

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Summer Learning Day

A. Consent Agenda: To hear about items included on the Consent Agenda, visit: www.portagemi.gov/544/Podcasts

1. Approval of City Council Meeting Minutes:

a. Regular Meeting Minutes of June 25, 2019

b. Pre-Council Meeting Minutes of July 8, 2019.

2. Approval of the Accounts Payable Register of July 9, 2019 as presented.

3. Award a construction contract to Valley City Sign Company in the amount of \$52,099.20 for removal of five and fabrication and installation of 32 new trail way finding and park lectern signs at various locations throughout the city, and authorize the City Manager to sign all documents related to the contract on behalf of the city.

4. Award Contract Change Order #1 in the amount of \$90,059.60 to Michigan Paving & Materials Company, for mill and fill asphalt repair of local street sections, and authorize the City Manager to execute all documents related to this action on behalf of the city.

5. Approve the Fiscal Year 2019-2020 Community Development Block Grant and General Fund Human/Public Services contracts for the Portage Community Center, and authorize the City Manager to execute all documents related to the contracts on behalf of the city.

6. Authorize the Mayor and City Clerk to execute a replacement two-year labor agreement between the City of Portage and the Portage Police Command Officers Association.

7. Confirm the City Manager appointments to the Downtown Development Authority of the City of Portage.

8. Confirm the City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage.

9. FY 2017-18 Local Development Finance Authority Annual Report - Information Only.

10. FY 2017-18 Downtown Development Authority Financial Annual Report - Information Only.

11. Hold a closed session immediately following the regular July 9, 2019 City Council meeting for the purpose of reviewing an Attorney/Client communication regarding a Freedom of Information Act Appeal.

12. Minutes of Boards & Commissions:

a. Portage Public Schools Special Board Meeting of June 10, 2019

b. Portage Public Schools Closed Board Meeting of June 10, 2019

c. Portage Public Schools Committee of the Whole Meeting of June 10, 2019

13. Materials Transmitted from June 25, 2019.

B. Petitions and Statements of Citizens:

C. Communications:

1. Calendar of Meetings.

- Park Board, Wednesday, July 10, 2019 at 6:30 p.m. at Ramona Park
- Environmental Board, Wednesday, July 10, 2019 at 7:00 p.m. in City Hall Room #1
- Planning Commission, Thursday, July 11, 2019 at 7:00 p.m. in Council Chambers
- Board of Review, Tuesday, July 16, 2019 from 8:00 a.m. to 1:00 p.m. in City Hall Room #1
- Historic District Commission, Wednesday, July 17, 2019 at 8:15 a.m. in City Hall Room #2
- Senior Citizens Advisory Board, Wednesday, July 17, 2019 at 2:30 p.m. at Portage Senior Center
- Planning Commission, Thursday, July 18, 2019 at 7:00 p.m. in Council Chambers
- Youth Advisory Committee, Monday, July 22, 2019 at 6:00 p.m. in City Hall Room #1

D. Public Hearings:

1. Subsequent to the public hearing, consider denial of Rezoning Application #18/19-6, 129 Boston Avenue.

E. Regular Business Agenda:

F. Unfinished Business:

1. Approve moving deliberation of the Intergovernmental Agreement with the City of Kalamazoo for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center to the July 23, 2019 City Council meeting.

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.



CITY OF PORTAGE PROCLAMATION

SUMMER LEARNING DAY

WHEREAS, Summer Learning Day is a day to reflect on the importance of keeping youth learning, safe, and healthy every summer, ensuring they return to school in the fall ready to succeed in the year ahead; and

WHEREAS, Summer learning loss is a significant contributor to the achievement gap — a gap which remains constant during the nine months of the school year but widens during the summer months; and

WHEREAS, Summer learning programs are proven to maintain and advance students' academic and social growth, keep children safe and healthy during the summer, and send young people back to school ready to learn. Additionally, summer youth employment programs engage older youth in meaningful activities that allow them to explore careers of interest, take on new responsibilities, contribute to their community, and earn money for the future; and

WHEREAS, A wide array of public agencies, community-based organizations, schools, libraries, museums, recreation centers, camps, and businesses in our community contribute to the well-being of youth through summer programming; and

WHEREAS, Summer learning is a critical component of our collective effort to ensure all students graduate from high school prepared for college, careers, and life.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, do hereby proclaim July 11, 2019 as **SUMMER LEARNING DAY** in the City of Portage and do commend this observance to all of our citizens.

Signed this 9th day of July, 2019.

Patricia M. Randall, Mayor

CITY COUNCIL MEETING MINUTES FROM JUNE 25, 2019

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

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in recognition of the upcoming Independence Day holiday and the freedoms and liberties it represents.

Following the moment of silence, City Council and the audience recited the Pledge of Allegiance.

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. Councilmember Burns asked that Item A.4, Westfield North Final Preliminary Condominium Subdivision, be removed from the Consent Agenda. Councilmember Reid asked that Item A.6, Public Participation Plan, be removed from the Consent Agenda. Motion by Reid, seconded by Ford, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Regular Meeting Minutes of June 11 and Pre-Council Meeting Minutes of June 24, 2019. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 25, 2019: Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of June 25, 2019. Upon a roll call vote, motion carried 6 to 0.

FIREWORKS AMENDMENT: Motion by Reid, seconded by Ford, to adopt the amendment to the City of Portage Code of Ordinances of Chapter 34, Fire Prevention and Protection, changing the dates that fireworks can be used. Upon a roll call vote, motion carried 6 to 0.

PENNBRIDGE TRAIL PLANNED DEVELOPMENT FINAL PRELIMINARY CONDOMINIUM SUBDIVISION: Motion by Reid, seconded by Ford, to approve the Final Preliminary Condominium Subdivision (engineering plans) for Phase 1 and the Final/Site Plan for Phase 2 of the Pennridge Trail Planned Development, 1722 and 1800 West Osterhout Avenue. Upon a roll call vote, motion carried 6 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Ford, to receive the minutes of the Historic District Commission of May 1, 2019. Upon a roll call vote, motion carried 6 to 0.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Ford, to receive the Materials Transmitted of June 11, 2019. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Portage Public Schools (PPS) Superintendent Mark Bielang and School Board President Randy VanAntwerp shared that PPS will be bringing in an author/speaker, Quint Studer, in late August that has expertise in community revitalization and improvement. President VanAntwerp invited City Council to join members of the School Board to

meet and converse with Mr. Studer. Superintendent Bielang expressed optimism about the opportunity and informed City Council that additional details would be forthcoming.

Nancy Carrave, 7761 St. Andrews Circle, Jim Biba, 7688 W. St. Andrews Circle, Dr. Nehdia Hashemi, 7520 Oak Shore Drive, Sharon Lynch, 7640 E. St. Andrews Circle, Dan Farrell, 2646 W. St. Andrews Circle and Mary Biba, 7688 W. St. Andrews Circle, spoke regarding flooding in and around their neighborhood. They expressed concern about high water levels and sustained and potential damages. They asked that City Council and City Administration explore immediate and long-term solutions.

John Stears, 5786 E. UV Avenue, Vicksburg, spoke regarding the fees associated with the response to his request for information under the Freedom of Information Act. He raised concerns about whether he should have been provided with a cost estimate.

Wilma Katz, 8245 Bruning Street, spoke in opposition to the planned configuration of Lover's Lane. Ms. Katz also questioned the need for a roundabout on Zylman Avenue. Mayor Randall informed Ms. Katz of an upcoming public forum about the Lover's Lane project and invited her to attend.

With regard to the comments made about flooding, Mayor Randall informed those present of an upcoming meeting with state and local officials to review and discuss the situation along with possible engineering solutions. She also informed the audience that the City of Portage has contracted with an engineering firm that is working to design a potential solution. City Manager Shaffer stated that any solution will need to address concerns of state regulatory agencies and may involve significant expense. He concluded by stating that while an immediate solution may prove challenging the city is committed to finding a solution. Mr. Shaffer then reviewed the issues and challenges that high water levels are posing across the region.

COMMUNICATIONS:

CALENDAR OF MEETINGS: Motion by Reid, seconded by Knapp, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

SIGN AMENDMENT ORDINANCE: At the invitation of Mayor Randall, City Manager Shaffer introduced Director of Community Development Vicki Georgeau to begin discussion on this item. Ms. Georgeau reviewed the genesis of the need to revise the sign ordinance and provided a review of the current sign ordinance as compared to what is being proposed. She highlighted key components of the proposed amendments and provided examples of signs that would be impacted and how they might be regulated. A particular focus was given to temporary signs. Finally, Ms. Georgeau reviewed the process that was followed to develop the proposed amendments.

Councilmember Urban thanked Ms. Georgeau and city staff for their efforts in creating the new amendments. He questioned whether the definition of "sign" used in the proposed ordinance was in alignment with the Supreme Court ruling that led to the need for changes in the first place. Ms. Georgeau explained that a sign is "designed or intended to direct" and that a sign must say or indicate something but coming up with a concise definition is challenging. In response to an inquiry, City Attorney Randy Brown shared that not many local communities have altered their sign ordinance in recognition of the Reed v. Town of Gilbert, Arizona court decision. However, he continued by sharing that other communities in the State of Michigan and around the nation have made the necessary modifications. He concluded by stating that research was done on model ordinances and best practices when crafting the proposed amendments.

Councilmember Reid asked for clarification as to whether the permitted square footage of a temporary sign in a residential area was inclusive of the front and back combined. Ms. Georgeau stated that it was not combined but rather each side. Councilmember Reid next inquired as to how the sign amendment addresses public art. Ms. Georgeau explained that the amendments have exemptions for decorative purposes but that staff will have to use reason and discretion in certain instances when making a determination as whether a sign should be considered public art. In such instances, she stated, staff will involve the Office of the City Attorney to assist. Attorney Brown stated that, as an example, murals are exempted. He continued by stating that making a determination on whether something is a sign or public art is situational. Councilmember Knapp shared that the Kalamazoo County Public Art Commission is a resource that would work with the City of Portage on determining whether something is a sign or public art.

Councilmember Knapp noted that at the First Reading of the proposed amendment there was discussion on temporary v. permanent signage and whether a time restriction should be instituted. Ms. Georgeau shared that a time restriction was discussed but determined to be difficult to enforce. She provided some examples as to why it would be difficult to enforce and stated that enforcing sign condition is more effective. Attorney Brown stated that a time limit is not a workable or practical solution but that the structure/construction of the sign is a better determinant of whether a sign is temporary or permanent.

Mayor Randall opened the public hearing and John Stears, 5786 E. UV Avenue, Vicksburg, questioned provisions regarding flags and limitations on square footage. Attorney Brown stated that there are no restrictions on square footage for government flags. Mr. Stears responded by inquiring about the "Don't Tread on Me" flag and Mr. Brown reiterated that if it is considered a government flag at any level of government it would be permitted.

There being no further public comment, motion by Ford, seconded by Knapp, to close the public hearing. Upon a voice vote, motion carried 6 to 0. Motion by Reid, seconded by Ford, to adopt Ordinance Amendment #18/19-A, Sign Amendments. Upon a roll call vote, motion carried 6 to 0.

REGULAR BUSINESS:

WESTFIELD NORTH FINAL PRELIMINARY CONDOMINIUM SUBDIVISION: Mayor Randall invited Councilmember Burns to begin discussion. Councilmember Burns explained that he lives in close proximity to the development and the stormwater basin that will be used to accommodate stormwater runoff from the development. As a result, Councilmember Burns indicated that he would be abstaining from this item. Councilmember Reid asked for additional information as to why the stormwater basin that was originally proposed as a part of this development was eliminated and the decision made to send stormwater to an existing basin. Community Development Director Georgeau shared that the stormwater basin originally proposed was to have been maintained by the homeowner's association. She explained that, historically, this has not been 100% effective as stormwater basin maintenance can be neglected. She continued by explaining that this development involves only 12 homes and the existing stormwater basin in the neighborhood has more than sufficient capacity. She explained that to ensure capacity the current basin would be expanded. Mr. Ron Wood, the project developer, spoke and explained that the existing basin would be modified to accept additional stormwater. Mayor Randall commented that the proposed stormwater management plan for this development is not unusual and was utilized in the development in which she resides. She explained that it is a requirement that every development have a plan to effectively manage stormwater. Motion by Ford, seconded by Reid, to approve the Final Preliminary

Condominium Subdivision (engineering plans) for Westfield North, 5700 Alten Street. Upon a roll call vote, motion carried 5 to 0 with Councilmember Burns abstaining.

PUBLIC PARTICIPATION PLAN: Mayor Randall invited Councilmember Reid to begin discussion. Councilmember Reid stated that the proposed Public Participation Plan articulates the legal requirements for citizens looking to participate in the review of a variety of city plans and developments. She continued by stating that it is also an aspirational document in that it includes possible tools and opportunities to increase public participation that goes beyond basic legal requirements. She asked for a discussion about the proposed plan and where it will be located on the city website so that citizens know more about their public input opportunities. City Manager Shaffer shared that the proposed plan draws in part from the public participation requirements of the Community Development Block Grant Program and that he would find a prominent place on the website for the document. Mr. Shaffer then invited Ms. Georgeau to provide additional information.

Ms. Georgeau shared that this document was requested at the last City Council Meeting but is also a part of obtaining designation as a Redevelopment Ready Community by the Michigan Economic Development Corporation. Ms. Georgeau shared that the plan will next be presented to the Planning Commission and included as part of the Comprehensive Plan. The Public Participation Plan would then be reviewed every five years as part of the Comprehensive Plan Update. She concluded her comments by stating that the Public Participation Plan includes many ideas on how to boost public engagement.

Councilmember Reid stated that many aspects of the plan are optional and contain potential opportunities for public involvement. She asked that, when applicable, a section on public participation efforts/opportunities be added to future communications to City Council. Motion by Reid, seconded by Burns, to receive the City of Portage Public Participation Plan as information only. Councilmember Ford commented that while his tenure on City Council is not as long as others, he believes the outreach efforts over the past year have been the greatest in his five years on City Council. He complimented staff for their efforts. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

INTERGOVERNMENTAL AGREEMENT WITH KALAMAZOO FOR PUBLIC SAFETY ANALYTICS: Mayor Randall deferred to City Manager Shaffer who explained that City Administration is requesting this item be postponed until the meeting of July 9th so that staff can address such issues as capping the cost of the Agreement and complete conversations with the City of Kalamazoo regarding implementation and deployment. Mr. Shaffer also stated that the Kalamazoo Public Safety Chief, Karianne Thomas, would be available to attend the meeting on July 9th. Motion by Knapp, seconded by Reid, to approve moving deliberation of the Intergovernmental Agreement with the City of Kalamazoo for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center to the July 9, 2019 City Council Meeting. Upon a roll call vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: Mr. John Stears, 5786 E. UV Avenue, Vicksburg, spoke again and gave a recap of a recent meeting of the South County Sewer and Water Authority (SCSWA) Meeting. He stated that SCSWA and Vicksburg officials are not answering his questions and that they are complaining about illegal hookups negatively impacting the sewer system. Mr. Stears concluded by objecting to fees associated with his FOIA request.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns congratulated the Portage Northern High School baseball team on their recent state championship. He then shared that the City of Portage is soliciting ideas for neighborhood and community improvement projects/programs and invited the public to submit their ideas.

Councilmember Ford shared that he recently attended the Great American Campout event at Ramona Park and that it was a fun experience and successful event.

Councilmember Reid asked that residents be aware of fireworks that will be going off around the city as residents begin their 4th of July celebrations. She then urged patience and caution around Ramona Park during the festivities and fireworks that are planned for Friday, July 5th. She concluded by stating that she is looking forward to the holiday and expressed hope for good weather.

Councilmember Knapp pointed out that the City Council updated the city's ordinance regarding fireworks this evening but it would not take effect until after the 4th of July holiday. She concluded by sharing that the city's summer concert series at Overlander Bandshell kicks off Thursday night with "Boy Band Night."

Mayor Randall thanked City Council for a great meeting and expressed appreciation for the citizen comments. She then shared that she received an e-mail from the Chamber of Commerce indicating that the City of Portage was ranked ninth as a "best place to live" out of 2500 cities with a population of over 25,000. She thanked City Council for their efforts in helping to make Portage a great place to live and shared her belief that Portage should be ranked even higher. She concluded the meeting by wishing everyone a safe and happy July 4th holiday.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:23 p.m.

Adam Herringa, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JULY 8, 2019**

Mayor Patricia 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. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and City Clerk Adam Herringa.

Mayor Randall inquired if someone would be present to receive the proclamation. City Clerk Herringa responded in the affirmative.

With regard to Item A.3, Valley City Sign Company, Councilmember Reid asked that city administration provide a cost breakdown of the recent signage improvement efforts.

With regard to Item A.4, Michigan Paving & Materials Company Change Order, Councilmember Reid inquired if the \$90,000 cost is due to increases in asphalt prices, an increase in square footage to be paved or a combination of both. City Manager Shaffer stated that this would be researched and Deputy City Manager Boulis indicated that the asphalt prices in the Change Order remain consistent with the original contract.

With regard to Item A.5, Community Development Block Grant and General Fund Human/Public Services Contracts, Councilmember Reid noted that during the budget review process funding for one entity was removed and the Human Services Board asked to redistribute the associated funding. She asked whether this had occurred and, if so, how the funds were distributed and if what is being presented to City Council reflects the determination of the Human Services Board. City Manager Shaffer stated that the city received less Community Development Block Grant funding than anticipated. Mr. Shaffer stated that he would ask the Department of Community Development to provide details in this regard.

With regard to Item A.6, Labor Agreement with the Portage Police Command Officers Association, Mayor Randall asked if negotiations went smoother than last time. Mr. Boulis respond in the affirmative and shared that negotiations with the Portage Police Officers Association are on-going.

With regard to Items A.7 and A.8, Councilmember Burns asked that City Council be provided with background information on the various appointees of the Downtown Development Authority and Local Development Finance Authority. Councilmember Reid asked specifically who the representative of Kalamazoo Valley Community College is on the Local Development Finance Authority.

With regard to Item A.11, Closed Session, Mayor Randall briefly reviewed the process of going into closed session and that this would occur at the end of the Regular Meeting.

With regard to Item D.1, Public Hearing on Rezoning Application #18-19-6, Councilmember Reid inquired if there was any new information. City Clerk Herringa pointed to a July 3, 2019, letter that was received from an attorney for the applicant and included in the agenda item. Mayor Randall stated that parking seems to be a longstanding problem with

this parcel and asked what the building/property could be used for given the parking limitations. City Manager Shaffer stated that he would research and respond.

With regard to Item F.1, Intergovernmental Agreement with Kalamazoo, Councilmember Knapp noted that the item has been pending for at least a month yet the proposed Agreement remains unchanged. She shared that she continues to have questions related to the salary that will be paid for these positions and how scheduling will occur. She noted that inconsistencies remain between what is being discussed and the actual agreement and asked when and how these inconsistencies will be addressed. Councilmember Reid shared Councilmember Knapp's questions and noted that the salary cap of \$90,000 that has been mentioned is not included in the agreement. Deputy City Manager Boulis shared that an agreement on the cap has been reached with the City of Kalamazoo and that he anticipates it being signed by the Kalamazoo City Manager either today or Tuesday. Councilmember Reid asked that the draft agreement referenced by Mr. Boulis be sent to City Council. Councilmember Knapp asked if scheduling was part of this secondary agreement and stated her belief that the agreement City Council is being asked to approve should be directly reflective of what the City of Portage is being asked to commit to.

Mayor Pro Tem Pearson shared that the Kalamazoo County Transit Authority recently hired two Kalamazoo public safety officers and the annual cost was approximately \$105,000. He expressed skepticism that data experts would cost less. Mayor Pro Tem Pearson noted that it seems like the City of Kalamazoo is creating a "Fusion Center" as outlined by the Department of Homeland Security. A Fusion Center, he continued, requires a level of intergovernmental cooperation. He inquired if this is the intent of what is being proposed. He continued by inquiring if the Office of the Kalamazoo County Sheriff had been contacted about participating with the City of Kalamazoo and if the Sheriff's Office might be a more appropriate partner than the City of Portage. Mayor Randall echoed the concerns and questions that had been raised. She inquired that if serious crime and analytics were such an issue in Portage whether it would be more appropriate for the City of Portage to hire another detective. She continued by inquiring whether staff in the Department of Public Safety was aware of the proposed agreement with the City of Kalamazoo and, if so, what their thoughts were. Mayor Randall concluded by expressing support for intergovernmental cooperation but concern about paying for staff employed by other governmental entities.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:21 a.m.

Adam Herringa, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Approval of the Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Approval of the Accounts Payable Register of July 9, 2019 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 June 15, 2019 through June 30, 2019 and notes \$993,675.64 in automated clearing house payments, \$1,562,786.64 in paper checks and \$35,341.41 in auto-pay payments for a grand total of \$2,591,803.69.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of July 9, 2019

ACCOUNTS PAYABLE REGISTER
Check Dates From: 4/14/2019 To: 4/28/2019

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
06/17/2019	11249(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE	23,499.03
06/21/2019	11250(A)	A-1 SIGNS	VEHICLE NUMBERS	167.40
06/21/2019	11251(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMP STAFFING FOR DEPUTY	711.21
06/21/2019	11252(A)	AIRGAS GREAT LAKES	SHOP MAINTENANCE	109.13
06/21/2019	11253(A)	ALL CITY MANAGEMENT SERVICES, INC.	SCHOOL CROSSING GUARD 18/19	3,286.92
06/21/2019	11254(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	1,975.00
06/21/2019	11255(A)	APPROVED PROTECTION SYSTEMS	FIRE SUPPRESSION INSPECTION	410.00
06/21/2019	11256(A)	B S & A SOFTWARE	BS&A TRAINING TAX I & II	410.00
06/21/2019	11257(A)	BATTERIES PLUS	FIRE MAINT SUPPLIES	551.77
06/21/2019	11258(A)	BLUE CARE NETWORK-GREAT LAKES	BCNA INSURANCE - JULY 2019	130,739.44
06/21/2019	11259(A)	BROWNELL'S INCORPORATED	RIFLE RAILS	109.10
06/21/2019	11260(A)	C M P DISTRIBUTORS, INC.	FIRE RESCUE SUPPLIES	1,594.00
06/21/2019	11261(A)	CHARTER COMMUNICATIONS	CABLE TV	619.27
06/21/2019	11262(A)	E J USA, INC.	ADA PLATES	2,265.84
06/21/2019	11263(A)	ENGINEERED PROTECTION SYSTEMS, INC.	FS1 VIDEO SERVICE AGREEMENT	449.52
06/21/2019	11264(A)	ETNA SUPPLY, INC.	BUILDING MAINTENANCE	160.19
06/21/2019	11265(A)	EXTREME POWER EQUIPMENT, INC.	MAINTENANCE SUPPLIES	87.69
06/21/2019	11266(A)	FISHBECK THOMPSON CARR & HUBER, INC	ENGINEERING SERVICES	6,407.36
06/21/2019	11267(A)	GAIL ANDRUS TRAVEL	TRIP VENDOR PAYMENT 190605	2,697.75
06/21/2019	11268(A)	GORDON WATER SYSTEMS	RAMONA WATER BOTTLES	41.25
06/21/2019	11269(A)	GREATER KALAMAZOO UNITED WAY	UNITED WAY CONTRIBUTIONS	360.00
06/21/2019	11270(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL AT CITY HALL	50.00
06/21/2019	11271(A)	HOWARD PRINTING	2018-2019 PORTAGER	2,816.00
06/21/2019	11272(A)	INDUSCO SUPPLY CO., INC.	CLEANING SUPPLIES & PAPER	1,715.90
06/21/2019	11273(A)	LAWSON PRODUCTS, INC	MAINTENANCE SUPPLIES	1,026.26
06/21/2019	11274(A)	MARANA GROUP	REFILL POSTAGE METER - MAY	273.00
06/21/2019	11275(A)	MEJEUR ELECTRIC LLC	WIRING AND LIGHTING	2,790.00
06/21/2019	11276(A)	MUNICIPAL CODE CORPORATION	ANNUAL CODE OF ORDINANCES	450.00
06/21/2019	11277(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES - PD	1,400.00
06/21/2019	11278(A)	NYE UNIFORMS	FIRE UNIFORMS	1,501.42
06/21/2019	11279(A)	PARIS CLEANERS	UNIFORM CLEANING 2018/19	1,025.04

ACCOUNTS PAYABLE REGISTER
Check Dates From: 4/14/2019 To: 4/28/2019

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Check Date	Check	Vendor Name	Description	Amount
06/21/2019	11280(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES FOR JUNE	2,040.00
06/21/2019	11281(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FF UNION DUES JUNE	40.00
06/21/2019	11282(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA UNION DUES FOR JUNE	630.00
06/21/2019	11283(A)	PRINTING SERVICES INC	CONCERT/MOVIE BANNER PRINT	256.00
06/21/2019	11284(A)	RIDGE AUTO NAPA	DIESEL EXHAUST FLUID	1,280.98
06/21/2019	11285(A)	S B F ENTERPRISES, INC.	UTILITY BILL PRINT & MAIL	731.15
06/21/2019	11286(A)	SYNERGISTIC ONLINE SOLUTIONS	HARDWARE MAINTENANCE	1,840.00
06/21/2019	11287(A)	TRUCK & TRAILER SPECIALTIES	DUMP TRUCK W/FRONT PLOW	185,102.23
06/21/2019	11288(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES FOR JUNE	474.07
06/21/2019	11289(A)	WEST MICHIGAN STAMP & SEAL,INC	4 ADA UNISEX RESTROOM SIGNS	200.00
06/21/2019	11290(A)	WIGHTMAN	ENGINEERING SERVICES	75,771.25
06/21/2019	11291(A)	WOLVERINE POWER SYSTEMS	BACKUP GENERATOR MAINT	1,052.78
06/28/2019	11292(A)	A-1 SIGNS	MEMORIAL PLAQUES	591.19
06/28/2019	11293(A)	ABONMARCHE CONSULTANTS, INC	ELIASON RESERVE DEVELOPMENT	70,633.08
06/28/2019	11294(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMP STAFFING FOR DEP CLERK	442.20
06/28/2019	11295(A)	AMERICAN SAFETY & FIRST AID	RAMONA FIRST AID SUPPLIES	74.06
06/28/2019	11296(A)	AUMACK, MICHAEL	UMPIRE PAYROLL 2019	300.00
06/28/2019	11297(A)	BEEBE, RONALD E.	UMPIRE PAYROLL 2019	350.00
06/28/2019	11298(A)	BEST WAY DISPOSAL, INC.	SWEEPER DEBRIS DISPOSAL	3,046.52
06/28/2019	11299(A)	CLEAN EARTH ENVIRONMENTAL SERV	VACTOR MAINTENANCE	152.00
06/28/2019	11300(A)	CLEANIT CORP	CAR WASHES 2018/19	573.84
06/28/2019	11301(A)	CLINGENPEEL, DAVID	UMPIRE PAYROLL 2019	42.00
06/28/2019	11302(A)	COMPLETE LANDSCAPING SOLUTIONS	TALL GRASS & WEED MOWING	2,337.22
06/28/2019	11303(A)	CONSUMERS CONCRETE CORP.	LEXINGTON PROJECT	664.00
06/28/2019	11304(A)	CONTINENTAL LINEN SERVICES	MAT AND LINEN SERVICE	158.55
06/28/2019	11305(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SERVICES	97.95
06/28/2019	11306(A)	DEER CONTRACTING & LANDSCAPE	CITY HALL FLOWER BED REHAB	6,507.00
06/28/2019	11307(A)	DIGITAL HIGHWAY WIRELESS SOLUTIONS	MODEMS W/WARRANTY	2,768.48
06/28/2019	11308(A)	E J USA, INC.	MANHOLE SUPPLIES	4,804.44
06/28/2019	11309(A)	ENGINEERED PROTECTION SYSTEMS, INC.	EPS SERVICES 6/1/19-8/31/19	14,247.00
06/28/2019	11310(A)	ENTENMANN-ROVIN CO.	REBURBISH BADGES	1,119.10
06/28/2019	11311(A)	ETNA SUPPLY, INC.	CELERY FLATS PROJECT	45.00

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06/28/2019	11312(A)	F D LAKE COMPANY	CHAIN INSPECTION	160.00
06/28/2019	11313(A)	FERRELLGAS, LP	GENERATOR RENTAL CITY HALL	827.00
06/28/2019	11314(A)	FORSHEE, MARK	UMPIRE PAYROLL 2019	350.00
06/28/2019	11315(A)	GORDON WATER SYSTEMS	WATER COOLER SERVICES	331.40
06/28/2019	11316(A)	GORNO FORD	2019 FORD F250 4X4 W/ PLOW	38,587.00
06/28/2019	11317(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL - DPS	212.00
06/28/2019	11318(A)	HOJNACKI, DAVID	UMPIRE PAYROLL 2019	184.00
06/28/2019	11319(A)	INDUSCO SUPPLY CO., INC.	PAPER PRODUCTS AND SUPPLIES	1,748.63
06/28/2019	11320(A)	IRISH AYRES ENTERPRISES, LLC	MOWING, TRIMMING & LANDSCAP	45.00
06/28/2019	11321(A)	J & J LAWN SERVICE, INC.	MOWING AND TRIMMING SERV	8,326.00
06/28/2019	11322(A)	KEHOE, EDWARD J	PROGRAM INSTRUCTOR PMT	410.00
06/28/2019	11323(A)	KLOSTERMAN DISTRIBUTING	RAMONA CONCESSIONS	402.28
06/28/2019	11324(A)	LEWIS PAPER PLACE, INC.	COPY PAPER	1,350.00
06/28/2019	11325(A)	LOUTHAN, WILLIAM F	UMPIRE PAYROLL 2019	240.00
06/28/2019	11326(A)	MATTAWAN YOGA LLC	CLASS INSTRUCTOR PAYMENT	180.00
06/28/2019	11327(A)	MCCULLIN, LARRY W.	UMPIRE PAYROLL 2019	225.00
06/28/2019	11328(A)	MCMILLAN, BRANDON	CRIMINAL INTERDICTION WRKSH	105.00
06/28/2019	11329(A)	MICHIGAN OFFICE ENVIRONMENTS	FURNITURE MOVE	624.00
06/28/2019	11330(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	280.26
06/28/2019	11331(A)	MIRACLE RECREATION EQUIPMENT CO.	PLAYGROUND EQPT PARTS	272.00
06/28/2019	11332(A)	NASON, RICHARD	FIRE OPS TRAINING	536.14
06/28/2019	11333(A)	NUYEN, ERIC	UMPIRE PAYROLL 2019	184.00
06/28/2019	11334(A)	ONE WAY PRODUCTS	CAN LINERS AND SUPPLIES	617.94
06/28/2019	11335(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERV	12,411.89
06/28/2019	11336(A)	PATESEL, TERRY	UMPIRE PAYROLL 2019	100.00
06/28/2019	11337(A)	PAVER PET SUPPLY	MISC. K-9 SUPPLIES	62.00
06/28/2019	11338(A)	PCM SALES, INC.	MONTHLY IT OUTSOURCING	41,144.10
06/28/2019	11339(A)	PROFESSIONAL BUILDING SERVICES LLC	JANITORIAL SERVS - CH & DPW	3,471.77
06/28/2019	11340(A)	R W LAPINE INC.	HVAC ON-CALL SERVICES & PARTS	4,393.53
06/28/2019	11341(A)	RHODES, KEVIN	UMPIRE PAYROLL 2019	336.00
06/28/2019	11342(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT.	1,221.24
06/28/2019	11343(A)	ROE-COMM, INC.	FIRE COMM EQUIPMENT	162.00

