

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

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. Committee of the Whole of November 19, 2019.
 - b. Regular Meeting of November 19, 2019.
 - c. Pre-Council Meeting of December 2, 2019.
2. Approval of the Accounts Payable Register of December 3, 2019 as presented.
3. Approve the purchase of computing devices, monitors and accessories from SHI International in the amount of \$166,716.82 and authorize the City Manager to execute all documents related to this action on behalf of the city.
4. Award a contract in the amount of \$58,900 to Fleis & VandenBrink for architectural and engineering professional services for the Lexington Green Park Renovation Project and authorize the City Manager to execute all documents related to this action on behalf of the city.
5.
 1. Approve one-year contracts with Blue Cross Blue Shield of Michigan and Blue Care Network for employee health insurance;
 2. maintain current employer/employee cost sharing practices by taking action to exempt the city from requirements of PA 152 for the 2020 medical benefits plan year, and authorize the City Manager to execute all documents related to the contract renewals on behalf of the city.
6. Approve the Final Condominium Subdivision for Copperleaf Phase 4, 3800 West Milham Avenue, subject to:
 1. completion of sidewalks and street trees by November 2021;
 2. confirmation the asphalt paving meets city specifications; and
 3. two sections of the storm sewer be reviewed before expiration of the two-year maintenance bond.
7. Accept the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 8 (8015, 8043 and 8061 Portage Road, and 2610 and 2700 East Centre Avenue), and set a public hearing for December 17, 2019.
8. Adopt a Resolution authorizing the City Manager to sign all documents with the Michigan Department of Transportation related to Contract 2018-0770 on behalf of the city.
9. Accept Rezoning Application #19/20-3, 1816 East Centre Avenue, for first reading and set a public hearing for January 14, 2020; and subsequent to the public hearing, consider approving Rezoning Application #19/20-3 changing the zoning designation of 1816 East Centre Avenue from R-1B, one family residential, to OS-1, office service.
10. Set a Special Meeting on Tuesday, January 14, 2020, beginning at 5:30 p.m., to interview Board and Commission applicants.
11. Minutes of Boards & Commissions:

- a. Senior Citizens Advisory Board of October 16, 2019.
 - b. Portage Public Schools Board of Education Policy Governance Retreat and Committee of the Whole / Work Session of November 11, 2019.
12. Materials Transmitted for November 19, 2019.
13. Calendar of Meetings:
- Historic District Commission, Wednesday, December 4, 2019 - CANCELLED.
 - Park Board, Wednesday, December 4, 2019, 6:30 p.m. in City Hall Room #1.
 - Human Services Board, Thursday, December 5, 2019, 6:30 p.m. in City Hall Room #1.
 - Planning Commission, Thursday, December 5, 2019, 7:00 p.m. in Council Chambers.
 - Gourdneck Lake Governmental Lake Board, December 6, 2019 at 1:00 pm, City Hall Room #2.
 - Zoning Board of Appeals, Monday, December 9, 2019, 7:00 p.m. in Council Chambers.
 - Board of Review, Tuesday, December 10, 2019, 8:00 a.m. in City Hall Room #1.
 - Environmental Board, Wednesday, December 11, 2019, 7:00 p.m. in City Hall Room #1.
- B. Petitions and Statements of Citizens:
- C. Communications:
1. Annual update of the Senior Citizen Advisory Board.
- D. Public Hearings:
1. Set a public hearing for January 14, 2020, for Rezoning Application #19/20-2, 1730 East Centre Avenue; and subsequent to the public hearing, consider approving Rezoning Application #19/20-2, changing the zoning designation of 1730 East Centre Avenue from R-1B, one-family residential, to OS-1, office service.
- E. Regular Business Agenda:
- F. Unfinished Business:
- G. Council Committee Reports:
- H. New Business:
- I. Statements of Citizens:
- J. Statements of City Council and City Manager.

Adjournment.

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF THE
PORTAGE CITY COUNCIL OF NOVEMBER 19, 2019**

Mayor Patricia Randall called the meeting to order at 3:03 p.m. The following Councilmembers were present: Councilmembers Lori Knapp, Claudette Reid, Terry Urban and Mayor Patricia Randall. Councilmembers Chris Burns, Richard Ford and Mayor Pro Tem Jim Pearson were absent with excuse. Also present were City Manager Joe La Margo, Deputy City Manager Rob Boulis, City Attorney Randy Brown, Director of Transportation & Utilities Kendra Gwin and Deputy City Clerk Erica Eklov.

Mayor Randall asked City Manager Joe La Margo to introduce the purpose of the meeting. City Manager La Margo relayed that the City Administration had received the Fishbeck report on Friday, November 15th and stressed that it is a draft report. The City Manager provided a summary of the basis for the Fishbeck study and then turned the meeting over to Director of Transportation and Utilities Kendra Gwin.

Director Gwin first provided an update on the status of the short-term permit with Michigan Department of Environment, Great Lakes, and Energy (EGLE) and noted that the long-term response was the reason for the Fishbeck study. Director Gwin introduced the representatives from the Fishbeck engineering firm.

Mr. Brian McKissen, Senior Civil Engineer, and Elise Tripp, Senior Environmental Scientist, introduced themselves and began the presentation by outlining the area studied for the report. Mr. McKissen explained the preparation efforts undertaken by Fishbeck to date. He noted that the proposed high water level remediation plan included a piping outlet through the bogs in the area. Mr. McKissen then detailed recent meetings between Fishbeck representatives and EGLE in order to gain feedback, concerns and plan the next steps in the remediation process.

Ms. Tripp of Fishbeck then presented the five areas the firm had studied to date including wetland delineation, a natural features survey, an invasive species survey, a threatened and endangered species survey and surface water samples. Ms. Tripp explained that the natural features survey examined, among other things, the project area's plants and potential impacts to the natural habitats. Ms. Tripp noted that the study found the bogs to be free of invasive species, whereas Portage Creek has an extensive presence of invasive species, which is preferred when it comes to the movement of the water travelling from a clean area to an invaded area. With regard to the threatened and endangered species, Ms. Tripp noted there are five rare species present, but none were observed in the project area. She stated that additional surveys will be needed in the spring season to confirm the species and the additional details. Ms. Tripp then elaborated that there is a significant pH difference between the two bogs that measured acidic, the creek wetland that measured neutral and the creek and Hampton Lake water that both measured alkaline. Ms. Tripp further stated that the water temperatures measured normal and there were no red flags. She noted that ammonium nitrogen level was also sampled, showing three areas above regular levels and two below. Ms. Tripp went on to explain the stream stability assessment in which EGLE wanted to know whether the stream could handle increased water inflow. Area surveys found that the stream is a high functioning and stable stream. A hydraulic evaluation was also performed and it was noted that some water is feeding from the adjacent highway, as well as the surrounding communities including Texas Township.

Mr. McKissen and Ms. Tripp further discussed the proposed storm water outlet diagrams, noting that the system should have no impact on the surrounding creek wetland. They further presented data regarding 50-year and 100-year storm events and impacts. Mr. McKissen explained that the next steps for the representatives from Fishbeck included a meeting with the regulatory agencies on the preliminary study findings to ensure that the draft reports meet the regulatory agency concerns to allow for a complete and final application. Mr. McKissen finished by summarizing the design challenges and the strategies prepared to address these challenges.

Mayor Randall inquired on the expected cost of the proposed design. Mr. McKissen responded that no estimate had been prepared as of yet. He relayed that Fishbeck wants to meet with the regulatory agencies first in order to understand the scope and potential hurdles in order to best

understand the project and what it may cost.

Mayor Randall then asked whether Fishbeck was preparing alternate solutions before meeting with EGLE. Mr. McKissen responded that Fishbeck will need to have alternative options prepared in response to a requirement of the permit application to the EGLE.

Mayor Randall then asked about high water levels and the impacts on the surrounding residents. Mr. McKissen stated that, in the event lawns were impacted by standing water and rain events, it would be minimal and only for a short duration.

Mayor Randall inquired about the lake on the Moorsbridge golf course and why it was not included as part of the Fishbeck study area. She further inquired about the potential impact on the lake as a result of the proposed drainage project. Mr. McKissen answered that the lake should be brought to the same water level as the bog as a result of the project. Mayor Randall then opened the floor to Councilmember questions.

Councilmember Knapp asked for clarification on the water levels noted in the report regarding the normal high water levels. Mr. McKissen responded.

Councilmember Reid inquired about the timing of the temperature readings, noting that Portage Creek is a certified trout stream due to its low temperatures. Ms. Tripp responded that the temperature sampling was done in the month of August. Further, Ms. Tripp stated that the data is encouraging as bogs are colder than streams and the water route would allow for an equalization of the water temperature. Mr. McKissen commented that storm events and ground water travel also tend to cool water temperatures. Councilmember Reid then inquired whether the final report will address where water in the bogs is coming from as it will aide in figuring future assessments. Councilmember Reid also asked if the final report will address the source of the water in the bog, noting developments to the west appear to have a low impact but surrounding developments have a higher impact on the water level. Councilmember Reid inquired on the length of the permitting process with EGLE. Mr. McKissen responded that most of the work has been completed and that they are hoping for a quick review by EGLE. Ms. Tripp noted that the state is ultimately in control but that EGLE understands the urgency of the matter.

Councilmember Knapp asked whether Fishbeck representatives factored in any of potential future developments. Mr. McKissen responded that they had.

Councilmember Urban asked about the "joint" permit connotation. Mr. McKissen responded that joint was simply the name as the permit is used in multiple fields. Councilmember Urban then questioned the definition of a 100-year weather event and whether that has changed in light of recent events. Mr. McKissen responded that the definition does not change but the data behind it does. He stated that the new data and models from recent events were being accounted for. Councilmember Urban asked if the Greenspire Bog varies in water levels as much as the Hampton Bog. Mr. McKissen responded that it does not due to less storm water feeds and more outlets. Councilmember Urban inquired on the Texas Township project of active pumping versus the passive project planned for the City of Portage. He asked if EGLE had a position on the passive form of storm water management Fishbeck proposed and are there other passive examples currently operating in the state. Mr. McKissen responded that there are versions of the passive system around the state so the concept is not foreign but offered that the Portage project is a specific design due to the nature of the bogs. Councilmember Urban then inquired on the ammonia levels noted and whether the proposed system will address these levels. Mr. McKissen noted that the proposed limestone filter will help to address this and even out the levels.

Mayor Randall acknowledged the citizens present and opened the meeting for public comment.

