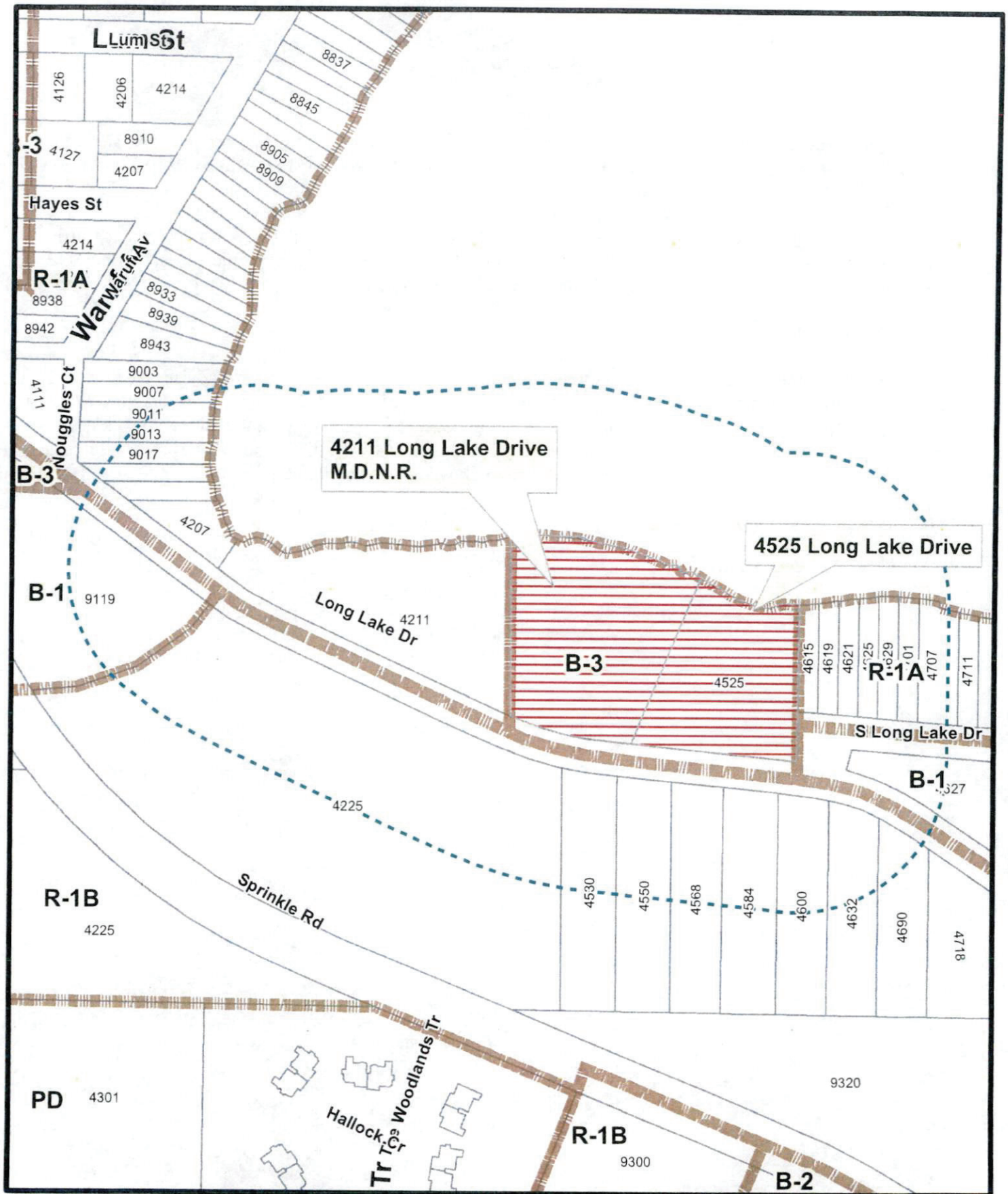
IV. RECOMMENDATION:

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #18/19-2 be approved and the east ½ of 4211 Long Lake Drive and 4525 Long Lake Drive be rezoned from B-3, general business to R-1A, one family residential. The R-1A district is appropriate in this area of the City and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern.