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06/28/2019	11344(A)	RYAN, JOHNATHAN	UMPIRE PAYROLL 2019	188.00
06/28/2019	11345(A)	SAFETY SERVICES, INC.	HI-VIZ CLOTHING	1,393.23
06/28/2019	11346(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL WIRE MARKING	4,649.00
06/28/2019	11347(A)	SNELL, DEBRA	INSTRUCTOR PAYMENT	336.00
06/28/2019	11348(A)	SUEZ WATER ENVIRONMENTAL SERVICES	HYDRANT REPAIRS	190,884.56
06/28/2019	11349(A)	THE IRRIGATOR	IRRIGATION REPAIRS	298.93
06/28/2019	11350(A)	THE LIFEGUARD STORE	RAMONA UNIFORMS	79.50
06/28/2019	11351(A)	TOO CLEAN JANITORIAL	CLEANING FACILITIES PARKS	4,765.00
06/28/2019	11352(A)	TRUCK & TRAILER SPECIALTIES	FLEET MAINTENANCE	45.44
06/28/2019	11353(A)	W W GRAINGER INC	EQUIPMENT MAINTENANCE	1,596.47
06/28/2019	11354(A)	WARNER NORCROSS & JUDD LLP	LEGAL FEES & RETAINER FEE	4,176.67
06/28/2019	11355(A)	WEST MICHIGAN INT'L LLC	NAVISTAR DIAGNOSTIC	97,079.68
06/28/2019	11356(A)	WEST MICHIGAN STAMP & SEAL, INC	REVIEW STAMP FOR BUILDING	18.20
06/28/2019	11357(A)	WOLVERINE LAWN SERVICE, INC.	IRRIGATION REPAIRS	374.09
06/28/2019	11358(A)	XEROX CORPORATION	MAY 2019 XEROX AGREEMENT	219.11
Total ACH Transactions:				993,675.64

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06/17/2019	310088	BAUMGARTNER, RANDY	TRIP VENDOR PAYMENT 190615	350.00
06/21/2019	310089	A T & T	ELECTRONIC COMMUNICATIONS	3,455.26
06/21/2019	310090	ABNET, CHEYENNE	SOFTBALL DEPOSIT REFUND	100.00
06/21/2019	310091	ACE-TEX ENTERPRISES, INC.	WIPING CLOTHS	57.50
06/21/2019	310092	ADP, INC.	ADP PYRL & TIME AND ATTEND	4,229.33
06/21/2019	310093	ALERT-ALL CORP.	FIRE MARSHAL SUPPLIES	3,926.00
06/21/2019	310094	ALLEGRA PRINT & IMAGING	BUSINESS CARDS DAWN SHILTS	39.00
06/21/2019	310095	AMERICAN SCREEN PRINTING	SHIRTS FOR YOUTH ADVISORY	333.20
06/21/2019	310096	ARTWEAR APPAREL GRAPHICS, INC.	STAFF/INTERN SHIRTS	264.00
06/21/2019	310097	BARNES, KATHY	GRAIN ELEVATOR DEPOSIT RFND	150.00
06/21/2019	310098	BAY AREA TOUCHLESS CARWASH LLC	POLICE VEHICLE CAR WASHES	276.00
06/21/2019	310099	BRILL, BETTY	TRIP REFUND 190621	1,689.00
06/21/2019	310100	BUDDEMEIER, LINDA	TRIP REFUND 190621	1,689.00
06/21/2019	310101	BUDIWARMAN, CONNIE	LITTLE LUNKERS FISH CAMP	75.00

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06/21/2019	310102	BURTIS, LAURA	GRAIN ELEVATOR DEPOSIT RFND	150.00
06/21/2019	310103	CARTRIDGE WORLD	PRINTER SERVICES	1,885.33
06/21/2019	310104	CHAPMAN, MARY	TRIP REFUND 190619	55.00
06/21/2019	310105	CINTAS CORP.	UNIFORM RENTAL - INSPECTORS	15.60
06/21/2019	310106	CLEARBROOK GOLF CLUB	TRIP VENDOR PAYMENT 19JN25	1,203.60
06/21/2019	310107	CRITTER CONTROL	FIRE FACILITY MAINT	139.00
06/21/2019	310108	D&D BUILDING DIVIS10N	CITY HALL WINDOW SHADES	3,684.00
06/21/2019	310109	DAVE'S CONCRETE PRODUCTS, INC.	RAMONA PROJECT	590.00
06/21/2019	310110	DAVIS, SUSAN	SCHRIER BUILDING DEPOSIT	150.00
06/21/2019	310111	DENOoyer OPERATING, LLC	KEY PROGRAMMING	156.34
06/21/2019	310112	ENSFIELD, ROBERT & KAY	TRIP REFUND 190621	3,398.00
06/21/2019	310113	FIRST PLACE SUPPLY, INC.	FIRE TRAINING SUPPLIES	93.75
06/21/2019	310114	FLETCHER ENTERPRISES	PAINTING SERVICES	3,935.00
06/21/2019	310115	FLOYD, MILDRED	TRIP REFUND 190619	90.00
06/21/2019	310116	FORMULA K EQUIPMENT LLC	MAINTENANCE	21.92
06/21/2019	310117	GIPSON, GAYDENE	TRIP REFUND 190722	50.00
06/21/2019	310118	GRACE DARRAGH STUDIO LLC	JUNE PAINTING IN THE PARK	385.00
06/21/2019	310119	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION OF PPOA DUES	3,020.60
06/21/2019	310120	HAMLIN, BOYD & MARGUERITE	TRIP REFUND 190621	3,398.00
06/21/2019	310121	HOME DEPOT	SUPPLIES - PARKS DIVISION	1,656.85
06/21/2019	310122	VOID		0.00
06/21/2019	310123	HOPKINS FUNDRAISING CONSULTING	SENIOR CENTER CAMPAIGN	6,250.00
06/21/2019	310124	IMAGESTREAM, INC.	SOUND & VIDEO PRODUCTION	4,110.00
06/21/2019	310125	KALAMAZOO COUNTY HEALTH & COMMUNITY	DPS DISPOSALS	224.72
06/21/2019	310126	KNAPHEIDE TRUCK EQUIPMENT FLINT	VEHICLE MAINTENANCE	1,234.20
06/21/2019	310127	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER CONTRACT	364.00
06/21/2019	310128	LANGUAGE LINE, INC	LANGUAGE LINE USAGE	126.90
06/21/2019	310129	LATITUDE 42 BREWING COMPANY	HDC PRESERVATION MONTH	1,175.77
06/21/2019	310130	MCDougall, Heather	GRAIN ELEVATOR DEPOSIT RFND	150.00
06/21/2019	310131	MCNAMARA, STEPHANIE	SCHRIER BUILDING DEPOSIT	150.00
06/21/2019	310132	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR AND	2,557.82
06/21/2019	310133	MICHIGAN FARMERS MARKET ASSOCIATION	MFMA MEMBERSHIP	250.00

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06/21/2019	310134	MICHIGAN SECURITY & LOCK	REPLACE LOCKS	756.50
06/21/2019	310135	MIDWEST CUSTOM EMBROIDERY COMPANY	APPRAISER UNIFORMS	79.00
06/21/2019	310136	MILES, DAVID	TRIP VENDOR PAYMENT 190625	100.00
06/21/2019	310137	MLIVE MEDIA GROUP	MAY NOTICE TO BIDDER	850.59
06/21/2019	310138	MPARKS	2019 MPARKS MEMBERSHIP	655.00
06/21/2019	310139	NELSON'S APPLIANCE SERVICE	FIRE FACILITY MAINT.	92.50
06/21/2019	310140	OCKERMAN, JOAN	TRIP REFUND 190621	1,999.00
06/21/2019	310141	OFFICE DEPOT, INC.	OFFICE DEPOT BLANKET PO	803.52
06/21/2019	310142	PETERS, DONNA	TRIP REFUND 190621	2,049.00
06/21/2019	310143	PETTY CASH-ALYSSA MILBECK	REPLENISHMENT CHECK	906.11
06/21/2019	310144	PETTY CASH-COLEEA CANDERS	REPLENISHMENT CHECK	285.39
06/21/2019	310145	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	301.42
06/21/2019	310146	PORTAGE PARKS FOUNDATION	PARKS FOUNDATION TRANSFER	500.00
06/21/2019	310147	QUALITY PRECAST, INC.	LEXINGTON PROJECT SUPPLIES	372.50
06/21/2019	310148	RENEWED EARTH, INC.	LEAF AND BRUSH REMOVAL -	9,083.33
06/21/2019	310149	RIVERSIDE INTEGRATED SYSTEMS, INC.	REPLACE SMOKE DETECTOR	389.50
06/21/2019	310150	ROAD COMMISSION OF KALAMAZOO COUNTY	EMULSION FOR DURAPATCHING	1,855.33
06/21/2019	310151	SCHULTZ, FRED & DOROTHY	TRIP REFUND 190621	3,378.00
06/21/2019	310152	SCHURING JR CO, JOHN	NOTARY BOND FEE	50.00
06/21/2019	310153	SHI INTERNATIONAL CORP.	STORMWINDS 12 MO ACCESS	3,798.00
06/21/2019	310154	SOUTHWEST MICHIGAN FIRST	FY 2018-2019 SWMF CONSULT	12,500.00
06/21/2019	310155	STATE OF MICHIGAN (MGT & BUDGE	2 RADIO ACTIVATIONS	500.00
06/21/2019	310156	VOID		0.00
06/21/2019	310157	STATE SYSTEMS RADIO, INC	RADIO SERVICES	2,085.17
06/21/2019	310158	STRUBLE, CHRISTOPHER	TRIP VENDOR PAYMENT 190625	300.00
06/21/2019	310159	SWENSON, CONNIE	TRIP REFUND 190717	105.00
06/21/2019	310160	THE RIGHT STUFF ENTERTAINMENT INC.	THE BOY BAND CONCERT	2,000.00
06/21/2019	310161	THIEL, DAVID & CAROL	TRIP REFUND 190619	200.00
06/21/2019	310162	TODD ARBANAS ENTERPRISES INC.	TREE REMOVALS	3,950.00
06/21/2019	310163	TRIFECTA NETWORKS, LLC	FIRE EOC EQUIPMENT	1,626.46
06/21/2019	310164	ULINE, INC.	MISC PROPERTY & EVIDENCE	643.97
06/21/2019	310165	USPS	REFILL POSTAGE METER	5,000.00

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06/21/2019	310166	VANGUARD FIRE & SUPPLY CO., INC.	ANNUAL INSPECTIONS	871.39
06/21/2019	310167	VARIDESK LLC	OFFICE EQUIP	666.00
06/21/2019	310168	VARNUM, RIDDERING, SCHMIDT & H	SERVICES RENDERED -TS	231.00
06/21/2019	310169	VERIZON WIRELESS SERVICES, LLC	WIRELESS CARDS	2,263.30
06/21/2019	310170	VICKSBURG HARDWARE	SMALL EQUIPMENT REPAIRS	62.31
06/21/2019	310171	WEST MICHIGAN BASEBALL FRANCHISE LL	DIPPINDOTS CONCESSIONS	420.48
06/24/2019	310172	WEST MICHIGAN REALTORS TITLE CO LLC	CDBG ROUSE 5920 MT. VERNON	5,000.00
06/26/2019	310173	JOHN CHIPMAN CUSTOMS, LLC	BD Payment Refund	560.00
06/28/2019	310174	A T & T LONG DISTANCE	LONG DISTANCE SERVICE	178.11
06/28/2019	310175	ALTA EQUIPMENT CO.	CRACK SEALER MAINT	424.30
06/28/2019	310176	AR ENGINEERING LLC	ENGINEERING SERVICES	14,883.15
06/28/2019	310177	ARROWHEAD SCIENTIFIC, INC.	LAB SUPPLIES	55.15
06/28/2019	310178	ASCENSION MICH OCCUPATIONAL HEALTH	2018 - 2019 DOT PHYSICALS	140.00
06/28/2019	310179	AVI SYSTEMS, INC.	LECTERN AUDIO -TS	420.95
06/28/2019	310180	B & G DISCOUNT	FIRE OPS UNIFORMS	330.20
06/28/2019	310181	BEL-AIRE HEATING & AIR CONDITI	CDBG VINE 5840 MT. VERNON	3,150.00
06/28/2019	310182	BERRY, VICKI	SCHRIER DEPOSIT REFUND	150.00
06/28/2019	310183	BLOOM SLUGGETT, PC	LEGAL SERVICES	2,450.00
06/28/2019	310184	BRANCH, JOYCE	TRIP REIMBURSEMENT 190619	46.43
06/28/2019	310185	BRINKMAN, SALLY	TRIP REIMBURSEMENT 190615	272.67
06/28/2019	310186	BRONSON HEALTHCARE GROUP	LEGAL BLOOD DRAW	100.00
06/28/2019	310187	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	71.90
06/28/2019	310188	CAPITOL STRATEGIES, LLC	PORTAGE SENIOR CENTER FUND	50,264.00
06/28/2019	310189	CASE, MARY ANN	TRIP REFUND 190619	95.00
06/28/2019	310190	CHAPMAN, MARY	TRIP REFUND 190619	40.00
06/28/2019	310191	CHASE DOORS	OVERPAYMENT 9229 SHAVER RD	1,164.49
06/28/2019	310192	CHICAGO TITLE OF MI	OVERPAYMENT UTILITY	257.51
06/28/2019	310193	CINTAS CORP.	UNIFORM RENTAL SERVICES	805.28
06/28/2019	310194	COLBURN, NANCY	REPLACE STALE CHECK - ELECTION	153.20
06/28/2019	310195	COMMUNITY LIVING OPTIONS	SCHRIER DEPOSIT REFUND	150.00
06/28/2019	310196	CONVERSE MANAGEMENT CO	TRIED TO PAY A KZOO WATER	48.32
06/28/2019	310197	DIFFIN, TONNIE	REPLACE STALE CHECK - ELECTION	159.82

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06/28/2019	310198	DUNIPHIN, JESSIE	MISC EXPENSES FOR THE HDC	323.02
06/28/2019	310199	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT 190722	15,521.00
06/28/2019	310200	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE MAINT	302.63
06/28/2019	310201	ENGINEERING SUPPLY & IMAGING	INK AND PAPER SUPPLIES KIP	937.43
06/28/2019	310202	FADER EQUIPMENT, INC.	MAINTENANCE SUPPLIES	239.35
06/28/2019	310203	FLETCHER ENTERPRISES	PAINTING SERVICES	3,395.00
06/28/2019	310204	FLIERS UNDERGROUND SPRINKLING	FOUNTAIN REPAIR	84.00
06/28/2019	310205	GRANT, LARRY	PICKLEBALL CANCELLATION RFND	15.00
06/28/2019	310206	GRAYBAR ELECTRIC CO.	ELECTRICAL SUPPLIES	184.50
06/28/2019	310207	HALT FIRE, INC.	FIRE APPARATUS MAINT	762.89
06/28/2019	310208	HATFIELD, CHRISTINE	SCHRIER DEPOSIT REFUND	150.00
06/28/2019	310209	HIGGS, SUE	TRIP REFUND 190912	50.00
06/28/2019	310210	HOLCOMB, STEPHEN	TRIP REFUND 190912	50.00
06/28/2019	310211	HOME DEPOT	SUPPLIES - PARKS DIVISION	3,346.44
06/28/2019	310212	VOID		0.00
06/28/2019	310213	VOID		0.00
06/28/2019	310214	HUSEN, ALLYSON	GRAIN ELEVATOR DEPOSIT RFND	150.00
06/28/2019	310215	J & J LOCKSMITHS	LOCKSMITH SERVICES	270.00
06/28/2019	310216	JACK PEARL'S SPORT CENTER INC	VOLLEYBALL NETS	794.55
06/28/2019	310217	KALAMAZOO AREA TRANSPORTATION STUDY	TRAFFIC COUNTING SERVICES	800.00
06/28/2019	310218	KALAMAZOO COUNTY HEALTH & COMMUNITY	2019 HHW PROGRAM	16,856.00
06/28/2019	310219	KALAMAZOO COUNTY TREASURER	REFUND TO COUNTY - STC	691.73
06/28/2019	310220	KALAMAZOO LANDSCAPE SUPPLIES	TOP SOIL	220.80
06/28/2019	310221	KELLOGG, KARON	STUART MANOR DEPOSIT RFND	150.00
06/28/2019	310222	KORMAN, GLORIA	SCHRIER DEPOSIT REFUND	390.00
06/28/2019	310223	LKF MARKETING	DESIGN SERVICES	1,397.50
06/28/2019	310224	LOCEY SWIM POOL CO.	FOUTAIIN SUPPLIES FOR CH	185.00
06/28/2019	310225	MACALLISTER MACHINERY CO., INC.	DOZER RENTAL	2,355.00
06/28/2019	310226	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	115.00
06/28/2019	310227	MEDILODGE OF PORTAGE	PROGRAM VENDOR PAYMENT	296.00
06/28/2019	310228	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR/MAINT	576.61
06/28/2019	310229	MICHIGAN MUNICIPAL LEAGUE	ON-LINE JOB ADS	198.48

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06/28/2019	310230	MICHIGAN PAVEMENT MARKINGS LLC	LINE STRIPING SERVICES	49,102.90
06/28/2019	310231	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL LEGAL SERV	560.00
06/28/2019	310232	MOSES FIRE EQUIPMENT, INC.	FIRE TRAINING SUPPLIES	217.00
06/28/2019	310233	NORTHROP, RACHEL	SCHRIER RENTAL FEE REFUND	100.00
06/28/2019	310234	OFFICE DEPOT, INC.	OFFICE SUPPLIES	4,045.82
06/28/2019	310235	OTTEN TROPHIES	MARILYN MARION RETIREMENT	77.89
06/28/2019	310236	PEER, JON	CAMPOUT REIM 2019	387.00
06/28/2019	310237	PEGOUSKE, BRIAN	HAYLOFT TENT DEPOSIT RFND	100.00
06/28/2019	310238	PERKINS, ANN	TRIP EXPENSE REIMB 190625	51.83
06/28/2019	310239	PETERMAN CONCRETE CO.	CONCRETE	867.94
06/28/2019	310240	PHILLIPS, KIMBERLY	CLASS INSTRUCTOR PAYMENT	210.00
06/28/2019	310241	PILGRIM, DIANE	TRIP RFND PRICE ADJUST 190625	155.00
06/28/2019	310242	POWERS, BARBARA	REPLACE STALE CHECK - ELECTION	20.00
06/28/2019	310243	RABE, KRISTI	GRAIN ELEVATOR DEPOSIT RFND	150.00
06/28/2019	310244	RAILROAD MANAGEMENT CO. IV, LLC	RAILROAD LEASE AGREEMENT	4,630.86
06/28/2019	310245	REAL PAGE UTILITY MANAGEMENT	OVERPAYMENT WATER/SEWER	23,548.38
06/28/2019	310246	REPUBLIC SERVICES DBA C&C EXPANDED	DISPOSAL SERVICES	199.46
06/28/2019	310247	SEECCLICKFIX, INC.	ANNUAL LICENSE FEES	10,185.00
06/28/2019	310248	SMOKED DOWN BBQ	BOY BAND CONCESSIONS RFND	50.00
06/28/2019	310249	SPRING CREST CUSTOM DRAPERIES	WINDOW SHADES	690.00
06/28/2019	310250	SPRINT PCS	GPS TRACKING CASE	100.00
06/28/2019	310251	STAP BROS LAWN & LANDSCAPE, INC	HERBICIDE APPLICATION	7,176.00
06/28/2019	310252	STATE OF MICHIGAN (DOT)	ROMENCE RD, OAKLAND/CONST	161,882.19
06/28/2019	310253	STATE OF MICHIGAN (TREASURY)	2018 IFT DISBURSEMENT	881,288.84
06/28/2019	310254	STATE OF MICHIGAN DNRE	FIRE OPS SUPPLIES	75.00
06/28/2019	310255	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS	8,933.18
06/28/2019	310256	STEENSMA LAWN & POWER EQUIPMENT	SNOW BLOWER	3,565.00
06/28/2019	310257	SUITS U TAILOR SHOP INC	UNIFORM TAILORING	67.00
06/28/2019	310258	THE GARLAND CO. INC.	BUILDING SERVICES	1,000.00
06/28/2019	310259	THELEN, KELLY	SCHRIER DEPOSIT REFUND	150.00
06/28/2019	310260	TODD ARBANAS ENTERPRISES INC.	TREE REMOVAL SERVICES	3,250.00
06/28/2019	310261	TRAFFIC CONTROL CORP.	TRAFFIC SIGNAL SUPPLIES	27,573.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 4/14/2019 To: 4/28/2019

Page 10 of 10

Check Date	Check	Vendor Name	Description	Amount
06/28/2019	310262	TRUGREEN PROCESSING	HERBICIDE TREATMENT	758.18
06/28/2019	310263	UNITED PARCEL SERVICE	UPS WEEKLY	13.20
06/28/2019	310264	UNITED PARTY & EVENT SERVICES	SMALLFOOT MOVIE RENTAL	600.00
06/28/2019	310265	VALLEY CITY SIGN	WITHHOLD RETAINAGE	111,653.00
06/28/2019	310266	VANGIESSEN, RANDY	RAMONA PARK VOUCHER RFND	160.00
06/28/2019	310267	VARTEC, LLC	WINSCRIBE ANNUAL SOFTWARE	1,200.00
06/28/2019	310268	VERSALIFT MIDWEST, LLC	VEHICLE INSPECTIONS	970.00
06/28/2019	310269	VICKSBURG HARDWARE	CHAINSAW SUPPLIES	467.01
06/28/2019	310270	WEST MICHIGAN BASEBALL FRANCHISE LL	CONCESSIONS FOR CONCERT	401.28
06/28/2019	310271	WMACP	WMACP MEMBERSHIP 2019	25.00
06/28/2019	310272	ZANTELO'S INTERIOR CARE. LLC.	FIRE FACILITY MAINT.	1,116.25
06/28/2019	310273	BUSCH, NICOLE	UB REFUND: 2522 EAST SHORE	137.29
06/28/2019	310274	LKF MARKETING	DESIGN SERVICES	1,500.00
06/28/2019	310275	MAYES, BETHANY	UB REFUND: 2815 HEVERLY WEST	206.01
06/28/2019	310276	MICHIGAN FIRE INSPECTOR'S SOCIETY	FIRE MEMBERSHIPS	90.00
06/28/2019	310277	OBERLEE, KYLE	RAMONA SOFTBALL FIELD REF	100.00
06/28/2019	310278	POWELL CUSTOM HOMES, LLC	BD Payment Refund	257.26
06/28/2019	310279	VOHDEN, DOUGLAS J & BONNIE E	BD Bond Refund	460.00
06/28/2019	310280	WOOLF EXCAVATING	BD Payment Refund	1,050.00
Total Paper Checks:				1,562,786.64
Check Type: Auto-Pay Payments				
06/17/2019		RANDALL BROWN & ASSOC	RETAINER FEES	18,810.00
06/17/2019		CONSUMERS ENERGY	GAS-ELECTRIC	1,564.24
06/18/2019		CONSUMERS ENERGY	GAS-ELECTRIC	577.39
06/19/2019		CONSUMERS ENERGY	GAS-ELECTRIC	6,985.09
06/20/2019		CONSUMERS ENERGY	GAS-ELECTRIC	355.56
06/21/2019		CONSUMERS ENERGY	GAS-ELECTRIC	5,221.65
06/24/2019		CONSUMERS ENERGY	GAS-ELECTRIC	248.21
06/25/2019		CONSUMERS ENERGY	GAS-ELECTRIC	1,579.27
Total Auto-Pay Payments:				35,341.41
Grand Total:				2,591,803.69

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: City Sign Replacement - Bid Tabulation

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Award a construction contract to Valley City Sign Company in the amount of \$52,099.20 for removal of five and fabrication and installation of 32 new trail way finding and park lectern signs at various locations throughout the city, and authorize the City Manager to sign all documents related to the contract on behalf of the city.

The approved FY 2018-2019 Capital Improvement Program (CIP) budget includes the City Sign Replacement project with a budget of \$230,000 for new building and park identification signs, wayfinding signs, trailhead signs and park lecterns. Implementation of this project is consistent with the City of Portage *A Natural Place to Move* branding effort and the city sign design accomplished in 2017 (approved sign designs attached).

The first two phases of this project are substantially complete: Phase 1 included six City of Portage gateway signs and two Eliason Nature Reserve signs. Phase 2 included 32 building identification signs, park identification signs and wayfinding signs in the City Centre area and at South Westnedge Park. The final phase will be implemented in late summer 2019 and will include 32 new trail wayfinding signs and park lecterns.

On June 26, 2019, two bids were received for Phase 3 of the project, to include the removal of five existing trailhead signs and installation of the 32 new signs and lecterns noted above. A low bid in the amount of \$42,740 was submitted by Universal Sign Incorporated, of Grand Rapids MI. However, it is recommended the contract be awarded to second low bidder, Valley City Sign, of Comstock Park, MI, in the amount of \$52,099.20. The city has worked with both sign firms on this project:

- Valley City Sign developed the sign design for the "family of signs" currently used to identify the gateways into the community, and various City of Portage building and parks and created specifications for construction and installation of the signs. The work performed by Valley City Sign was excellent.
- Universal Sign received the contract for Phase 1 of the sign construction and installation, which involved the gateway signs and two park signs noted above. During Phase 1, numerous quality and craftsmanship issues arose. This spring, after stone work failed on one gateway sign, it was discovered that Universal Sign had not followed the specifications that required grout between the stones to ensure durability. Fortunately, the eight signs constructed in Phase 1 are still under warranty and Universal Sign is required to grout the stone as required per the

contract specifications. While Universal Sign has made an effort to complete the required grouting, there continues to be quality and craftsmanship issues that require correction by Universal Sign.

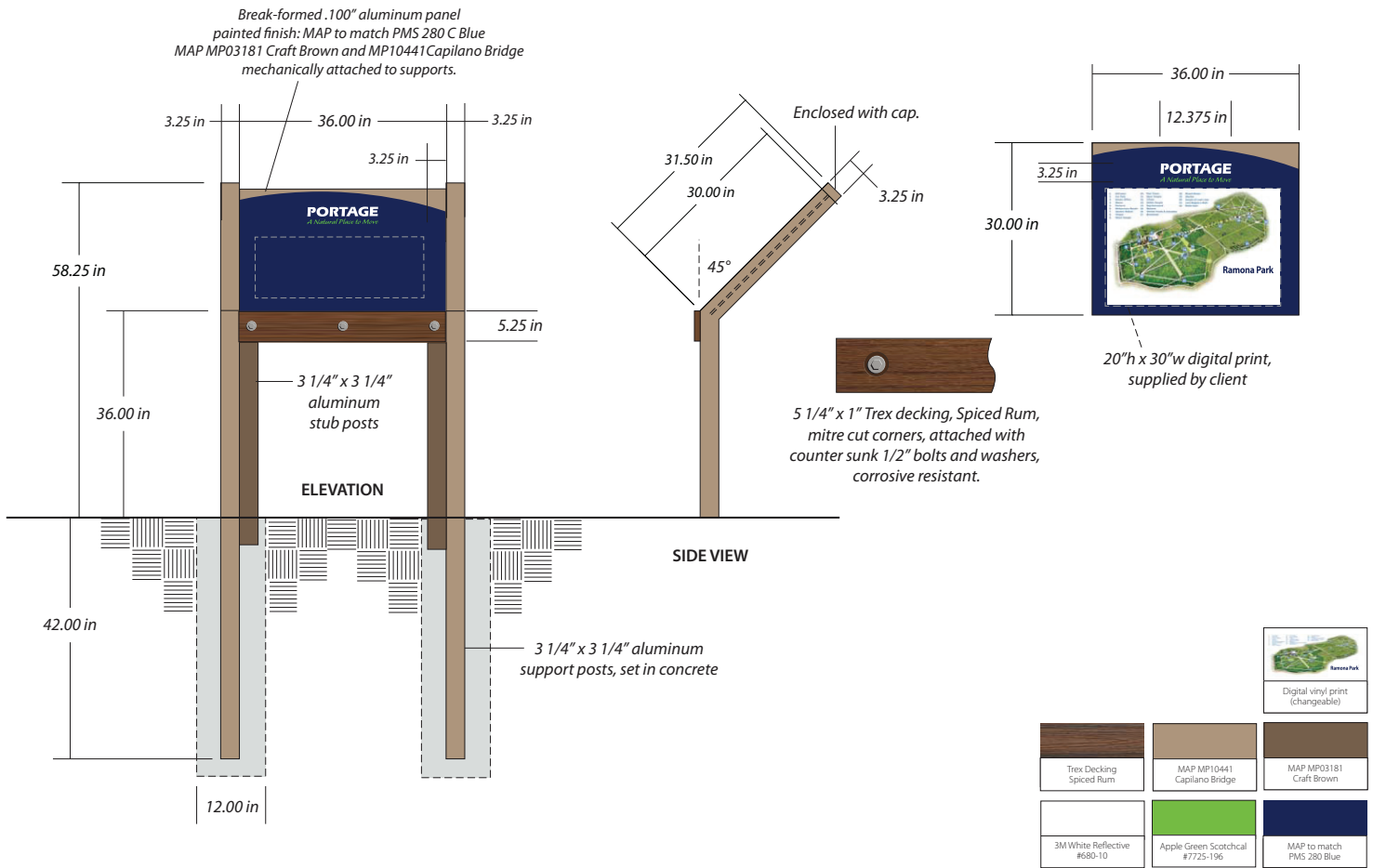
- Valley City Sign was awarded the contract for Phase 2 of the sign construction and installation, which involves the fabrication and installation of 32 signs. Valley City Sign has fabricated all 32 signs and has installed 20 signs to date, with project completion estimated by mid-July 2019. The city has been very satisfied with the work performed by Valley City Sign during Phase 2. The quality and craftsmanship of the signs installed by Valley City Sign is superior to that of Universal Sign in Phase 1.