Dan Farrell, 7646 W. St. Andrews Circle, inquired as to the new high water level. Director Gwin noted that the new level is 872.4. Mr. Farrell then asked what the timeframe was in terms of getting the new system in place. He also inquired about the permitting process and timeline versus the construction process and timeline. Mr. McKissen answered that the time frame was hopefully months

and that EGLE has 90 days to process a permit application. Mr. McKissen also stated that Fishbeck will prepare a construction plan concurrently with the application process. Mr. Farrell asked if the current project will be similar to the Eagle Lake pumping and its deadline of 2024. Mr. McKissen responded that the Portage project should see results within a year as it is not as robust as the Eagle Lake project. Mr. Farrell then inquired of City Council what the final cost was of the emergency pumping that was done in the spring. Director Gwin responded that it was around \$50,000 and included set-up costs, but less pumping due to a drier weather period. She noted that next time the emergency pumping was needed it would be about the same costs since the set up costs were already taken care of but the period may not be as dry.

Bob Fogarty, 7770 W. St. Andrews, noted he is interested in the high water mark since he installed french drains on his property and was frequently operating his sump pump system during the high water period. Mr. McKissen responded that EGLE will have a role in defining what the new high water level definition is once the outlet is in place.

Steve Antoniotti, 7774 W. St Andrews Circle, noted that he has spent \$25,000 on a french drain and sump pump remediation system. He commented on observations of the 18th fairway ditch that was previously dry in prior years, but has had standing water since the fall of 2017. He inquired if the 872.4 high water measurement would mean a dry ditch for the 18th fairway or equates to standing water in this area. Mr. Antoniotti also asked if Fishbeck had accounted for the commercial development to the north and east on West Centre Avenue, along with the impact to the Greenspire Bog. Mr. McKissen responded that new developments should have appropriate storm water management included as part of the planning and that the Greenspire Bog will have its own management levels. Mr. Antoniotti then asked how the name of the Greenspire Bog came about, whether it was done as part of the project or was this a historical name. Mr. McKissen responded that the Greenspire Bog had been named as such as part of the project.

Cathy Haines, 7745 W. St. Andrews, inquired whether the temporary permit will be issued before winter. Director Gwin noted that the desire is to have the permit issued before winter and only used when the high water level rises to 873. Director Gwin stated that the current high water level is 872.5 and the city is only permitted to pump six inches.

Mayor Randall asked if the temporary permit is for a one-time pumping or repeat pumping. Director Gwin responded that the permit covers a 12-month period whenever high water instances occur. Mayor Randall then asked if the proposed project will address the area residents' need to continually pump on their properties, whether this addresses the surface level water or the ground water level used. Mr. McKissen responded that the proposed drain project should address the residents need to pump to a certain degree. Director Gwin stated that the pumping project should address the flooding issue for surface water.

Mr. Antoniotti questioned what the normal level should be. Councilmember Urban noted that change in the ground water level is normal and the Southwest Michigan region is seeing higher water levels in recent years.

Councilmember Reid asked if the proposed plan requires easements or permissions in light of the project area where the water is expected to travel. Director Gwin responded that an easement is needed from the Woodbridge Hills shopping mall, but only once EGLE approves the permit.

Councilmember Urban asked if the city has approached the DNR about putting water on state land. Director Gwin responded that the DNR had been informally made aware but there was no formal inquiry or notification as of yet. Councilmember Urban asked Director Gwin if she had an inclination on the position of the DNR on the matter. Director Gwin responded she did not.

City Manager La Margo and Director Gwin highlighted that the city had budgeted funds in the next fiscal year of \$1,000,000. Director Gwin commented that the project is also dependent upon the economy, which affects the prices.

Mayor Randall asked Mr. McKissen what the next steps for the project were. Mr. McKissen

responded that the next step is to meet with the regulatory agencies and get their feedback in order to tailor the report and application based on their feedback and concerns, and then proceed with a final application.

Mayor Randall closed the meeting by relaying that the Fishbeck presentation would be repeated at the regular Council meeting at 7 p.m. that night and would also be posted on the city website. She noted that additional items would also be posted in the Hampton Bog section of the website.

ADJOURNMENT: Mayor Randall adjourned the meeting at 4:19 p.m.

Erica L. Eklov, Deputy City Clerk

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 19, 2019

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m.

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 service and sacrifice of Officer Zorro of the Portage Police Division.

Following the moment of silence, Boy Scout Troop 244 and the audience recited the Pledge of Allegiance.

OUTGOING COUNCIL:

ROLL CALL: The City Clerk called the roll with the following members present: Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban and Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Joseph La Margo, City Attorney Randall Brown and City Clerk Adam Herringa.

PROCLAMATIONS: Mayor Randall invited Officer Jordan Wentworth and members of the Department of Public Safety forward to receive the Resolution of Remembrance for Officer Zorro. Public Safety Director Nick Arnold commented that Zorro was a member of the family and made them all better. He thanked Kalamazoo Public Safety and Western Michigan University Public Safety for supporting the department in their time of need.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Regular Meeting Minutes of November 5 and Pre-Council Meeting Minutes of November 18, 2019, as presented. Upon a voice vote, motion carried 7 to 0.

BOARD OF CANVASSERS REPORT: City Clerk Adam Herringa reviewed the Board of Canvassers Report for the November 5, 2019 City General Election. Motion by Pearson, seconded by Reid, to receive the Board of Canvassers Report of the final results of the November 5, 2019 City General Election as approved by the Kalamazoo County Board of Canvassers as information only. Upon a voice vote, motion carried 7 to 0.

COMMENTS FROM COUNCIL: Councilmember Burns expressed appreciation for the support of the community and level of turnout for a local election with several uncontested races.

Mayor Pro Tem Pearson commented that over 1,000 jobs are coming to Portage and pledged to support efforts to improve public transit and affordable housing in the community. Mayor Pro Tem Pearson continued by stating his intention to work to improve the Lake Center Business District and to support efforts to construct the Portage Community Senior Center.

Councilmember Ford echoed the thoughts of Councilmember Burns and Mayor Pro Tem Pearson. He commented that the city made great progress over the past few years and he is excited for the future.

Councilmember Knapp offered formal congratulations to those who were reelected. She commented that it is a pleasure to serve and her time on City Council is moving fast. She concluded by stating that while much has been accomplished she is looking forward to greater things.

Councilmember Urban offered his congratulations and gratitude for everyone who is continuing to serve.

Mayor Randall commented that the city has been making great progress and the City Council has been working well together. She stated that her focus for the next term will be the on-going

transition to a new City Manager, affordable housing, the Community Senior Center and enhancing and redefining the Crossroads Mall.

ADJOURNMENT SINE DIE OF RETIRING CITY COUNCIL: Motion by Pearson, seconded by Reid, to adjourn City Council Sine Die. Upon a roll call vote, motion carried 7 to 0.

NEW COUNCIL:

OATH OF OFFICE AND SEATING OF MAYOR AND COUNCILMEMBERS: City Clerk Adam Herringa administered the Oath of Office to Chris Burns, Richard Ford and Jim Pearson as Councilmembers and to Patricia M. Randall as Mayor.

SIGNING OF THE CITY COUNCIL CODE OF ETHICS AND VALUES POLICY: The Mayor and Councilmembers signed the Ethics and Values Policy.

SEATING OF MAYOR AND COUNCILMEMBERS: At the invitation of the City Clerk, the Mayor and City Council took their respective seats at the dais. Mayor Randall called the meeting to order at 7:20 p.m. and City Clerk Herringa called the roll with the following members present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Jim Pearson, Claudette Reid and Terry Urban and Mayor Patricia Randall. Also in attendance were City Manager Joseph La Margo, City Attorney Randy Brown, and City Clerk Adam Herringa.

ELECTION OF MAYOR PRO-TEMPORE: City Clerk Herringa reviewed the process for selecting the Mayor Pro Tem and Mayor Randall entertained nominations for the position. Councilmember Burns nominated Councilmember Pearson and Councilmember Reid nominated Councilmember Urban. There were no further nominations. City Council then completed and signed their respective ballots for Mayor Pro Tem. The City Clerk collected and read aloud the results of the selection. Councilmembers Reid and Urban selected Councilmember Urban. Councilmembers Burns, Ford, Knapp, Pearson and Mayor Randall selected Councilmember Pearson. Councilmember Pearson was selected by a vote of 5 to 2. Mayor Randall congratulated Mayor Pro Tem Pearson on his election to Mayor Pro Tempore and Mayor Pro Tem Pearson stated that he is looking forward to his next two years on City Council.

ADOPTION OF RULES OF ORDER AND PROCEDURE: Motion by Knapp, seconded by Reid, to approve the Rules of Order and Procedure as presented. Upon a voice vote, motion carried 6 to 1 with Councilmember Urban voting in opposition.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience wanted to remove an item from the Consent Agenda. Councilmember Reid removed Item B.7.b. Motion by Knapp, seconded by Ford, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 19, 2019: Motion by Knapp, seconded by Ford, to approve the Accounts Payable Register of November 19, 2019. Upon a roll call vote, motion carried 7 to 0.

ENGINEERING SERVICES FOR 2020 LOCAL STREETS RECONSTRUCTION PROGRAM: Motion by Knapp, seconded by Ford, to award a contract to perform engineering services to Abonmarche

Consultants, Inc. for the 2020 Local Streets Reconstruction Program in an amount not-to-exceed \$231,990 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

PURCHASE OF PROPERTY AT 9224 PORTAGE INDUSTRIAL DRIVE: Motion by Knapp, seconded by Ford, to approve the purchase of 3.82 acres of land plus a 5,239 square-foot permanent easement addressed as 9224 Portage Industrial Drive owned by J&H LLC for the construction of a northern entrance to the Eliason Nature Reserve, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

BS&A ANNUAL LICENSING AND SOFTWARE MAINTENANCE: Motion by Knapp, seconded by Ford, to approve payment of the annual licensing and software maintenance services fees with BS&A, Incorporated, at a total cost of \$53,147 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

JANITORIAL SERVICES CONTRACT: Motion by Knapp, seconded by Ford, to award a contract to Clean Complete Janitorial Services for cleaning maintenance of park facilities and public rental properties for the annual cost of \$45,885 with the option of four one-year renewals, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Knapp, seconded by Ford, to receive the minutes of the Portage Public Schools Board of Education Committee of the Whole Work Session of October 14, Special Meeting of October 21 and Regular Business Meeting of October 28, and Historic District Commission of October 2, 2019. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Knapp, seconded by Ford, to receive the Materials Transmitted from November 5, 2019. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS AND GUESTS REGARDING NEW CITY COUNCIL: Kalamazoo Mayor David Anderson, 513 Stuart Avenue, Kalamazoo, congratulated all of those who were elected and expressed hope that Kalamazoo and Portage can work together to address issues of mutual interest. He commented that government needs to do the work of the people and that, while not always exciting, it is work that must be done.