Attachments: Zoning/Vicinity Map

Future Land Use Map
Aerial Photo Map
Development Guidelines Table (R-1A)
Rezoning Application and Supporting Materials

T:\COMMDEV\2018-2019 Department Files\Board Files\Planning Commission\PC Reports\Rezoning\2018 08 30 Rezoning Application 18-19-2, 4211 and 4525 Long Lake Drive (final).doc

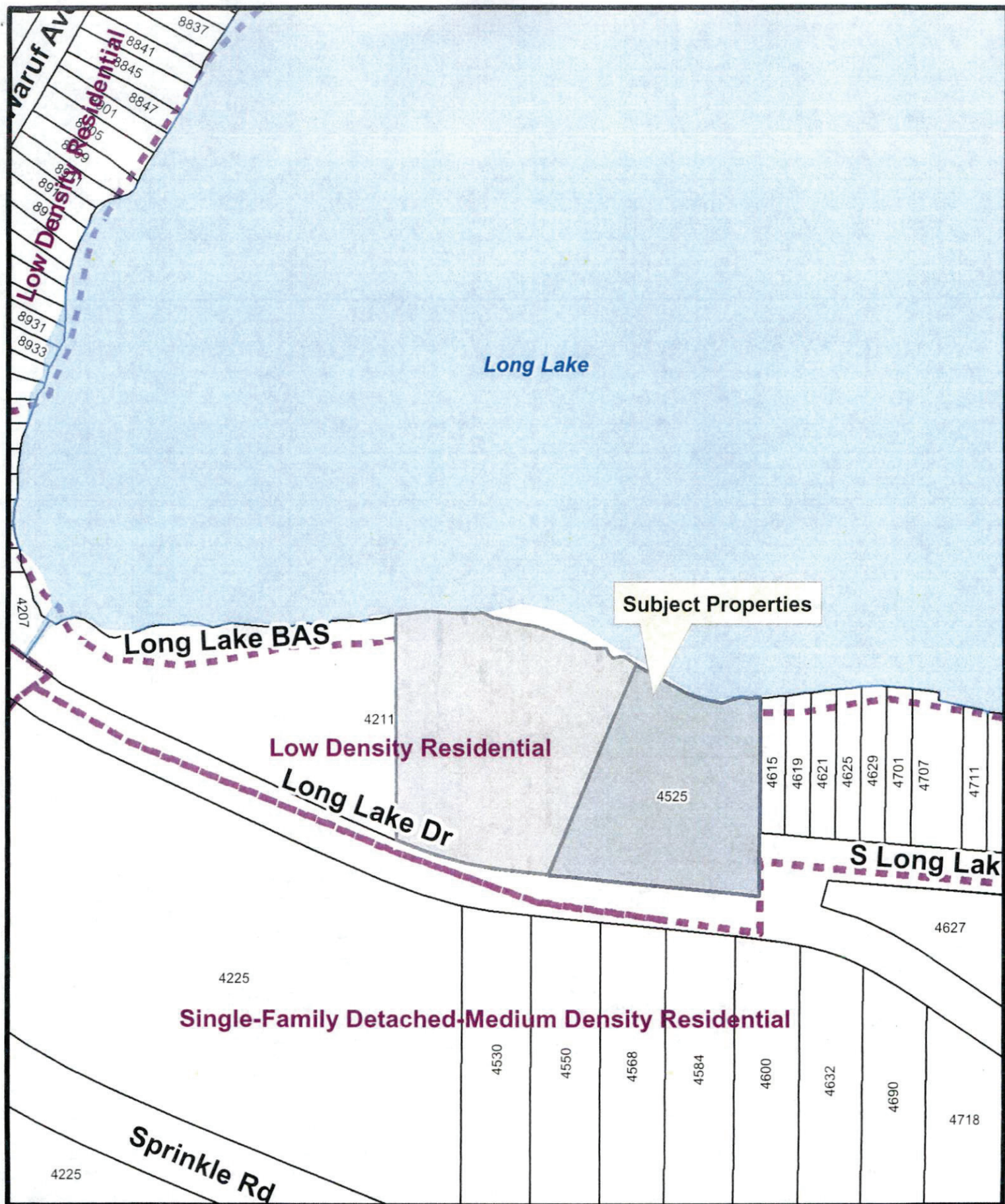


Rezoning Application #18/19-02 4211 & 4525 Long Lake Drive

- 300' Notification
- Subject Properties



1 inch = 250 feet



 4211 Long Lake B3-Portion
 Future Land Use

Future Land Use Map 4211 & 4525 Long Lake Drive


 1 inch = 200 feet
 (120)



-  300' Notification
-  4211 Long Lake Dr
-  4525 Long Lake Dr

Aerial Photography 4211 & 4525 Long Lake Drive



1 inch = 250 feet

DEVELOPMENT GUIDELINES

Rezoning Application #18/19-2 (R-1A, One Family Residential)