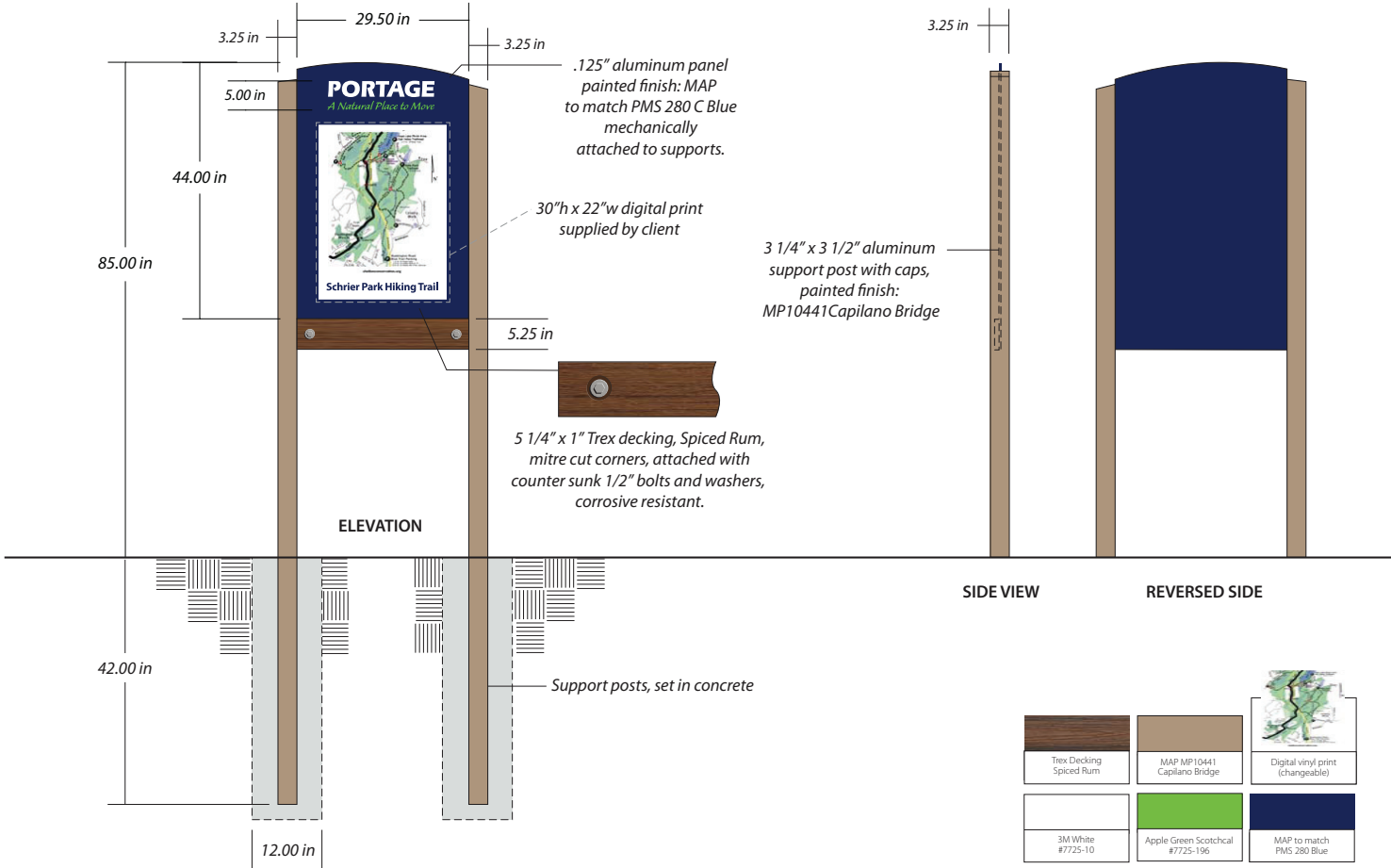
It is recommended that City Council award a construction contract to Valley City Sign in the amount of \$52,099.20, and authorize the City Manager to sign all other documents related to the contract on behalf of the city. If approved, the work will commence in August 2019.

FUNDING: FY 2018-19 Capital Improvement Fund City Sign Replacement Project - total budget is \$230,000. Funding for first phase (30 signs) is \$141,060.

Attachments:

1. Trail head and lectern signs - detail drawings
2. Trail head and lectern signs - location maps
3. Bid Tabulation





Trex Decking Spiced Rum	MAP MP10441 Capilano Bridge	Digital vinyl print (changeable)
3M White #7725-10	Apple Green Scotchcal #7725-196	MAP to match PMS 280 Blue

VALLEY CITY SIGN
An Employee Owned Company

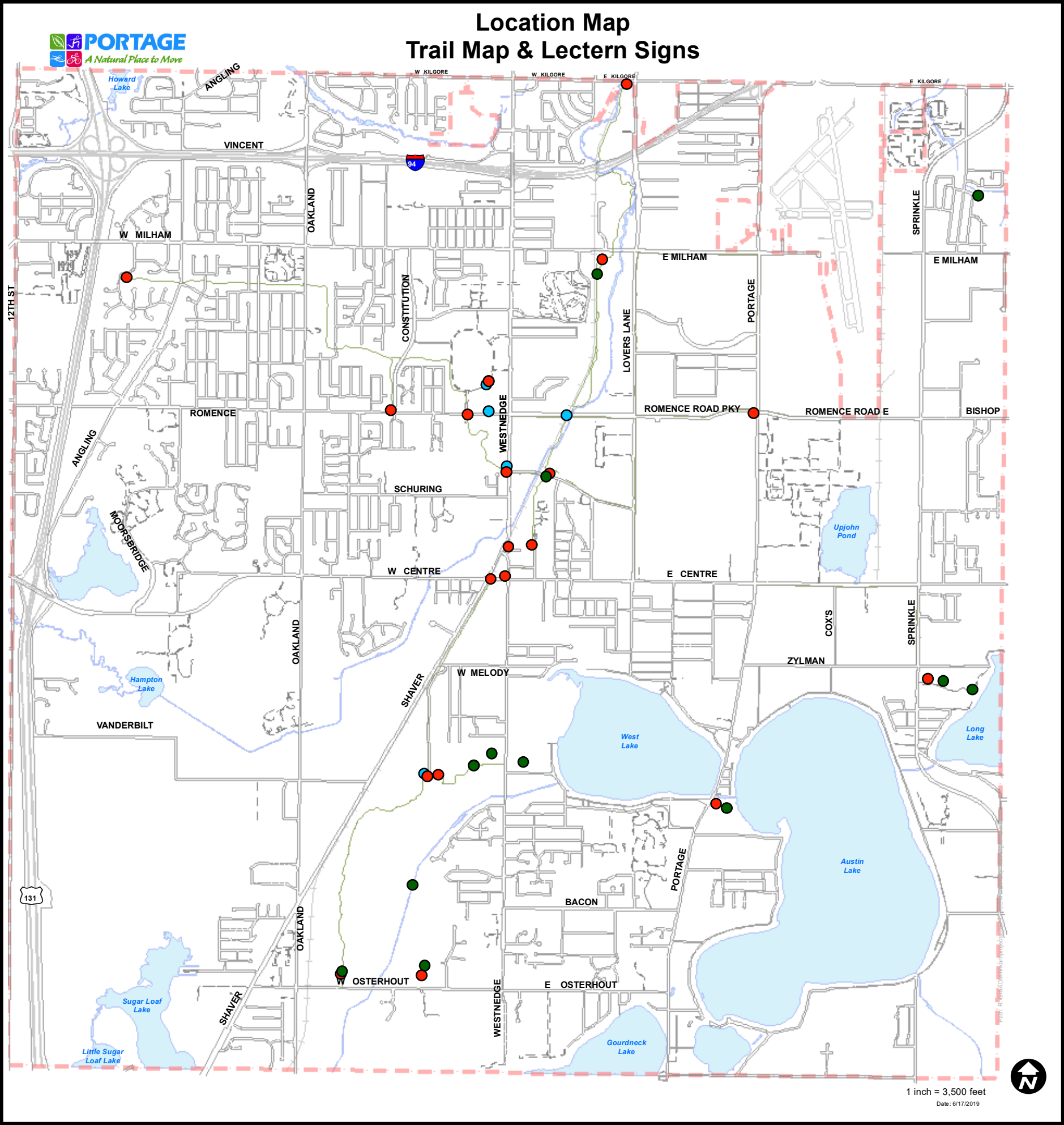
CUSTOMER SIGNATURE

DRAWING #164,418A
SCALE: 1/2" = 1'-0"
NINE (9) NON-ILLUMINATED TRAIL HEAD SIGNS

PROJECT: City of Portage	DESIGNER: SV
PHOTOSCAN (S): No	REVISIONS: JV
DATE: 10.03.18	SALES: 42(MC)
HOURS: 2.5+1.0	

5009 West River Drive . Comstock Park, MI 49321 . Ph.616.784.5711 . Fax.616.784.8280 . www.valleycitysign.com

The designs, details and plans represented herein are the property of Valley City Sign; specifically developed for your personal use in connection with the project being planned for you by Valley City Sign. They are not to be shown to anyone outside of your organization, nor are they to be used, reproduced, exhibited or copied in any fashion whatsoever. All or any part of these designs (except registered trademarks) remain the property of Valley City Sign. Colors represented are being viewed by various web browsers, computer monitors and printers, therefore an exact representation of colors shown cannot be guaranteed via these methods. For true color matching, please request a material sample.



BID TABULATION
2019 CITY SIGN FABRICATION AND INSTALLATION - PHASE 3

<u>Bidder</u>	<u>Bid</u>
Universal Sign, Inc. 5001 Falcon View SE Grand Rapids, MI 49512	\$42,740.00
Valley City Sign Co. 5009 West River Dr. NE Comstock Park, MI 49321	\$52,099.20

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Mill & Fill Summer Repairs - Contract Change Order #1

SUPPORTING PERSONNEL: Rod Russell, Director of Public Works

ACTION RECOMMENDED: Award Contract Change Order #1 in the amount of \$90,059.60 to Michigan Paving & Materials Company, for mill and fill asphalt repair of local street sections, and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Fiscal Year 2019-2020 Major & Local Street budgets include funding for mill and fill repairs to sections of major and local streets where surface asphalt is in poor condition. Due to favorable contract pricing, additional sections of deteriorating asphalt can be added to the Spring Mill & Fill contract. The following street will be scheduled to receive mill and fill repairs:

- Julie Drive
- Kim Avenue

On June 11, 2019 the Summer Mill & Fill contract was awarded to Michigan Paving & Materials Company of Kalamazoo, Michigan in the amount of \$634,431.96, and Contract Change Order #1 of \$90,059.60 will be added to this contract for a total price of \$724,491.56. The 2019 Summer Mill & Fill program is expected to begin in late August.

It is recommended that City Council award Contract Change Order #1 in the amount of \$90,059.60 to perform summer mill and fill surface asphalt street repairs, and authorize the City Manager to execute all documents related to these actions on behalf of the city.

FUNDING: Funds are available for this work in the Fiscal Year 2019-2020 Major & Local Street budgets.

Attachments:

1. 2019 Summer Mill Fill - Bid Tabulation
2. Change Order No. 1 - Summer Mill & Fill

2019 SUMMER MILL & FILL
BID TABULATION

Total Bid Amount

Michigan Paving & Materials Co. 2300 Glendenning Road Kalamazoo, MI 49001	\$634,431.96
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Rieth-Riley Construction Co., Inc. 911 Hatfield Avenue Kalamazoo, MI 49001	\$665,856.59
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Change Order No. 1 – 2019 Summer Mill & Fill Repairs

Item	Description	Quantity	Unit Price	Total Price
1	Remove/Replace w/ 165# SYD 13A Mod HMA	1,023 Tons	\$72.47	\$74,136.81
2	Cold Mill HMA Surface (1.5 inches)	10,846 SYD	\$1.43	\$15,509.78
3	4" White Solid, Waterborne	76 FT	\$0.11	\$8.36
4	4" Yellow Double, Waterborne	120 FT	\$0.22	\$26.40
5	Left Turn Arrow, Waterborne	1 EA	\$40.00	\$40.00
6	Right Turn Arrow, Waterborne	1 EA	\$95.00	\$95.00
7	12" Cross Walk, Waterborne	119 FT	\$1.25	\$148.75
8	24" Stop Bar, Waterborne	42 FT	\$2.25	\$94.50
			Total Change	\$90,059.60

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Human/Public Service Contracts for Portage Community Center

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Approve the Fiscal Year 2019-2020 Community Development Block Grant and General Fund Human/Public Services contracts for the Portage Community Center, and authorize the City Manager to execute all documents related to the contracts on behalf of the city.

Fiscal Year 2019-2020 contract documents for the provision of human/public services by the Portage Community Center with funds awarded from the Community Development Block Grant (CDBG) Program and the General Fund have been finalized. The contracts establish conditions for use of city General Fund and CDBG funding, including performance criteria, reporting and related administration activities. Consistent with the adopted Fiscal Year 2019-2020 Budget, the contracts have been prepared by the Department of Community Development and reviewed/approved as to form by the City Attorney.

As additional information for City Council and consistent with the approved FY 2019-2020 budget, human/public service and fair housing contracts for smaller grant amounts have been prepared and will be executed by the City Manager for the following grantees:

Entity	Amount	Fund
Portage Community Center	\$42,045	CDBG Program
Portage Community Center	\$93,240	General Fund
Catholic Charities	\$17,000	General Fund
Housing Resources, Inc.	\$29,000	General Fund
YWCA	\$19,000	General Fund
Gryphon Place	\$ 3,750	General Fund
Lending Hands	\$ 5,000	General Fund
Kalamazoo Literacy Council	\$ 2,750	General Fund

It is recommended that City Council approve the contracts and authorize the City Manager to execute the documents on behalf of the city.

FUNDING: General Fund and CDBG Program fund expenditures are included as noted above.

Attachments: 1. Portage Community Center contracts (without attachments)

**CONTRACT BETWEEN THE CITY OF PORTAGE AND
THE PORTAGE COMMUNITY CENTER
HUMAN/PUBLIC SERVICE: GENERAL FUND FY 2019-2020**

This Agreement is made by and between the City of Portage, Michigan, commonly referred to herein as "city" and the Portage Community Center, commonly referred to as "PCC", of Portage, County of Kalamazoo, State of Michigan.

WITNESSETH: That PCC and the city, in consideration of the mutual agreements, undertaking and conditions hereinafter contained, hereby agree as follows:

- I. Term of Contract: The term of this contract shall commence on **JULY 1, 2019** and shall terminate on **JUNE 30, 2020**. All services performed by PCC and payments made by the city are to be made in accordance with the provisions hereof.
- II. Services to be Provided (\$): PCC shall provide the following services to those residents in the City of Portage who meet established eligibility requirements:
 1. Youth Development: \$40,000
 - Tutoring
 - Shop Lifting Prevention for 5th Graders
 - Middle and High School Programming- After School and Summer
 - Community Service & Volunteerism
 - Substance Abuse Programming
 - Children's Holiday Program
 - Information & Referral
 2. Community Collaboration: \$30,000
 - Information and Referral/Resource Link
 - Host Agency Services
 - Kalamazoo County Health and Community Services Department
 - American Red Cross and Michigan Blood
 - Kalamazoo County Bar Association
 - Self Help Groups
 - Retail Fraud Diversion
 - Misc. others
 3. Emergency Assistance: \$23,240*
 - *a minimum of \$8,100 of which to be used specifically to provide assistance to individuals facing imminent utility shut off proceedings as detailed in FY 2019-20 Portage Supplemental Budget document and as adopted by City Council.

Nothing herein shall be construed as limiting the ability of PCC to perform additional services within its capabilities and budget or to discontinue the services so listed. In the event PCC chooses to discontinue or add additional services, it shall provide written notice to the city thirty (30) days before such services are discontinued or added and provide the city with reasons for such action. In the event the service is discontinued without replacement of another service acceptable to the city, the city may, at its option, take any action provided for under paragraph VI of this agreement.

- III. Records: PCC shall maintain its records in a manner which enables the city to identify the number of persons served by each activity funded under the "services to be provided" section of this Agreement. PCC will maintain records in such manner that the units of

service delivered to City of Portage residents and businesses can be identified. All relevant financial data shall be maintained according to generally accepted accounting principles, including records of each expenditure. All records shall be accessible to the city at reasonable times under reasonable conditions for the purpose of reviewing compliance with this Agreement, provided that access to such information is not in conflict with any applicable State or Federal statutes governing client confidentiality. Records shall be retained until four (4) years after the termination date of the Agreement. Annually, PCC shall retain an independent Certified Public Accountant (CPA) to audit its books. If the city desires to audit its books, it may do so, and may, at its discretion, retain an independent CPA to audit PCC's books to determine whether there has been compliance with this Agreement. Records of expenditures and services provided by PCC pursuant to this contract shall be kept separate from the records kept pursuant to the Community Development Block Grant Contract as described in Section VIII of this Agreement.

IV. Reports: PCC agrees to provide the city with the following quarterly status reports:

For the period covering the term of this Agreement, reports are due on October 11, 2019, January 10, 2020, April 10, 2020 and July 10, 2020. Additionally, PCC agrees to furnish the city with the following:

- a. Cover letter listing official project title, time period of reports, total units of services delivered for all programs and sub-programs identified in the "service to be provided" section of this Agreement, and units of service delivered to City of Portage residents and businesses.
- b. Financial Statements including:
 - i. Balance sheet
 - ii. Statement of revenues, expenditures and changes in fund balance
- c. A listing of any new projects and programs undertaken which have not been identified in the "services to be provided" section of this Agreement.
- d. All reports are due quarterly with the exception of the financial statements, which are due annually.

VI. Payments by City: If PCC has complied with its obligations under this Agreement, in the reasonable judgment of the city, the city shall make payments to PCC. Such payment shall be made monthly and will equal one-twelfth (1/12) of the General Fund appropriation of **Ninety Three Thousand Two Hundred Forty Dollars (\$93,240.00)**. Payments shall be made directly to PCC at the address herein provided. If the city determines, after reviewing documentation provided for by this Agreement, or any other reliable evidence or combination thereof, that PCC has not provided adequate services necessary to justify the payment due under this Contract, or is not following the terms of the Contract, or is otherwise in breach of this Agreement, all payments may be immediately suspended. Under these conditions, the city may, at its option, treat PCC in default for breach of Contract and hold PCC liable.

Any funds remaining in the possession of PCC which are traceable to the payments made by the city to PCC under this Agreement, will become the property of the city and are to be turned over to the city if not used by the end of the Contract term only if PCC is not again funded in the immediately succeeding program year.

VII. City not Liable: PCC, its officers, agents and employees, and all subcontractors that are officers, agents or employees, at all times, shall be considered as independent contractors

and not as city employees. PCC shall exercise all supervisory control and general control over all workers duties, payment of all wages to employees and the right to hire, fire and discipline all its employees. As an independent contractor, PCC's payment under this Contract shall not be subject to any withholding for tax, social security or other purposes; nor shall PCC, its officers, agents or employees or any subcontractors or its officers, agents or employees be entitled to sick leave, pension benefits, vacation, medical benefits, life insurance or unemployment compensation or the like from the city.

- VIII. Indemnification: To the fullest extent permitted by Laws and Regulations, the Contractor shall defend, indemnify and hold harmless the City and its officers, directors, employees, agents and consultants from and against all claims, costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from the performance of the Work or from the failure to comply with any covenant or term of the contract, provided that any such claim, cost, loss or damage: (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself), including the loss of use resulting therefrom and (ii) is caused in whole or in part by any act or omission of the Contractor, any Subcontractor, any Supplier, any person or organization directly or indirectly employed by any of them to perform or furnish any of the Work or anyone for whose acts any of them may be liable, regardless of whether or not caused in part by any act or omission of a person or entity indemnified hereunder or whether liability is imposed upon such indemnified party by Laws and Regulations regardless of the negligence of any such person or entity.

In any and all claims against the City or any consultants, agents, officers, directors or employees of the City by any employee (or the survivor or personal representative of such employee) of the Contractor, any Subcontractor, any Supplier, any person or organization directly or indirectly employed by any of them to perform or furnish any of the Work, or anyone for whose acts any of them may be liable, the indemnification obligation above shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any such Subcontractor, Supplier or other person or organization under workers' compensation Acts, disability benefit Acts or other employee benefit Acts.

- IX. Block Grant: The parties acknowledge that they have entered into a separate contract providing for payment of funds by the city to PCC pursuant to 24 CFR 570 et seq., which are received by the city, as grantee, under Federal Assistance under the Community Development Block Grant Program of the United States Department of Housing and Urban Development. If conflicts arise between this contract and the Community Development Block Grant Contract, the terms of the Community Development Block Grant Contract will prevail. Funds provided under the Community Development Block Grant Contract and under this Contract shall, as far as practicable, be kept independently identifiable by PCC. Further, PCC shall keep separate records for the funds provided by each Contract.
- X. Successors and Assigns: The obligations of the parties shall bind all their successors and assigns. PCC shall not assign its right to receive any sums herein provided. While PCC shall not delegate its responsibility to provide the services listed in Paragraph II above, PCC

may provide those services to clients directly, or may host other human service agencies to provide those services. The decision to provide those services directly or by means of hosting other agencies shall be PCC's alone and nothing in the Agreement shall prohibit or restrict PCC in making that decision.

- XI. Insurance: The contractor shall furnish, within ten (10) days, a Certificate of Insurance indicating insurance coverage as listed below. In each case, the city, its employees and its appointed and elected officials, shall be named as an insured party and a certificate of insurance shall be on file in the Personnel/Purchasing Department.
1. Employer's liability and Workers Compensation insurance covering all persons engaged in work under this contract to the full statutory limits stipulated in the Michigan Workers Compensation Act.
 2. Comprehensive General Liability Insurance: \$1,000,000 per occurrence, combined single limit, for bodily injury, personal injury and property damage.
 3. Motor Vehicle Insurance: \$1,000,000 per occurrence, combined single limit, for bodily injury and property damage. Coverage must comply with all Michigan No-Fault laws.
 4. Failure or refusal to furnish evidence of insurance, in the form satisfactory to the city, may subject PCC to the loss of the contract in accordance with the provision of default.
- XII. Non-Discrimination: The Contractor agrees to comply with the Federal Civil Rights Act of 1964 as amended; the Federal Civil Rights Act of 1991 as amended; the Americans With Disabilities Act of 1990 as amended; the Elliott-Larsen Civil Rights Act, Article 2, Act no. 453, Public Act of 1976 as amended; the Michigan Handicapper's Civil Rights Act, Article 2, Act. No. 220; Public Act of 1976, as amended and all other applicable Federal, State and Local laws and regulations. Specifically, contractors and subcontractors are required not to discriminate against any employee or applicant for employment with respect to such person's hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of such person's height, weight, race, color, religion, national origin, ancestry, age, marital status, sex or disability, as defined by law. Breach of this covenant may be regarded as a material breach of the contract.

The City of Portage in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color or national origin in consideration for an award.

XIII. Other Terms:

1. Funds provided by the city shall not be used for the purchase of capital assets.
2. Funds provided by the city shall not be used to repay outstanding debts incurred for the purchase of capital assets.
3. Funds provided by the city shall not be used for political purposes.

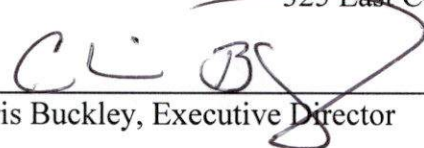
XVII. Suspension and Termination: In accordance with 24 CFR 85.43. suspension or termination may occur if the sub-recipient materially fails to comply with any term of the award, and that the award may be terminated for convenience in accordance with 24 CFR 85.44.

SIGNED BY:

GRANTEE/CONTRACTOR: PORTAGE COMMUNITY CENTER

325 East Centre Avenue, Portage, MI 49002

BY:


Chris Buckley, Executive Director

DATE:

6/26/19

BY:


Kirk Mason, President, Board of Directors

DATE:

6/26/19

GRANTOR: CITY OF PORTAGE

7900 South Westnedge Avenue, Portage, MI 49002

BY:

Laurence Shaffer, City Manager

DATE:

APPROVED AS TO FORM
DATE: 6/25/2019
CITY MGR: [Signature]

**CONTRACT BETWEEN THE CITY OF PORTAGE AND
THE PORTAGE COMMUNITY CENTER
HUMAN/PUBLIC SERVICE: CDBG FUND FY 2019-20**

The CITY OF PORTAGE, a Michigan municipal corporation, 7900 South Westnedge Avenue, Portage, Michigan (hereinafter referred to as "city"), in consideration of the provision of services as specified herein, hereby agrees to provide certain public funds pursuant to 24 CFR 570 et seq., received by city as a grantee of federal assistance under the Community Development Block Grant Program of the United States Department of Housing and Urban Development pursuant to Title I of the Housing and Community Development Act of 1974 as amended, to the Portage Community Center (hereinafter referred to as "PCC"), 325 East Centre Avenue, Portage, Michigan County of Kalamazoo, State of Michigan, upon the following terms and conditions:

- I. Term of Contract: The term of this contract shall commence on **JULY 1, 2019** and shall terminate on **JUNE 30, 2020**. All services performed by PCC and payments made by the city are to be made in accordance with the provisions hereof.
- II. Services to be Provided: PCC shall provide the following services to those residents in the City of Portage who meet established lower income eligibility requirements as outlined in Exhibit 1:
 1. Emergency Assistance - \$37,545
 - Food and Financial Assistance
 - Clothing Bar
 - Holiday Food Baskets
 2. Transportation Assistance Program - \$3,500
 3. Youth Recreation Scholarship Program - \$1,000

Nothing herein shall be interpreted as generally limiting the functions of PCC according to its by-laws, but limitations are imposed for those persons employed and those services provided with Community Development Block Grant (CDBG) funds or acting in fulfillment of this Agreement.

PCC agrees to provide office space and personal property necessary to the management of this project.

- III. Records: PCC shall maintain its records in a manner which enables the city to identify the number of *persons* served by each activity funded under the "services to be provided" section of this Agreement. All relevant financial data shall be maintained according to generally accepted accounting principles, including records of each expenditure. All records shall be accessible to the city at reasonable times under reasonable conditions for the purpose of reviewing compliance with this Agreement, provided that access to such information is not in conflict with any applicable State or Federal statutes governing client confidentiality. Records shall be retained for a period not less than four (4) years after the date of the submission of the annual performance and evaluation report in which the activity is reported (i.e. September 30, 2019). The city is subject to the provisions of OMB-A-128 "Audits of State and Local Governments". PCC, as a subrecipient of federal

funds, agrees to provide the city access to any documents necessary to insure that PCC has complied with any regulation applicable to a subrecipient of federal funds.

Within 60 days from the termination of this Agreement, or annually, whichever is less, PCC shall retain an independent Certified Public Accountant (CPA) to audit its books to determine if there has been compliance with this agreement. The independent CPA shall convey to the city the findings in sufficient detail to assure compliance with OMB Circulars No. A-122 (Exhibit 4) and No. A-110 (Exhibit 5). If the city desires to audit its books, it may do so, and may, at its discretion, retain an independent CPA to audit PCC's books to determine whether there has been compliance with this Agreement. Records of expenditures and services provided by PCC pursuant to this contract shall be kept separate from the records kept pursuant to the General Fund Agreement.

IV. Reports: PCC agrees to provide the city with the following status reports:

1. Quarterly status reports for the period covering the term of this Agreement in accordance with the following time schedule:

<u>For the Period</u>	<u>Due Date</u>
7/1/19 through 9/30/19	10/11/19
10/1/19 through 12/31/19	1/10/20
1/1/20 through 3/31/20	4/10/20
4/1/20 through 6/30/20	7/10/20

Each report shall include the following:

- a. Cover letter listing official project title, time period of reports, over view of the services provided and authorized signature.
- b. An accounting of all revenues and expenditures under this Agreement during the reporting period on the Activity Summary Form, with categorized revenues and expenditures and year-to-date revenues and expenditure totals for each quarter. See Exhibit 2.
- c. A Direct Benefit Table, if applicable, which includes the number of persons which participated in or benefited from this project and each activity, categorized by racial, ethnic, gender and income data. The Summary of Activities Having Direct Benefit form shall be used for this purpose unless superseded by a federal document. See Exhibit 3.

V. Compliance with HUD Requirements. PCC agrees to comply with requirements and standards of OMB Circular No. A-122, "Cost Principles for Nonprofit Organizations" and OMB Circular No. A-110, Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations". (Exhibits 4 and 5)

VI. Certifications. PCC further gives assurances and certifies that the project will be conducted and administered in compliance with all applicable laws, ordinances, and regulations of the United States, the State of Michigan and the City of Portage, as they exist now or may later be enacted or amended, including but not limited to the regulations in Subpart K of Part 570 of the General Provisions for Community Development Block Grants, as described in Exhibit 5, except that:

1. The subrecipient does not assume the recipients environmental responsibilities described in 570.604; and

2. Only a subrecipient that is a "State agency" is required to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as described in 570.606.

PCC gives assurances and certifies that all records, representations and documents will be made available to the city to enable the city to fulfill its oversight responsibilities under OMB-A-128, "Audits of States and Local Governments".

- VII. Payments by city: If PCC has complied with its obligations under this Agreement, in the reasonable judgment of the city, the city shall make payments to PCC. Such payment shall be made monthly and will equal one-twelfth (1/12) of the CDBG Fund appropriation of **Forty Two Thousand Forty Five Dollars (\$42,045.00)**. Payments shall be made directly to PCC at the address herein provided. If the city determines, after reviewing documentation provided for by this Agreement, or any other reliable evidence or combination thereof, that PCC has not provided adequate services necessary to justify the payment due under this Contract, or is not following the terms of the Contract, or is otherwise in breach of this Agreement, all payments may be immediately suspended. Under these conditions, the city may, at its option, treat PCC in default for breach of Contract and hold PCC liable.

PROVIDED: That, if for any reason, PCC shall be in default or breach of this Agreement or be unable to comply with same and shall as a consequence be liable to the city, PCC must satisfy the liability in a manner acceptable to the city, including, but not limited to, cash payment or surrender of materials at city's sole option and discretion.

PROVIDED: That, if the city, in its reasonable judgment, after reviewing documentation provided for by this Agreement or any other reliable evidence, or any combination thereof, determines that PCC has not provided the services as required under this Agreement, or is making any expenditures of funds contrary to low or this Agreement, or is otherwise in breach of this Agreement, then all payments may be immediately suspended.