Former Portage Mayor James Graham, 4222 Squire Heath, offered his congratulations to City Council on the election and welcomed City Manager Joe La Margo to Portage. Mayor Graham commented that, in the recent past, he has been disappointed in the City Council. However, he continued, he believes the recent and current City Council has been doing great work and making tremendous strides on behalf of the community. The fact that everyone ran unopposed, he stated, is a testament of the good work that is being done. He concluded by stating that he believes Mayor Randall to be the most effective Mayor the city has ever had and thanked her for the time she spends working on behalf of the citizens of Portage.

COMMUNICATIONS:

CALENDAR OF MEETINGS: Motion by Pearson, seconded by Knapp, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

REFUGEE RESETTLEMENT AUTHORIZATION: Mayor Randall deferred to Councilmember Burns to initiate discussion on this item. Councilmember Burns reviewed the reason why the item is on the agenda and why it is critically important for the City of Portage to act regarding the issue of refugee resettlement. He stated that Portage is the first community in the area to address this issue and continued by sharing his and his wife's deeply personal journey related to refugee resettlement. He concluded his statement by asking "if not here, where; if not us, who; and if not now, when?" Councilmember Urban shared his commitment and personal relationship with refugee resettlement in Portage. Mr. Urban concluded by affirming his support for Portage taking action to allow continued refugee resettlement in Portage.

Ms. Jane Trejo, resident 4619 Fox Valley Drive and employee of Bethany Christian Services which is engaged in refugee resettlement efforts, spoke and shared the current status of refugee resettlement efforts in the United States. She shared that refugee resettlement efforts in Portage have been going on for close to twenty years and thanked City Council for their consideration of allowing such efforts to continue. In response to an inquiry from Councilmember Urban, Ms. Trejo noted that the Governor of Michigan had taken action to allow resettlement efforts but affirmation from Kalamazoo County had yet to be obtained. In response to an inquiry from Councilmember Reid, Ms. Trejo reviewed the timing of obtaining and submitting written authorization for resettlement efforts to continue. Councilmember Reid stated her support and noted that resettlement efforts in Portage have been on-going and this action will simply allow such efforts to continue. Mayor Randall commented that Bethany Christian Services has been a part of the life of her family for years and commented regarding the positive impact they have on the world. Motion by Burns, seconded by Reid, to authorize the Mayor to sign a letter to Secretary Mike Pompeo of the United States Department of State consenting to refugee resettlement in the City of Portage. Upon a roll call vote, motion carried 7 to 0.

PURCHASE OF TRAFFIC SIGNAL POLES, MAST ARMS AND ASSEMBLIES: Mayor Randall deferred to Councilmember Reid who asked that the item be removed from the Consent Agenda. Councilmember Reid shared that she had been contacted by a resident who was inquiring about the need to replace the traffic signal poles and mast arms and inquired as to the anticipated life of such poles and mast arms. City Manager La Margo deferred to the Director of Transportation and Utilities, Kendra Gwin. Ms. Gwin stated that the average life is between 20 and 25 years. These particular poles, she stated, had been in place for 16 years but that one traffic pole had recently failed at the intersection of Shaver and Westnedge. Ms. Gwin noted that sections of South Westnedge are scheduled to undergo reconstruction and now is the optimal time to also replace the signal poles as installation costs will be reduced and construction activities can all be completed at the same time.

Councilmember Urban inquired if there are different design types and Ms. Gwin shared that there are only three manufacturers of traffic signal poles in the United States and that each traffic signal pole is designed for its designated intersection. Ultimately, she stated, all traffic signal poles are similar in design. Councilmember Ford inquired if the poles are warrantied and Ms. Gwin shared that they have a two-year maintenance bond. Mayor Randall inquired if the signals would include LED lights and noted they do not melt snow that may obscure the signal. Ms. Gwin stated that signal blockage occurs as a result of a driving snowfall and that Severence Electric is responsible for cleaning them off when the need arises. Motion by Reid, seconded by Burns, to award a contract for the purchase of traffic signal poles, mast arms and assemblies for traffic signal upgrades on South Westnedge Avenue to Maico Industries of Ellsworth, Kansas in the not-to-exceed amount of \$305,491

and authorize the City Manager to sign all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

HAMPTON CREEK WETLAND PRESENTATION: Mayor Randall introduced the item and invited representatives of the engineering firm Fishbeck to the podium. Mr. Brian McKissen, Senior Civil Engineer, and Elise Tripp, Senior Environmental Scientist, provided a presentation to the City Council and the audience regarding their recent study of flooding and the Hampton Creek Wetland Area. They reviewed their initial design proposal, challenges and current status of the Hampton Bog water system. They concluded by reviewing the next steps in their design process such as meeting with representatives of the State of Michigan Department of Environment, Great Lakes and Energy.

Following the presentation, Mayor Randall noted that the presentation was also provided at a Special City Council Meeting and that numerous residents attended. Mayor Pro Tem Pearson inquired as to the differences in pH levels of the various water bodies and how this might be addressed. Mr. McKissen pointed to the inclusion of a limestone bed to help mitigate pH concerns. Mayor Pro Tem Pearson and Mr. McKissen reviewed how to best make the case to EGLE to garner their support. Ms. Tripp noted that there are additional buffering techniques that could be implemented to help satisfy the concerns of EGLE.

Councilmember Ford inquired as to the potential cost and City Manager La Margo noted that \$1 million was being placed in the Capital Improvement Plan. Councilmember Burns inquired as to efforts to identify water levels below which the bog could not be drained. Mr. McKissen reviewed their methodology in identifying traditional high, average and low water levels of the bog. Mayor Randall then reviewed water levels that had been shared in the previous presentation. Councilmember Reid asked about the correlation between groundwater levels and bog levels. Mr. McKissen noted that groundwater in this area flows south towards Portage Creek. He stated that groundwater and bog levels should remain at similar levels. He noted that draining of the bog would result in a corresponding decrease in adjoining groundwater.

Motion by Reid, seconded by Burns to receive the presentation by the firm Fishbeck, Thompson, Carr & Huber regarding the Hampton Creek Wetland Area. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update on a meeting of the Central County Transportation Authority (CCTA). Mr. Burns shared details regarding a planned millage request and why the request is necessary. Mr. Burns next referenced a program to allow Kalamazoo students free access to public transit and unintended consequences that have impacted the Transportation Center in downtown Kalamazoo. He noted that the service would be suspended for students between 2:00 and 4:00 p.m. for the time being while the situation is reviewed. Mayor Pro Tem Pearson stated that the CCTA based the millage request on significant community input and Councilmember Reid inquired as to the nature of the millage and reduction in funding from the State of Michigan. Councilmember Burns and Mayor Pro Tem Pearson reviewed how the millage would be administered.

Mayor Pro Tem Pearson shared details regarding a meeting of the Kalamazoo County Consolidated Dispatch Authority (KCCDA) Finance Committee and the KCCDA proper. He shared that they are working on finalizing a method by which to fund dispatch operations that will likely include a millage request. Next, he indicated that the KCCDA is looking to locate a communications tower and that Portage Fire Station No. 2 is under consideration.

Motion by Knapp, seconded by Reid to receive the Council Committee Reports. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid wished everyone a happy Thanksgiving and good time with friends and family.

Councilmember Knapp shared that city crews are working on the leaf pickup program following its suspension for the recent snowfall. She asked residents and motorists for their patience. Ms. Knapp also shared that she attended a reception of the Michigan Townships Association along with Mayor Randall, Mayor Pro Tem Pearson and City Manager La Margo. She stated that the reception was informative and a good opportunity to interact with local township officials. She concluded her remarks by thanking Deputy City Manager Rob Boulis for all he has done to support the City of Portage and wished him well in his retirement.

Councilmember Burns recognized Deputy City Manager Boulis for his contributions and stated that Mr. Boulis helped to guide the city and City Council through difficult times. He wished him well in his retirement. Mr. Burns next thanked City Council for their support of the refugee resettlement program.

Councilmember Ford thanked the audience for attending the meeting and recognized Public Safety and other city employees who attended the meeting. Mr. Ford thanked Mr. Boulis for his guidance and service during tense times on the City Council and for working so well with former City Manager Larry Shaffer. Councilmember Ford concluded by thanking his wife and son for coming to the meeting.

City Manager La Margo congratulated City Council on the election and stated that he is blessed to work with dedicated staff and a supportive City Council. He thanked Mr. Boulis for his knowledge, passion, dedication and commitment and wished him only the best in retirement. Mr. La Margo concluded by stating that information related to the Fishbeck presentation would be placed on the city website.

Mayor Pro Tem Pearson shared that six years ago both the City Manager and Deputy City Manager retired at approximately the same time and Mr. Boulis stepped forward to lead the city during this time. He thanked Mr. Boulis for all of his work and congratulated him on his retirement.

Mayor Randall also wished Mr. Boulis the best in retirement. She reviewed his history with the City of Portage and shared that he has always been trustworthy and steadfast. She thanked him for his assistance and guidance throughout several transitions in the city and encouraged him to remain a part of the Portage community. Mayor Randall next thanked Kalamazoo Mayor Anderson for attending the meeting and expressed optimism at the ability to work together. Mayor Randall wished former Kalamazoo Mayor Bobby Hopewell the best and wished much success to Mayor Anderson. She concluded her comments by wishing everyone a happy Thanksgiving.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:44 p.m.

Adam Herringa, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF DECEMBER 2, 2019**

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

With regard to Item A.3, Councilmember Reid asked for a breakdown of the device quantities and types entailed in the computer replacement purchase. City Manager La Margo responded that the information would be gathered and provided prior to the regular meeting.

With regard to Item A.4, Councilmember Reid inquired whether the professional services contract for the Lexington Green Park was solely for architectural design or also included construction. Mr. La Margo stated that the proposal was for design services only.