Guideline	Description	Consistent	Comments
Rezoning Request – Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map designates the subject properties, along with properties situated to the east and west, as appropriate for low density residential land use. The proposed R-1A rezoning is consistent with this designation.
Residential – 2	Residential Development along Arterial Roadways	N/A	The subject properties are located along Long Lake Drive, a two-lane local residential street.
Residential – 3a	Locational Criteria for Residential Uses	Yes	Residential development would be limited to a “low density” category (R-1A district) given the location of the subject properties along a local residential street.
Residential – 4	Compatibility with Adjacent Uses	Yes	Proposed R-1A zone is consistent and compatible with the surrounding single family detached residential zoning and land use pattern along Long Lake Drive.
Residential – 5	Open Space and Natural Resources Protection	N/A	Parcel at 4525 Long Lake Drive was formerly occupied by the Long Lake Roller Rink and demolition of these structures and construction of a single family residence is planned with the requested R-1A zoning. Parcel at 4211 Long Lake Drive is currently occupied by the MDNR public access/boat launch and rezoning to R-1A would not adversely impact current or future use of this site.
Residential – 6	Street and Pedestrian Systems	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 1	Environmental Protection	Yes	See Comment Residential – 3 (above)
Natural & Historic Resources – 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources – 3	Water Quality	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	Yes	Rezoning site is not situated within a designated historic preservation area and does not contain any historic structures.
Natural & Historic Resources – 6	Open Space Protection	Yes	Reviewed at site plan stage of development.
Transportation – 1	Transportation Systems	Yes	See Comment: Residential – 2 (above). Reviewed at site plan stage of development
Transportation – 2	Street Design	Yes	Subject properties have public street frontage on Long Lake Drive, a local residential street. A zoning change from B-3 to R-1A would decrease traffic generation onto this local residential street. Specific access design will be reviewed at the site plan stage of development.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Reviewed at site plan stage of development.

Guideline	Description	Consistent	Comments
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at site plan stage of development.
Transportation – 6	Parking	Yes	Reviewed at site plan stage of development.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at site plan stage of development.

s:\commdev\2018-2019 department files\board files\planning commission\pc reports\development guideline tables\guideline table 18-19-2 (r-1a).doc

Christopher Forth

From: Christopher Forth
Sent: Thursday, July 19, 2018 2:19 PM
To: Michael West; Karl Klemm
Subject: FW: Online Form Submittal: Zoning Amendment Application

Mike:

Please process. We still need payment and perhaps more info from the applicant.

Karl, please prepare the vicinity maps and notification list.

Thanks,

From: Planning and Zoning Applications
Sent: Thursday, July 19, 2018 1:21 PM
To: Michael West <westm@portagemi.gov>; Christopher Forth <forthc@portagemi.gov>
Subject: FW: Online Form Submittal: Zoning Amendment Application

From: noreply@civicplus.com [<mailto:noreply@civicplus.com>]
Sent: Wednesday, July 18, 2018 4:08 PM
To: Planning and Zoning Applications
Subject: Online Form Submittal: Zoning Amendment Application

Zoning Amendment Application

Applicant Information

First Name	Cassandra
Last Name	Hammermeister
Address	6795 GREENWOOD DRIVE
City	Beaumont
State	TX
Zip Code	77706
Email Address	zahmcass@gmail.com
Phone Number	4193671694

Fax Number *Field not completed.*

Property Owner Information

Required if property owner is different than the Applicant

First Name Cassandra

Last Name Hammermeister

Address 6795 GREENWOOD DRIVE

City Beaumont

State TX

Zip Code 77706

Phone Number 4193671694

Fax Number *Field not completed.*

Email Address zahmcass@gmail.com

Zoning Map Amendment

Property Address 4525 Long Lake Drive

Parcel ID No. 39-07980-046-0

Plat Name *Field not completed.*

Current Zoning B3 general business

Proposed Zoning R-1A single family residential

Comprehensive Plan Designation *Field not completed.*

Site Area (acreage) 2.672

Current Land Use commercial roller rink

Proposed Land Use We'd like to build a single family home and raise a family there

Zoning Code Text Amendment

Zoning Code section proposed to be modified and/or Proposed language to be considered.

Proposed Amendment Cassandra Hammermeister

upload file attachment if needed *Field not completed.*

Applicant/Property Owner Certification

Included is a statement indicating why, in my opinion, the change requested is necessary and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposed zoning amendment on the community or property of other persons in the vicinity of the amendment or affected by the amendment is also included.

Electronic Signature
Agreement

I agree.