- VIII. Project Income. Any revenue generated as a result of the use of funds provided in this Agreement shall be returned to the city.

When the project ends, if not funded in the immediately succeeding program year, any remaining funds will become the property of and be turned over to, the city. No increment for profit, or other increment above cost, is allowed.

Upon termination of this agreement, if PCC ceases to use any asset acquired with CDBG funds for the purpose described in the Agreement, PCC shall either pay to the city the fair market value of the asset or transfer control of the asset to the city.

- IX. Relationship of the Parties. Neither of the respective parties hereto, nor any of their respective employees, officers, or agents is the agent, officer, or employee of the other party.

PCC and its officers, agents and employees and all subcontractors, and their officers, agents, and employees at all times shall be considered as independent contractors and not as city employees. PCC shall exercise all supervisory control and general control over all workers' duties, payment of all wages to PCC employees, and the right to hire, fire and discipline all employees. As an independent contractor, PCC's payment under this Agreement shall not be subject to any withholding for tax, social security, or other purposes, nor shall PCC, or its officers, agents or employees or any subcontractor or its officers, agents and employees, be entitled to sick leave, pension benefits, vacation, medical benefits, life insurance, worker's or unemployment compensation, or the like from the city.

- X. Indemnification: To the fullest extent permitted by Laws and Regulations, the Contractor shall defend, indemnify and hold harmless the City and its officers, directors, employees, agents and consultants from and against all claims, costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from the performance of the Work or from the failure to comply with any covenant or term of the contract, provided that any such claim, cost, loss or damage: (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself), including the loss of use resulting therefrom and (ii) is caused in whole or in part by any act or omission of the Contractor, any Subcontractor, any Supplier, any person or organization directly or indirectly employed by any of them to perform or furnish any of the Work or anyone for whose acts any of them may be liable, regardless of whether or not caused in part by any act or omission of a person or entity indemnified hereunder or whether liability is imposed upon such indemnified party by Laws and Regulations regardless of the negligence of any such person or entity.

In any and all claims against the City or any consultants, agents, officers, directors or employees of the City by any employee (or the survivor or personal representative of such employee) of the Contractor, any Subcontractor, any Supplier, any person or organization directly or indirectly employed by any of them to perform or furnish any of the Work, or anyone for whose acts any of them may be liable, the indemnification obligation above shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any such Subcontractor, Supplier or other person or organization under workers' compensation Acts, disability benefit Acts or other employee benefit Acts.

- XI. Tax Exempt: PCC shall notify the city in writing, within thirty (30) days, of any change in its status as a tax-exempt organization pursuant to IRS 501 (c)(3).
- XII. Insurance: The contractor shall furnish, within ten (10) days, a Certificate of Insurance indicating insurance coverage as listed below. In each case, the city, its employees and its appointed and elected officials, shall be named as an insured party and a certificate of insurance shall be on file in the Personnel/Purchasing Department.

1. Employer's liability and Workers Compensation insurance covering all persons engaged in work under this contract to the full statutory limits stipulated in the Michigan Workers Compensation Act.
2. Comprehensive General Liability Insurance: \$1,000,000 per occurrence, combined single limit, for bodily injury, personal injury and property damage.
3. Motor Vehicle Insurance: \$1,000,000 per occurrence, combined single limit, for bodily injury and property damage. Coverage must comply with all Michigan No-Fault laws.
4. Failure or refusal to furnish evidence of insurance, in the form satisfactory to the city, may subject PCC to the loss of the contract in accordance with the provision of default.

PCC shall provide the city ten (10) days advance notice of any change or cancellation in any insurance required by this Agreement. PCC shall provide the city with a copy of all such policies prior to the city providing PCC with the first payment under the terms of this Agreement.

- XIII. Binding: The obligation of the parties hereto shall bind all their successors and assigns and PCC shall not assign its right to receive any sums herein provided, without prior written approval of the city.
- XIV. Meetings: All meetings shall be open to the public. Persons may be excluded only if their behavior is so unruly as to interfere with orderly, open proceedings and discussions.
- XV. Exhibits: Exhibits 1, 2, 3, 4 and 5 are hereby incorporated as part of this Agreement.
- XVI. Non-Discrimination: The Contractor agrees to comply with the Federal Civil Rights Act of 1964 as amended; the Federal Civil Rights Act of 1991 as amended; the Americans With Disabilities Act of 1990 as amended; the Elliott-Larsen Civil Rights Act, Article 2, Act no. 453, Public Act of 1976 as amended; the Michigan Handicapper's Civil Rights Act, Article 2, Act. No. 220; Public Act of 1976, as amended and all other applicable Federal, State and Local laws and regulations. Specifically, contractors and subcontractors are required not to discriminate against any employee or applicant for employment with respect to such person's hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of such person's height, weight, race, color, religion, national origin, ancestry, age, marital status, sex or disability, as defined by law. Breach of this covenant may be regarded as a material breach of the contract.

The City of Portage in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color or national origin in consideration for an award.

SIGNED BY:

GRANTEE/CONTRACTOR: PORTAGE COMMUNITY CENTER

325 East Centre Avenue, Portage, MI 49002

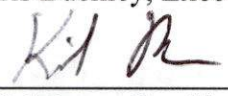
BY:


Chris Buckley, Executive Director

DATE:

6/26/19

BY:


Kirk Mason, President, Board of Directors

DATE:

6/26/19

GRANTOR: CITY OF PORTAGE

7900 South Westnedge Avenue, Portage, MI 49002

BY:

Laurence Shaffer, City Manager

DATE:

APPROVED AS TO FORM

DATE:

6/25/2019

CITY ATTORNEY: 

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Two-year Labor Agreement with the Portage Police Command Officers Association

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: Authorize the Mayor and City Clerk to execute a replacement two-year labor agreement between the City of Portage and the Portage Police Command Officers Association.

The City Administration has negotiated a new agreement with the Portage Police Command Officers Association (PPCOA) to replace the labor agreement that expired on June 30, 2019. On June 27, 2019, a tentative agreement was reached, and was ratified by the PPCOA members. The agreement covers 10 bargaining unit members (Police Sergeants and Lieutenants) for a period of July 1, 2019 through June 30, 2021. Highlights of the ratified agreement include:

- A 3% wage increase in the first year of the agreement effective July 1, 2019 – June 30, 2020
- A 3% wage increase in the second year of the agreement effective July 1, 2020 – June 30, 2021

It is recommended that City Council authorize the Mayor and City Clerk to execute a replacement two-year labor agreement between the City of Portage and the Portage Police Command Officers Association.

FUNDING: Funding is programmed in the FY 2019-2020 and FY 2020-2021 General Fund Budgets.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Downtown Development Authority Board Appointments

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Confirm the City Manager appointments to the Downtown Development Authority of the City of Portage.

The Portage City Council established the City of Portage Downtown Development Authority (DDA) in July 1998 to halt property value deterioration, increase property tax valuation, eliminate the causes of deterioration and promote economic growth in the area of South Westnedge Avenue north of I-94 and south of Kilgore Road. The DDA Board of Directors was subsequently appointed as required by the Downtown Development Authority Act, Public Act 197 of 1975.

As specified in the Act, the nine-member Board of Directors served initial staggered terms between one to four years, and terms of four years thereafter. Members continue to serve until reappointment or until a new member is appointed. The Act requires that not less than a majority of the members be persons having an interest in property located in the DDA district. Section 4 of the Act specifies that the appointments to the Board, which include the City Manager, and the eight members appointed by the City Manager, are subject to the approval of the City Council.

Pursuant to the Act, Matt Milks and Terry Patterson have been reappointed by the City Manager. It is recommended that the reappointment of the two members be confirmed by City Council.

FUNDING: Not applicable.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Local Development Finance Authority Board Appointments

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Confirm the City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage.

The City of Portage Local Development Finance Authority (LDFA) and the boundaries of the Local Development Finance District were established in March 1990 and amended in 2003 by City Council. Membership on the Board of Directors is specified in The Local Development Finance Authority Act PA 281 of 1986.

The LDFA Board is the governing entity and is comprised of 11 members. The Board for the Portage LDFA includes representatives from the following taxing jurisdictions:

- City of Portage (7 members)
- Kalamazoo County (1 member)
- Portage Public Schools (2 members)
- Kalamazoo Valley Community College (1 member)

Section 5 of the Local Development Financing Act specifies appointments to the Board and indicates that seven City of Portage members are appointed by the City Manager. This section of the statute also states that of the members first appointed, an equal number, as near as possible, shall have terms designated by the governing body creating the authority of one year, two years, three years or four years. In addition, the statute indicates that after the first appointment, each member shall serve for a term of four years. An appointment to fill a vacancy must be made in the same manner as the original appointment.

Pursuant to Section 5 of the statute, Thomas Fox has been re-appointed, Tim Earl has been appointed to replace Dennis Brooks, and Steve Doorlag has been appointed to replace Tim Zajac. Portage Public Schools Superintendent Bielang has appointed Michelle Karpinski and Ron Herron, and Kalamazoo County appointed Commissioner Michael Quinn.

It is recommended that City Council confirm the adoption of the attached resolution and the City Manager's appointments of these members.

FUNDING: Not applicable

Attachments: 1. Resolution

**RESOLUTION
CITY OF PORTAGE, MICHIGAN
RESOLUTION TO APPOINT MEMBERS TO THE
LOCAL DEVELOPMENT FINANCE AUTHORITY**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, on July 9, 2019 at 7:00 p.m. local time at City Hall in the City of Portage, Kalamazoo County, Michigan.

PRESENT:

ABSENT:

Resolution offered by _____ and seconded by _____.

WHEREAS, the City of Portage has created the Local Development Finance Authority of the City of Portage (the "Authority") under Act No. 281 of the Michigan Public Acts of 1986 (the "Act") incorporated by the City of Portage; and

WHEREAS, pursuant to the Act and the Articles of Incorporation there are to be seven members of the Board of the Authority who shall serve staggered terms an equal number of which, as near as possible, shall have terms designated by the City Council of one year, two years, three years, and four years; and

WHEREAS, after the initial appointment, each member shall serve for a term of four years; and

WHEREAS, the City Manager has appointed the persons shown below to the terms designated by the City Council; and

WHEREAS, the City Council wishes to confirm the appointments referred to above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, MICHIGAN, AS FOLLOWS:

1. The appointments of the following persons to the Board of the Local Development Finance Authority of the City of Portage, are hereby approved for the terms expiring as shown:
 - a. Steve Doorlag for a term expiring March 31, 2020.
 - b. Tim Earl for a term expiring March 31, 2023.
 - c. Thomas Fox for a term expiring March 31, 2023.

2. All resolutions and parts of resolutions insofar as they conflict with the foregoing resolution are hereby rescinded.

YEAS:

NAYS:

ABSENT:

Adam Herringa, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2019 the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my signature this ____ day of _____ 2019.

Adam Herringa, City Clerk

Approved as to form:

Date: 6/25/2019

City Attorney

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: FY 2017-18 Local Development Finance Authority Annual Report

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Information Only.

The Local Development Finance Authority (LDFA) was established in 1990. Tax increment revenue from the Upjohn Company (now Pfizer) was utilized to fund three infrastructure improvements: The Romence Road Parkway, Milham Avenue water main installation and Bishop Road street improvements. In 2003, the LDFA was again utilized to finance land acquisition, public street improvements, as well as water and sewer improvements to facilitate expansion of the Stryker Corporation on East Centre Avenue. The projects financed through the LDFA in 2003 are complete with the exception of Public Improvements #5 and #7.

Project #5 - East Milham - Kalamazoo/Battle Creek International Airport Water Main Extension

This project was replaced with an alternate plan that involves replacement of the Haverhill water tower with a new, larger water tower. Construction of the new water tower has been deferred to FY 2020-2021 due to cost escalation. A city-wide water reliability study is underway and includes an analysis of the water flow and pressures on the east side of the city, including the Sprinkle Road Industrial Corridor. After completion of the study and review of the findings/recommendations, the project to replace the Haverhill Water Tower will be re-evaluated. Additionally, installation of a water main beneath airport property is an option that is being considered.

Project #7 - Zylman Avenue Improvements

This project has been initiated in response to the Stryker Medical facility expansion that began in late 2018 and is near completion. The Zylman Avenue project will include a roundabout at the intersection of Cox's Drive and a boulevard east to South Sprinkle Road, as well as a bikeway and public water and sewer improvements. West of Cox's Drive, the road will be milled and repaved to Portage Road.

The LDFA met on June 28, 2019 to review and approve the accompanying resolution conveying the Annual Financial Report for FY 2017-2018 to City Council and the State Tax Commission. The FY 2017-2018 LDFA Annual Financial Report includes final audited information for the 2017-2018 fiscal year and is attached as Appendix A to the resolution. As shown in the Revenues, Expenditures and Changes in Fund Balances table at the end of the report, the fund balance was \$2,167,529 at the end of FY 2017-2018, a 10% increase from \$1,967,925 at the end of FY 2016-2017. The accompanying LDFA Annual Financial Report has been prepared in conformance with state statute and is provided to City Council as information.

FUNDING: Not applicable

Attachments:

1. FY 2017-18 LDFA Annual Financial Report
2. LDFA Resolution
3. June 28, 2019 LDFA (draft) minutes

TO: Local Development Finance Authority Board**DATE:** June 14, 2019**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** FY 2017-2018 Annual Financial Report

Attached find a resolution to approve and authorize transmission of the FY 2017-2018 annual report to the State Tax Commission and to City Council per the Local Development Financing Act (PA 281 of 1986). The Annual Financial Report includes final audited information and is attached as Appendix A to the resolution. The annual report is only transmitted after the board has the opportunity to review the applicable annual audit information for the City of Portage.

As the Board will recall, Public Improvement/Activity Project #5 (East Milham-Kalamazoo/Battle Creek International Airport water main extension) was not be completed due to concerns with required insurance availability for a water main crossing beneath the airport runway. An alternative project was subsequently identified and involves replacement of the existing 750,000 gallon Haverhill Water Tower with a new, larger 2.75-million-gallon tower. While construction of the new water tower was initially programmed in the Capital Improvement Program for FY 2014-2015, implementation has been pushed back to FY 2020-2021 due to escalating costs estimated at \$6 million. During this deferral period the city has been evaluating alternatives. A city-wide water reliability study is currently underway, which includes an analysis of the water flow and pressures on the east side of the city, including the Sprinkle Road Industrial Corridor. After completion of the study and review of the findings/recommendations, the necessity of replacing the Haverhill Water Tower will be further evaluated. Additionally, required insurance for the previously proposed water main beneath airport runway is now available and this initial proposal is currently being pursued. An application for this project has been submitted to the Federal Aviation Administration and is pending review and approval.

With regard to Public Improvement/Activity Project #7 (Zylman Avenue improvements) and in accordance with the 2003 Amended Development Plan/Tax Increment Finance Plan and Development Agreement with the Stryker Corporation, this project has begun. In the summer of 2018, Stryker Medical initiated a 253,000 square foot building addition that will use Zylman Avenue for access. This significant building addition is in essentially complete and has been issued a temporary Certificate of Occupancy. As initially planned, \$1.2 million of LDFA funding has been allocated towards this project which has an overall budget of \$3 million, which is supplemented by a special grant from the State of Michigan and \$500,000 from the city Sewer Fund. The project will include installation of a roundabout at the intersection of Cox's Drive, a boulevard road section with curb and gutter and a bike path from Cox's Drive to South Sprinkle Road, the replacement of sanitary sewer and water main and a mill and resurface from Portage Road to Sprinkle Road. The anticipated completion of this project is October 2019.

As shown in the Revenues, Expenditures and Changes in Fund Balances table at the end of the report, the fund balance was \$2,167,529 at the end of FY 2017-2018, a 10% increase from \$1,967,925 at the end of FY 2016-2017. Attached is a resolution approving and authorizing the transmission of the Financial Reports to the Portage City Council, and then subsequently to the State Tax Commission. Approval of the accompanying resolution is recommended.

ANNUAL FINANCIAL REPORT

CITY OF PORTAGE

LOCAL DEVELOPMENT FINANCE AUTHORITY

For

FY 2017 - 2018

Portage, Michigan

CITY OF PORTAGE

At a regular meeting of the Board of the Local Development Finance Authority of the City of Portage, Michigan, held on June 28, 2019 at 8:15 a.m. at the City Hall, Portage, Michigan, there were:

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____ and supported by _____:

RESOLUTION APPROVING AND AUTHORIZING THE TRANSMISSION OF THE FINANCIAL REPORTS ON THE STATUS OF THE TAX INCREMENT FINANCING PLAN

WHEREAS, the Local Development Finance Authority of the City of Portage (the "Authority") has been duly incorporated by the City of Portage (the "City") pursuant to Act No. 281 of the Public Acts of Michigan of 1986 (the "Act") and the Board of the Authority has been duly appointed and sworn into office; and

WHEREAS, the Authority is required by statute to transmit annually to the City Council of the City of Portage and the State Tax Commission a Financial Report on the Status of the Tax Increment Financing Plan which report shall include certain matters as required by Section 13(3) of the Act; and

WHEREAS, such material has been prepared and is attached hereto as Appendix A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF PORTAGE, as follows:

1. The Financial Reports on the Status of the Tax Increment Financing Plan attached hereto as Appendix A is approved.

2. The Director of the Authority is authorized to transmit said financial report to the City Council of the City of Portage and the State Tax Commission.

The results of a roll-call vote on the foregoing resolution were as follows:

YES:

NAYS:

ABSTAIN:

THE RESOLUTION WAS DECLARED ADOPTED.

SECRETARY'S CERTIFICATE

The undersigned, being the duly qualified and acting Secretary of the Board of the Local Development Finance Authority of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Board at a regular meeting held on June 28, 2019, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

, Secretary

Dated: June 28, 2019

APPENDIX A

LOCAL DEVELOPMENT FINANCE AUTHORITY
OF
THE CITY OF PORTAGE

2003 AMENDED DEVELOPMENT PLAN/TAX INCREMENT FINANCE PLAN

FY 2017-2018 ANNUAL FINANCIAL REPORT

As Approved by the Authority Board

on

June 28, 2019

INTRODUCTION

Pursuant to the provisions of Act No. 281, Public Acts of Michigan, 1986, (Act 281), the City of Portage (the "City") has established the Local Development Finance Authority of the City of Portage (the "Authority"). Act 281 provides that the Board of the Authority, if it determines that it is necessary for the achievement of the purposes of Act 281, shall prepare and submit a tax increment financing plan to the City Council. Act 281 further provides that a tax increment financing plan shall include a development plan.

In 2003, a new opportunity to utilize the LDFA and again forge a public-private cooperative program became available. The City Administration facilitated additional growth and expansion of the manufacturing sector that would benefit the city and other local taxing jurisdictions. As a tool used to spur manufacturing growth, the LDFA financing mechanism was proposed to accomplish public improvements and eligible activities and provide incentives for Pfizer Incorporated to expand in this community. An investment of approximately \$30 million was planned by Pfizer. Additionally, the Stryker Corporation indicated plans to significantly expand its manufacturing capacity by investing up to nearly \$70 million, with significant job retention and job creation possibilities, and incentives to facilitate new manufacturing facilities in Portage and to encourage this investment were proposed. Amending the boundaries of LDFA District No. 1 to include properties along Sprinkle Road were included as part of this initiative.

Pfizer Incorporated proposed new/expanded facilities at the manufacturing complex on Portage Road. Public infrastructure improvements facilitated this expansion effort by the company. The manufacturing facilities are operational and construction of the warehouse is nearly complete. It is estimated that Pfizer has 2,260 full time jobs at this facility plus an approximate 600 contract workers.

Stryker Corporation proposed a new and also reconstructed/expanded manufacturing, research, and distribution facilities at 3800 East Centre Avenue, 4100 East Milham Avenue and at 6300 Sprinkle Road. The company invested \$68 million in these new manufacturing and expanded facilities and are now operational. It is estimated that the company employs 2,790 people locally.

The purpose of the 2003 Amended Development Plan/Tax Increment Finance Plan was to provide for the acquisition, construction and financing of public facilities and other eligible activities (as defined in Act 281) necessary for the planned projects by these two companies.

The acquisition and construction of certain public facilities and land acquisition activities facilitated the construction and development of the projects by these companies and thereby created economic growth and development in the Authority District and other areas of the City of Portage and Kalamazoo County.

PROPOSED PUBLIC IMPROVEMENT / ACTIVITY PROJECTS

PUBLIC IMPROVEMENTS/ACTIVITIES	ESTIMATED COST	ESTIMATED TIME DESIGN & CONSTRUCTION
1. Sprinkle Road widening, East Centre to Zylman	\$1,010,000	12-24 months
2. Sprinkle Road/Zylman and Sprinkle Road/East Milham Access improvements	\$300,000	12-24 months
3. 80 acre land purchase	\$2,400,000	12 months
4. Water and Sewer facilities to serve interior property	\$110,000	12-24 months
5. East Milham-Kalamazoo/Battle Creek International Airport water main improvement	\$1,200,000	12-24 months

PUBLIC IMPROVEMENTS/ACTIVITIES	ESTIMATED COST	ESTIMATED TIME DESIGN & CONSTRUCTION
6. Water main Improvement, Sprinkle, Tiffany to Hayes*	\$880,000	12-24 months
7. Zylman Improvements*	\$1,210,000	Underway, to be complete October 2019
8. Ramona Lane, Lovers to Portage water main improvement*	\$500,000	12-24 months
9. Ramona Lane, Lovers to Portage sanitary sewer improvement*	\$990,000	12-24 months
TOTAL \$8,600,000		

* Projects will be funded through tax increment revenue if available or other sources.

With regard to the proposed projects identified above:

Public Improvement/Activity Project #1: complete
Public Improvement/Activity Project #2: complete
Public Improvement/Activity Project #3: complete
Public Improvement/Activity Project #4: complete
Public Improvement/Activity Project #5: Haverhill water tower improvements substituted
Public Improvement/Activity Project #6: complete
Public Improvement/Activity Project #7: Underway
Public Improvement/Activity Project #8: complete
Public Improvement/Activity Project #9: complete

FINANCIAL INFORMATION

This Annual Financial Report has been prepared pursuant to Section 13(3) of the Local Development Financing Act. The Annual Financial Report is for FY 2017-2018 and contains the information required by the Act.

Section 13(3)a: THE AMOUNT AND SOURCE OF TAX INCREMENTS RECEIVED

Tax increment revenue	\$ 366,083
State shared revenue	247,887
Interest	10,313
Total	\$ 624,283

Section 13(3)(b): THE AMOUNT IN ANY BOND RESERVE ACCOUNT

In the LDFA Debt Service Fund balance there is \$2,167,529

Section 13(3)(c): THE AMOUNT AND PURPOSE OF EXPENDITURES OF TAX INCREMENT REVENUES

Interest and paying agent fees on outstanding principal \$424,679

Section 13(3)(d): THE AMOUNT OF PRINCIPAL AND INTEREST ON ANY OUTSTANDING BONDED INDEBTEDNESS OF AUTHORITY

\$4,936,245 as of June 30, 2018

Section 13(3)(e): THE INITIAL ASSESSED VALUE OF THE ELIGIBLE PROPERTY

The initial value is established at \$21,061,140

Section 13(3)(f): THE CAPTURED ASSESSED VALUE OF THE ELIGIBLE PROPERTY
RETAINED BY THE AUTHORITY

The captured value is established at \$15,687,369 for FY 2017-2018.

Section 13(3)(g): THE NUMBER OF JOBS CREATED AS A RESULT OF THE
IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN.

- 225 new jobs; 1600 existing jobs retained.

Section 13(3)(h): ANY ADDITIONAL INFORMATION THE GOVERNING BODY OR THE STATE
TAX COMMISSION CONSIDERS NECESSARY.

Attached find pages excerpted from the FY 2017-2018 comprehensive annual financial report for the City of Portage. This information provides supporting documentation for this financial report.

City of Portage, Michigan

Other Supplementary Information

Combining Statement of Revenues, Expenditures and Ch

Nonmajor Governmental Funds

For the Year Ended June 30, 2018

	Debt Service Funds					Permanent Fund			
	General Obligation Debt Fund	Special Assessment Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority	Building Authority Debt Fund	Local Development Finance Authority Debt	Total Debt Service Funds	Cemetery Perpetual Care Fund	Total Nonmajor Governmental Funds
Revenues									
Taxes	\$ -	\$ -	\$ -	\$ 453,817	\$ -	\$ 366,083	\$ 819,900	\$ -	\$ 3,548,930
Special assessments	-	-	-	-	-	-	-	-	22,959
Licenses and permits	-	-	-	-	-	-	-	-	803,520
Federal grants	-	-	-	-	-	-	-	-	221,665
State-shared revenue	-	-	-	-	-	247,887	251,224	-	2,052,976
Charges for services	-	-	-	3,337	-	-	-	-	30,600
Loan principal	-	-	-	-	-	-	-	-	33,471
Interest income	2,815	105,845	247	3,135	571	20,335	132,948	11,171	170,414
Net change in fair value of investments	-	(3,887)	(35)	(1,169)	(306)	(10,022)	(15,419)	(5,295)	(28,890)
Other revenue	-	-	-	-	-	-	-	-	9,600
Total revenues	2,815	101,958	212	459,120	265	624,283	1,188,653	36,476	6,865,245
Expenditures									
Current									
General government	-	-	-	-	-	-	-	-	146,217
Health and welfare	-	-	-	-	-	-	-	-	1,531,392
Recreation and cultural	-	-	-	-	-	-	-	-	891,254
Highways and streets	-	-	-	-	-	-	-	-	1,491,804
Debt service									
Principal retirement	2,358,341	425,000	940,000	225,000	680,000	295,000	4,923,341	-	4,923,341
Interest and fiscal charges	629,313	81,044	105,693	142,587	91,478	129,679	1,179,794	-	1,179,794
Total expenditures	2,987,654	506,044	1,045,693	367,587	771,478	424,679	6,103,135	-	10,163,802
Excess (deficiency) of revenues over expenditures	(2,984,839)	(404,086)	(1,045,481)	91,533	(771,213)	199,604	(4,914,482)	36,476	(3,298,557)
Other financing sources (uses)									
Transfers in	3,628,021	331,378	1,045,652	-	739,000	-	5,744,051	-	6,062,373
Transfers out	-	-	-	(101,378)	-	-	(101,378)	(6,000)	(1,740,700)
Total other financing sources and uses	3,628,021	331,378	1,045,652	(101,378)	739,000	-	5,642,673	(6,000)	4,321,673
Net change in fund balance	643,182	(72,708)	171	(9,845)	(32,213)	199,604	728,191	30,476	1,023,116
Fund balance – beginning of year	118,053	362,132	5,404	283,411	122,442	1,967,925	2,859,367	1,161,687	5,558,760
Fund balance – end of year	\$ 761,235	\$ 289,424	\$ 5,575	\$ 273,566	\$ 90,229	\$ 2,167,529	\$ 3,587,558	\$ 1,192,163	\$ 6,581,876

City of Portage, Michigan
Other Supplementary Information
Combining Balance Sheet
Nonmajor Governmental Funds
June 30, 2018

	Debt Service Fund							Fund	
	General Obligation Debt Fund	Special Assessment Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund	Building Authority Debt Fund	Local Development Finance Authority Debt	Total Debt Service Funds	Cemetery Perpetual Care Fund	Total Nonmajor Governmental Funds
Assets									
Pooled cash and investments	\$ 761,235	\$ 289,424	\$ 5,575	\$ 273,566	\$ 90,229	\$ 2,167,529	\$ 3,587,558	\$ 1,192,163	\$ 6,654,387
Receivables	-	-	-	-	-	-	-	-	-
Customers	-	-	-	-	-	-	-	-	1,312,582
Special assessments	-	1,368,848	-	-	-	-	1,368,848	-	1,368,848
Due from other units of government	-	-	-	-	-	-	-	-	270,412
Prepaid items	-	-	-	-	-	-	-	-	8,646
Total assets	\$ 761,235	\$ 1,658,272	\$ 5,575	\$ 273,566	\$ 90,229	\$ 2,167,529	\$ 4,956,406	\$ 1,192,163	\$ 9,614,875
Liabilities									
Checks written against future deposits	-	-	-	-	-	-	-	-	51,153
Accounts payable	-	-	-	-	-	-	-	-	457,891
Accrued compensation	-	-	-	-	-	-	-	-	27,569
Total liabilities	-	-	-	-	-	-	-	-	536,613
Deferred inflows of resources									
Unavailable revenue	-	1,368,848	-	-	-	-	1,368,848	-	2,496,386
Fund Balances									
Non-spendable	-	-	-	-	-	-	-	-	8,646
Prepaid items	-	-	-	-	-	-	-	1,186,163	1,186,163
Perpetual care	-	-	-	-	-	-	-	-	609,858
Restricted for	-	-	-	-	-	-	-	-	115,757
Local streets	-	-	-	-	-	-	-	-	3,458
Municipal streets	-	-	-	-	-	-	-	-	50,202
Community development	-	-	-	-	-	-	-	-	3,587,558
West Lake management	-	-	-	-	-	-	-	-	6,000
Debt service	761,235	289,424	5,575	273,566	90,229	2,167,529	3,587,558	-	3,587,558
Perpetual care	-	-	-	-	-	-	-	6,000	6,000
Committed	-	-	-	-	-	-	-	-	551,074
Cable television	-	-	-	-	-	-	-	-	191,020
Curbside recycling	-	-	-	-	-	-	-	-	272,140
Leaf pickup/spring cleanup	-	-	-	-	-	-	-	-	-
Total fund balances	761,235	289,424	5,575	273,566	90,229	2,167,529	3,587,558	1,192,163	6,581,876
Total liabilities, deferred inflows of resources, and fund balances	\$ 761,235	\$ 1,658,272	\$ 5,575	\$ 273,566	\$ 90,229	\$ 2,167,529	\$ 4,956,406	\$ 1,192,163	\$ 9,614,875

CITY OF PORTAGE

At a regular meeting of the Board of the Local Development Finance Authority of the City of Portage, Michigan, held on June 28, 2019 at 8:15 a.m. at the City Hall, Portage, Michigan, there were:

PRESENT: Quinn, Seely, Gardner, Brooks, Collins, DeKam

EXCUSED: Fox, Wenzel, Herron, Karpinski

The following preamble and resolution were offered by Seely and supported by Collins:

RESOLUTION APPROVING AND AUTHORIZING THE TRANSMISSION OF THE FINANCIAL REPORTS ON THE STATUS OF THE TAX INCREMENT FINANCING PLAN

WHEREAS, the Local Development Finance Authority of the City of Portage (the "Authority") has been duly incorporated by the City of Portage (the "City") pursuant to Act No. 281 of the Public Acts of Michigan of 1986 (the "Act") and the Board of the Authority has been duly appointed and sworn into office; and

WHEREAS, the Authority is required by statute to transmit annually to the City Council of the City of Portage and the State Tax Commission a Financial Report on the Status of the Tax Increment Financing Plan which report shall include certain matters as required by Section 13(3) of the Act; and

WHEREAS, such material has been prepared and is attached hereto as Appendix A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF PORTAGE, as follows:

1. The Financial Reports on the Status of the Tax Increment Financing Plan attached hereto as Appendix A is approved.

2. The Director of the Authority is authorized to transmit said financial report to the City Council of the City of Portage and the State Tax Commission.