With regard to Item A.5, Mayor Pro Tem Pearson inquired on the PA 152 waiver relating to city health insurance and requested clarification on the costs and expenses included as part of that waiver. He asked that staff provide the costs for the 2019 plan year as an example. Councilmember Reid asked what the plan year encompassed. City Manager La Margo and Deputy City Manager Herringa responded that it was February to February. Councilmember Burns questioned whether the proposed insurance costs were in line with the budget. Mr. La Margo shared that he would research and respond. Mayor Pro Tem Pearson asked that staff provide the last two years of insurance costs for background. Councilmember Reid inquired why there was such a cost difference between the Blue Care Network and Blue Cross Blue Shield plans. Councilmember Burns further inquired whether the city issued an RFP for health insurance in an effort to get competitive rates. Deputy City Manager Herringa offered that the city utilized Rose Street Advisors of Kalamazoo as a broker.

With regard to Item A.7, Councilmember Reid requested clarification regarding the number of jobs quoted in the agenda report as compared with the prior Brownfield Authority minutes, whether the jobs are new or simply transferred. Mr. La Margo stated that he would research and respond.

With regard to Item A.9 and D.1, Councilmember Reid had a procedural question as to whether property owners adjacent to a proposed rezoning are notified when the public hearing comes before City Council, similar to the Planning Commission. Deputy City Manager Herringa confirmed that the Office of the City Clerk sends a letter to adjacent property owners with the notice.

With regard to Item A.10, Councilmember Reid noted that only three Boards were scheduled for the interview session and she asked whether the meeting could be set later than 5:15 pm. City Manager La Margo and Deputy City Manager Herringa stated that they would review and respond.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:14 a.m.

Erica L. Eklov, Deputy City Clerk

DRAFT

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Approval of Accounts Payable Register of December 3, 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 November 11, 2019 through November 23, 2019 and notes \$835,747.09 in automated clearing house payments, \$2,618,715.17 in paper checks, and \$59,771.88 in auto-pay payments for a grand total of \$3,514,234.14.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of December 3, 2019

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/10/19 to 11/23/19

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
11/15/2019	12213(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	1,300.32
11/15/2019	12214(A)	BELL EQUIPMENT COMPANY	SWEEPER REPAIRS	1,665.98
11/15/2019	12215(A)	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING PROG	51,549.34
11/15/2019	12216(A)	DEER CONTRACTING & LANDSCAPE	CURB REPAIRS	3,170.00
11/15/2019	12217(A)	FIRE SERVICE MANAGEMENT	OCCF UNIFORMS	300.00
11/15/2019	12218(A)	GAIL ANDRUS TRAVEL	TRIP VENDOR PMT 191016 AUTUMN	8,217.25
11/15/2019	12219(A)	GORDON WATER SYSTEMS	BOTTLED WATER	360.35
11/15/2019	12220(A)	HOFFMAN BROTHERS, INC.	WINTER FOREST DRAINAGE	14,683.83
11/15/2019	12221(A)	INDUSCO SUPPLY CO., INC.	JANITORIAL SUPPLIES DPW	194.90
11/15/2019	12222(A)	IRISH AYRES ENTERPRISES, LLC	MOWING, TRIMMING, LANDSCAPE MAINT	7,647.50
11/15/2019	12223(A)	MCNALLY ELEVATOR CO.	ELEVATOR MAINTENANCE	138.50
11/15/2019	12224(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRES AND MAINT	4,783.69
11/15/2019	12225(A)	NASON, RICHARD	FIRE OPS TRAINING	673.22
11/15/2019	12226(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	10,566.28
11/15/2019	12227(A)	PARADIGM DESIGN, INC.	CITY HALL WINDOW REPL PROJECT	756.00
11/15/2019	12228(A)	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE SERVICES	739.00
11/15/2019	12229(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE	23,495.08
11/15/2019	12230(A)	ROE-COMM, INC.	MISC RADIO SERVICES	209.93
11/15/2019	12231(A)	SHULTS EQUIPMENT, INC.	PLOW BLADES	228.00
11/15/2019	12232(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION SEPTEMBER	174,553.53
11/15/2019	12233(A)	VANCE OUTDOORS, INC.	AMMO	3,295.00
11/22/2019	12234(A)	A NEW LEAF	PLANT CARE @ CITY HALL-6 MOS.	85.00
11/22/2019	12235(A)	AERCOR WIRELESS, INC.	NETMOTION ANNUAL RENEWAL	4,365.90
11/22/2019	12236(A)	AIRGAS USA LLC	MAINTENANCE SUPPLIES	696.86
11/22/2019	12237(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,580.20
11/22/2019	12238(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	1,725.00
11/22/2019	12239(A)	AUTOMATIC MICROFILM CO.	RECORDS FILMING & DESTRUCTION	278.40
11/22/2019	12240(A)	BATTERIES PLUS	MESSAGE BOARD	764.87
11/22/2019	12241(A)	BATTERIES PLUS	LIGHT BULBS FOR CITY HALL	225.00
11/22/2019	12242(A)	BLUE CARE NETWORK-GREAT LAKES	BCNA INSURANCE-2019/20 BUDGET	140,072.58
11/22/2019	12243(A)	C D W GOVERNMENT, INC.	ARBITATOR IN CAR CAMERA SYS	3,945.30

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/10/19 to 11/23/19

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Check Date	Check	Vendor Name	Description	Amount
11/22/2019	12244(A)	C M P DISTRIBUTORS, INC.	MISC POLICE SUPPLIES	344.25
11/22/2019	12245(A)	C T S TELECOM, INC.	MONTHLY FIBER SERVICES - TS CITY	718.90
11/22/2019	12246(A)	CAPITAL ADVANTAGE LEASING	EQPT LEASE	11,709.10
11/22/2019	12247(A)	CHARTER COMMUNICATIONS	CABLE TV	634.05
11/22/2019	12248(A)	CLEANIT CORP	CAR WASHES	79.98
11/22/2019	12249(A)	DELTA DENTAL PLAN OF MICHIGAN	DELTA DENTAL INSURANCE	18,616.02
11/22/2019	12250(A)	DJ'S PROFESSIONAL TREE SERVICE	TREE REMOVAL SERVICES	3,450.00
11/22/2019	12251(A)	ELECTION SYSTEMS & SOFTWARE, INC.	NEW EXPRESSVOTE MACHINE	3,720.00
11/22/2019	12252(A)	ENGINEERED PROTECTION SYSTEMS, INC.	SERVICE CALL LABOR & PARTS	201.84
11/22/2019	12253(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	LEAF CHUTE FABRICATION	5,574.91
11/22/2019	12254(A)	FARM N GARDEN	FENCE REPAIRS - HAVERHILL	1,400.00
11/22/2019	12255(A)	FERGUSON WATERWORKS #3386	METER READING EQUIPMENT	2,739.73
11/22/2019	12256(A)	FERRELLGAS, LP	GENERATOR RENTAL AT CITY HALL	36.00
11/22/2019	12257(A)	FISHBECK THOMPSON CARR & HUBER, INC	PROFESSIONAL SERVICES	2,741.55
11/22/2019	12258(A)	GREATER KALAMAZOO UNITED WAY	UNITED WAY CONTRIB-NOV 2019	355.00
11/22/2019	12259(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL AT CITY HALL	215.00
11/22/2019	12260(A)	HURLEY & STEWART, LLC	VALLEYWOOD RETEN BASIN REHAB	23,614.90
11/22/2019	12261(A)	INDUSCO SUPPLY CO., INC.	PAPER TOWEL AND TOILET PAPER	411.70
11/22/2019	12262(A)	JACK DOHENY SUPPLIES INC.	VACTOR MAINTENANCE	967.21
11/22/2019	12263(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOM RENTAL	450.00
11/22/2019	12264(A)	MATERIALS RESOURCES	MAINTENANCE SUPPLIES	1,379.05
11/22/2019	12265(A)	MATTAWAN YOGA LLC	CLASS INSTRUCTOR FEE YOGA	240.00
11/22/2019	12266(A)	MEJEUR ELECTRIC LLC	MISC LIGHTING & WIRING	1,325.00
11/22/2019	12267(A)	MICHIGAN OFFICE ENVIRONMENTS	REPLACEMENT KEYS	10.00
11/22/2019	12268(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES - POLICE	1,400.00
11/22/2019	12269(A)	NYE UNIFORMS	UNIFORMS	1,804.75
11/22/2019	12270(A)	OFF THE CUFF CATERING	CM SHAFFER RETIREMENT RECEP	520.00
11/22/2019	12271(A)	ONE WAY PRODUCTS	BULK CLEANER	374.00
11/22/2019	12272(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SVC-FLEET	10,743.50
11/22/2019	12273(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES- NOV 2019	1,830.00
11/22/2019	12274(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FF UNION DUES-NOV 2019	40.00
11/22/2019	12275(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA DUES-NOV 2019	637.00
11/22/2019	12276(A)	POWERDMS, INC.	ANNUAL SUBSCRIPTION RENW	850.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/10/19 to 11/23/19

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Check Date	Check	Vendor Name	Description	Amount
11/22/2019	12277(A)	PREMIER TRUCK SALES & RENTAL, INC.	PACKER TRUCK RENTAL	60,800.00
11/22/2019	12278(A)	PRINTING SERVICES INC	PORTAGER PRODUCTION	5,866.43
11/22/2019	12279(A)	PROFESSIONAL BUILDING SERVICES LLC	JANITORIAL SVC-SR CENTER	3,992.95
11/22/2019	12280(A)	QUADRANT II MARKETING, LLC	NEWSLETTER PRODUCTION	2,083.40
11/22/2019	12281(A)	R W LAPINE INC.	TWO SERVICE CALLS ON FURNACE	292.00
11/22/2019	12282(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT.	177.99
11/22/2019	12283(A)	ROBERT LAMSON, LLC	POST COND OFFER PSYCH EVAL	930.00
11/22/2019	12284(A)	S B F ENTERPRISES, INC.	PRINTING/PROCESSING QTLY WATER	599.73
11/22/2019	12285(A)	SAFETY SERVICES, INC.	HI-VIZ CLOTHING	491.24
11/22/2019	12286(A)	SEVERANCE ELECTRIC COMPANY, INC	POWDER COATING SERVICES	6,791.60
11/22/2019	12287(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION OCTOBER	174,343.53
11/22/2019	12288(A)	SYNERGISTIC ONLINE SOLUTIONS	OCT SVC CHARGES - HARDWARE MAINT	615.00
11/22/2019	12289(A)	TOO CLEAN JANITORIAL	JANITORIAL SERVICES	2,460.00
11/22/2019	12290(A)	UNIFIRST CORPORATION	HALLWAY CARPET RENTAL	87.18
11/22/2019	12291(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES-NOV 2019	497.74
11/22/2019	12292(A)	WARNER NORCROSS & JUDD LLP	LEGAL FEES & RETAINER FEES	4,281.67
11/22/2019	12293(A)	WEST MICHIGAN STAMP & SEAL, INC	CM LA MARGO NAME PLATE/BADGE	33.20
11/22/2019	12294(A)	WIGHTMAN	ENGINEERING SERVICES	4,829.50
11/22/2019	12295(A)	WOLVERINE LAWN SERVICE, INC.	LANDSCAPING SERVICES	2,228.00
11/22/2019	12296(A)	WOLVERINE POWER SYSTEMS	SVC TO CITY HALL GENERATOR	722.86
11/22/2019	12297(A)	XEROX CORPORATION	OCT SVC AGREEMENT - RECORDS XERO	222.82
Total ACH Transactions:				835,747.09