Electronic Signature

Cassandra Hammermeister

Date

7/18/2018

Email not displaying correctly? [View it in your browser.](#)

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES
OF PORTAGE, MICHIGAN**

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
4211 Long Lake Drive (east 1/2)	07980-019-A
4525 Long Lake Drive	07980-046-O

From B-3, general business to R-1A, one family residential.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2018.

Adam Herringa, City Clerk

(App #18/19-2)

Approved as to Form:
Date: 9/17/2018
By: [Signature]
City Attorney

**ADOPTION OF ZONING ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND
ALL OTHER INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2018, and will become effective _____, 2018.

NOTICE IS FURTHER GIVEN that Article 4 (Zoning) of Chapter 42, Land Development Regulations, of the Codified Ordinance of Portage, Michigan, has been amended as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
4211 Long Lake Drive (east 1/2)	07980-019-A
4525 Long Lake Drive	07980-046-O

From B-3, general business to R-1A, one family residential.

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Further, a copy of a map showing the property rezoned is also available at the time and days noted above.

Dated: _____

Adam Herringa, City Clerk

(App #18/19-2)

**FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND
ALL OTHER INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2018, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2018, at 7:00 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
4211 Long Lake Drive (east 1/2)	07980-019-A
4525 Long Lake Drive	07980-046-O

From B-3, general business to R-1A, one family residential or any other classification permitted by law.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: _____

Adam Herringa, City Clerk

(App #18/19-2)

Minutes of Boards & Commissions

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting May 3, 2018

CALL TO ORDER: 6:30 p.m.

MEMBERS PRESENT: Amanda Woodin, Alice Mwanda, Diane Durian, Ray LaPoint, Nadeem Mirza, Elma (Pat) Maye, Effie Kokkinos and Stephanie Upshaw

STAFF PRESENT: Tom McCoy, Neighborhood Program Specialist

MOTION TO EXCUSE ABSENT MEMBERS: Upshaw moved and Mirza supported motion to excuse Spalvieri. Motion passed 8-0

APPROVAL OF MINUTES: Durian moved and Mirza supported approval of the April 5, 2018 minutes. Motion passed 8-0.

OLD BUSINESS:

CDBG Annual Action Plan Revision: McCoy presented proposed revisions reflecting the notification received from HUD on May 1, 2018 regarding the city's entitlement amount for FY 2018-19 of \$237,119. McCoy explained that HUD awarded the city an additional \$27,119 more than the previously anticipated amount of \$210,000 and staff is recommending the additional funds be allocated to the Owner-occupied Housing Rehabilitation Program. Mirza moved and Maye supported the motion to approve the revisions as recommended by staff, Motion passed 8-0

NEW BUSINESS

- 1) **Kalamazoo Transit Authority LAC Update-Woodin:** No update available at this time.
- 2) **Summer Meeting Schedule -Woodin:** Woodin led a discussion regarding proposed work group activities for summer months in lieu of meetings. Red Ribbon Week activities will be planned by Woodin, Maye and Mwanda during the month of August. Also, evaluation criterion may be reviewed and recommendations submitted to LaPoint over the summer months May moved and Mirza supported motion to forego meetings in June, July and August. Motion passed 8-0.

STATEMENTS: Durian relayed information regarding the City Council Workshop meeting she attended on May 1, 2018. She indicated City Council was interested in exploring methods to attract the greatest number of qualified applicants to the funding process and a discussion included suggestions from Board members for additional outreach and identification of same. Additional discussions and recommendations regarding this issue will be considered by the Board during the September 2018 meeting.

ADJOURNMENT: Maye moved and Durian supported adjournment at 7:30 p.m. Motion passed 8-0.

Respectfully Submitted,

Tom McCoy, Neighborhood Program Specialist

T:\COMMDEV\2017-2018 Department Files\Board Files\HSB\Minutes\HSB Minutes 05.03.18.doc

City of Portage
Historic District Commission
Wednesday, August 01, 2018

Meeting Called to Order: 8:22 A.M.

Members Present: Duniphin, Lopez, vanLonkhuyzen, Grunert, Barton, Maytnier, Nemeth.

Members Excused: Custer, Forrest.

Staff: Kyle Mucha, Zoning & Codes Administrator.

Guest(s): Debbie & Randy Newsome (2663 Mandigo Avenue)

Approval of Minutes: Grunert moved, seconded by Barton, to approve the July 11, 2018 meeting minutes. Motion approved 7-0.

Old Business:

- a. Election of Officers: Lopez moved, seconded by Grunert, to re-elect vanLonkhuyzen as Chair, Nemeth as Vice-Chair and Maytnier as Secretary. Motion approved 7-0.