The results of a roll-call vote on the foregoing resolution were as follows:

YES: Quinn, Seely, Gardner, Brooks, Collins, DeKam

NAYS: None

ABSTAIN: None

THE RESOLUTION WAS DECLARED ADOPTED.

SECRETARY'S CERTIFICATE

The undersigned, being the duly qualified and acting Secretary of the Board of the Local Development Finance Authority of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Board at a regular meeting held on June 28, 2019, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

A handwritten signature in blue ink, appearing to read "Michael Collins", is written over the printed name.

Michael Collins, Secretary

Dated: June 28, 2019

PORTAGE LOCAL DEVELOPMENT FINANCE AUTHORITY

Monday, June 28, 2019

The Portage Local Development Finance Authority meeting on March 19, 2018 was called to order at 8:15 a.m. in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue.

MEMBERS PRESENT: Dennis Brooks, Jeff Gardner, Robert Seely, Rick DeKam, Michael Collins, Michael Quinn

MEMBERS EXCUSED: Thomas Fox, Tim Wenzel, Ron Herron, Michelle Karpinski

IN ATTENDANCE: Vicki Georgeau, Director of Community Development; William Furry, Director of Finance

APPROVAL OF MINUTES:

The minutes of the March 19, 2019 meeting were introduced for approval. A motion was offered by Collins and seconded by Gardner to approve the meeting minutes as presented. The motion was approved 6-0.

BUSINESS:

1. Election of Officers. Ms. Georgeau summarized the current slate of officers, which are: Wenzel, Chair; Brooks, Treasurer; and Colestock, Secretary and indicated that Ms. Colestock retired from Portage Public Schools and Mr. Brooks will no longer serve on the LDFA after today's meeting, therefore a new Treasurer and Secretary are needed. Mr. Collins indicated he would serve as Secretary, and a motion was made by Brooks and supported by Seely to elect Collins as Secretary. Mr. Fox was recommended as Treasurer based on his work experience in finance. A motion was made by DeKam supported by Gardner to elect Fox Treasurer. Finally, a motion was made by Collins, supported by Brooks to re-elect Wenzel as Chair. Upon voice votes, all motions were approved 6-0.
2. Resolution Approving the FY 2017-18 Annual Financial Report. Ms. Georgeau summarized the communication to the Board concerning the annual report included in the agenda. Following review by the Board, the information will be forwarded to City Council and then to the State Tax Commission. Ms. Georgeau indicated that for FY 2017-18 revenues exceeded expenditures and there was a 10% increase in the fund balance. Ms. Georgeau then explained that the Haverhill water tower project has been deferred while the city re-evaluates a water main under the airport runway. With regard to Zylman Avenue, this project has been initiated subsequent to a 253,000 square foot building addition at the Stryker Medical facility at 3800 East Centre, which will use Zylman Avenue for truck deliveries. Ms. Georgeau summarized current and planned industrial development projects within the city by Stryker and Pfizer that together exceed \$700 million and will create 675 new jobs over the next five years. Gardner inquired about the project fund balance after the completion of Zylman Avenue and the water project. Mr. Furry explained Zylman Avenue will utilize \$1.2 million in LDFA funds, whereas was estimated the water project would cost \$880,000 and these two projects will essentially spend down the current LDFA fund balance once completed. DeKam asked if the city knows how many new jobs to be created by Stryker and Pfizer are conversion of existing contract employees. Ms. Georgeau indicated she does not have that data available, but city staff can inquire with both companies. DeKam also asked for clarification on sidewalks along Sprinkle Road within the LDFA. Ms. Georgeau clarified that

Sprinkle Road is under the jurisdiction of the Kalamazoo County Road Commission and that there has not been much support from the Road Commission to incorporate sidewalks and other Complete Street improvements into their projects along Sprinkle Road. Mr. Quinn indicated two new Road Commissioners have been recently appointed who are more supportive of Complete Street improvements. Ms. Georgeau added that the multi-use trail project previously proposed along Sprinkle Road has been modified in response to feedback from the Lexington Green neighborhood and a new route is now proposed along the city's east property line from Lexington Green Park south to Ramona Park. Feasibility of this revised route is being investigated and implementation of the project is scheduled in about two years. There being no further discussion, a motion was made by Seely, supported by Collins, to approve the resolution and authorize the transmission of the FY 2017-18 Annual Financial Report on the status of the tax increment financing plan. The motion was approved 6-0.

STATEMENT OF CITIZENS:

There were no citizens present. Ms. Georgeau indicated there are new reporting requirements for Tax Increment Finance Authorities and in the future annual financial reports must be submitted to the State Tax Commission not later than six months after the end of the fiscal year, which for the City of Portage is December 31st. Therefore, future LDFA meetings will be held in early November each year so that the reports can be transmitted to City Council and the State Tax Commission by the newly required deadline.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:45 a.m.

Respectfully Submitted,

Vicki Georgeau, AICP
Director of Community Development

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: FY 2017-18 Downtown Development Authority Financial Annual Report

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Information Only.

The Portage Downtown Development Authority (DDA) met on June 25, 2019 to review and approve the attached resolution conveying the Annual Financial Report for FY 2017-18 to City Council and the State Tax Commission. The DDA was established in 1998 and tax increment revenue was utilized to fund infrastructure improvements in 1998, 2003 and 2011. All improvement projects are now complete, including the 2011 projects which realigned Trade Centre Way and West Fork Crossing and improved the South Westnedge Avenue and associated activities. As a result of the 2011 projects, development of the Marriott and Hilton hotels, a 5-story office building, and the Black Rock Bar and Grill have been completed.

The revenue collected in FY 2017-18 exceeded debt expenditures by \$91,533, as shown in the Revenues, Expenditures and Changes in Fund Balances table. After a transfer out of \$101,378 (to cover the Special Assessment for the 2011 public improvement project as provided in the Phase III development agreement), the fund balance at the end of FY 2017-18 was \$273,566. Unlike previous years when monies from the City of Portage General Fund were transferred to the DDA Fund to cover an anticipated deficit in revenues and maintain a suitable fund balance, captured revenues continue to increase as a result of additional development within the DDA area and increases in property values.

FUNDING: Not applicable

Attachments:

1. DDA Resolution
2. FY 2017-18 Annual Financial Report
3. DDA Draft minutes June 25, 2019

CITY OF PORTAGE

At a regular meeting of the Board of the Downtown Development Authority of the City of Portage, Michigan, held on June 25, 2019, at 8:15_a.m. at the City Hall, Portage, Michigan, there were:

PRESENT: Milks, Robinett, Hansen, Samuel, Patterson and Shaffer

ABSENT: Boyer, MacDonald, Chrystal and Quinn

The following preamble and resolution were offered by Robinet and supported by Milks:

RESOLUTION APPROVING AND AUTHORIZING THE TRANSMISSION OF THE FY 2017-2018 FINANCIAL REPORT ON THE STATUS OF THE TAX INCREMENT FINANCING PLAN

WHEREAS, the Downtown Development Authority of the City of Portage (the "Authority") has been duly incorporated by the City of Portage (the "City") pursuant to Act No. 197 of the Public Acts of Michigan of 1975 (the "Act") and the Board of the Authority has been duly appointed and sworn into office; and

WHEREAS, the Authority is to transmit annually to the City Council of the City of Portage and the State Tax Commission a Financial Report on the Status of the Tax Increment Financing Plan which report shall include certain matters as required by Section 15 of the Act; and

WHEREAS, such material has been prepared and is attached hereto as Appendix A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF PORTAGE, as follows:

1. The Financial Report on the Status of the Tax Increment Financing Plan attached hereto as Appendix A is approved.

2. The Director of the Authority is authorized to transmit said financial reports to the City Council of the City of Portage and the State Tax Commission.

The results of a roll-call vote on the foregoing resolution were as follows:

YES: Milks, Robinett, Hansen, Samuel, Patterson and Shaffer

NAYS: None

ABSTAIN: None

THE RESOLUTION WAS DECLARED ADOPTED:

SECRETARY'S CERTIFICATE

The undersigned, being the duly qualified and acting Secretary of the Board of the Downtown Development Authority of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Board at a regular meeting held on June 25, 2019, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Matt Milks, Secretary

Dated: June 25, 2019

TO: Downtown Development Authority Board of Directors**DATE:** June 14, 2019**FROM:** Vicki Georgeau, Authority Director**SUBJECT:** FY 2017-2018 Annual Financial Report

Attached is a resolution to approve and authorize transmission of the FY 2017-2018 Annual Financial Report to the City Council and State Tax Commission. The Annual Financial Report includes final audited information for the fiscal year and is attached as Appendix A to the resolution. The annual report is only transmitted after the Board has had the opportunity to review the applicable annual audit information for the City of Portage, which has been provided by the City of Portage Finance Director.

With regard to the annual report of activities, the public improvement projects that were funded in 1998, 2003 and 2011 are complete. For Board information, the 2011 public improvement projects included re-alignment of Trade Centre Way and West Fork Crossing, improvements to the South Westnedge Avenue and Trade Centre Way intersection, land acquisition and associated activities.

The revenue collected in FY 2017-2018 was more than debt expenditures. As shown in the Revenues, Expenditures and Changes in Fund Balances table at the end of the report, revenues exceeded expenditures by \$91,533. After a transfer out of \$101,378 (to cover the Special Assessment for the 2011 public improvement project as provided in the Phase III development agreement), the fund balance at the end of FY 2017-2018 was \$273,566. Unlike previous years when monies from the City of Portage General Fund were transferred to the DDA Fund to cover an anticipated deficit in revenues and maintain a suitable fund balance, captured revenues continue to increase as a result of 1) additional development within the DDA area and 2) increases in property values. For Board information, a total of \$250,000 was transferred from the General Fund to the DDA Fund in FY 2014-2015, FY 2015-2016 and FY 2016-2017. Repayment from the DDA to the City of Portage General Fund is required and will be scheduled once outstanding DDA debt is further paid down.

Attached is a resolution approving and authorizing the transmission of the Financial Reports to the Portage City Council, and then subsequently to the State Tax Commission. Approval of the accompanying resolution is recommended.

Attachment: Resolution with Annual Financial Report

ANNUAL FINANCIAL REPORT

CITY OF PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY

for

FY 2017 - 2018

Portage, Michigan

CITY OF PORTAGE

At a regular meeting of the Board of the Downtown Development Authority of the City of Portage, Michigan, held on June 25, 2019, at 8:15_a.m. at the City Hall, Portage, Michigan, there were:

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____ and supported by _____:

RESOLUTION APPROVING AND AUTHORIZING THE TRANSMISSION OF THE FY 2017-2018 FINANCIAL REPORT ON THE STATUS OF THE TAX INCREMENT FINANCING PLAN

WHEREAS, the Downtown Development Authority of the City of Portage (the "Authority") has been duly incorporated by the City of Portage (the "City") pursuant to Act No. 197 of the Public Acts of Michigan of 1975 (the "Act") and the Board of the Authority has been duly appointed and sworn into office; and

WHEREAS, the Authority is to transmit annually to the City Council of the City of Portage and the State Tax Commission a Financial Report on the Status of the Tax Increment Financing Plan which report shall include certain matters as required by Section 15 of the Act; and

WHEREAS, such material has been prepared and is attached hereto as Appendix A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF PORTAGE, as follows:

1. The Financial Report on the Status of the Tax Increment Financing Plan attached hereto as Appendix A is approved.

2. The Director of the Authority is authorized to transmit said financial reports to the City Council of the City of Portage and the State Tax Commission.

The results of a roll-call vote on the foregoing resolution were as follows:

YES:

NAYS:

ABSTAIN:

THE RESOLUTION WAS DECLARED ADOPTED:

SECRETARY'S CERTIFICATE

The undersigned, being the duly qualified and acting Secretary of the Board of the Downtown Development Authority of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Board at a regular meeting held on June 25, 2019, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Matt Milks, Secretary

Dated: June 25, 2019

APPENDIX A

DOWNTOWN DEVELOPMENT AUTHORITY

OF

THE CITY OF PORTAGE

FY 2017-2018 ANNUAL FINANCIAL REPORT

As Approved by the Authority Board

on

June 14, 2019

INTRODUCTION

As specified in PA 197 of 1975, the Downtown Development Authority Act provides government financing methods to eliminate property value deterioration within business districts and promote economic growth in communities. Of particular interest to the City of Portage are the provisions which allow tax increment financing to undertake public improvements in business districts in order to correct and prevent deterioration and stimulate business growth.

In 1998, as part of the "Community Investment Initiative", the City of Portage created the Downtown Development Authority and utilized tax increment financing to construct public improvements that revitalized the north portion of South Westnedge Avenue, between Kilgore Road and I-94. This part of South Westnedge Avenue exhibited signs of deterioration and development and redevelopment activities by the private sector were hampered by lack of access, traffic concerns and existing utility infrastructure. With tax increment financing under the Downtown Development Authority Act, tax increment revenue from tax millage levied within a downtown development authority district by the City of Portage, Portage District Library, Kalamazoo County and Kalamazoo Valley Community College was captured and used to improve public infrastructure which benefited all of Kalamazoo County, including the business sector.

In 2003 and again in 2011, additional efforts to further stimulate private sector investment were initiated and the Development Plan/Tax Increment Finance Plan was amended. In 2003, additional property was acquired to facilitate public street, storm water retention, underground utility installation and related activities. In 2011, Trade Centre Way was realigned, the intersections of Trade Centre Way/West Fork Crossing and Trade Centre Way/South Westnedge Avenue were reconstructed, among other related public improvements. These additional street, utility and related public activities were included in the 2011 Amended DDA plan to promote development of additional vacant and underutilized land in the existing development area. In the future, other public improvements could also be proposed and undertaken by the Downtown Development Authority to further strengthen the local business sector within the district.

The purpose of the Tax Increment Financing Plan / Development Plan, per PA 197 of 1975 is to provide public improvements necessary for private sector investment. The property to which the Development Plan applies is the north portion of the South Westnedge Avenue Commercial Corridor. The area includes approximately 97 acres of land and is bounded by Kilgore Road on the north, the city of Kalamazoo well field to the west, I-94 to the south and the business zoning districts to the east of South Westnedge Avenue on the east.

Following are descriptions of the public improvements and activities undertaken in 1998, 2003 and 2011. The descriptions encompass several public improvements and activities that were completed to foster private sector investment in the DDA.

**1998 DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN – INFRASTRUCTURE
IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Original Estimated Time Required for Completion	Original Estimated Cost
1. Andy Avenue Extension Construct a new 1400 feet long and thirty-six foot wide public street intersecting South Westnedge Avenue at the Andy Avenue signalized intersection, with necessary storm water facilities. Repave 1000 feet of DeHaan Street with intersection improvements at South Westnedge Avenue.	12 months	\$487,000
2. DeHaan Drive Sanitary Sewer Relocation Relocate approximately 2100 feet of existing sanitary sewer trunk main located west of DeHaan Drive to the south, paralleling the I-94 right-of-way	12 months	\$307,000
3. South Westnedge Avenue Property Acquisition Purchase the property addressed along South Westnedge Avenue and DeHaan Drive which is necessary for the extension of Andy Avenue	12 Months	\$850,000

Note: Additional right-of-way and/or easements were provided by property owners for minimal consideration in order to construct the necessary public street and to relocate the sanitary sewer.

With regard to the identified projects, the Andy Avenue extension (Market Place) and repaving of DeHaan Drive was completed in 1999. The DeHaan Drive sanitary sewer relocation was subsequently completed in 1999. Finally, after lengthy litigation concerning the acquisition of land necessary for the construction of Market Place, the acquisition was completed in 2001. Bonds were subsequently sold in 2001 in the amount of \$3,100,000 to finance street improvements of \$521,342; sanitary sewer relocation of \$292,429; and property acquisition of \$2,286,229. (Lead underwriter was Morgan Stanley Dean Witter).

**2003 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN –
PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Estimated Time Required for Completion	Estimated Cost
1. The acquisition of 5.44 acres of land for public street right-of-way and stormwater retention -	Fall 2003	\$909,000
2. The construction of an approximate 2200-foot long, 36-foot wide public cul-de-sac street, with pavement, curb and gutter, sidewalk, conduit for the installation of telecommunications fiber, street lighting and landscaping	Fall 2003/Spring 2004	\$689,000
3. The construction of public water main from the Milham Well Field to the DDA under I-94, to be looped with public water utilities in Holiday Lane	Fall 2003/ Spring 2004	\$300,000
4. To facilitate “way finding” by customers from South Westnedge and West Fork Crossing the financing and construction of identification sign at South Westnedge and orientation sign at West Fork Crossing	Summer 2004	\$30,000
5. The acquisition of 2.81 acres of land in the DeHaan Drive (now Trade Centre Way) and West Fork Crossing vicinity of the DDA for stormwater or other public use	2004	\$500,000
6. The annual maintenance, monitoring of the retention facility mitigation facility	Annually (Not Bonded)	\$5,000 (\$100,000 over 20 years)
Notes: The public right-of-way and storm water retention area purchased by the City of Portage through the DDA is immediately north of I-94. Wayfinding signs by H&G, LLC have been installed along South Westnedge Avenue and I-94.		

**2011 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN –
PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Estimated Time Required for Completion	Estimated Cost
1. SWEPS project improvements: a) The widening of portions of South Westnedge Avenue from north of Market Place to Kilgore Road including related land acquisition, design, and street and utility construction activities. b) Traffic signal upgrades, overhead utility relocation activities, and access management activities along South Westnedge Avenue in the DDA district to facilitate safe and efficient traffic flow.	FY 2018/FY 2020	\$1,250,000
2. Agreement to Purchase. The City agreed to purchase approximately 8,400 sq. ft. from the Developer to be used for public roadway purposes	Summer 2011	\$191,623
3. Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements: a) Trade Centre Way realigned and improved from South Westnedge Avenue west 900 feet to just west of West Fork Crossing. The realignment included curb and gutter, storm sewer, utility relocation, boulevards, first class road landscaping, lighting, fencing and related construction. b) West Fork Crossing realigned and improved to intersect with realigned Trade Centre Way easterly of the existing street intersection. The realignment and improvement matched existing West Fork Crossing street cross section characteristics. Private storm drainage will be relocated to adjacent property c) The Trade Centre Way and West Fork Crossing intersection reconstructed incorporating additional right-of-way from the State of Michigan. The intersection improvement matched existing Trade Centre Way and West Fork Crossing cross section characteristics. Excess public street right-of-way not necessary for reconstruction of Trade Centre Way and West Fork Crossing vacated/disposed of by the City. Former State of Michigan right-of-way retained by the City for transportation purposes.	Fall 2011	\$1,148,377

d) A portion of South Westnedge Avenue south of Trade Centre Way will be reconstructed to facilitate left turn-in and right turn-in movements from South Westnedge Avenue to Trade Centre Way and right turn-out movements from Trade Centre Way to South Westnedge Avenue. The improvements matched existing South Westnedge Avenue cross section characteristics.		
Note: The costs paid by City of Portage include: 1. SWEPs project improvements. 2. The Phase III Development Agreement with Trade Center Holdings, LLC and includes a planned land purchase and Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements contemplated to facilitate private investment to be accomplished by Trade Center Holdings, LLC. 3. With regard to the SWEP's Project Improvements, after additional study it was determined this project did not need to be completed in order to maintain traffic flow and safety along South Westnedge Avenue between Market Place.		

FY 2017-2018 FINANCIAL INFORMATION

This Annual Financial Report has been prepared pursuant to Section 15(1) of PA 197 of 1975, as amended, the Downtown Development Authority Act. The Annual Financial Report is for FY 2017-2018 and contains the information required by the Act.

Section 15(3)(a): THE AMOUNT AND SOURCE OF REVENUE RECEIVED

Tax increment revenue	\$ 453,817
State shared revenue	3,337
Interest	1,966
Total	\$ 459,120

Section 15(3)(b): THE AMOUNT IN ANY BOND RESERVE ACCOUNT

In the DDA Debt Service Fund balance there is \$ 273,566

Section 15(3)(c): THE AMOUNT AND PURPOSE OF EXPENDITURES FROM THE ACCOUNT

Principal, interest and fees on related outstanding principal \$ 367,587

Section 15(3)(d): THE AMOUNT OF PRINCIPAL AND INTEREST ON ANY OUTSTANDING BONDED INDEBTEDNESS OF AUTHORITY

\$4,280,697 as of June 30, 2018

Section 15 (3) (e): THE INITIAL ASSESSED VALUE OF THE PROJECT AREA

The initial value is established at \$ 12,767,600.

Section 15 (3) (f): THE CAPTURED ASSESSED VALUE RETAINED BY THE AUTHORITY

The captured value is established at \$22,163,645 for FY 2017-18.

Section 15 (3) (g): THE TAX INCREMENT REVENUES RECEIVED

The tax increment revenues received in FY 2017-2018: \$453,817

Section 15 (3) (h): THE NUMBER OF JOBS CREATED AS A RESULT OF THE
IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN

It is estimated that 1,550 jobs have been created (includes jobs at Trade Centre II
and Earth Fare/Home Goods, which are just outside the DDA district)

Section 15 (3) (i): ANY ADDITIONAL INFORMATION THE GOVERNING BODY OR THE
STATE TAX COMMISSION CONSIDERS NECESSARY

Attached find pages excerpted from the FY 2017-2018 comprehensive annual financial report for the City
of Portage. This information provides supporting documentation for this financial report.

City of Portage, Michigan
Other Supplementary Information
Combining Statement of Revenues, Expenditures and Changes in Fund Balances
Nonmajor Governmental Funds
For the Year Ended June 30, 2018

	Debt Service Funds						Permanent Fund		
	General Obligation Debt Fund	Special Assessment Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund	Building Authority Debt Fund	Local Development Finance Authority Debt	Total Debt Service Funds	Cemetery Perpetual Care Fund	Total Nonmajor Governmental Funds
Revenues									
Taxes	\$ -	\$ -	\$ -	\$ 453,817	\$ -	\$ 366,083	\$ 819,900	\$ -	\$ 3,548,930
Special assessments	-	-	-	-	-	-	-	-	22,959
Licenses and permits	-	-	-	-	-	-	-	-	803,520
Federal grants	-	-	-	-	-	-	-	-	221,665
State-shared revenue	-	-	-	3,337	-	247,887	251,224	-	2,052,976
Charges for services	-	-	-	-	-	-	-	30,600	30,600
Loan principal	-	-	-	-	-	-	-	-	33,471
Interest income	2,815	105,845	247	3,135	571	20,335	132,948	11,171	170,414
Net change in fair value of investments	-	(3,887)	(35)	(1,169)	(306)	(10,022)	(15,419)	(5,295)	(28,890)
Other revenue	-	-	-	-	-	-	-	-	9,600
Total revenues	2,815	101,958	212	459,120	265	624,283	1,188,653	36,476	6,865,245
Expenditures									
Current									
General government	-	-	-	-	-	-	-	-	146,217
Health and welfare	-	-	-	-	-	-	-	-	1,531,392
Recreation and cultural	-	-	-	-	-	-	-	-	891,254
Highways and streets	-	-	-	-	-	-	-	-	1,491,804
Debt service									
Principal retirement	2,358,341	425,000	940,000	225,000	680,000	295,000	4,923,341	-	4,923,341
Interest and fiscal charges	629,313	81,044	105,693	142,587	91,478	129,679	1,179,794	-	1,179,794
Total expenditures	2,987,654	506,044	1,045,693	367,587	771,478	424,679	6,103,135	-	10,163,802
Excess (deficiency) of revenues over expenditures	(2,984,839)	(404,086)	(1,045,481)	91,533	(771,213)	199,604	(4,914,482)	36,476	(3,298,557)
Other financing sources (uses)									
Transfers in	3,628,021	331,378	1,045,652	-	739,000	-	5,744,051	-	6,062,373
Transfers out	-	-	-	(101,378)	-	-	(101,378)	(6,000)	(1,740,700)
Total other financing sources and uses	3,628,021	331,378	1,045,652	(101,378)	739,000	-	5,642,673	(6,000)	4,321,673
Net change in fund balance	643,182	(72,708)	171	(9,845)	(32,213)	199,604	728,191	30,476	1,023,116
Fund balance – beginning of year	118,053	362,132	5,404	283,411	122,442	1,967,925	2,859,367	1,161,687	5,558,760
Fund balance – end of year	\$ 761,235	\$ 289,424	\$ 5,575	\$ 273,566	\$ 90,229	\$ 2,167,529	\$ 3,587,558	\$ 1,192,163	\$ 6,581,876

City of Portage, Michigan
Other Supplementary Information
Combining Balance Sheet
Nonmajor Governmental Funds
June 30, 2018

	Debt Service Fund							Fund	
	General Obligation Debt Fund	Special Assessment Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund	Building Authority Debt Fund	Local Development Finance Authority Debt	Total Debt Service Funds	Cemetery Perpetual Care Fund	Total Nonmajor Governmental Funds
Assets									
Pooled cash and investments	\$ 761,235	\$ 289,424	\$ 5,575	\$ 273,566	\$ 90,229	\$ 2,167,529	\$ 3,587,558	\$ 1,192,163	\$ 6,654,387
Receivables									
Customers	-	-	-	-	-	-	-	-	1,312,582
Special assessments	-	1,368,848	-	-	-	-	1,368,848	-	1,368,848
Due from other units of government	-	-	-	-	-	-	-	-	270,412
Prepaid items	-	-	-	-	-	-	-	-	8,646
Total assets	<u>\$ 761,235</u>	<u>\$ 1,658,272</u>	<u>\$ 5,575</u>	<u>\$ 273,566</u>	<u>\$ 90,229</u>	<u>\$ 2,167,529</u>	<u>\$ 4,956,406</u>	<u>\$ 1,192,163</u>	<u>\$ 9,614,875</u>
Liabilities									
Checks written against future deposits	-	-	-	-	-	-	-	-	51,153
Accounts payable	-	-	-	-	-	-	-	-	457,891
Accrued compensation	-	-	-	-	-	-	-	-	27,569
Total liabilities	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>536,613</u>
Deferred inflows of resources									
Unavailable revenue	-	1,368,848	-	-	-	-	1,368,848	-	2,496,386
Fund Balances									
Non-spendable									
Prepaid items	-	-	-	-	-	-	-	-	8,646
Perpetual care	-	-	-	-	-	-	-	1,186,163	1,186,163
Restricted for									
Local streets	-	-	-	-	-	-	-	-	609,858
Municipal streets	-	-	-	-	-	-	-	-	115,757
Community development	-	-	-	-	-	-	-	-	3,458
West Lake management	-	-	-	-	-	-	-	-	50,202
Debt service	761,235	289,424	5,575	273,566	90,229	2,167,529	3,587,558	-	3,587,558
Perpetual care	-	-	-	-	-	-	-	6,000	6,000
Committed									
Cable television	-	-	-	-	-	-	-	-	551,074
Curbside recycling	-	-	-	-	-	-	-	-	191,020
Leaf pickup/spring cleanup	-	-	-	-	-	-	-	-	272,140
Total fund balances	<u>761,235</u>	<u>289,424</u>	<u>5,575</u>	<u>273,566</u>	<u>90,229</u>	<u>2,167,529</u>	<u>3,587,558</u>	<u>1,192,163</u>	<u>6,581,876</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 761,235</u>	<u>\$ 1,658,272</u>	<u>\$ 5,575</u>	<u>\$ 273,566</u>	<u>\$ 90,229</u>	<u>\$ 2,167,529</u>	<u>\$ 4,956,406</u>	<u>\$ 1,192,163</u>	<u>\$ 9,614,875</u>

DRAFT

PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY

Tuesday, June 25, 2019

The Portage Downtown Development Authority meeting on June 25, 2019 was called to order at 8:18 a.m. in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue.

MEMBERS PRESENT:

Matt Milks, Dorothy Robinett, Terry Patterson, Walter Hansen, Stanley Samuel and Larry Shaffer

MEMBERS EXCUSED:

Jeff Chrystal, Benjamin Boyer, Michael Quinn and Rich MacDonald

IN ATTENDANCE:

Vicki Georgeau, Director of Community Development and William Furry, Director of Finance

APPROVAL OF MINUTES:

The minutes of the September 27, 2018 meeting were introduced for approval. A motion was offered by Robinett and seconded by Hansen to approve the meeting minutes as presented. Upon voice vote, the motion was unanimously approved.

BUSINESS:

1. Election of Officers. Georgeau reviewed the current officers of the Board. The current slate includes Patterson, President; Boyer, Vice-President; Chrystal, Treasurer; and Milks, Secretary. There was discussion of the continuation of the current officers. A motion was offered by Hansen, seconded by Samuel that Patterson serve as President; Boyer as Vice-President; Chrystal as Treasurer and Milks as Secretary. Upon voice vote, the motion was unanimously approved.
2. Resolution Approving the FY2017-18 Annual Financial Report. Georgeau summarized the communication to the Board concerning the annual reports included in the agenda, noting that revenue exceeded expenditures and net transfers by \$91,533. Additionally, Georgeau indicated no funds were transferred from the General Fund into the DDA as in prior years. In response to a question from Robinett, Furry clarified that the DDA does not capture taxes from Portage Public Schools (debt and operating millages), KRESA and the State Education Tax. Furry also shared estimated DDA tax capture for FY 2018-19 year-to-date. Finally, Furry explained that absent additional DDA projects, current debt should be paid off in FY 2026-27. Georgeau added that \$250,000 in General Fund transfers to the DDA would be paid back after debt is paid down. After additional discussion, a motion was made by Robinett, seconded by Milks to approve the resolution and authorize the transmission of the FY2017-18 Annual Financial Report on the status of the tax increment financing plan. Upon a voice vote, the resolution was unanimously approved. Georgeau noted the information will be forwarded to City Council and then to the State Tax Commission.