Check Type: Paper Check

11/11/2019	311760	57TH DISTRICT COURT	OUT OF CNTY BOND -PALMER/SHAWN	270.00
11/12/2019	311761	KALAMAZOO COUNTY TREASURER	TIF CAPTURE CORRECTION DDA & LDFA	63,590.66
11/12/2019	311762	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	550.64
11/12/2019	311763	PETTY CASH-COLEEA CANDERS	REPLENISHMENT CHECK	473.34
11/15/2019	311764	A B C WAREHOUSE	SMALL DISHWASHER	471.00
11/15/2019	311765	A T & T	ELECTRONIC COMMUNICATIONS	12,287.20
11/15/2019	311766	ADP, INC.	PAYROLL/ETIME SVC- JULY-DEC	4,349.47
11/15/2019	311767	AR ENGINEERING LLC	ENGINEERING SERVICES	19,325.38
11/15/2019	311768	BAKER, STACEY	SHRM EXAM & STUDY MATL	1,302.50

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Check Date	Check	Vendor Name	Description	Amount
11/15/2019	311769	BLUE CROSS/BLUE SHIELD OF MICH	BCBSM INSURANCE	66,617.53
11/15/2019	311770	BOARD OF TRUSTEES MICHIGAN STATE U	OAK WILT TESTING	30.00
11/15/2019	311771	BRUCE'S TRUCK & AUTO ACCESSORIES	BUMPER STEPS	530.00
11/15/2019	311772	CHICAGO TITLE OF MICHIGAN	WINTER TAX PMT PD EARLY NOT ACCEPTED	268.53
11/15/2019	311773	CHICAGO TITLE OF MICHIGAN	WINTER TAX PMT PD EARLY NOT ACCEPTED	67.49
11/15/2019	311774	CHICAGO TITLE OF MICHIGAN	WINTER TAX PMT PD EARLY NOT ACCEPTED	175.35
11/15/2019	311775	CITY OF KALAMAZOO TREASURER	KAL DELINQUENT UTILITIES	643.08
11/15/2019	311776	D C PLUMBING	BATHROOM REPAIRS-CITY HALL	163.53
11/15/2019	311777	DUNIGAN BROTHERS, INC.	LIFT STATION RENOVATION	95,346.40
11/15/2019	311778	ED & TED'S EXCELLENT ADVENTURES	TRIP VEN PMT CHRISTMAS GRACELND	7,314.00
11/15/2019	311779	FOUNDATION BUILDING MATERIALS LLC	CEILING TILES	405.12
11/15/2019	311780	GERBER COLLISION & GLASS	VEHICLE REPAIRS	931.94
11/15/2019	311781	JEFFREY, CINDY	PROG VENDOR PMT, PRESENTATION	50.00
11/15/2019	311782	KAL CO MEDICAL CONTROL AUTH	FIRE PRINTING	104.30
11/15/2019	311783	KALAMAZOO COUNTY TREASURER	COLONIAL MOBILE HM TXS OCT 2019	480.00
11/15/2019	311784	KALAMAZOO PICKLEBALL	SESSION 3 COORDINATION FEE	975.00
11/15/2019	311785	KAMMINGA & ROODVOETS, INC.	HYDRANT METER DEPOSIT REF	261,763.21
11/15/2019	311786	KENWORTHY, AMANDA	SCHRIER PARK DEPOSIT REF	150.00
11/15/2019	311787	KIESER & ASSOCIATES, LLC	WETLANDS DETERM ON HOOSE PROP	3,012.50
11/15/2019	311788	KLOOSTER, FRAN	PROG REIMB FOR PSC BAND EXP	55.82
11/15/2019	311789	KZOO TIRE COMPANY	TIRES AND TIRE REPAIRS	1,490.00
11/15/2019	311790	LAMARGO, JOSEPH	RELOCATION EXP PER CONTRACT	39,500.00
11/15/2019	311791	LENS EQUIPMENT	ANNUAL CELL SERVICE	998.00
11/15/2019	311792	MCALARY, TRENT	FIRE OPS TRAINING	585.09
11/15/2019	311793	MEDALLION MANAGEMENT INC	OP FALSE ALARM CHARGES	25.00
11/15/2019	311794	MICHIANA LAND SERVICES	EASEMENT SERVICES	717.50
11/15/2019	311795	MSP-EMHSTC	FIRE TRAINING	130.00
11/15/2019	311796	NAPIER, PEGGY	TRAD HOLIDAY EVENT REIM 2019	489.13
11/15/2019	311797	NEXSTAR BROADCASTING INC.	PSC MARKETING	1,500.00
11/15/2019	311798	NEXSTAR BROADCASTING INC.	PSC MARKETING	99.87
11/15/2019	311799	NEXSTAR BROADCASTING INC.	PSC MARKETING	899.79
11/15/2019	311800	NORTHERN CONSTRUCTION SERVICES CORP	2019 LOCAL STREETS RECONST	1,499,632.12
11/15/2019	311801	QUADMED, INC.	FIRE TRNG SUPPLIES	293.43

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/10/19 to 11/23/19

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Check Date	Check	Vendor Name	Description	Amount
11/15/2019	311802	RIGHT-WAY RENTAL, INC.	RENTAL SERVICES	220.00
11/15/2019	311803	S & T LAWN SERVICE	LANDSCAPE SERVICES	1,728.50
11/15/2019	311804	SAM BROWN SHIELDS, LLC.	FIRE OPS UNIFORMS	303.50
11/15/2019	311805	STATE OF MICHIGAN (DOT)	W MILHAM RECONST, OAKLAND DR	334,324.33
11/15/2019	311806	TABANGUIL, MARY	SCHRIER PARK DEPOSIT REF	150.00
11/15/2019	311807	TRUGREEN PROCESSING	LANDSCAPE SERVICES	1,390.75
11/15/2019	311808	ULINE, INC.	SHOP MAINTENANCE	800.45
11/15/2019	311809	VANGUARD FIRE & SUPPLY CO., INC.	VANGUARD FIRE SUPPLY	405.00
11/22/2019	311810	4 SEASONS TREE SERVICES, LLC	TREE REMOVAL SERVICES	850.00
11/22/2019	311811	A T & T	ELECTRONIC COMMUNICATIONS	3,740.63
11/22/2019	311812	A T & T LONG DISTANCE	LONG DISTANCE SERVICE	110.64
11/22/2019	311813	ADVANCE II LLC	NOV 2019 ELECTION TEMP	691.60
11/22/2019	311814	AIR COMPONENTS & ENGINEERING, INC.	POWER TOOL REPAIRS	128.00
11/22/2019	311815	ALLEGRA PRINT & IMAGING	BUSINESS CARDS	970.00
11/22/2019	311816	ALTA EQUIPMENT CO.	MAINTENANCE SUPPLIES	125.76
11/22/2019	311817	AMERICAN SCREEN PRINTING	UNIFORMS	75.84
11/22/2019	311818	ARTWEAR APPAREL GRAPHICS, INC.	GRAPHITE DRI-FIT T-SHIRTS	60.00
11/22/2019	311819	ASCENSION MICH OCCUPATIONAL HEALTH	POST OFFER PHYSICALS	525.00
11/22/2019	311820	AVB CONSTRUCTION LLC	CONSTRUCTION MGR	13,396.00
11/22/2019	311821	B D N INDUSTRIAL HYGIENE CON	DEMOLITON ASBESTOS/LEAD INSPEC	3,850.00
11/22/2019	311822	BAY AREA TOUCHLESS CARWASH LLC	CAR WASHES	432.00
11/22/2019	311823	CAMPBELL AUTO SUPPLY	FIRE APPARATUS MAINT.	35.98
11/22/2019	311824	CHRONICALS OF PHILANTHROPY	SUBSCRIPTION	149.95
11/22/2019	311825	CINTAS CORP.	UNIFORM RENTAL SERVICES	232.71
11/22/2019	311826	CLASSIC CARRIAGE LLC	HORSE/CARRIAGE TRAD HOL	589.00
11/22/2019	311827	CONSUMERS ENERGY - CEM	STREETLIGHT INSTALLATION	100.00
11/22/2019	311828	COSTAR REALTY INFORMATION, INC.	COSTAR REALTY	351.42
11/22/2019	311829	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	6,796.63
11/22/2019	311830	FABRICATED FLEX & HOSE	LEAF PICKUP SUPPLIES	171.09
11/22/2019	311831	FADER EQUIPMENT, INC.	PROJECT SUPPLIES	2,432.17
11/22/2019	311832	FAWLEY OVERHEAD DOOR, INC.	FIRE FACILITY MAINT.	90.00
11/22/2019	311833	FIDLAR COMPANIES	UNIFORM LAW CITATION TICKET BK	814.04
11/22/2019	311834	FREIGHTLINER OF GRAND RAPIDS, INC.	CORE CREDITS	593.43