Old Business:

- a. 2663 Mandigo Avenue; Accessory Building (Horse Barn): Owners, Debbie and Randy Newsome, were present to speak on behalf of their application regarding the construction of an accessory building (horse barn). Mrs. Newsome provided an update regarding the color choice for the siding and roof of the barn and indicated her and Mr. Newsome will be constructing the barn instead of hiring a contractor. At the request of vanLonkhuyzen, Mrs. Newsome was able to provide a rendering of what the proposed accessory building will look like upon completion. vanLonkhuyzen stressed the need to make the new accessory building look as historical and time period correct as possible. Grunert thanked the applicants for the thorough detail listing of how the structure will be constructed via the submitted material listing. Lopez moved, seconded by Duniphin, to approve the construction of the accessory building (horse barn). Motion passed 7-0.

New Business:

- a. 2663 Mandigo Avenue; Windows: Debbie and Randy Newsome presented their application, dated July 20, 2018, for the replacement of the windows on the farm house. Mr. Newsome indicated that due to severe neglect from a previous owner, panes of glass are missing, trim around some of the windows are rotten and missing. Discussion followed regarding replacing the windows verse repairing the windows. Grunert stated his support of Mr. & Mrs. Newsome's application to replace the existing windows with vinyl windows due to the applicants restoring the property. Grunert also applauded the work the Newsomes have been able to do over the past few months to correct years worth of neglect from the previous owner.

Nemeth voiced support of the Newsome's application and stated that vinyl windows will not be as noticeable from the roadway. Nemeth also thanked the Newsomes for the work they have been able to complete to bring the property back from severe neglect.

Maytnier gave her support of the proposed window replacement and encouraged the rest of the Commission to look at the big picture of the property and the work the Newsomes are undertaking.

Barton encouraged the applicants to look into aluminum windows compared to vinyl due the quality and aesthetics on the farmhouse.

Grunert moved, seconded by Nemeth, to approve the replacement of the windows on the farmhouse that matches the existing windows, with the option to use vinyl. Motion passed, 7-0.

Community Outreach: Duniphin informed the Commission that Story Point Senior Community has inquired about a presentation and possible additional tour of the home located at 3821 West Milham Avenue. Duniphin informed the Commission that the October event with the Parks Department has been put on hold and that Duniphin will inform the Commission once further details are available.

Citizen Comments: Debbie Newsome thanked the Commission for the patience, understanding and willingness to work with herself and Randy to address the issues at 2663 Mandigo Avenue.

Adjournment: There being no further comments or business, vanLonkhuyzen adjourned the Historic District Commission regular meeting of August 01, 2018 at 9:12 A.M.

Historic District Study Committee

August 01, 2018

Call to Order: vanLonkhuyzen called the Historic District Study Committee meeting to order at 9:12 A.M.

Members Present: Duniphin, Lopez, vanLonkhuyzen, Barton, Grunert, Maytnier, Nemeth.

Members Excused: Forrest, Custer.

Staff: Kyle Mucha, Zoning & Codes Administrator.

Guest: Debbie & Randy Newsome, 2663 Mandigo Avenue.

2663 Mandigo Avenue: Duniphin provided a brief update on the drafted preliminary report to the Study Committee. Upon review, an update was requested to reflect the non-historic ranch home address as 2421 Mandigo Avenue. Maytnier moved, seconded by Lopez, to approve the preliminary report, subject to the address change, and set a public hearing for the proposed district modification for October 03, 2018 at 9:00a.m. Motion passed 7-0.

Adjournment: there being no further comment or questions, vanLonkhuyzen adjourned the study committee meeting at 9:23 A.M.

Respectfully submitted,

A handwritten signature in dark ink that reads "Kyle Mucha". The signature is written in a cursive, slightly slanted style.

Kyle Mucha
Zoning & Codes Administrator

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – August 13, 2018

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Eichstaedt at 7:00 p.m. in the Council Chambers. Four people were in the audience.

MEMBERS PRESENT: Alexander Philipp, Jay Eichstaedt, Jeff Wettig (alt), Natalie Rowe, Randall Schau, Linda Finch, Linda Fry, Stu Bernhardt (alt)

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charlie Bear, Assistant City Attorney.

MEMBERS EXCUSED: John Byrnes.

APPROVAL OF THE MINUTES: Rowe moved and Finch seconded a motion to approve the June 10, 2018 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #18-01; 10650 South Westnedge Avenue: Mais summarized the request for a variance to construct a 19.6-foot high accessory building where a maximum 14-foot height is permitted. Katie Warner stated the variance was necessary to house their 12-foot high RV and boat. Ms. Warner stated they are keeping the request to a minimum and propose the minimum height necessary to accommodate the 14-foot door. Eichstaedt noted he thought it looked better having applicants vehicles stored inside than outside.