STATEMENT OF CITIZENS:

No citizen comments were received. Patterson noted that since the creation of the DDA in 1998, new development activity has had a positive impact on the community. Robinett suggested that the city consider enhanced pedestrian crossing in the DDA between Kilgore and Andy/Market Place. Robinett acknowledged that no tax increment revenue would be generated from such improvements, but noted pedestrian movements should be encouraged in this area of the community. Georgeau and Shaffer both mentioned recent efforts with mid-block pedestrian crossings in other areas of the community. Georgeau indicated the suggestion has merit, along with other streetscape improvements in the DDA as future projects. Georgeau mentioned that tax increment financing authorities have no reporting requirements due to a recent amendment to state statute. Included is notice to all taxing jurisdictions 14 days prior to the meeting, preparation and submittal of the annual financial reports to the State Tax Commission six months after the end of the fiscal year, which is by December 31st for Portage. Therefore, future meetings will be held each year in November before the Thanksgiving holiday.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:35 a.m.

Respectfully Submitted,

Vicki Georgeau, AICP
Director of Community Development

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Closed Session

SUPPORTING PERSONNEL: Adam Herringa, City Clerk

ACTION RECOMMENDED: Hold a closed session immediately following the regular July 9, 2019 City Council meeting for the purpose of reviewing an Attorney/Client communication regarding a Freedom of Information Act Appeal.

It is recommended that City Council hold a closed session immediately following the regular July 9, 2019 City Council meeting for the purpose of reviewing an Attorney/Client communication regarding a Freedom of Information Act Appeal. Information concerning this matter was provided to the Council via Confidential Materials Transmitted dated July 5, 2019.

FUNDING: N/A

Attachments: 1. N/A

Minutes of Boards & Commissions

**PORTAGE PUBLIC SCHOOLS
BOARD OF EDUCATION
SPECIAL MEETING MINUTES**

June 10, 2019

The Special Meeting of the Board of Education of Portage Public Schools held on Monday, June 10, 2010, was called to order at 5:00 p.m. by President Van Antwerp in the Superintendent's Conference Room of the Administration Building, 8107 Mustang Drive.

Board Trustees Present: Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp, Joanne Willson (Mrs. Willson arrived at 5:30 p.m.), and Kurt Droppers (Mr. Droppers arrived at 5:40 p.m.)

Board Trustees Absent: None

Administration Present: Mark Bielang, Superintendent

CLOSED SESSION

Motion offered by Mr. Snyder seconded by Mr. Rathburn, that the Board of Education move into closed session for the purpose of discussing periodic personnel evaluation and school security planning, as allowed under the Open Meetings Act, Sections 8(a) and 8(k) respectively.

Upon a roll call vote, the motion carried unanimously.

The Board moved into closed session at 5:05 p.m.

The Board returned to open session at 6:23 p.m.

There being no further business to come before the Board, the meeting was adjourned at 6:24 p.m.

Respectfully submitted,

Barb Atkinson
Recording Secretary

**PORTAGE PUBLIC SCHOOLS
BOARD OF EDUCATION
CLOSED SESSION MINUTES**

June 10, 2019

The closed session of the Board of Education for Portage Public Schools held Monday, June 10, 2019, was called to order at 5:05 p.m. by President Van Antwerp in the Superintendent's Conference Room of the Administration Building, 8107 Mustang Drive, Portage, Michigan.

Board Trustees Present: Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp, Joanne Willson (Mrs. Willson arrived at 5:30 p.m.), and Kurt Droppers (Mr. Droppers arrived at 5:40 p.m.)

Board Trustees Absent: None

Administration Members Present: Mark Bielang, Superintendent

Board discussion pertained to periodic personnel evaluation and school security planning, as allowed under the Open Meetings Act, sections 8(a) and 8(k) respectively.

Motion offered by Dr. Shelton-Harris, seconded by Mrs. Novaria, that the Board of Education return to open session.

Upon a roll call vote, the motion carried unanimously.

The Board returned to open session at 6:23 p.m.

Respectfully Submitted,

Barb Atkinson
Recording Secretary

**PORTAGE PUBLIC SCHOOLS
BOARD OF EDUCATION
COMMITTEE OF THE WHOLE WORK SESSION MINUTES
JUNE 10, 2019**

The Committee of the Whole Work Session of the Board of Education of Portage Public Schools held on Monday, June 10, 2019, was called to order at 6:30 p.m. by President Van Antwerp in Conference Room #1 at the Administration Building, 8107 Mustang Drive. He welcomed the audience and the Pledge of Allegiance was recited.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp, and Joanne Willson

Board Trustees Absent: None

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mrs. Willson, seconded by Mr. Snyder, that the Board of Education approve the agenda as printed.

Motion carried unanimously.

REPORTS

Board Education

Peer to Peer Program at Central Elementary School. Ms. Sara Wagenaar, Central Elementary Principal, shared introductory comments about Peer to Peer and expressed her gratitude for the support of this program. Students presented information about Peer to Peer and shared a video that further explained the program.

Superintendent's Report

Bridge Building Team Report. Superintendent Bielang shared introductory comments. Earlier in the school year Ms. Amy Franks, Central Middle School Industrial Technology Teacher, and three students presented to the Board about their experience working with representatives from the Central Middle School construction site and what they learning about engineering and trusses. They intended to apply this learning to bridge building. These same students returned this evening to share their experience and success with bridge building competitively. The students, Team VS2, competed at the 2019 National TRAC Bridge Challenge, a national competition, and won first place in the Middle Division! Their challenge was to build a truss bridge. They shared their approach to the challenge, which included engineering design, truss bridge designs, research, scientific principles, the prototypes they built, and what they learned. The students thanked the Board for their support.

Superintendent Bielang read a congratulatory letter from Michigan Technological University and presented each student with a copy of the letter and goody bag from MI Tech.

Bond Project Update. Mr. Ron Herron, Assistant Superintendent of Operations, provided an update on bond work. Work at the new North Middle School includes outside finish touch-ups, gym floor installation, and preparations for the move. At West Middle School work includes renovation preparations and demolition of the pool. At Central Middle School work continues on exterior brickwork, mechanical, plumbing and electrical work. At the Northern AEF, work will begin soon on the throw area. At the Central AEF, installation of the turf is complete, construction of the team building and concession is on schedule, parking lot grading has started. At PCEC, renovations are set to begin as soon as school is out.

E2 Update. Ms. Beth Hartman, Director of Elementary Education, commented on the E2 Program changes recently communicated to parents. Ms. Hartman added that team conversations will continue moving forward, feedback will continue to be sought, and updates will continue to be provided.

Annual Report on Safety. Superintendent Bielang shared highlights from his report on the primary components involved in a safe supportive school model – engagement, safety, and environment – and cited examples for each component.

Mr. Bielang added the Administration continues to have discussions with the City of Portage regarding adding resource officers.

Mr. Bielang also shared an item of interest. The book *Building A Vibrant Community* by Quint Studer was distributed to each board member. Mr. Bielang announced Mr. Studer would be speaking at our opening day event in late August.

COMMENTS OR COMMUNICATIONS

President Van Antwerp opened the comments and communications portion of the meeting. Dr. Shelton-Harris read the guidelines for public participation.

Teresa Forton spoke in support of the E2 program changes.

Jeff Plunkett addressed the Board regarding custodial/maintenance contract negotiations.

Esther Bouwman addressed the Board regarding student meal policy and procedure.

Amber Outman addressed the Board regarding bullying concerns.

Ben Hunter and Emily Haydo expressed their dissatisfaction with the E2 program changes.

Richard Rajkovich addressed the Board regarding the E2 program changes.

Mia Baker shared her dissatisfaction with E2 program changes.

Lena Post expressed disappointment with the E2 changes.

Nick Post shared his opposition to the E2 program changes.

Nicole Harlow expressed her opposition to the E2 changes.

Matt Freeman addressed the Board regarding the need for additional resource officers.

Chris Furlong expressed his thoughts regarding additional resource officers and a hiring policy.

Dr. Amanda Thorpe addressed the Board regarding the addition/use of school resource officers.

Adrienne Graham expressed her thoughts regarding equity for our students and staff.

Kent Alleman shared his disappointment with the E2 program changes.

Bethany Graham expressed dissatisfaction with the E2 changes.

Joni Stimson addressed the Board in support of additional resource officers for the District.

Chris Bushart spoke to the Board in support of additional resource officers.

Elizabeth Kahle addressed the Board regarding safety concerns and in support of additional school resource officers.

Mr. Van Antwerp thanked the public participants for their comments and opened the floor for Board comments.

Mr. Snyder acknowledged public participants as “thoughtful speakers” and added our high school graduations were the “highlight of the year.”

Mr. Rathburn echoed Mr. Snyder’s sentiments, congratulated Northern High’s baseball team, and expressed the importance of extra-curricular activities for our students. Mr. Rathburn proudly added that two Portage Alumni pitched in the college world series.

Mrs. Willson acknowledged the public participants for their comments, shared positive remarks about our recent graduations and the impact coaches have on students.

CONSENT AGENDA

President Van Antwerp presented the following Consent Agenda item for approval by the Board of Education: Approve the purchase as presented of building furniture from Holland Desk & Chair Co. in the amount of \$31,767.62, the funds for which will come from the 2019-20 General Fund Budget.

There being no objection to the items, the motion carried unanimously.

REQUIRED ACTION ITEMS

2019-20 MASB Membership

Motion offered by Mrs. Willson, seconded by Mrs. Novaria, that the Board of Education approve the MASB Membership for 2019-20, not including the Dues-Plus Video Choice, for a dues renewal total of \$9,226.00.

The motion carried unanimously.

2019-20 MHSAA Membership

Motion offered by Mr. Droppers, seconded by Mr. Snyder, that the Board of Education adopt the resolution confirming District membership with the Michigan High School Athletic Association for the 2019-20 school year, as presented.

The motion carried unanimously.

ACTION ITEMS

Approve Annual Superintendent Evaluation

Motion offered by Mrs. Novaria, seconded by Mr. Snyder, that the Board of Education, after completing the annual evaluation of the Superintendent, rates the Superintendent as highly effective.

Trustees shared positive comments regarding Superintendent Bielang.

The motion carried unanimously.

DISCUSSION ITEMS

2018-19 Final Budget Amendments

Ms. Paula Johnson, Director of Finance, highlighted the 2018-19 budget amendment #2, reviewed the District's fund balance history, and responded to questions from Trustees.

2019-20 Budget Planning

Ms. Paula Johnson reviewed the 2019-20 preliminary budget, which included budget assumptions and a review of the various funds. Discussion followed and Ms. Johnson addressed questions from Trustees.

Change in Monthly Board Financial Reporting

As Chair of the Board's Audit/Finance Committee, Mrs. Willson reviewed the recommendation she received from Ms. Paula Johnson to change the monthly financial reporting format in order to provide a more comprehensive report of the District's financial picture, as per the sample provided in the agenda packet. This change is intended for a six-month trial period. Mr. Bielang added this change would give the Board more high-level, useful information. Discussion followed.

Change in Annual Audit

As Chair of the Board's Audit/Finance Committee, Mrs. Willson reviewed the recommendation she received from Ms. Paula Johnson to change the annual audit from a Comprehensive Annual Financial Statement to a Basis Financial Statement. Discussion followed.

Proposed Policy Revisions

Mr. Bielang reviewed the recommendation and the reasons stated within for the proposed operational policy revisions. Mr. Bielang responded to questions from the Board.

Add Retreats to 2019-20 Board Meeting Schedule

Superintendent Bielang reviewed proposed dates to add four Policy Governance retreats to the Board's 2019-20 meeting schedule and discussion followed.

Curriculum Adoptions & Materials for 2019-20

Elementary Science, MS Math, K-12 Curriculum Materials

Mr. Mike Huber, Director of Curriculum, reviewed the background information and recommendations for a textbook purchase, subscription renewal, and purchase of curricular materials. Mr. Huber addressed questions from Trustees.

HGD Curriculum Adoption

Mr. Mike Huber shared background information and reviewed the recommendation for HGD curriculum changes. Mr. Huber responded to questions from the Board.

There being no further business to come before the Board, the meeting was adjourned at 9:17 p.m.

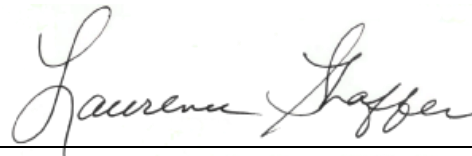
Respectfully submitted,

Barb Atkinson
Recording Secretary

MATERIALS TRANSMITTED

Tuesday, June 25, 2019

1. Communication from Bill Furry, Finance Director, regarding the Yeo & Yeo Engagement Letter – Information Only

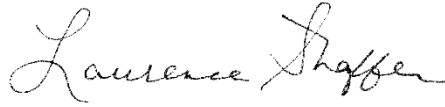


Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Yeo & Yeo Engagement Letter Regarding FY 2018-2019 Audit

SUPPORTING PERSONNEL: Bill Furry, Director of Finance & Purchasing

Attached is the Engagement Letter from Yeo & Yeo addressed to City Council regarding the FY 2018-2019 audit which will occur in October, 2019.

Attachments: Yeo & Yeo Engagement Letter



800.968.0010 | yeoandyeo.com

June 3, 2019

City Council
City of Portage
7900 S. Westnedge Ave.
Portage, MI 49002

We are pleased to confirm our understanding of the services we are to provide City of Portage for the year ended June 30, 2019. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of Portage as of and the year ended June 30, 2019. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Portage's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Portage's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- Management's discussion and analysis
- Budgetary comparison schedules
- Municipal employee retirement system schedules
- Retiree healthcare funding plan schedules

We have also been engaged to report on supplementary information other than RSI that accompanies City of Portage's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- Nonmajor governmental funds combining statements
- Budgetary comparison schedules – Nonmajor governmental funds
- Internal service funds combining statements
- Fiduciary funds combining statements

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditors' report will not provide an opinion or any assurance on that other information.

- Introductory section
- Statistical information

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of City of Portage and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of City of Portage's financial statements. Our report will be addressed to management and the trustees of City of Portage. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that City of Portage is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental

regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Portage's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also provide the following services, some of which may be covered by separate engagement letters, which cover the terms of each separate engagement. These non-audit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

- Assist in preparing financial statements, related notes and supplementary financial information in accordance with U.S. Generally Accepted Accounting Principles (U.S. GAAP)
- Assist in preparing the entity-wide conversion
- Assist in entries related to GASB 75

We will perform the services in accordance with applicable professional standards. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including evaluating and monitoring ongoing activities to help ensure that

appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements related notes, required supplementary information, other supplementary information, the non-audit services listed above, and any other non-audit services we provide. You will be required to acknowledge in the management representation letter our

assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the non-audit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them. At the conclusion of the audit, you agree to retain all work products provided to you as part of our engagement in order to maintain complete records to support the audited financial statements. Under the AICPA Code of Professional Conduct, we cannot serve as custodian of your data under the independence rule.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

With regard to using the auditors' report, if you request our written consent to reproduce or use our report in a bond offering, official statements, or other documents, additional procedures will be required, at an additional cost to be determined.

However, you are not required to request or obtain our consent. If you use the auditors' report without our written consent, the following statements must be included in the bond offering, official statements, or other documents:

INDEPENDENT AUDITORS

The financial statements of City of Portage, as of June 30, 2019, and for the year then ended, included in this Official Statement, have been audited by Yeo & Yeo, P.C., CPAs & Business Consultants, independent auditors, as stated in their report appearing herein.

Yeo & Yeo, P.C., CPAs & Business Consultants has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. Yeo & Yeo, P.C., CPAs & Business Consultants also has not performed any procedures relating to this official statement.

You acknowledge that as a condition of our agreement to perform an audit, you agree to the best of your knowledge and belief to be truthful, accurate, and complete in the representations you make to us during the course of the audit and in the written representations provided to us at the completion of the audit.

Engagement Administration, Prices and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information, and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to City of Portage and the Michigan Department of Treasury; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law

or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Yeo & Yeo, P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the applicable regulator or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Yeo & Yeo, P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period requested by the applicable regulator. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit October 7, 2019 and to issue our reports no later than December 31, 2019. Jamie L. Rivette is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Professional standards require us to be independent with respect to the Organization in the performance of our services. Any discussions that management has with personnel of Yeo & Yeo regarding employment could pose a threat to our independence. Therefore, we request that management inform the engagement principal prior to any such discussions so that we can implement appropriate safeguards to maintain our independence.

Neither party shall, during the term of this engagement and for one year after its termination, solicit for hire as an employee, consultant or otherwise, any of the other party's personnel without such other party's express written consent. If the Organization desires to offer employment to a Yeo & Yeo employee and the employee is hired in any capacity by the Organization, a compensation placement fee of 25% of their salary may apply.

Any litigation arising out of this engagement, except actions by us to enforce payment of our professional invoices, must be filed within one year from the completion of the engagement, notwithstanding any statutory provision to the contrary. In the event of litigation brought against us, any judgment you obtain shall be limited in amount, and shall not exceed the amount of the price charged by us, and paid by you, for the services set forth in this engagement letter.

You acknowledge that we may collect your employees' personally identifiable information as part of the services that we are engaged to perform. We agree to indemnify you for any covered damages or claim expenses that may result from a data breach at Yeo & Yeo, P.C. as part of the terms of this contract.

Our price for these services will be \$25,400 for the audit and \$2,500 for the CAFR preparation. Our invoices for these services will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes past due and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above price is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If additional time becomes necessary to complete your engagement, we will discuss the issues with you and arrive at a new price estimate, which may or may not occur before we incur the additional time.

Our price quoted above is also contingent on all items on the assistance list being completed by the due dates indicated and the audit being performed during the dates scheduled. If the dates are not met and the engagement needs to be rescheduled due to things in your control, then an additional price of 20% could apply. The reason for this is that we schedule our client work well in advance. When the job has to be rescheduled it causes a domino effect, as we likely have other clients scheduled in the new requested time slot, and our staff are likely scheduled on another client. As a result we may have to put you at the end of the line, and/or change staff. When our staff members finishing the work are not the same as those who started it, the audit is less efficient and more disruptive to your staff.

Our engagement will end upon delivery of your audited financial statements and our report thereon for the year set forth above. Any additional services that may be required will be part of a separate and new engagement. Should you wish to engage us to audit your financial statements for any other year, and should we accept such engagement, such engagement will be a separate and new engagement. A new engagement letter for any services beyond the scope of this engagement will govern the terms and conditions of the new engagement.

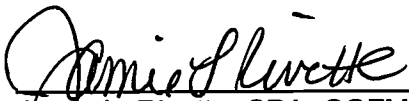
We appreciate the opportunity to be of service to City of Portage and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

RESPONSE:

Yeo & Yeo, P. C.
CPAs & Business Consultants

This letter correctly sets for the understanding of
City of Portage.



Jamie L. Rivette, CPA, CGFM
Principal

 Finance Director

Name and Title

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Rezoning Application #18/19-6, 129 Boston Avenue

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, consider denial of Rezoning Application #18/19-6, 129 Boston Avenue.

An application has been received from Attorney Joey Kejbou, on behalf of the property owners Jayesh and Neha Sharma, requesting the rezoning of 129 Boston Avenue from R-1A, one family residential to OS-1, office service. Mr. and Mrs. Sharma own the adjacent zoning lot to the west addressed as 5747 South Westnedge Avenue/121 Boston Avenue, zoned B-3, general business. The rezoning will allow for the conversion of the existing house at 129 Boston Avenue to an office. The applicant also indicates a zoning change at 129 Boston Avenue to OS-1 will make the adjacent zoning lot at 5747 South Westnedge Avenue/121 Boston Avenue eligible for a medical marihuana provisioning center.

In the attached May 10, 2019 report, the Department of Community Development concluded that the proposed OS-1 rezoning is not consistent with the Comprehensive Plan, Future Land Use Map and/or the adjacent zoning pattern. If the property were to be rezoned, it may negatively impact the adjacent residences with increased traffic, including neighborhood cut-through traffic. Given the small size of the property (66 feet wide) and the location of the buildings, conversion of the house to office, and construction of off-street parking, will be problematic without variances from the Zoning Board of Appeals and/or shared access/parking with the adjacent property to the west.

Retention of the existing zoning pattern and boundary along the north side of Boston Avenue represents an appropriate depth of commercial zoning (233 feet) along South Westnedge Avenue that can support viable commercial development/redevelopment. This recommendation is consistent with the 2002 and 2013 rezoning decisions in the vicinity (noted in the Community Development staff report) as well as the subsequent change to the 2014 Future Land Use Map, and will minimize negative impacts on the adjacent residential neighborhood. Similar to other residential parcels that are situated adjacent to the South Westnedge Avenue commercial corridor, continued use of the subject property as a single-family residence is still a suitable option. There are other OS-1 zoned properties available in the city, including 121 Boston Avenue adjacent to the subject property that could accommodate the proposed office use.

Finally, the rezoning consideration pertains to whether non-residential land uses should be extended further into the neighborhood, rather than if 5747 South Westnedge should be utilized for a medical marihuana facility. Redevelopment and redefining of the zoning lot comprised of 5747 South Westnedge Avenue/121 Boston Avenue is also an option for the applicant and/or property owner to accommodate the proposed medical marihuana provisioning center without the need to rezone 129

Boston Avenue.

An almost identical rezoning request was considered by staff and the Planning Commission in December 2018/January 2019. Rezoning application #18/19-3 was received from Attorney James Bruinsma, on behalf of the property owner, requesting that the zoning be changed from R-1A to B-3. After initial review by the Planning Commission, the application was revised to request OS-1 rezoning. At the January 17, 2019 meeting, the Planning Commission voted 7-0 to recommend to City Council that the rezoning request be denied. On February 14, 2019, the property owner, Mr. Sharma withdrew the application and therefore, it was not considered by Council.

With regard to current application (#18/19-6), the Planning Commission convened a public hearing during the May 2, 2019 and May 16, 2019 meetings to consider the rezoning request. Attorney Joey Kejbou (applicant's attorney) and Mr. Jay Sharma (applicant/property owner) were present to support the rezoning request and explain the development plans for the property. At the May 2 meeting, Tyson Lamoreaux (205 Boston Avenue) spoke and indicated no opposition to the proposed OS-1 zoning change. At the May 16 meeting, John Jures (5058 Huntington Boulevard, Carmel, IN) spoke regarding the commercial real estate market and the challenges associated with marketing the vacant commercial tenant space at 5747 South Westnedge Avenue. No additional citizens spoke during the public hearing and no communications regarding the proposed rezoning have been received.

After careful consideration, the Planning Commission voted 7-0 to recommend to City Council that Rezoning Application #18/19-6 be denied and 129 Boston Avenue remain zoned R-1A, one family residential concurring with the final analysis and recommendation of the Department of Community Development.

Attached find the Planning Commission transmittal, Department of Community Development report and related materials for review.

FUNDING: Not applicable

Attachments:

1. Attorney Kejbou 7.3.19 Letter to City Council
2. May 31, 2019 Planning Commission transmittal
3. May 2, 2019 and May 16, 2019 Planning Commission meeting minutes
4. May 10, 2019 Community Development staff report
5. Ordinance Amendment

Joey Patrick Kejbou, P.C.
Attorney and Counselor

Phone: (248) 720-1200

Fax: (248) 250-5597

City Hall
ATTN: City Council Members
7900 South Westnedge Avenue
Portage, MI 49002

**RE: REZONING APPLICATION #18/19-6
129 BOSTON AVENUE
PORTAGE, MI**



Dear City Council Members and City Staff,

As you are all aware, our office is attempting to obtain a rezoning of the above-referenced property from the property's current R-1A classification to an OS-1 office service use designation. While we understand the proposed request may be subtle and straight forward on it's surface, we felt it appropriate to provide this correspondence to more effectively elaborate how this rezoning request will impact not only the subject property but each of the properties around it, specifically two commercial properties to the west (5747 S. Westnedge and 121 Boston Avenue).

Each of 5747 S. Westnedge, 121 Boston Avenue and 129 Boston Avenue are owned by Mr. and Mrs. Jay and Neha Sharma. Mr. and Mrs. Sharma have been largely unsuccessful in attempting to lease 5747 S. Westnedge for nearly two years. As it currently stands, approximately half of the 11,000 square foot building has sat as under-utilized, under-performing and, more recently, vacant prime real estate in the heart of Portage's primary commercial corridor for nearly 5 years. 5747 S Westnedge was originally developed to service a more "showroom retail" type of business operation and, unfortunately, was constructed in a manner that appeals to a very limited potential tenant base given the limited parking availability in the front of the property. The current owners, who have multiple properties on Westnedge and operate their own business just blocks away, have invested significant sums of money into the aesthetics of the 5747 S. Westnedge to make it more marketable, however their efforts have resulted in a net zero return. Although 121 Boston Avenue (which is in between 5747 S. Westnedge and 129 Boston) maintains a small approximately 800 square foot structure, it's greatest asset is that it affords parking for 5747 S. Westnedge in the rear of that building. Currently, Mr. and Mrs. Sharma have elected to try to sell all three of the properties and currently have them under contract for sale with an entity that I personally have an ownership stake in, however that sale is contingent upon the approval of the application before you.

Until this past November, when the City of Portage began accepting applications for medical marijuana facility licensing ("MMFLA"), 5747 S. Westnedge received nearly 0 inquiries from potential tenants and/or purchasers despite two years of marketing. However, when the original mapping for MMFLA licensing was released, it appeared as though 5747 S. Westnedge was an eligible site that resulted in an overwhelming amount of interest and offers. Unfortunately, that interest ceased once it was discovered that a medical marijuana provisioning center could not abut a residential property, in this case 129 Boston Avenue. In order for 5747 S. Westnedge to qualify, 129 Boston would require a non-residential designation and, for that reason, we have submitted the subject application. In the spirit of transparency, we believe that disclosing this facet our of application is crucial to your respected council understanding our overall intent. Our main purpose in submitting this application is to have 129 Boston Avenue create a commercially-zoned "buffer" from the additional residential properties to the east so that 5747 Westnedge will qualify as a medical marijuana provisioning center.

Joey Patrick Kejbou, P.C.

Attorney and Counselor

Phone: (248) 720-1200

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While we fully appreciate the recommendation that the Planning Commission has made to this honorable council, we believe that an approval in contradiction with their recommendation is justified for a number of reasons. Our situation is unique in that my company, Green Bronco, LLC, is both a medical marijuana licensee and I personally serve as a compliance officer/counsel for many medical marijuana facilities licensees throughout the state. Given this dual role, my intent is to utilize 129 Boston Avenue as a remote satellite office for my law practice that would be used 1-3 days a week exclusively by me when visiting my own facilities as well as other licensed facilities I service in the Kalamazoo County area. The proposed use would result in less traffic than the current residential use and, at our planning commission meeting, the resident who lives immediately to the east of 129 Boston supported an approval of the proposed plan.

In their recommendation for denial, the planning commission references multiple issues that contributed to their position. More specifically, they identify the potential for increased traffic, parking concerns and how an expansion of commercial zoning into the residential areas would be inconsistent with the current "jagged line" that is the zoning guideline. In our opinion, each of these points can be addressed by prior precedent as well as pure functionality and misconception.

With respect to the parking and traffic concerns, neither will be an issue. As previously mentioned, our intended use for 129 Boston Avenue will be for a single user, remote office that will have one car present on a part time basis for one to three days per week. Client meetings would not take place there and traffic would be less than the current residential use that exists. The proposed rezoning would be a low intensity, non-invasive use that would not disrupt neighboring properties. As to 5747 S. Westnedge and 121 Boston Avenue, those two properties together have more than adequate parking to meet the city's requirements and regulations. Utilizing any measurement of parking requirement, whether it be as it pertains to office, medical, retail or any other commercial designation, the vacant space of 5747 S. Westnedge can be constructed using any amount of "useable square footage" needed to comply with the parking requirements. Essentially, we can construct the interior of the vacant space using as little as 1,500 of "useable square footage," which is the standard when calculating parking spaces.

The most critical issue that appeared to be a factor in the Planning Commission's recommendation was their position that the approval of the subject application would be inconsistent with the future land use map and zoning designations. However, in the Planning Commission's recommendation, it is specifically stated that "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."

Our current proposal is no different and no more invasive than the most recent developments which have taken place along the Westnedge corridor. More specifically, in reviewing Section II Existing Conditions "Zoning Development History" in the Planning Commission's recommendation you will find that every one of those prior developments impacted residential properties that were transitioned to parking or other commercial designations. Moreover, in each instance the end result was that the remaining abutting residential properties were left with high intensity commercial activities right next door (Walgreens, AT&T, Honey Baked Ham) whereas we are seeking to insulate the residential properties with a buffer while simultaneously improving the viability of making a major property on Westnedge marketable for the long term.

The Future Land Use Map identifies 129 Boston Avenue as being "within a zone of transition between General Business and Single Family Detached-Medium Density Residential." Given this

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designation, we must present the question of how can the prior developments use of commercial, high intensity parking lots immediately next to residential properties be less detrimental to those residences than a single user 800 square foot office?

If the approach is to indeed analyze each application on a case by case basis, the benefits of approving this application would greatly outweigh any negative backlash of not strictly adhering to a "jagged line" of zoning requirements. The proposed approval would bring another business to the city by using 129 Boston as an office space while simultaneously providing the opportunity to offer a medical retail establishment that will bring 20-30 jobs to the city. In addition, the concerns regarding traffic would be lessened since only a limited number of persons would be eligible to enter the establishment as it would require a patient registry card from the state of Michigan. Finally, the improvements that 5747 Westnedge would require to be a functional provisioning center, things such as interior and exterior surveillance, security features, added lighting and overall improvements would only help appreciate the value the property and the neighboring properties.

Ultimately, the proposal before you is a rezoning of a property that will have no negative impact on the surrounding properties while simultaneously improving the marketability and functionality of three properties on Portage's main commercial corridor. Our efforts have not received any negative feedback from the surrounding community members despite two planning commission meetings and one city council meeting. If this Honorable Commission follows the comments of the Planning Commission to evaluate every application on a "case by case" basis that serves the best interest of the city, we believe the application before you merits approval and respectfully request that you grant such an approval on July 9, 2019.

Thank you for your time and attention to this matter.

Very Truly Yours,



Joey P. Kejbou

Enclosures

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: May 31, 2019

SUBJECT: Rezoning Application #18/19-6, 129 Boston Avenue

The Planning Commission convened a public hearing during the May 2nd and 16th, 2019 meetings to consider the rezoning application submitted by Attorney Joey Kejbou, on behalf of the property owners Jayesh and Neha Sharma, for 129 Boston Avenue. The applicant is requesting a zoning change from R-1A, one family residential to OS-1, office service to accommodate conversion of the existing single family residence at 129 Boston Avenue to a small attorney office. Additionally, and if 129 Boston Avenue is rezoned to OS-1, the applicant has also expressed interest in establishing a medical marihuana provisioning center within a portion of the existing commercial building located on the adjacent zoning lot addressed as 5747 South Westnedge Avenue and 121 Boston Avenue.