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/10/19 to 11/23/19

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Check Date	Check	Vendor Name	Description	Amount
11/22/2019	311835	GOURDNECK LAKE GOV'T LAKE BOARD	CITY SHARE-INVASIVE PLANT CONTROL	3,544.00
11/22/2019	311836	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION OF PPOA DUES-NOV 19	3,048.06
11/22/2019	311837	H & K EXCAVATING	HYDRANT REPLACEMENT	9,830.40
11/22/2019	311838	HALT FIRE, INC.	FIRE APPARATUS MAINT	77.76
11/22/2019	311839	HOME DEPOT	SUPPLIES - PARKS DIVISION	1,146.35
11/22/2019	311840	I C M A MEMBERSHIP RENEWALS	ICMA MEMSHP-JOSEPH LA MARGO	1,400.00
11/22/2019	311841	ICE CREATIONS	TRAD HOLIDAY ICE CARVING	605.00
11/22/2019	311842	INT'L PUBLIC MGT ASSOC FOR HR	PUBLIC SAFETY CANDIDATE TEST	285.00
11/22/2019	311843	J & J PAINT AND GLASS	FIRE FACILITY MAINT	465.49
11/22/2019	311844	KALAMAZOO AREA TRANSPORTATION STUDY	KATS MEMBERSHIP DUES	1,500.00
11/22/2019	311845	KALAMAZOO COUNTY TREASURER	OAKBROOK DEC 2019 MOBILE HM TXS	322.50
11/22/2019	311846	KALAMAZOO COUNTY TREASURER	3RD QTR 2019 SUBOENA BY MAIL	188.75
11/22/2019	311847	KALAMAZOO FIRST ASSEMBLY OF GOD	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311848	KANTOLA PRODUCTIONS	EMPLOYEE TRAINING LIBRARY	5,630.95
11/22/2019	311849	LANGUAGE LINE, INC	LANGUAGE SERVICES	36.04
11/22/2019	311850	LORD OF LIFE LUTHERAN CHURCH	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311851	MCDONALD'S TOWING & RESCUE, INC.	INVESTIGATIVE STORAGE OF VEH	1,121.50
11/22/2019	311852	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEH REPAIR & MAINT	6,170.05
11/22/2019	311853	VOID		0.00
11/22/2019	311854	MICHIANA LAND SERVICES	EASEMENT ACQUISITION SVC-PORTAGE	280.00
11/22/2019	311855	MIDWEST MUNICIPAL INSTRUMENTATION	FLOW METER	3,060.82
11/22/2019	311856	MLIVE MEDIA GROUP	OCTOBER LEGAL NOTICES	1,529.61
11/22/2019	311857	MORRISON LANDSCAPE SERVICES LLC	LANDSCAPE MAINTENANCE	3,200.00
11/22/2019	311858	MULDER'S MOVING AND STORAGE	MOVING OF ELECTION EQUIP	1,740.00
11/22/2019	311859	OFFICE DEPOT, INC.	OFFICE DEPOT	918.44
11/22/2019	311860	VOID		0.00
11/22/2019	311861	OMG NATIONAL	PROMTIONAL SUPPLIES	150.77
11/22/2019	311862	PATHFINDER CHURCH	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311863	PAW PAW VETERINARY CLINIC, P.C.	CANINE PET CARE	421.38
11/22/2019	311864	PETERMAN CONCRETE CO.	CRUSHED CONCRETE	90.00
11/22/2019	311865	PETERSEN BODY SHOP INC	COMMUNITY SVC VAN REPAIR	1,016.75
11/22/2019	311866	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	509.98
11/22/2019	311867	POLDERMAN'S FLOWER SHOP	FLOWERS FROM CMO	155.80

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/10/19 to 11/23/19

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Check Date	Check	Vendor Name	Description	Amount
11/22/2019	311868	PORTAGE BUDGET STORAGE, LLC	OFF SITE RECORDS STORAGE RENT	4,320.00
11/22/2019	311869	PORTAGE CHAPEL HILL UMC	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311870	PRINCE OF PEACE LUTHERAN CHURCH	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311871	QUILLEN, SUSAN	TRIP REFUND 191122	95.00
11/22/2019	311872	RADIOTRONICS, INC.	REMOTE PAGER	344.30
11/22/2019	311873	RENEWED EARTH, INC.	LEAF & BRUSH REMOVAL-COMPOST	9,083.33
11/22/2019	311874	ROCKFORD ADVERTISING	MICHIGAN TRAILS MAG RENEWAL	2,588.75
11/22/2019	311875	ROSE STREET ADVISORS, LLC	COMPENSATION ANALYSIS PROJ	6,000.00
11/22/2019	311876	ROWLEY BROTHERS, INC.	OIL DRY - DPW	605.50
11/22/2019	311877	SAFEBUILT MICHIGAN, LLC	FILL IN INSPECTIONS FOR BLDG SVC	7,005.00
11/22/2019	311878	SANDERSON DEHAAN IRRIGATION	IRRIGATION REPAIR	85.23
11/22/2019	311879	SECURALARM SYSTEMS, INC.	SOFTWARE ANNUAL PROT	840.00
11/22/2019	311880	SHANE MOHNEY TOURNAMENT	SOUTH WESTNEDGE TOURN	100.00
11/22/2019	311881	SHERBURN, MAXINE	TRIP REFUND-TEXAS TENORS	103.00
11/22/2019	311882	SHI INTERNATIONAL CORP.	PHONE ACCESSORIES	759.00
11/22/2019	311883	SHORELINE TOURS & TRAVEL	TRIP VENDOR PMT-ARIZONA SHORE.	980.00
11/22/2019	311884	SMOKOSKA, SANDRA	TRIP REFUND -ARIZONA SHORELINE	490.00
11/22/2019	311885	SOUTHWEST MICHIGAN MGRS ASSOC.	LA MARGO SW MI MGR ASSOC MEM	100.00
11/22/2019	311886	ST. CATHERINE OF SIENA CHURCH	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311887	STATE SYSTEMS RADIO, INC	RADIO SERVICES	2,651.67
11/22/2019	311888	STONEGATE MANAGEMENT, INC.	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311889	THE BRIDGE	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311890	TT&C BEACHES, LLC	RAMONA BEACH EXP PHASE II	34,600.00
11/22/2019	311891	UNITED PARCEL SERVICE	UPS WEEKLY	12.00
11/22/2019	311892	UNITED PARTY & EVENT SERVICES	NOV 2019 GEN ELEC TABLE/CHAIR	575.00
11/22/2019	311893	USA TODAY	SUBSCRIPTION FOR LOBBY	29.00
11/22/2019	311894	VERIZON CONNECT NWF, INC.	FLEET GPS SERVICES	750.20
11/22/2019	311895	VERIZON WIRELESS	WIRELESS CARDS	2,368.20
11/22/2019	311896	VICKSBURG HARDWARE	LEAF PICKUP SUPPLIES	510.31
11/22/2019	311897	W MICH CRIMINAL JUSTICE TRAINING CO	NON ATTENDANCE FEE	1,796.91
11/22/2019	311898	WASTE MANAGEMENT	DISPOSAL SERVICES	879.03
11/22/2019	311899	WESTMINSTER PRESBYTERIAN CHURCH	NOV 2019 GEN ELEC POLLING	100.00
11/22/2019	311900	WILLIAMS & WORKS	ENGINEERING SERVICES	7,500.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/10/19 to 11/23/19

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Check Date	Check	Vendor Name	Description	Amount
11/22/2019	311901	YEO & YEO	2018-19 AUDIT AND CAFR PREP	19,500.00
Total Paper Checks:				2,618,715.17
Check Type: Auto-Pay Payment				
11/13/2019		CONSUMERS ENERGY	GAS-ELECTRIC	22,332.05
11/15/2019		CONSUMERS ENERGY	GAS-ELECTRIC	2,886.70
11/15/2019		RANDALL BROWN & ASSOC	RETAINER FEES	18,810.00
11/18/2019		CONSUMERS ENERGY	GAS-ELECTRIC	10,816.68
11/19/2019		CONSUMERS ENERGY	GAS-ELECTRIC	386.60
11/20/2019		CONSUMERS ENERGY	GAS-ELECTRIC	4,539.85
Total Auto-Pay Payments:				59,771.88
Grand Total:				3,514,234.14

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Computer Replacement - Bid Tabulation

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: Approve the purchase of computing devices, monitors and accessories from SHI International in the amount of \$166,716.82 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Technology Services Department maintains an industry-standard replacement schedule of three to five years for all city commodity computing devices, monitors and accessory equipment to avoid repair costs, lost productivity and incompatibility with modern software applications. Approximately two-thirds of all city computing equipment require replacement.

On November 8, 2019, the Purchasing Department solicited bids for the purchase of commodity computing devices, monitors and accessories. The bid was advertised in the Kalamazoo Gazette, a bid notification was issued from the city website, invitations to bid were emailed to five vendors, and the bid document was downloaded from the city website by 18 technology companies. The bid from SHI International, of Somerset, New Jersey, in the amount of \$166,716.82 was the lowest of the four bids received.

It is recommended that City Council approve the low bid purchase of computing devices, monitors and accessories from SHI International in the amount of \$166,716.82 and authorize the City Manager to execute all documents related to this action.

FUNDING: Funds are available and budgeted for this purpose in the FY 2019-20 Operating Budget.

Attachments: 1. Computing Devices Replacement Bid Tabulation

COMPUTING DEVICES REPLACEMENT
BID TABULATION

Grand Total

SHI International 290 Davidson Ave. Somerset, NJ 08873	\$166,716.82
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GovConnection, Inc. 732 Milford Road Merrimack, NH 03054	\$176,858.34
--	--------------

Ocean, Inc. 5324 Plainfield Ave. NE Grand Rapids, MI 49525	\$177,864.90
--	--------------

PCM Sales, Inc. 1940 E. Mariposa Ave. El Segundo, CA 90245	\$178,252.00
--	--------------

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Lexington Green Park Architectural & Engineering Professional Services - Proposal Tabulation

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services

ACTION RECOMMENDED: Award a contract in the amount of \$58,900 to Fleis & VandenBrink for architectural and engineering professional services for the Lexington Green Park Renovation Project and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Lexington Green Improvement Plan for the 23-acre park was developed in 2018. The plan redesigned the north end of the park as active space, and the south end for passive recreation. The Plan included updating the tennis/pickleball courts, basketball court and installation of bike skills courses, which were completed in 2018 and 2019. This final stage of the Lexington Green Improvement Plan is focused on the renovation of the west side of the park, which is used for group activities. The east side of the park consists of forest, wetlands and trails and is not a part of this project. The Lexington Green Park Renovation Project includes:

- Construction of a playground area
- Expansion of the parking lot off of Pittsford Avenue
- Slight relocation of the ballfield to accommodate the parking expansion
- Elimination of the parking lot off of Berwick Avenue
- Construction of a new dual restroom and pavilion facility
- Development of an inline skate rink
- Rerouting and repaving of a 10-foot-wide asphalt trail/walkway
- Creation of a walking loop using the new trail/walkway
- Installation of lamp posts along the trail/walkway
- Landscaping to unify all park components

On October 17, 2019, seven bids were received to perform the work. The lowest bid was submitted by Fleis & VandenBrink, of Kalamazoo, MI, in the amount of \$58,900. Fleis & VandenBrink has experience working on park projects and received positive recommendations from references.