A public hearing was opened. No one spoke for or against the request. A communication from Lowell and Judy Seyburn, 10546 South Westnedge Avenue stating no objection to the applicant's proposal was read into the record. The public hearing was closed.

After a brief discussion, a motion was made by Rowe, seconded by Finch, to grant a variance to construct a 19.6-foot high accessory building where a maximum 14-foot height is permitted, for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not generally apply to other properties in the zoning district which include the size of the parcel and the presence of mature vegetation; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to store vehicles inside, which is similar to that possessed by other properties in the same zoning district and in the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Wettig-Yes, Rowe-Yes, Philipp-Yes, Finch-Yes, Fry-Yes, Schau-Yes, Eichstaedt-Yes. The motion passed 7-0.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

T:\COMMDEV\2017-2018 Department Files\Board Files\ZBA\Minutes\2018 06 11 JAM ZBA Minutes.docx

PLANNING COMMISSION

August 16, 2018

The City of Portage Planning Commission meeting of August 16, 2018 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seventeen citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Michael West, Senior City Planner, Randy Brown, City Attorney and Kyle Mucha, Zoning & Codes Administrator.

ROLL CALL:

Mr. West called the roll: Baldwin (yes); Place (yes); Schimmel (yes); Stoffer (yes); Corradini (yes); and Patterson (yes). A motion was then made by Commissioner Patterson, seconded by Commissioner Corradini, to Approve the Roll excusing Commissioners Pezzoli, Joshi and Harrell-Page. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the August 2, 2018 meeting minutes contained in the agenda packet. A motion was made by Commissioner Place, seconded by Commissioner Corradini, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

1. Site Plan: Stryker Corporation (expansion), 3800 East Centre Avenue. Mr. West summarized the August 10, 2018 staff report regarding a proposed industrial expansion at the existing Stryker Corporation facility located at 3800 East Centre Avenue. Mr. West indicated the proposed expansion project involved a 258,941 square foot building addition along the south side of the existing facility, along with associated parking, access and storm water related improvements. Mr. West discussed the new access drive proposed from Zylman Avenue, storm water treatment cells and infiltration basins located along the southern portion of the property and preservation of existing mature tree lines along South Sprinkle Road and Zylman Avenue. Mr. West also discussed a parking expansion plan that was administratively approved in July 2018 and nearing completion at the site, in preparation for the proposed building expansion project.

Phil Warden (representing Stryker Corporation) was present to support the application and discuss the proposed building expansion. Mr. Warden introduced the development team for the project and thanked the city for the continuing partnership with Stryker. Mr. Warden indicated the majority of the building expansion would be for manufacturing and indicated continued growth was forecasted.

Chairman Stoffer thanked Stryker Corporation for their continued investment in Portage. The Commission and Mr. Warden briefly discussed the timeline for construction, access and traffic flow. After additional discussion, a motion was made by Commission Patterson, seconded by Commissioner Corradini, to approve the Site Plan for Stryker Corporation (expansion), 3800 East Centre Avenue. The motion was unanimously approved 6-0.

2. Final Plan: Greenspire Apartments (Phase V-C), 3413 Fawn Cove and 3413 West Centre Avenue. Mr. West summarized August 10, 2018 staff report regarding a request from H & G II, LLC to construct Phase V-C of the Greenspire Apartments within the Greenspire Planned Development (PD). Mr. West indicated that Phase V-C proposes construction of 100 apartment units in six, three-story buildings with associated site improvements.

Mr. West discussed the original Greenspire PD rezoning and tentative plan/narrative approval and indicated the final plan for Phase V-C has been designed in substantial conformance with the approved tentative plan/narrative. Mr. West then briefly discussed access to Phase V-C, minimum apartment building setbacks, sidewalk installation and outdoor lighting. Mr. West indicated that storm water from Phase V-C will be collected and conveyed to a treatment cell located between Buildings 4 and 5, along the north side of Fawn Cove, prior to being discharged to the adjacent lowland/wetland area. Mr. West indicated that the Michigan Department of Environmental Quality (MDEQ) has preliminary reviewed this design and the appropriate approved/permit is pending.

Greg Dobson (representing H & G II, LLC) was present to support the final plan and discuss Phase-V-C of the Greenspire Apartment. Mr. Dobson provided a brief history of Greenspire Apartments development and indicated an ongoing demand for additional housing units. Mr. Dobson discussed the ongoing efforts to preserve trees and natural features with Phase V-C to continue the wooded/natural theme of the Greenspire Apartments complex. Mr. Dobson also provided an update on the MDEQ review and approval of the permit to discharge storm water into the adjacent lowland/wetland area.