Attorney Joey Kejbou (applicant's attorney) and Mr. Jay Sharma (applicant/property owner) were present to support the application at the May 2nd and 16th, 2019 meetings. At the May 2nd meeting, Tyson Lamoreaux (205 Boston Avenue) spoke and indicated no opposition to the proposed OS-1 zoning change. At the May 16th meeting, John Jures (5058 Huntington Boulevard, Carmel, IN) spoke regarding the commercial real estate market and the challenges associated with marketing the vacant commercial tenant space at 5747 South Westnedge Avenue. No additional citizens spoke during the public hearings and no communications regarding the proposed rezoning have been received.

After additional discussion, a motion was made by Commissioner Corradini, seconded by Commissioner Fries, to recommend to City Council that Rezoning Application #18/19-6 be denied and 129 Boston Avenue remain zoned R-1A, one family residential. The motion concurred with the analysis and findings contained in the May 10, 2019 Department of Community Development staff report. Upon a roll call vote: Schimmel (yes), Joshi (yes), Corradini (yes), Stoffer (yes), Pezzoli (yes), Fries (yes) and Patterson (yes), the motion was unanimously approved 7-0.

Sincerely,


Wayne Stoffer
Chairman

Chairman Stoffer asked whether there was a size limitation on government flags located on private property. Mr. Forth stated there was not a size restriction on government signs such as the American flag or State of Michigan flag. Chairman Stoffer expressed some concern over the unlimited size for government flags, especially within residential neighborhoods, where they could become a nuisance to adjacent neighbors. Mr. Forth stated the current ordinance does not have a size restriction for government flags and, to the knowledge of staff, there has not been a nuisance problem with size and/or number of flags in residential areas. Attorney Bear indicated that limiting the number or size of government flags on private property was viewed as potentially conflicting with freedom of speech/freedom of expression rights. Attorney Brown continued and stated that regulating government and corporate flags separately is a problematic matter since someone needs to look at the "content" on the flag to determine whether it is a government flag or corporate flag. Chairman Stoffer again stated that he was concerned about possible negative impacts on a residence if an adjacent neighbor was to install a very large government flag or multiple large government flags on their property.

The public hearing was then reconvened by Chairman Stoffer. No citizens spoke regarding the proposed sign amendments. A motion was then made by Commissioner Schimmel, seconded Commissioner Patterson, 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 Fries, to recommend to City Council that Ordinance Amendment #18/19-A, Sign Regulations, be approved. The motion was unanimously approved 6-0.

2. Preliminary Report: Rezoning Application #18/19-6, 129 Boston Avenue. Mr. Forth summarized the April 26, 2019 preliminary staff report regarding a request received from Attorney Joey Kejbou, on behalf of the property owner Jayesh and Neha Sharma, to rezone 129 Boston Avenue from R-1A, one family residential to OS-1, office service. Mr. Forth stated the applicant's intent for the rezoning, as outlined in the application materials, was to establish a small office at 129 Boston Avenue and establish a medical marijuana provisioning center at 5747 South Westnedge Avenue. Mr. Forth indicated that Mr. and Mrs. Sharma also own the two adjacent parcels to the west addressed as 121 Boston Avenue and 5747 South Westnedge Avenue, which currently function as one "zoning lot". Mr. Forth indicated the medical marijuana provisioning center would not currently be allowed within the southern portion of the existing building at 5747 South Westnedge Avenue since the "zoning lot" currently abuts residential zoning (129 Boston Avenue). Mr. Forth summarized the previous rezoning application (Rezoning Application #18/19-3) involving 129 Boston Avenue that was withdrawn by Mr. Sharma in January 2019 following a negative recommendation by staff and the Planning Commission. Mr. Forth summarized previous rezoning considerations that have occurred along the east side of South Westnedge Avenue, between 2002-2013, and the adjustment that was made to the Future Land Use Map boundary between general business/residential land use with the 2014 Comprehensive Plan Update to achieve consistency and depth of commercial land use along the east side of South Westnedge Avenue. Mr. Forth reviewed the applicant proposal to establish a small office at 129 Boston Avenue and the size/configuration of the property that presents challenges to redevelopment for a nonresidential use. Mr. Forth also discussed the underutilized nature of 121 Boston Avenue that was converted from a residence to an office several years ago.

Chairman Stoffer asked about the recent use of 121 Boston Avenue for a residence. Mr. West stated there was someone illegally living at 121 Boston Avenue, however, that person moved out in January/February. Mr. West indicated that 121 Boston Avenue is zoned B-3, general business and residential occupancy is not permitted. Commissioner Schimmel asked what impact rezoning 129 Boston Avenue would have on allowing a medical marijuana provisioning center within 5747 South Westnedge Avenue. Mr. Forth stated a rezoning of 129 Boston Avenue to OS-1, office service would allow a medical marijuana provisioning center to be located within 5747 South Westnedge Avenue since the "zoning lot" consisting of 5747 South Westnedge Avenue and 121 Boston Avenue would no longer be located adjacent to residential zoning. Commissioner Patterson asked whether the 129 Boston Avenue parcel could be rezoned to OS-1 with an R-1A residential "buffer" strip provided along the east side. Mr. Forth indicated the 129 Boston Avenue parcel was only 66-feet wide and a rezoning with an R-1A buffer strip would only further complicate reuse for an office. Commissioner Fries asked whether the 129 Boston parcel could be rezoned as identified on the Future Land Use Map with the west approximate 2/3 changed to B-3 or OS-1 and the east approximate 1/3 retained as R-1A, or whether a P-1 zone could be used similar to the properties to the south. Mr. West stated the properties to the south where P-1 zoning

was previously approved were part of multi-parcel zoning lots where the commercial development was located along the South Westnedge Avenue parcels and the P-1 zoning was located behind the buildings to provide additional parking. Mr. West indicated that this arrangement would not accomplish the applicant stated plans to establish 129 Boston Avenue as a stand-alone, separate zoning lot for the proposed office use, and retain the existing commercial zoning lot to the west involving 121 Boston Avenue and 5747 South Westnedge Avenue.

Joey Kejbou (attorney representing Mr. and Mrs. Sharma) was present to support the rezoning application. Attorney Kejbou discussed the plans to convert the 129 Boston Avenue residence/parcel to a low intensity satellite office for his law practice that would only be utilized 1-3 days a week. Attorney Kejbou stated his primary office is in Rochester Hills, however, he has several clients on the west side of the state and he would be the only person using this proposed satellite office. Attorney Kejbou stated his intentions were to purchase all three parcels (129 Boston Avenue, 121 Boston Avenue and 5747 South Westnedge Avenue) and utilize 129 Boston Avenue as a separate office zoning lot, and utilize the 121 Boston Avenue/5747 South Westnedge Avenue as a separate commercial zoning lot and establish a medical marijuana provisioning center within the southern portion of the large commercial building. Attorney Kejbou indicated the 129 Boston Avenue parcel is a transitional property and his proposed use would have no adverse impacts on the interior residential neighborhood. Attorney Kejbou stated that he believes the requested OS-1 zoning for 129 Boston Avenue is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use pattern.

The public hearing was opened by Chairman Stoffer. One citizen (Tyson Lamoreaux, 205 Boston Avenue) spoke regarding the proposed rezoning. Mr. Lamoreaux stated he had no objection to the OS-1 rezoning and proposed attorney office at 129 Boston Avenue. Mr. Lamoreaux also expressed no objection to the plan to establish a medical marijuana provisioning center with the existing commercial building at 5747 South Westnedge Avenue. Mr. Lamoreaux asked where parking would be provided for the proposed office use and whether an evergreen screen or barrier would be required next to his property with a zoning change to OS-1. Mr. Forth indicated a site plan has not been provided yet, but parking for a proposed office use in 129 Boston Avenue would likely need to occur behind/north of the existing residence given the limited size of the parcel and existing location of the residential structure. Mr. Forth also discussed conflicting land use screening that would be required along the shared property line with a change in use from residential to office. No additional citizens spoke regarding the proposed rezoning.

After a brief conversation, a motion was made by Commissioner Patterson, seconded by Commissioner Fries, to adjourn the public hearing for Rezoning Application #18/19-6, 129 Boston Avenue, to the May 16, 2019 meeting. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

Commissioner Baldwin stated she may not be present at the May 16, 2019 meeting and would not be present at the June 6, 2019 meeting.

Commissioner Joshi encouraged people to get out and vote on May 7th.

PLANNING COMMISSION

May 16, 2019

The City of Portage Planning Commission meeting of May 16, 2019 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four 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 & Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll: Patterson (yes); Corradini (yes); Stoffer (yes); Schimmel (yes); Joshi (yes); Pezzoli (yes) and Fries (yes). A motion was then made by Commissioner Patterson, seconded by Commissioner Joshi, to approve the roll excusing Commissioners Baldwin and Harrell-Page. The motion was approved 7-0.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the May 2, 2019 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Fries, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. **Final Report: Rezoning Application #18/19-6, 129 Boston Avenue.** Mr. Forth summarized the May 10, 2019 final preliminary staff report regarding a request received from Attorney Joey Kejbou, on behalf of the property owner Jayesh and Neha Sharma, to rezone 129 Boston Avenue from R-1A, one family residential to OS-1, office service. Mr. Forth stated the applicant's intent for the rezoning, as outlined in the application materials, was to establish a small office at 129 Boston Avenue and establish a medical marihuana provisioning center at 5747 South Westnedge Avenue. Mr. Forth indicated that Mr. and Mrs. Sharma also own the two adjacent parcels to the west addressed as 121 Boston Avenue and 5747 South Westnedge Avenue, which currently function as one "zoning lot". Mr. Forth indicated the rezoning consideration was a land use issue involving further nonresidential zoning encroachment into the neighborhood and not whether or not a medical marihuana provisioning center would be appropriate at 5747 South Westnedge Avenue. Mr. Forth summarized previous rezoning considerations that have occurred along the east side of South Westnedge Avenue, between 2002-2013, and the adjustment that was made to the Future Land Use Map boundary between general business/residential land use with the 2014 Comprehensive Plan Update to achieve consistency and depth of commercial land use along the east side of South Westnedge Avenue. Mr. Forth summarized the staff recommendation and rationale to deny the rezoning request including the finding that the proposed OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and adjacent zoning pattern; retention of the existing commercial/residential zoning pattern and boundary along the north side of

Boston Avenue represents an appropriate depth of commercial zoning (233 feet) along South Westnedge Avenue that can support viable commercial development/redevelopment; the recommendation is consistent with the 2002 and 2013 rezoning decisions and subsequent 2014 Future Land Use Map and will minimize negative impacts on the adjacent residential neighborhood; similar to other residential properties located adjacent to South Westnedge Avenue continued use of 129 Boston Avenue as a single family residence remains a suitable option for the property; there are numerous other vacant and/or underutilized office properties including 121 Boston Avenue (also owned by Mr. and Mrs. Sharma) that could accommodate the proposed office use; and redevelopment and redefining of the zoning lot comprised of 5747 South Westnedge Avenue and 121 Boston Avenue is also an option for the applicant and/or property owner to accommodate the proposed attorney office and medical marihuana provisioning center without the need to rezone 129 Boston Avenue.

Joey Kejbou (attorney representing Mr. and Mrs. Sharma) was present to support the rezoning application. Attorney Kejbou restated his intentions to establish a low intensity satellite office for his law practice at 129 Boston Avenue and also establish a medical marihuana provisioning center within the existing building located at 5747 South Westnedge Avenue. Attorney Kejbou indicated a current zoning transition of B-3 to R-1A exists between 121 and 129 Boston Avenue and the proposed zoning transition of OS-1 to R-1A between 129 and 205 Boston Avenue represents a lower intensity zoning/land use arrangement that would serve as a buffer to the interior neighborhood. Attorney Kejbou stated the intended use of 129 Boston Avenue would be a very low intensity satellite office for his law practice with only one person (himself) present at the site approximately 2-3 days per week. Attorney Kejbou indicated the property owner to the east at 205 Boston Avenue spoke in support of the zoning change at the May 2nd meeting. Attorney Kejbou stated he believes the requested OS-1 zoning is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use pattern.

Jay Sharma (owner of subject property) also spoke in support of the zoning change. Mr. Sharma indicated he has been a small business owner in Portage for the past 23 years and provided a brief history of his acquisition of 5747 South Westnedge Avenue, 121 Boston Avenue and most recently 129 Boston Avenue. Mr. Sharma discussed the difficulties of trying to secure a replacement tenant for Sleep Doctor within the southern approximate 5,600 square feet of 5747 South Westnedge Avenue since they vacated the premises in February 2019. Mr. Sharma indicated the proposed rezoning of 129 Boston Avenue to OS-1, office service represent a low intensity zoning classification that would have no impact on the adjacent neighborhood. Mr. Sharma also stated the adjacent property to the north has a greater depth of B-3 zoning from South Westnedge Avenue that encompasses approximately 75% of 129 Boston Avenue, if the zoning boundary was extended to the south.

The Planning Commission, staff and the applicant next discussed various aspects of the proposed rezoning request, along with the planned uses. Commissioner Schimmel asked why the existing commercial building at 5747 South Westnedge Avenue could not be demolished and a new building constructed to accommodate the proposed small office use and medical marihuana provisioning center. Mr. Sharma indicated this is an option, however, the building was constructed in the 1980s and is still a solid block structure. Mr. Sharma also stated that approximately \$400,000 was recently invested into the building for the former Sleep Doctor and current DXL Men's Apparel tenants. Commissioner Patterson asked for clarification on whether the intended use of the property should be a factor of consideration by the Planning Commission. Attorney Brown stated that the intended use can be considered, however, with the understanding that the applicant is not bounded by these representations and that any use that is allowed under the requested zoning district would be allowed at the site, if rezoned. Attorney Brown stated the primary rezoning consideration criteria is outlined in the staff report and includes consistency with the Comprehensive Plan, Future Land Use Map, development guidelines, surrounding land use/zoning pattern, traffic, environment and neighborhood impacts.

The public hearing was reconvened by Chairman Stoffer. One citizen (John Jures, 5058 Huntington Boulevard, Carmel, Indiana) spoke regarding the proposed rezoning. Mr. Jures indicated he was a commercial real estate broker in Michigan and Indiana and described the challenges with trying to market the vacant tenant space formerly occupied by Sleep Doctor at 5747 South Westnedge Avenue. Mr. Jures stated that demolition of the existing building and redevelopment of the site with a new building is an option, however, may be problematic given the existing lease agreement with DXL Men's Apparel. Mr. Jures discussed the trend in commercial real estate with the top three strongest tenants being associated with the food, fitness and medical retail industries. Mr. Jures indicated that a medical marihuana provisioning center is a high demand use that

would be a good fit in the vacant approximate 5,600 square foot tenant space. No additional citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Schimmel, seconded by Commissioner Corradini, to close the public hearing. The motion was unanimously approved.

The Planning Commission and staff next discussed various aspects of the proposed rezoning and planned uses including the existing building square footage/useable floor area and parking associated with the zoning lot comprising 5747 South Westnedge Avenue and 121 Boston Avenue, historical development of the site, past rezoning decisions in the area, changes made to the Comprehensive Plan/Future Land Use Map, depth of commercial zoning along South Westnedge Avenue and further encroachment of nonresidential zoning into the adjacent neighborhood and options currently available to the applicant/property owner to accommodate the proposed office use and medical marijuana provisioning center without the need for additional rezoning.

After additional discussion, a motion was made by Commissioner Corradini, seconded by Commissioner Fries, to recommend to City Council that Rezoning Application #18/19-6 be denied and 129 Boston Avenue remain zoned R-1A, one family residential. The motion concurred with the analysis and findings contained in the May 10, 2019 Department of Community Development staff report in that: 1) The proposed OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and the adjacent zoning pattern and, if rezoned, may negatively impact the adjacent residences with increases in traffic (including neighborhood cut-through traffic), noise, lights, among others; 2) Retention of the existing commercial/residential zoning pattern and boundary along the north side of Boston Avenue represents an appropriate depth of commercial zoning (233 feet) along South Westnedge Avenue that can support viable commercial development/redevelopment. This recommendation is consistent with the 2002 and 2013 rezoning decisions noted above and the subsequent change to the 2014 Future Land Use Map, and will minimize negative impacts on the adjacent residential neighborhood; 3) Given the size/configuration of the subject property and location of the buildings, conversion of the existing dwelling to an office use as proposed by the applicant and construction of required off-street parking, loading/unloading area, among others may be problematic; and 4) There are numerous other vacant and/or underutilized OS-1 zoned properties throughout the city, including 121 Boston Avenue (also owned by Mr. and Mrs. Sharma) that could accommodate the proposed office use. Redevelopment and redefining of the zoning lot comprised of 5747 South Westnedge Avenue and 121 Boston Avenue is also an option for the applicant and/or property owner to accommodate the proposed attorney office and medical marijuana provisioning center without the need to rezone 129 Boston Avenue. Upon a roll call vote: Schimmel (yes), Joshi (yes), Corradini (yes), Stoffer (yes), Pezzoli (yes), Fries (yes) and Patterson (yes), the motion was unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Resolution Honoring Chairman Wayne Stoffer. Vice-Chairman Corradini read a Resolution honoring Chairman Wayne Stoffer for his ten years of service to the Planning Commission. A motion was then made by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the Resolution. The motion was unanimously approved. Chairman Stoffer thanked staff, Attorney Brown and his fellow Commissioners for their assistance and support over the years and stated it has been an honor serving on the Planning Commission. Mr. Forth thanked Chairman Stoffer for his years of service with the City of Portage.

STATEMENT OF CITIZENS/COMMISSIONERS:

None.

TO: Planning Commission

DATE: May 10, 2019

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Final Report: Rezoning Application #18/19-6, 129 Boston Avenue

I. INTRODUCTION:

An application has been received from Attorney Joey Kejbou, on behalf of the property owner Jayesh and Neha Sharma, requesting that 129 Boston Avenue be rezoned from R-1A, one family residential to OS-1, office service. As background information, Mr. and Mrs. Sharma also own the adjacent zoning lot to the west addressed as 5747 South Westnedge Avenue/121 Boston Avenue, zoned B-3, general business

According to the information submitted by the applicant, the rezoning is being requested to facilitate reuse of the existing single family residence as an office, which he contends would also provide a buffer from the commercial activity along the South Westnedge Avenue corridor. The applicant also indicates a zoning change to OS-1 would make the adjacent zoning lot at 5747 South Westnedge Avenue/121 Boston Avenue eligible for a medical marihuana provisioning center. For Commission information, Section 42-262.B.16 does not allow medical marihuana facilities to be adjacent to a residential zoning district.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
James Bruinsma (on behalf of Jayest and Neha Sharma)	129 Boston Avenue	01610-005-O	R-1A	OS-1
One parcel – 0.46 acres (66-feet by 302-feet)				

As the Commission may recall, an almost identical rezoning request was considered by staff and the Planning Commission in December 2018/January 2019. Rezoning Application #18/19-3 was received from Attorney James Bruinsma, on behalf of the property owner Jayesh and Neha Sharma, requesting that 129 Boston Avenue be rezoned from R-1A to B-3 or OS-1.

At the January 17, 2019 meeting, the Planning Commission voted 7-0 to recommend to City Council that the rezoning request be denied. The Planning Commission determined the proposed B-3 or OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and the adjacent zoning pattern and, if rezoned, may negatively impact the adjacent residences with increases in traffic (including neighborhood cut-through traffic), noise, lights, among others. The finding also concluded that retention of the existing commercial/residential zoning pattern and boundary along the north side of Boston Avenue represents an appropriate 233-foot depth of commercial zoning along the east side of South Westnedge Avenue that can support viable commercial development/redevelopment. Additionally, the Commission concurred with staff that the recommendation on the 129 Boston Avenue rezoning was consistent with the previous 2002 and 2013 rezoning decisions involving 120/126 East VanHousen Boulevard, 121 East VanHosen Boulevard and 122 Boston Avenue and the subsequent changes to the 2014 Future Land Use Map, and will minimize negative impacts on the adjacent residential neighborhood. Both staff and the Commission concluded that similar to other residential parcels that are also situated adjacent to the South Westnedge Avenue commercial corridor, continued use of 129 Boston Avenue as a single family residence is still a suitable option.

Subsequent to the Planning Commission recommendation, the property owner (Mr. Sharma) on February 14, 2019 withdrew the rezoning application, and, therefore, it was not considered by City Council. Mr. Kejbou approached the property owner in the Spring of 2019 to submit a new rezoning application. Because City Council did not review and act on the prior rezoning application, this new rezoning application can be considered by the Planning Commission and City Council.

II. EXISTING CONDITIONS:

Land Use/Zoning	<u>Rezoning Site:</u> 129 Boston Avenue is currently developed with a 768 square foot single family residence and 528 square foot detached garage zoned R-1A, one family residential. <u>West/North:</u> Commercial uses zoned B-3, general business <u>East:</u> Single family residences zoned R-1A, one family residential. <u>South (across Boston Avenue):</u> Single family residences zoned R-1A, one family residential.
Zoning/Development History	No rezoning of properties in the surrounding area have occurred since adoption of the 2014 Comprehensive Plan. However, several earlier rezonings have occurred along the east side of South Westnedge Avenue, between I-94 and East Milham Avenue, to facilitate commercial redevelopment developments, while addressing issues related to neighborhood protection. - In 2013, City Council rezoned 120 East Van Hoesen Boulevard from R-1A, one family residential to B-3, General Business and 126 East Van Hoesen Boulevard from R-1A, one family residential to P-1, vehicular parking. This rezoning facilitated the AT&T commercial redevelopment project at the southeast corner of South Westnedge Avenue & East VanHoesen Boulevard. - In 2006, City Council rezoned 5933 South Westnedge Avenue, 124 and 202 Colonial Avenue from B-3, General Business and R-1A, one family residential to CPD, Commercial Planned Development. This rezoning facilitated the Walgreens commercial redevelopment project at the northeast corner of South Westnedge Avenue & East Milham Avenue. - In 2002, City Council rezoned 121 East VanHoesen Boulevard from R-1A, one family residential to P-1, vehicular parking with the exception of the east 25 feet that remained zoned R-1A as a buffer area for the adjacent neighborhood. This rezoning facilitated the Honey Baked Ham commercial redevelopment project and parking expansion at the northeast corner of South Westnedge Avenue & East VanHoesen Boulevard. - In 2002, City Council rezoned 122 Boston Avenue from R-1A, one family residential to P-1, vehicular parking with the exception of the east 25 feet and north 5 feet which remained zoned R-1A in an effort to minimize impacts on the adjacent residents. This rezoning facilitated a parking lot expansion for the Advantage Physical Therapy commercial site at the southeast corner of South Westnedge Avenue & Boston Avenue.
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	South Westnedge Avenue is designated a 6-7 lane major arterial roadway with 41,784 vehicles per day (2014) and a capacity of 51,600 vehicles per day (level of service "D"). Boston Avenue 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 South Westnedge Avenue and Boston Avenue.

Environmental	The City of Portage Natural Resources Map does not identify any potential wetland area, floodplains or other environmentally sensitive areas on the subject site.
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III. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the rezoning request at the May 2, 2019 meeting. Joey Kejbou (attorney representing Mr. and Mrs. Sharma) was present to support the rezoning application and discuss the plans to convert the 129 Boston Avenue residence/parcel to an office and also establish a medical marihuana provisioning center at the 5747 South Westnedge Avenue/121 Boston Avenue zoning lot. Attorney Kejbou indicated the 129 Boston Avenue parcel is a transitional property and the proposed office use would have no adverse impacts on the interior residential neighborhood. Attorney Kejbou also stated that he believes the requested OS-1 zoning for 129 Boston Avenue is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use pattern. One citizen (Tyson Lamoreaux, 205 Boston Avenue) spoke regarding the proposed rezoning. Mr. Lamoreaux stated he had no objection to the OS-1 rezoning and proposed attorney office at 129 Boston Avenue and also expressed no objection to the plan to establish a medical marihuana provisioning center with the existing commercial building at 5747 South Westnedge Avenue. No additional citizens spoke in regards to the proposed rezoning during the public hearing and no letters or communications from interested citizens have been received at the time of report preparation.

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 parcel as situated within a zone of transition between General Business and Single Family Detached-Medium Density Residential land use. The Comprehensive Plan also identifies South Westnedge Avenue as a major commercial corridor. These designations are intended to serve as a general guide for future development and do not follow property lines. The location of specific zoning district boundaries in areas of transition 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.

As noted above, the 2002 rezoning of 122 Boston Avenue retained a buffer of R-1A zoning along the east 25 feet and north five feet to protect residential uses to the east and north, including the property at 129 Boston Avenue. In addition, during the 2013 rezoning review of 120 and 126 East Van Hoesen Boulevard, the inconsistent or "jagged" nature of the boundary between the South Westnedge Avenue commercial uses and the residential neighborhood was discussed at length by City Council. In response, the Future Land Use Map along the east side of South Westnedge Avenue, between I-94 and East Milham Avenue was modified as part of the 2014 Comprehensive Plan Update: the boundary between the General Business and Single-Family Detached-Medium Density Residential land use categories was "straightened" in an attempt to improve the viability of commercial land uses, while providing more clarity regarding the extent of commercial encroachment into the adjacent residential neighborhood.

The proposed OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and the adjacent zoning pattern. While the 129 Boston Avenue parcel is situated within a zone of transition between commercial and residential land uses, the existing properties located to the west at 5729 and 5747 South Westnedge Avenue and 121 Boston Avenue provide approximately 233 feet of B-3 zoned depth from South Westnedge Avenue for commercial development/redevelopment. Comparatively, properties located to the south have lesser B-3 zoned depth from South Westnedge Avenue, ranging between 132-189 feet, with additional lower-intensity P-1, Vehicular Parking zoning to support commercial development. The existing commercial/ residential zoning pattern and boundary along the north side of Boston Avenue represents an appropriate depth of commercial zoning along South Westnedge Avenue, which is consistent with the Comprehensive Plan/Future Land Use Map and that will minimize related impacts on the interior residential neighborhood.

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 OS-1 zoning district is not entirely consistent with applicable development guidelines contained in the Comprehensive Plan (see attached).

Suitability of Existing R-1A Zone/Impacts of Proposed OS-1 Zone. Similar to other residential parcels that are situated adjacent to the South Westnedge Avenue commercial corridor, continued use of the subject property (129 Boston Avenue) as a single family residence is still a suitable option, consistent with residential uses to the east and south. The proposed OS-1 zone is less intensive than the B-3 district, however, existing single-family residences located adjacent to office zoning may be impacted due to an increase of activities such as customer/employee traffic, parking lot lighting, noise and vehicular cut-thru traffic through this adjacent residential neighborhood. However, there are zoning code tools intended to help minimize these impacts.

Given the size/configuration of the subject property (0.46 acre, 66-feet by 302-feet) and location of the buildings, conversion of the existing dwelling to an office and construction of required off-street parking, loading/unloading area, and storm water facilities may be problematic without: 1) variances from the Zoning Board of Appeals or 2) assembling 129 Boston with the 5747 South Westnedge Avenue/121 Boston Avenue zoning lot. As stated previously, the existing 233 feet of B-3 zoning from South Westnedge Avenue represents an appropriate depth of nonresidential zoning along the north side of Boston Avenue that will support commercial development/redevelopment activities, while minimizing impacts on the interior residential neighborhood.

As additional information, the existing 0.80 acre zoning lot that comprises 5747 South Westnedge Avenue/121 Boston Avenue, which is under the same ownership as 129 Boston Avenue, is occupied by a 10,971 square foot commercial building constructed in 1977 (DXL Men's Apparel and vacant tenant space formerly occupied by Sleep Doctor), a 926 square foot single-family dwelling constructed in 1954 that has been used as both an office and more recently (January/February 2019) residential rental unit and 35 off-street parking spaces. A total of 35 off-street parking spaces will support 7,000 square feet of usable retail/office space (one space per 200 sq. ft. of usable floor area) or nearly 60% of the combined gross floor area of the two existing buildings. If the 926 square foot building were removed, approximately 10 additional parking spaces could be added to support the larger retail building. Demolition of one or both of these aged buildings and redevelopment of the properties to redefine this zoning lot is also an option for the applicant and/or property owner. If the retail building at 5747 South Westnedge did not require parking at 121 Boston, the

zoning lot could be separated into two parcels and accommodate the proposed attorney office and medical marihuana provisioning center, without the need for the rezoning of 129 Boston Avenue.

Traffic Considerations. Rezoning the subject property from R-1A to OS-1 would result in an increase in nonresidential traffic generation dependent upon the type of office use that would be established at the site. Boston Avenue is a local residential street and rezoning the subject property to OS-1 may generate nonresidential traffic further into the residential neighborhood, potentially negatively impacting the area. Cut-thru traffic to East Milham Avenue via Concord Street may also occur.