It is recommended that City Council award a contract to Fleis & VandenBrink in the amount of \$58,900

for architectural and engineering services for the Lexington Green Park Renovation Project, and authorize the City Manager to execute all documents related to this action on behalf of the city.

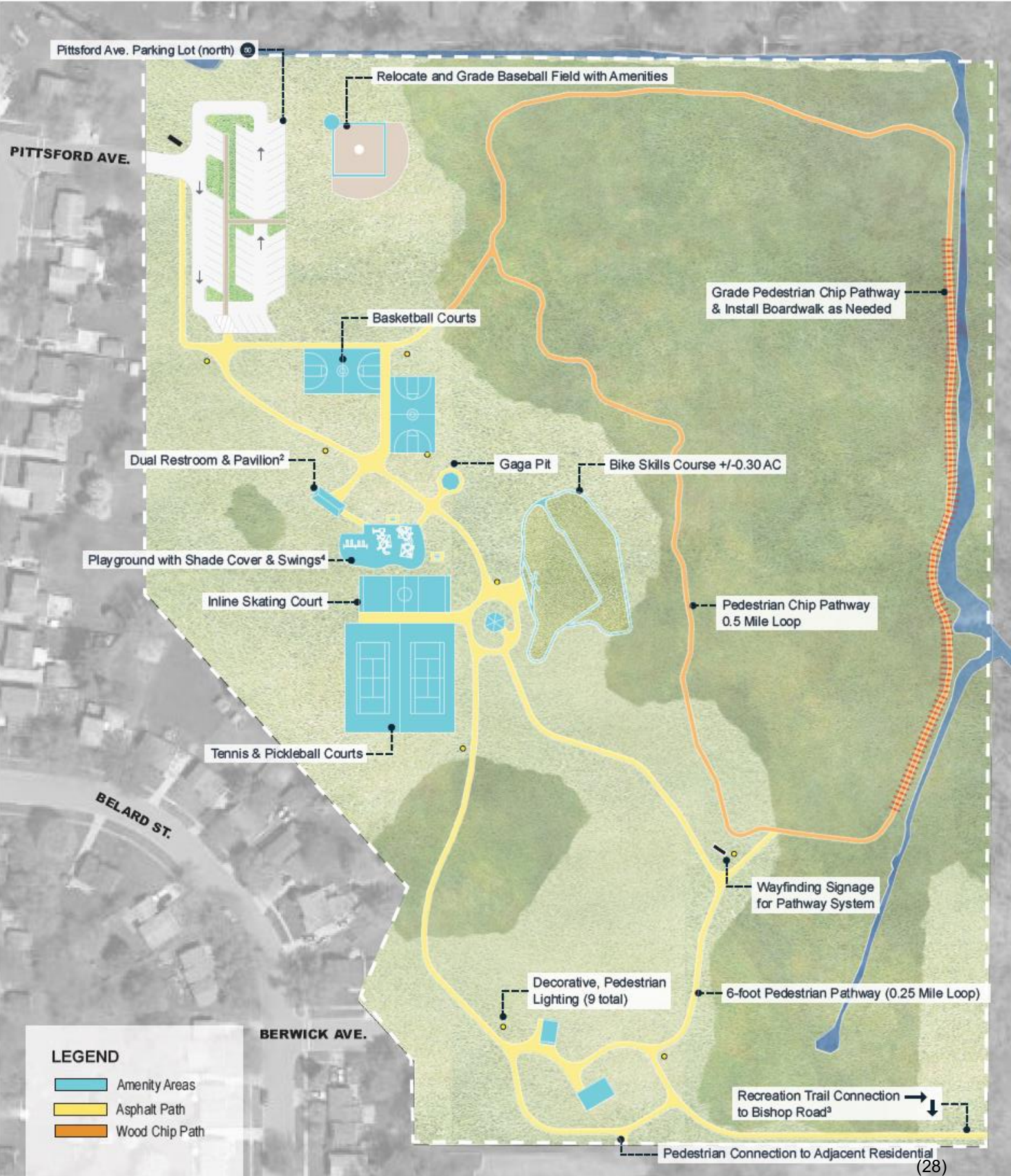
FUNDING: The FY 2019-2020 Capital Improvement Program budget contains sufficient funds for the project.

Attachments:

1. Lexington Green Park Concept Plan
2. Proposal Tab for Lexington Green Park Renovation

CONCEPT PLAN

Lexington Green Park Renovation



Lexington Green Park

Master Plan Redesign¹

East of Sprinkle Road, North of E. Milham Avenue, City of Portage, Michigan

KEY PARK COMPONENTS:

- + BIKE SKILLS COURSE
- + GAGA PIT (OCTAGON)
- + COMMUNITY CENTER PLAYScape WITH SHADE SAILS & BABY SWINGS
- + PAVILION WITH TWO RESTROOMS
- + ADDITIONAL FEATURES:
 - Two charging station: one located at the north end pavilion, one at the south end pavilion.
 - Free WiFi.
 - New entry signage (approved, located noted).
 - Mile marker signage for laps (0.5 and 1.0 mile routes).
 - New benches and picnic tables under shade of trees.
 - Pedestrian lighting.
 - Tennis and Pickleball Courts.



PARKING ENHANCEMENTS

NOTES

PARKING SPACES	EXISTING	PROPOSED
Pittsford Ave. Parking Lot (north)*	20	50
Berwick Ave. Parking Lot (south)	16	00
Total:	36	50

*Parking lot designed as a one-way loop with angled parking to reduce the total amount of impervious surface. It is recommended that pavement markers are added to aid in directing vehicles.

Two ADA spaces are provided closest to the park trail system. An eight-foot greenbelt runs through parking lot (pictured right), with a five-foot walkway and associated crossing, for pedestrians.



1. Design based on City's Capital Improvement Plan (CIP).
2. Restroom doors (separate male and female) face playground facilities (direct vision line).
3. Utilize water easement along Portage boundary to link to Bishop Road.
4. Community Center Park Playground model includes two child and two toddler swings.

LEXINGTON GREEN PARK RENOVATIONS
PROFESSIONAL ENGINEERING SERVICES
PROPOSAL TABULATION

	Proposed Fee
Fleis & VandenBrink 4798 Campus Drive Kalamazoo, MI 49008	\$58,900
MCSA Group, Inc. 529 Greenwood Ave. SE East Grand Rapids, MI 49506	\$59,130
Hurley & Stewart, LLC 2800 South 11th St. Kalamazoo, MI 49009	\$59,155
OCBA, Inc. 350 E. Michigan Ave, Ste. 415 Kalamazoo, MI 49007	\$59,415
VIRIDIS Design Group 313 N. Burdick St. Kalamazoo, MI 49007	\$67,065
LRE 2121 3 Mile Road Walker, MI 49544	\$89,490
Williams & Works, Inc. 549 Ottawa NW Grand Rapids, MI 49503	\$105,500

TO: Honorable Mayor and City Council
FROM: Joseph La Margo, City Manager
SUBJECT: Health Insurance Contract Renewals



SUPPORTING PERSONNEL: William Furry, Director of Finance
 Shannon Hertz, Director of Human Resources

- ACTION RECOMMENDED:**
1. Approve one-year contracts with Blue Cross Blue Shield of Michigan and Blue Care Network for employee health insurance;
 2. maintain current employer/employee cost sharing practices by taking action to exempt the city from requirements of P.A. 152 for the 2020 medical benefits plan year, and authorize the City Manager to execute all documents related to the contract renewals on behalf of the city.

Health insurance is provided by the City of Portage to all full-time, non-union and union personnel as part of an overall comprehensive benefits package, which is key to attracting and retaining quality employees. City of Portage employees currently have the opportunity to enroll in health insurance specific to employee groups, offered through Blue Cross Blue Shield (BCBSM) of Michigan Community Blue or Blue Care Network (BCN). Current health insurance contracts with BCBSM of Michigan and BCN expire on January 31, 2020. As part of the health insurance contract renewal process for the 2020 plan year, the city was advised of significant increases in premiums for all BCBSM plans and slight increases to BCN plans.

Increases to premiums (excluding taxes and fees) are as follows:

PLAN	EMPLOYEE GROUP	PREMIUM INCREASE
BCBSM Community Blue \$500/10%	IAFF	15.04%
BCBSM Community Blue \$1000/0%	Department Head & Non-Union	14.77%
BCBSM High Deductible Health Plan	Department Head & Non-Union	13.97%
BCN \$500/20%	Department Head & Non-Union	1.81%
BCN \$500/0%	PPCOA, PPOA, and UAW	1.66%
BCN High Deductible Health Plan	IAFF	0.56%
BCN High Deductible Health Plan	Department Head & Non-Union	0.82%
BCN High Deductible Health Plan	PPCOA	2.89%

The State of Michigan health insurance premium caps for the 2020 calendar year increased by 2.0% and taxes and fees will increase due to the reinstatement of the Federal Insurance Premium Tax.

Current State Insurance Premium Caps		2020 State Insurance Premium Caps	
Single Coverage	\$ 6,685.17	Single Coverage	\$ 6,818.87
2 Person Coverage	\$13,980.75	2 Person Coverage	\$14,260.37
Family Coverage	\$18,232.31	Family Coverage	\$18,596.96

As a result of the increased BCBSM premiums received during the renewal process, and the requirement of PA 106, the city took action to solicit two additional carriers, United Healthcare and Priority Health. Both carriers declined to quote the city with Priority Health citing inability to provide a competitive proposal as the reason.

The City Administration decided to eliminate the BCBSM Community Blue \$1000/0% plan currently offered to Department Head & Non-Union employees due to the significant premium increase and offer a BCBSM Community Blue \$1500/20% option, while continuing to offer the BCN \$500/20% and BCBSM and BCN high deductible health plans (HDHPs) and health savings account (HSA) options.

The city offered the IAFF union additional health plans in an effort to reduce the impact of the increased premiums received during the renewal process. The IAFF elected to replace their BCBSM Community Blue \$500/10% plan with a BCBSM \$1000/20% plan. The city also again offered the PPOA and UAW unions HDHPs and HSAs. Both unions elected to keep their existing BCN \$500/0% plans.