After additional discussion, a motion was made by Commissioner Patterson, seconded by Commission Corradini, to recommend to City Council that the Final Plan for Greenspire Apartments (Phase V-C), 3413 Fawn Cove and 3413 West Centre, be approved subject to MDEQ approval of the storm water discharge and finalization of the detailed engineering plans related to the underground utilities (storm sewer, water and sanitary). The motion was unanimously approved 6-0.

PUBLIC HEARING:

1. Rezoning Application #18/19-1, 5932 Iowa Avenue. Mr. West referred the Planning Commission to communication dated August 15, 2018 from the applicant (Matt Callander) requesting that the rezoning application be withdrawn from further consideration. Chairman Stoffer asked if anyone in the audience was present for this matter and indicated the Commission would be accepting the applicant's request to withdraw the application.

Tim Miller, on behalf of his mother Lois Miller who owns 5928 Iowa Avenue, requested clarity on the proposed withdraw of the rezoning application. Mr. West indicated the applicant had submitted a site plan earlier in the week for the office redevelopment which identified elimination of the storm water retention pond from the 5932 Iowa Avenue parcel: Site plan had been redesigned with storm water retention being handled underneath the parking lot on the office zoned parcels along West Milham Avenue.

After additional discussion, a motion was made by Commissioner Schimmel, seconded by Commissioner Baldwin, to accept the applicant's request to withdraw Rezoning Application #18/19-1, 5932 Iowa Avenue, from further consideration. The motion was unanimously approved 6-0.

2. Preliminary Report: Rezoning Application #18/19-2, 4211 (east ½) and 4525 Long Lake Drive. Mr. West summarized the August 10, 2018 preliminary staff report regarding a request from Cassandra Hammermeister to rezone property located at 4525 Long Lake Drive from B-3, general business to R-1A, one family residential. During the administrative review of the rezoning request, Mr. West indicated that staff also noted that the eastern portion of 4211 Long Lake Drive is also zoned B-3 (western portion of 4211 Long Lake Drive is zoned R-1B, one family residential). Mr. West stated the property at 4211 Long Lake Drive is owned by the Michigan Department of Natural Resources (MDNR) and developed as a public access/boat launch to Long Lake. Given the applicant's request and the surrounding residential zoning/land use pattern in the area, Mr. West indicated the city administration expanded the rezoning application to also include consideration of the eastern portion of 4211 Long Lake Drive.

Roger Zahm of Battle Creek (applicant representative) was present to support the rezoning application. Mr. Zahm stated the applicant (Cassandra Hammermeister) was his daughter and her and her husband currently reside in Texas. Mr. Zahm indicated his daughter and her husband were planning on relocating back to Portage and planned to demolish the former Long Lake Roller Rink and construct a new lake home.

The public hearing was opened by Chairman Stoffer. No citizens spoke regarding the proposed rezoning. After a brief conversation, a motion was made by Commissioner Patterson, seconded by Commissioner Baldwin, to adjourn the public hearing for Rezoning Application #18/19-2, 4211 (east 1/2) and 4525 Long Lake Drive, to the September 6, 2018 meeting. The motion was unanimously approved 6-0.

3. Preliminary Site Condominium: Pennridge Trail Subdivision (Phase 1), 1722 and 1800 West Osterhout Avenue. Mr. West summarized the August 10, 2018 staff report regarding a request from Westview Capital LLC to construct Phase 1 of the Pennridge Trail site condominium. Mr. West stated Phase 1 of the Pennridge Trail Subdivision proposes 22 single family residential lots/units and construction of a new public street (Pennridge Drive) from West Osterhout Avenue. Mr. West indicated the PD, planned development rezoning and tentative plan/narrative for the Pennridge Trail Planned Development received City Council approval in June 2018. Mr. West stated the overall PD project includes a total of 137 single family detached/attached residential homes (63 single family detached homes and 74 attached duplex units) in multiple phases on the 46.54 acre tract of land with approximately 16 acres (34%) devoted to open space areas. Mr. West indicated Phase 1 of the Pennridge Trail Subdivision has been designed in substantial compliance with the approved tentative plan/narrative and is recommended for approval subject to the two conditions contained in the staff report.