V. RECOMMENDATION:

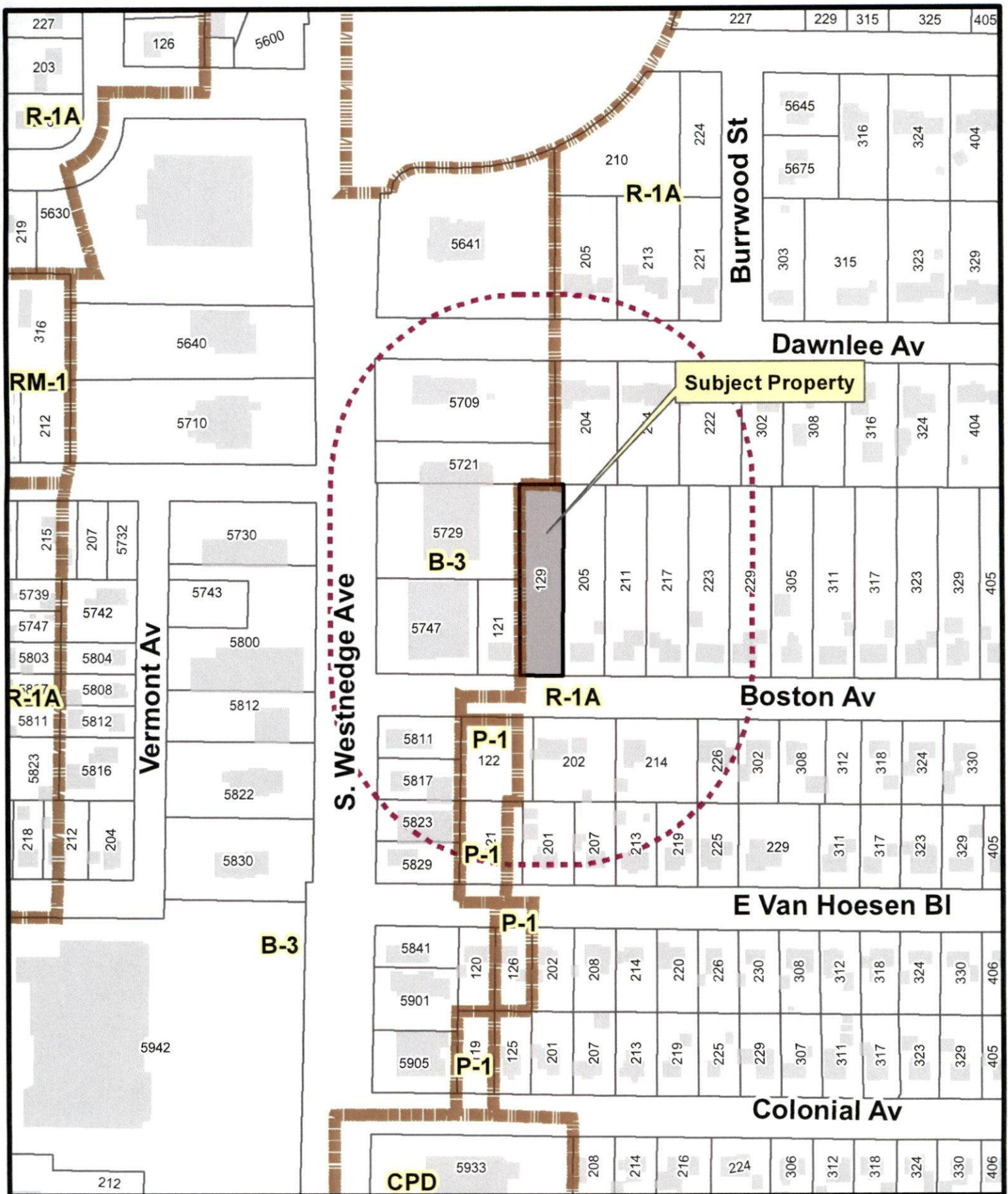
Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #18/19-6 be denied and 129 Boston Avenue remain zoned R-1A, one family residential. The land use issue is about further encroachment of nonresidential development into a neighborhood, not whether a medical marihuana facility is appropriate at 5747 South Westnedge Avenue.

The proposed OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and the adjacent zoning pattern and, if rezoned, may negatively impact the adjacent residences with increases in traffic (including neighborhood cut-through traffic), noise, lights, among others. Retention of the existing commercial/residential zoning pattern and boundary along the north side of Boston Avenue represents an appropriate depth of commercial zoning (233 feet) along South Westnedge Avenue that can support viable commercial development/redevelopment. This recommendation is consistent with the 2002 and 2013 rezoning decisions noted above and the subsequent change to the 2014 Future Land Use Map, and will minimize negative impacts on the adjacent residential neighborhood.

Similar to other residential properties located adjacent to the South Westnedge Avenue commercial corridor, continued use of 129 Boston Avenue as a single family residence remains a suitable option for the property. While the proposed OS-1 zone is not as intensive as the adjacent B-3 zone, it is not entirely consistent with the Comprehensive Plan/Future Land Use Map designations or the surrounding zoning pattern. The nearest OS-1 zoned property is located along the north side of West Milham Avenue, west of Georgia Avenue, within the designated Milham Avenue Office Corridor.

Given the size/configuration of the subject property (0.46 acre, 66-feet by 302-feet) and location of the buildings, conversion of the existing dwelling to an office use as proposed by the applicant and construction of required off-street parking, loading/unloading area, among others may be problematic without 1) a variance(s) from the Zoning Board of Appeals or 2) assembling 129 Boston with 5747 South Westnedge Avenue/121 Boston Avenue. Finally, there are numerous other vacant and/or underutilized OS-1 zoned properties throughout the city, including 121 Boston Avenue (also owned by Mr. and Mrs. Sharma) that could accommodate the proposed office use. Redevelopment and redefining of the zoning lot comprised of 5747 South Westnedge Avenue and 121 Boston Avenue is also an option for the applicant and/or property owner to accommodate the proposed attorney office and medical marihuana provisioning center without the need to rezone 129 Boston Avenue.

Attachments: Zoning/Vicinity Map
Aerial Photo Map
Future Land Use Map
Development Guideline Table (OS-1)
Rezoning Application and Supporting Materials

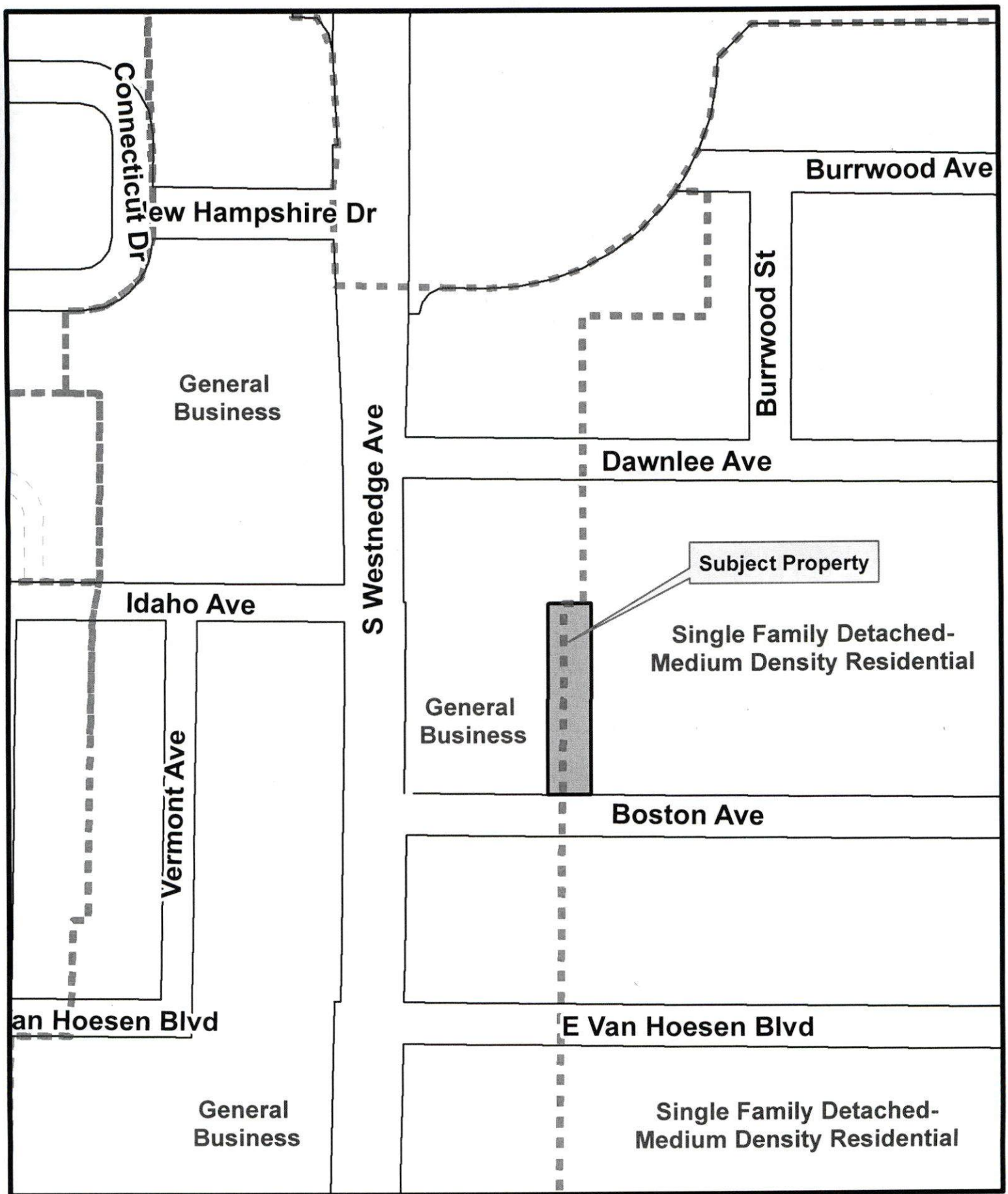


-  Zoning Boundary
-  Subject Property
-  300' Notification Boundary

Rezoning: #18/19 - 6
129 Boston Avenue



1 inch = 200 feet



 Future Land Use
 Subject Property

Future Land Use Map 129 Boston Avenue



1 inch = 200 feet



Aerial Photography
129 Boston Avenue



1 inch = 100 feet
(120)

DEVELOPMENT GUIDELINES
Rezoning Application #18/19-6, 129 Boston Avenue
(OS-1, Office Service)

Guideline	Description	Consistent	Comments
Rezoning Requests Z-1	Consistency with Future Land Use Plan	No	Future Land Use Map identifies the rezoning parcel as situated within a zone of transition between General Business and Single Family Detached-Medium Density Residential land use. Based on the surrounding land use/zoning pattern, the proposed OS-1 district is not entirely consistent with the Future Land Use Map.
Commercial – 1	Coordinated Development	No	The request for OS-1 zoning is not entirely consistent with the Future Land Use Map and redevelopment of the small property with a stand alone office use would not result in a coordinated development pattern.
Commercial – 2	Commercial/Office Uses in General	No	While the property is situated adjacent to existing commercial zoning on South Westnedge Avenue, additional nonresidential zoning will result in further encroachment adjacent to the residential uses along Boston Avenue.
Commercial – 3	Local Business Uses	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 4	Regional and General Commercial Uses	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 5	Portage Commerce Square	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 6	City Centre Area	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 7	Lake Centre Business Area	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 8	Office/Commercial Site Design	N/A	Issues associated with pedestrian circulation, site lighting, storm water design, shared/cross access, among others would be reviewed at the site plan stage of development if rezoned to OS-1.
Natural & Historic Resources - 1	Environmental Protection	Yes	City of Portage Natural Resources Map does not identify wetland, floodplain or other environmentally sensitive areas on the subject property.
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Storm water system will be reviewed at the site plan stage of development if rezoned to OS-1.
Natural & Historic Resources – 4	Noise	Yes	Site design issues including noise associated with the proposed retail development will reviewed at the site plan stage of development if rezoned to OS-1.

Natural & Historic Resources – 5	Historic Resource Preservation	Yes	The rezoning site does not contain any historic buildings and is not situated within an established historic district.
Transportation – 1	Transportation Systems	No	Boston Avenue is a local residential street. Rezoning the subject property to OS-1 may direct nonresidential traffic further into the residential neighborhood negatively impacting the area. Cut-through traffic to East Milham Avenue via Concord Street may also occur.
Transportation – 2	Street Design	N/A	No new streets are proposed.
Transportation – 3	Access Management	N/A	Site design issues involving access management will be reviewed at the site plan stage of development if rezoned to OS-1.
Transportation – 4	Non Motorized Travel	N/A	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development if rezoned to OS-1.
Transportation – 5	Right-of-Way Preservation	N/A	Reviewed at the site plan stage of development if rezoned to OS-1.
Transportation – 6	Parking	N/A	Reviewed at the site plan stage of development if rezoned to OS-1.
Municipal Facilities & Services – 2	Sanitary Service	N/A	Sanitary sewer is currently available at the site if rezoned to OS-1.
Municipal Facilities & Services – 3	Underground Utilities	N/A	Reviewed at the site plan stage of development if rezoned to OS-1.

T:\COMMDEV\2018-2019 Department Files\Board Files\Planning Commission\PC Reports\Development Guidelines Tables\Guideline Table 18-19-3 (OS-1).docx

(Rezoning Application #18/19-6)

Michael West

From: Planning and Zoning Applications
Sent: Monday, April 01, 2019 4:54 PM
To: Christopher Forth; Michael West
Subject: FW: Online Form Submittal: Zoning Amendment Application

RECEIVED
APR 02 2019
COMMUNITY DEVELOPMENT

From: noreply@civicplus.com [mailto:noreply@civicplus.com]
Sent: Monday, April 01, 2019 4:14 PM
To: Planning and Zoning Applications <PlanningZoningApplications@portagemi.gov>
Subject: Online Form Submittal: Zoning Amendment Application

Zoning Amendment Application

Applicant Information

First Name	Joey
Last Name	Kejbou
Address	3458 Connors Drive
City	Rochester Hills
State	MI
Zip Code	48307
Email Address	joey@jpklegal.com
Phone Number	248-229-8282
Fax Number	248-250-5597

Property Owner Information

Required if property owner is different than the applicant

First Name	Jayesh & Neha
Last Name	Sharma
Address	6804 Veronica Street
City	Kalamazoo
State	MI

Zip Code	49009
Phone Number	<i>Field not completed.</i>
Fax Number	<i>Field not completed.</i>
Email Address	<i>Field not completed.</i>
Zoning Map Amendment	
Property Address	129 Boston Avenue
Parcel ID No.	<i>Field not completed.</i>
Plat Name (if applicable)	<i>Field not completed.</i>
Current Zoning	R-1A, One Family Residential
Proposed Zoning	OS-1 Office Service
Comprehensive Plan Designation	<i>Field not completed.</i>
Site Area (acreage)	<i>Field not completed.</i>
Current Land Use	Residential/Vacant
Proposed Land Use	Single Use Law Office Part Time
Zoning Code Text Amendment	
<i>Zoning Code section proposed to be modified and/or Proposed language to be considered.</i>	
Proposed Amendment	Please see attached Propose Amendment
Applicant/Property Owner Certification	
<i>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.</i>	
upload file attachment if needed	<u>Proposed Amendment- Zoning Amendment Change.pdf</u>
Electronic Signature Agreement	I agree.
Electronic Signature	Joey Kejbou
Date	April 1, 2019

Proposed Amendment

Explain Proposed Amendment

RECEIVED
APR 02 2019
COMMUNITY DEVELOPMENT

129 Boston Avenue (the **Property**) is a rectangular parcel located near the S Westledge Avenue commercial corridor, south of Interstate 94. The Property is immediately adjacent to properties zoned B-3 on its western, northern, and southern boundaries. To the east is a residential lot improved with a single-family home.

Over the past decade, there has been substantial growth along the adjoining S Westledge Avenue corridor, including development of a Walgreens and an AT&T retail store. The large vacant parcel to the south of the Property also provides substantial space for additional commercial development.

Each of the adjoining lots are used for retail activity, and the Property itself is surrounded on three sides with parking lots to service those retail uses. The entire western boundary of the Property adjoins surface parking; nearly all of the northern (rear) Property line adjoins surface parking; and one of the parcels across Boston Avenue to the south is a parking lot — making the Property marginally desirable for continued use as a single-family home. In fact, the Property's current zoning as R-1A creates a cutout from the commercial corridor running the length of S Westledge Avenue in this area, leading to an anomalous situation for a residential property of having the rear yard adjoin a commercial parking lot rather than a residential back yard, and having a front yard partially face a commercial parking lot across the street.

Given the unique circumstances of the Property, the owner seeks rezoning to allow use of the Property that is consistent with neighboring parcels on three sides. The anticipated use will be low intensity and have nominal impact on residential properties to the east. The current plan is to convert the existing house to a small office space, providing a further buffer from commercial activity along S Westledge Avenue.

The rezoning of the Property will also allow it to function as a buffer parcel to the extent the parcel at 5747 S Westledge Avenue is used for medical marijuana facilities by a licensee in the future. That particular parcel has been recognized as an appropriate location for such a facility, and a small commercial space on the Property will serve to separate the 5747 Parcel and its adjoining parking lot from the housing to the east.

Nothing in the proposed rezoning will impact traffic or otherwise create nuisance conditions for the adjoining neighborhood. The Property is of such a size and configuration that it will support only limited intensity of use that will not disturb the

Zoning Amendment Request

129 Boston Avenue – Parcel No. 01610-005-0

Supplemental Attachment to Online Application Form

Page 2

neighbors to the east. The Property has no other unique characteristics or features that require continuation as a residentially-zoned property.

The owner respectfully requests that the rezoning request be granted. Such a rezoning will facilitate the concentration of commercial activity along the Westnedge corridor without creating any negative effects on neighboring residential uses.

549094

Proposed Amendment

Address: 129 Boston Avenue, Portage, Michigan 49002 ("Property")

Physical Characteristics: The Property is a rectangular parcel located two parcels east of S Westnedge Avenue's commercial corridor, just south of Interstate 94. Each of the western and northern boundaries of the Property abut properties designated as B-3 General Business. To the east of the Property there are additional residential lots which are zoned R-1A One Family Residential. As it currently sits, much of the Property is undeveloped and used as yard space, particularly to the north of the structure located on the Property.

Recent History of the Property and 5747 S Westnedge: During the course of the last ten years, the neighboring properties to the east of the subject Property have experienced a significant amount of development and commercialization. More specifically, the target area has seen the recent developments of an AT&T retail store in addition to a Walgreens pharmacy. The neighboring property, 5747 S. Westnedge, Portage, Michigan, which has common ownership with the subject Property, has undergone extensive renovations when the current ownership group incurred significant expenses in trying to bring in a national retailer who still occupies a portion of the property (DXL Menswear) and building out the other half of the building for the prior mattress and carpet retailers who occupied that space.

Unfortunately, the renovations the current ownership group incurred for 5747 S Westnedge have been for naught, as one half of the building has remained vacant or leased for significantly below market to limit the monthly losses. The current ownership group has attempted to sell, lease or do anything they can to recoup their investments in 5747 S. Westnedge, however their efforts have been largely unsuccessful. 5747 S Westnedge is one of the largest commercial spaces in this particular area of the commercial corridor that remains unoccupied and has been listed for lease since at least December 2017.

Applicant's Proposed Use and Vision: The current applicant is in the medical marihuana industry. Green Bronco, LLC is an entity which has been prequalified by the State of Michigan and which has previously obtained full licensure to operate a legal medical marihuana facility in another local municipality. As it currently stands, 5747 S Westnedge, Portage, Michigan has a vacant unit could potentially be used as a medical marihuana provisioning center however in order for that plan to come to fruition the current subject Property would need to be rezoned to a non-residential designation that would create a buffer from the other residential properties to the east of the subject Property. In the current proposal, we believe Green Bronco could both maximize the potential use of the vacant unit in 5747 S Westnedge while also making 129 Boston a feasible commercial office business.

Specifically, Green Bronco, LLC currently has multiple retail sites in development in the Kalamazoo County area. One of the members of Green Bronco, Joey Kejbou, is also a practicing attorney who serves as Green Bronco's compliance officer for local and state regulatory matters. The intent of the proposed rezoning serves multiple purposes. A rezoning of the subject Property to an office designation would allow Mr. Kejbou and Green Bronco to utilize the building on 129 Boston Avenue as a satellite office of sorts for his law practice as well

as oversight and management of the various medical marihuana facilities owned by Green Bronco in the Kalamazoo County area. It would be a single user, low traffic, low impact type of use for the subject Property. If used in the proposed capacity, it would create less traffic than even the neighboring residential properties as we anticipate only one vehicle being there approximately 1-3 days/week.

In addition to maximizing the potential of the subject Property, the neighboring unit at 5747 S Westnedge, Portage, Michigan would become a functional, tax generating medical marihuana provisioning center offering patients medical marihuana. The interior of 5747 S Westnedge would receive extensive renovations that will be built to code and professionally maintained in accordance with local and state laws. In addition, if the proposed rezoning is approved, the local properties and area as a whole would be indirect beneficiaries of 5747 S Westnedge's new landscaping, improved security surveillance that will exist all over the exterior of that building, updated lighting that would improve visibility and, from a purely financial perspective, the city would receive a boost in tax revenues.

Conclusion and Request for Approval: In reviewing this honorable Commission's prior recommendation and determination we understand and fully appreciate your concerns regarding a B-3, high intensity zoning designation abutting a residential area. Accordingly, we believe the prior decision to deny a rezoning to a B-3 designation was justified. That being said, if 129 Boston remains zoned residential it will continue to abut a B-3 commercial zoning district that would not be an ideal situation for any residential occupant; essentially creating the type of atmosphere the Commission advocated against in issuing their denial. However, the proposed rezoning would create a more effective buffer of a single user, sparsely used law office that segregates the B-3 zoned properties from other Boston Avenue properties to the east of the subject Property. In addition, the concerns previously cited in the Commission's January 17, 2019 report, which included, among other things, traffic, lighting, loading/unloading would all be alleviated and, in fact, improved for the other residential neighbors if the proposed rezoning is approved.

The proposed rezoning, in our analysis, would significantly increase the functionality of both 129 Boston Ave and 5747 S Westnedge while also addressing all of the concerns previously stated by the Commission in their denial from January 17, 2019. In light of the foregoing, we respectfully request that the Commission approve the proposed rezoning.

**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 _____, 2019, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2019, 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:

Street Address

Parcel ID Numbers

129 Boston Avenue

01610-005-O

From R-1A, one family residential to OS-1, office service 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 #18/19-6)

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Kalamazoo Strategic Operations Center

SUPPORTING PERSONNEL: Laurence Shaffer, City Manager

ACTION RECOMMENDED: Approve moving deliberation of the Intergovernmental Agreement with the City of Kalamazoo for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center to the July 23, 2019 City Council meeting.

At the June 11, 2019 City Council meeting, City Council approved more time to discuss the intergovernmental Agreement between the City of Portage and the City of Kalamazoo to form the Kalamazoo Strategic Operations Center. More time remains necessary, so it is recommended that deliberation of the Intergovernmental Agreement be moved to the July 23, 2019 meeting.

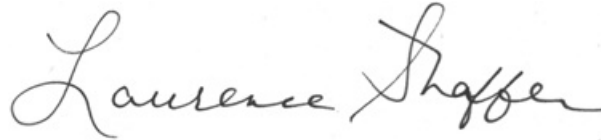
FUNDING: N/A

Attachments:

1. Intergovernmental Public Safety Services Agreement Memo 6.11.19
2. Intergovernmental Public Safety Services Agreement

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Kalamazoo Strategic Operations Center

SUPPORTING PERSONNEL: Nicholas Arnold, Director of Public Safety - Police / Fire Chief

ACTION RECOMMENDED: Approve a three-year inter-governmental agreement with the City of Kalamazoo, Michigan, for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center, and authorize the City Manager to execute all documents related to this matter on behalf of the city.

On April 18, 2019, the City of Kalamazoo notified the City of Portage that the Kalamazoo Department of Public Safety (KDPS) is developing a local fusion center called the Kalamazoo Strategic Operations Center (KSOC), to be located in the recently vacated integrated dispatch center at KDPS headquarters. Fusion centers are designed to promote information sharing between agencies to assist law enforcement operations in identifying and preventing crime, providing a mechanism where law enforcement entities can work together to improve the ability to prevent and investigate crime in their local communities and address the most pressing national challenges, such as gangs, border violence, narcotics, homicides and terrorism. The KSOC is designed not only for local public safety personnel, but is intended to create a collaborative environment that will allow KDPS to partner with the FBI, Michigan State Police, Michigan Department of Corrections, DHS, adult probation/parole and juvenile probation. As the role of analytics, predictive policing and the need for intelligence continues to emerge nationwide, the KSOC analysts will provide direct support to law enforcement operations, assist in crime prevention activities and support the continued regional partnerships between local, state and federal officials.

The Kalamazoo Department of Public Safety plans to hire two Strategic Operations & Intelligence Analysts, and have the KSOC operational by July 1, 2019. If the City of Portage supports this initiative, a third analyst will be hired to serve the Portage Department of Public Safety. The City of Kalamazoo has offered the City of Portage the opportunity to participate in the hiring process for the analysts. Portage will have a representative on the final interview panel and assist in the decision to hire. Rather than adding staff to the Portage Department of Public Safety, the third analyst will remain a City of Kalamazoo employee while specifically representing the needs of the City of Portage. The City of Portage will reimburse the City of Kalamazoo for personnel costs of the third analyst at an approximate annual cost of \$84,000.

It is recommended that City Council approve a three-year inter-governmental agreement with the City of Kalamazoo, Michigan, for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center, and authorize the City Manager to

execute all documents related to this matter on behalf of the city.

FUNDING: Reimbursement to the City of Kalamazoo for personnel costs for one analyst will be funded with the lapsed salaries for the three full-time police officer vacancies in Fiscal Year 2018-2019 and programmed into the budget for each subsequent year.

Attachments: 1. Intergovernmental Public Safety Services Agreement

INTERGOVERNMENTAL PUBLIC SAFETY SERVICES AGREEMENT

This Agreement is between the City of Kalamazoo, 241 West South, Kalamazoo, MI 49007 ("Kalamazoo") through its Department of Public Safety (KDPS) and the City of Portage, 7900 S. Westnedge Ave., Portage, MI 49002 ("Portage") through its Department of Public Safety (PDPS) as authorized by MCL 124.1 *et seq.*

Recitations:

1. Kalamazoo and Portage have determined that it is in each of their interests to form an integrated Strategic Operations Center (KSOC). This center will be staffed with Intelligence Analysts who will utilize data from a multitude of platforms to support crime and fire prevention efforts by both departments. Additionally, the analysts will utilize data to drive operational efficiencies as seen fit by each agency.
2. Kalamazoo is agreeable to providing workspace and infrastructure for the KSOC.
3. Kalamazoo is agreeable to providing a Strategic Operations and Intelligence Analyst to support operations for PDPS.
4. Portage is agreeable to paying the salary and benefits costs associated with one (1) of the assigned Intelligence Analyst.

Therefore the Kalamazoo and Portage agree as follows:

1. Personnel

- Kalamazoo will hire 3 Intelligence Analysts as selected by its Chief of Public Safety to be designated and assigned to the KSOC. All three analysts will be available to provide data analysis for PDPS.
- An Intelligence Analyst position will normally be staffed Monday thru Friday every week of the year by one of the three dedicated analysts from the hours of 0600 to 1600, based on the attached schedule, excluding Kalamazoo-recognized holidays.
- The Intelligence Analysts will at all times be employed by the City of Kalamazoo and remain under the supervision of Kalamazoo Department of Public Safety and abide by all the Policies and General Orders of KDPS as well as the policies of the City of Kalamazoo.

2. Activities

Strategic Operations Intelligence Analysts will provide logistical and investigative support to PDPS through the pro-active use of existing data sources. Activities which may be engaged in by the Strategic Operations Intelligence Analyst include, but are not limited to the following:

- Providing daily Intelligence Briefing specific to PDPS crime data.
- Providing investigative support to PDPS detectives.
- Conducting GIS mapping as necessary and within their capabilities to support PDPS police and fire operations.
- Conducting predictive crime analysis and present to PDPS as requested.
- Monitor crime statistics and share information with PDPS administration to design crime prevention strategies as requested.
- Assisting PDPS with fire standards of cover and response time analysis as needed.
- Prepare such other police and fire service analysis as requested by PDPS.

3. Payment

Kalamazoo through KDPS will invoice the amount of the actual costs of one (1) Intelligence Analyst, to Portage on an approximate quarterly basis (every 3 months) based on the KDPS payroll period and billing cycles of Kalamazoo which will include

- the actual salary and cost of employment benefits, such as, but not limited to, pension and health care for a Strategic Operations Intelligence Analyst, as determined by the then- existing Non-Bargaining Unit (NBU) pay and benefit structure.

Portage agrees to pay the invoice amount within 10 business days of its receipt. However, this obligation shall not be interpreted as creating an employer/employee or independent contractor relationship between the Intelligence Analysts and the City of Portage. The City of Kalamazoo remains solely responsible for the actual salary and all costs of employment benefits as stated above.

The Parties agree to set forth the anticipated quarterly cost of an Intelligence Analyst in a Letter of Agreement for the balance of the 2019 calendar year to be executed contemporaneously with this Agreement. A letter of agreement setting forth the anticipated quarterly cost for each remaining year (or portion of a year) of this Agreement will be

executed by the Parties on or before the last day of December for the next preceding year and each subsequent year for the term of this Agreement.

Nothing contained in this Agreement or any act of the parties shall be deemed or construed by any party or by any third party to create the relationship of principal and agent, of partnership, of joint venture, or joint enterprise or of any association between the parties hereto, nor shall anything contained in this Agreement or any act of the parties be construed to render any party liable for the debt and obligations of any other party.

4. Effective Date, Term of Agreement and Conditions

- The services contemplated under this Agreement shall be provided for a term of 3 years to commence on _____, 2019, and end on _____, 2022.
- This Agreement may be terminated before the end of its term by written agreement of the parties or by 30 days written notice by one party to the other to the attention of the representative listed herein.
- This Agreement may only be amended in writing by the parties' agreement.
- None of the provision of this Agreement shall be construed against a party solely by the virtue of the fact that any such provision was drafted by legal counsel representing such party.
- This Agreement is in furtherance of a governmental function and the parties recognize that Kalamazoo and Portage are not engaged in a proprietary function and each shall retain for itself and its officers and employees all defenses permitted at law, including, but not limited to that of governmental immunity.

Kalamazoo shall be solely liable for the acts and omissions of any Intelligence Analyst assigned to provide the services contemplated by this Agreement and agrees to pay the City of Portage, for any and all liability, obligation, damages, penalties, claims, losses and expenses incurred by the City of Portage by reason of any act or omission of an Intelligence Analyst with regard to the services contemplated by this Agreement. However, Kalamazoo is not obligated by this paragraph to pay for any loss to the extent it is caused by intentional or negligent acts or omissions of Portage or its officers, agents or employees. This paragraph shall survive payment and performance of the obligations imposed by this Agreement and shall survive expiration and/or termination of this Agreement. This Agreement is for the benefit of the parties hereto and is not entered into for the benefit of and shall not be construed to confer any benefit upon any other person or entity.

5. LIASON

Communications and details concerning this Agreement shall be directed to the following Agreement representatives or their successors:

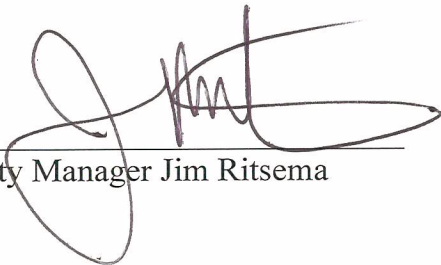
KDPS

Chief Karianne Thomas
Kalamazoo Department of Public Safety
150 E Crosstown Parkway, Ste. A Kalamazoo,
MI 49001
269-337-8270
thomask@kalamazoocity.org

PDPS

Director Nicholas J. Arnold
Portage Department of Public Safety
7810 Shaver Road
Portage, MI 49002
269-329-4567
arnoldn@portagemi.gov

For the City of Kalamazoo:



City Manager Jim Ritsema

6/3/19

Date

FORM APPROVED
6-4-19
CJR
CITY ATTORNEY

For the City of Portage:

City Manager Laurence Shaffer

Date

APPROVED AS TO FORM
DATE 6-7-19

CITY ATTORNEY