Brian Wood (Westview Capital LLC representative) was present to support the plan and explain the timeline for construction of Phase 1 of the Pennridge Trail Subdivision. Chairman Stoffer opened the public hearing. No citizens spoke regarding proposed preliminary site condominium. A motion was made by Commissioner Baldwin, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 6-0.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to recommend to City Council that the Preliminary Condominium for Pennridge Trail Subdivision (Phase 1), 1722 and 1800 West Osterhout Avenue, be approved subject to the two conditions outlined in the August 10, 2018 staff report. The motion was unanimously approved 6-0.

4. Special Land Use Permit: Paver Dog Park, 9651 Portage Road. Mr. West summarized the August 10, 2018 staff report regarding a Special Land Use Permit submitted by John Paver to construct an outdoor fenced dog park in conjunction with a pet supply store proposed at 9651 Portage Road. Mr. West stated the 1.4 acre parcel is zoned B-3, general business and occupied by a 7,000 square foot retail building and associated parking lot along the northern portion of the property. Mr. West indicated the applicant proposes to utilize the currently vacant southern portion of the property for the outdoor fenced dog park. Mr. West provided a brief summary of the 2010/2011 city administration determination under Section 42-652 that an outdoor dog park and/or dog day care were uses not specifically addressed in the Zoning Code and may be allowed in the B-3 zoning district as a Special Land Use subject to review and approval by the Planning Commission. Mr. West discussed the specifics of the outdoor dog park, surrounding land use/zoning and indicated that staff was supportive of the proposal subject to several conditions outlined in the staff report. Mr. West then referred the Commission to the letter of opposition contained in the final agenda packet from Mark Bainbridge of Colonial Engineering, owners of the vacant property located to the east of the subject parcel.

John Paver (applicant) was present to speak in support of the proposed outdoor fenced dog park. Mr. Paver discussed the nature of the outdoor dog park and how the membership program would work allowing access through an electronic reader card. Mr. Paver stated he has read the staff report and concurs with the recommended conditions of approval. The Commission and Mr. Paver next discussed various aspects of the proposed outdoor dog park.

The public hearing was then opened by Chairman Stoffer. Two citizens spoke regarding the proposed outdoor dog park: 1) Jason Groth (323 Dawnlee), and 2) Peg Fraga (5124 Midfield). Mr. Groth spoke in support of the outdoor dog park and inquired about the regulations for placement of screening fences on residential properties. Mr. West stated fencing on residential property may be placed up to the property line, and that a fence under seven feet in height does not require a building permit. Ms. Fraga also spoke in support of the outdoor dog park indicating that Portage does not have enough dog parks, and the addition of the Paver Dog Park would be a welcomed addition to the community. No additional citizen spoke regarding the proposed

outdoor dog park. A motion was made by Commissioner Place, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 6-0.

A motion was then made by Commissioner Corradini, seconded by Commissioner Patterson, to approve the Special Land Use Permit for Paver Dog Park, 9651 Portage Road, subject to the following conditions; 1) The fenced outdoor dog park maintain a minimum 30-foot setback from the west property line and a 20-foot setback from the south and east property lines; 2) A 6-foot tall solid wood or decorative vinyl screening fence be installed along the west, south and east sides of the outdoor dog park area; 3) Daily use of the outdoor dog park be limited to the hours of 9am to dusk; 4) No outdoor lighting be installed with the outdoor dog park; 5) No overnight boarding or kenneling of dogs occur at the site; and 6) The outdoor dog park operate in compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) in regard to noise, odors, sanitation and health. The motion also included a finding that consistent with Section 42-461.E, Special Land Use Decisions, the inclusion of these conditions are deemed necessary for the general welfare and for the protection of individual property rights and will ensure the intent and objectives of the Zoning Code are maintained. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Proposed FY 2018-19 Planning Commission Work Program. Chairman Stoffer summarized the preliminary discussion that occurred during the August 2nd meeting regarding the proposed FY 2018-19 Planning Commission Work Program. Chairman Stoffer then asked if the Commission had any questions, comments or changes to the proposed work program. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Corradini, to adopt the FY 2018-19 Planning Commission Work Program as submitted. The motion was unanimously approved 6-0.

STATEMENT OF CITIZENS/COMMISSIONERS:

Mr. West informed the Commission the Capital Improvement Program Open House was scheduled for September 24, 2018 from 4:00-7:00 p.m.

Commissioner Place indicated the Michigan Association of Planning annual conference was being in Grand Rapids September 20-22 and asked if Commissioners could attend. Mr. West stated that Commissioners have attended individual sessions in the past and suggested that any interested Commissioner email himself and Chris Forth if they want to attend a specific session or day.

Commissioner Schimmel stated she would not be present at the September 6, 2018 meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Michael West, AICP
Senior City Planner