In 2013, the state legislature amended Public Act 152 to expand the definition of “medical benefit plan cost” to include the amounts public employers pay directly or indirectly for taxes and fees associated with health insurance. Based upon this action, the costs for taxes and fees would have to be passed directly to employees. PA 152 also provides an exemption to the requirements of the act that can be exercised for the next succeeding year by a two-thirds vote of the City Council. As such, the Council took action in December 2013 to exempt the city from PA 152 beginning with the 2014 plan year, permitting the city to continue to pay up to the caps for health insurance premiums and pay the costs associated with taxes and fees. With the exception of not passing along the cost of health care related taxes to employees, the city continues to remain in compliance with all other aspects of PA 152. This same action has been repeated in each successive year.

It is recommended that City Council again take action to exempt the city from PA 152 for the 2020-2021 plan year and allow the city to pay up to the state caps in premium or in HSA contributions plus the associated taxes and fees. If approved, this action will simply enable a continuation of current practice in conformance with PA 152 as originally enacted in 2011.

FUNDING: Funds have been budgeted and are available to support the cost of employee health insurance coverage for the balance of the current fiscal year. Funds will be budgeted for Fiscal Year 2020-2021.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Final Condominium Subdivision for Copperleaf Phase 4

SUPPORTING PERSONNEL: Chris Forth, Acting Director, Department of Community Development

ACTION RECOMMENDED: Approve the Final Condominium Subdivision for Copperleaf Phase 4, 3800 West Milham Avenue, subject to:

1. completion of sidewalks and street trees by November 2021;
2. confirmation the asphalt paving meets city specifications; and
3. two sections of the storm sewer be reviewed before expiration of the two-year maintenance bond.

On March 26, 2019, City Council granted Final Preliminary Condominium approval (engineering plans) for Copperleaf Subdivision Phase 4 allowing the developer, Westfield Capital, LLC, to proceed with construction. The developer has completed all required public improvements with the exception of installation of the concrete sidewalks and street trees. Receiving final condominium approval before completion of all public improvements will allow the developer to record an amendment to the Master Deed and Homeowner Association Bylaws. Once recorded, the developer can begin selling condominium sites and building houses.

Storm water related piping and structures located within the public streets will be owned and maintained by the city, while the infiltration basin will be owned and maintained by the condominium association. After review of storm sewer system to be owned and maintained by the City of Portage, sags and deflections in the pipes were identified in two sections. These sections need to be cleaned, re-videoed, and re-tested for deflection in approximately two years prior to the expiration date of the maintenance bond. The homeowners association will also maintain the landscaped median island located on Candler Court. Maintenance and indemnification agreements between the association and the City of Portage concerning the landscaped areas located in the public street right-of-way and discharge of stormwater from the public streets to the private basin were prepared and recorded with the Master Deed for Phases 1, 2 and 3. Similar agreements have been prepared and approved by the City Attorney to include the lots in Phase 4.

With regard to the public street, confirmation needs to be provided that the asphalt paving on the public streets meet the project and city specifications. Samples of the asphalt obtained during paving

operations were taken incorrectly and may not be indicative of the pavement placed. In conformance with Section 42-921 of the Land Development Regulations, and to ensure completion of the sidewalks and street trees, the developer has deposited a surety bond with the city in the amount of 125% of the total construction costs. The amount of the surety bond has been reviewed by the City Administration and determined to be acceptable.

It is recommended that City Council grant Final Condominium approval for Copperleaf Phase 4 with the stipulation that sidewalks and street trees be completed by November 2021, confirmation that the asphalt paving meet city specifications, and two sections of the storm sewer be reviewed before expiration of the two-year maintenance bond. Should the developer not complete the remaining public improvements, the developer can request the City Council to grant an extension of time, or the surety bond will be used to complete the construction.

FUNDING: Not applicable

Attachments: 1. Final Condominium Drawings

REPLAT No.3

KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN No. 264

EXHIBIT "B" TO THE MASTER DEED OF

Copperleaf

CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

DEVELOPER:

WESTVIEW CAPITAL, L.L.C.
A MICHIGAN LIMITED LIABILITY COMPANY
2186 EAST CENTRE STREET
PORTAGE, MICHIGAN 49002

SURVEYOR:

INGERSOLL, WATSON & McMACHEN, INC.
RANDY B. LIGMAN
PROFESSIONAL SURVEYOR No. 28413
1209 EAST MILHAM ROAD, SUITE B
PORTAGE, MICHIGAN 49002

SHEET INDEX:

- 1) COVER SHEET
- 2) SURVEY PLAN
- 3) SITE PLAN (UNITS 1 – 39)
- 3B) SITE PLAN (UNITS 40 – 71)
- 3C) SITE PLAN (UNITS 72 – 98)
- 3D) SITE PLAN (UNITS 99 – 128)
- 4) UTILITY/EASEMENT PLAN (UNITS 1 – 39)
- 4A) UTILITY/EASEMENT PLAN (UNITS 40 – 71)
- 4C) UTILITY/EASEMENT PLAN (UNITS 72 – 98)
- 4D) UTILITY/EASEMENT PLAN (UNITS 99 – 128)

PARCEL DESCRIPTION:

A parcel of land situated in the Southeast quarter of Section 6, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, being more particularly described as follows:

Commencing at the South quarter corner of Section 6, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence S 89°47'30" E 665.75 feet along the South line of the Southeast quarter of said Section 6 to the Place of Beginning; thence N 00°02'09" E 330.00 feet to the North line of the South 330.00 feet (perpendicular measure) of said Southeast quarter; thence N 89°47'30" W 333.66 feet along said North line; thence N 09°45'30" E 324.10 feet; thence Northeasterly 139.93 feet along the arc of a curve to the right having a radius of 2573.79 feet, and central angle of 03°06'54", and a chord of N 11°18'57" E 139.91 feet; thence S 72°49'51" E 217.50 feet; thence S 61°31'09" E 160.29 feet; thence Northeasterly 175.36 feet along the arc of a non-tangent curve to the right having a radius of 880.00 feet, a central angle of 11°25'03", and a chord of N 32°32'24" E 175.07 feet; thence Northeasterly 232.23 feet along the arc of a compound curve to the right having a radius of 830.00 feet, a central angle of 16°01'51" and a chord of N 46°15'51" E 231.47 feet; thence N 34°19'06" W 127.25 feet; thence N 55°40'54" E 140.00 feet; thence N 48°49'34" E 181.74 feet; thence N 40°49'05" E 79.65 feet; thence N 46°57'13" E 92.69 feet; thence N 55°16'13" E 89.20 feet; thence N 65°36'16" E 229.99 feet; thence Northwesterly 301.38 feet along the arc of a non-tangent curve to the right having a radius of 863.00 feet, a central angle of 20°00'32", and a chord of N 14°23'28" W 299.85 feet; thence Northwesterly 48.33 feet along the arc of a reverse curve to the left having a radius of 670.00 feet, a central angle of 4°07'59", and a chord of N 06°27'11" W 48.32 feet; thence S 81°28'49" W 117.14 feet; thence N 49°31'26" W 132.90 feet; thence N 69°19'34" E 193.66 feet; thence Northwesterly 10.29 feet along the arc of a non-tangent curve to the left having a radius of 670.00 feet, a central angle of 00°52'49", and a chord of N 21°06'51" W 10.29 feet; thence N 64°41'36" E 192.20 feet; thence N 21°03'44" W 183.42 feet to a Westerly line of the "Harbors West No.1" subdivision according to the plat thereof as recorded in Liber 40 of Plats on Page 9, Kalamazoo County records; thence N 89°26'44" E 181.51 feet along a Westerly line of said "Harbors West No.1" subdivision; thence N 68°56'16" E 240.25 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 36°46'12" E 124.66 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 10°48'22" E 60.98 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 21°03'20" E 125.00 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 68°56'40" W 45.89 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 00°00'24" W 275.44 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 04°09'03" W 274.72 feet (measured at 274.97 feet) feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 89°59'36" E 100.88 feet (measured at 101.06 feet) along a Westerly line of said "Harbors West No.1" subdivision; thence S 08°45'57" W 60.71 feet along a Westerly line of said "Harbors West No.1" subdivision; thence N 89°59'36" W 103.17 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 00°00'24" W 120.00 feet along a Westerly line of said "Harbors West No.1" subdivision; thence N 89°59'36" W 25.19 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 00°00'24" W 300.00 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 80°09'56" W 70.80 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 22°55'10" E 136.29 feet along a Westerly line of said "Harbors West No.1" subdivision; thence Southwesterly 28.46 feet along a Westerly line of said "Harbors West No.1" subdivision and along the arc of a non-tangent curve to the right having a radius of 170.00 feet, a central angle of 09°35'37" and a chord of S 85°12'36" W 28.43 feet; thence S 12°03'18" E 60.99 feet along a Westerly line of said "Harbors West No.1" subdivision; thence Southwesterly 12.75 feet along a Westerly line of said "Harbors West No.1" subdivision and along the arc of a non tangent curve to the right having a radius of 230.00 feet, a central angle of 03°10'36" and a chord of S 88°25'06" W 12.75 feet; thence N 89°59'36" W 20.04 feet along a Westerly line of said "Harbors West No.1" subdivision; thence Southwesterly 50.00 feet along a Westerly line of said "Harbors West No.1" subdivision and along the arc of a curve to the left having a radius of 170.00 feet, a central angle of 16°51'03" and a chord of S 81°34'53" W 49.82 feet; thence S 73°09'21" W 20.01 feet along a Westerly line of said "Harbors West No.1" subdivision line to the Northwest corner of Lot 37 of said subdivision; thence continuing S 73°09'21" W 10.00 feet; thence S 02°42'12" W 137.95 feet to a Westerly line of said "Harbors West No.1" subdivision; thence S 73°09'21" W 81.00 feet along a Westerly line of said "Harbors West No.1" subdivision; thence S 23°22'23" E 193.78 feet along a Westerly line of said "Harbors West No.1" subdivision; thence N 89°47'30" W 388.67 feet parallel with said South line of the Southeast quarter to a point S 89°47'30" E 1494.93 feet (as measured along said South line) and N 00°00'20" W 481.30 feet from said South quarter corner of Section 6; thence S 00°00'20" E 201.57 feet to the North line of the South 279.73 feet (perpendicular measure) of said Southeast quarter; thence N 89°47'30" W 168.86 feet along said North line of the South 279.73 feet to the East line of the West half of said Southeast quarter; thence S 00°00'48" W 279.73 feet along said East line of the West half to said South line of the Southeast quarter; thence N 89°47'30" W 264.00 feet along said South line; thence N 00°02'09" E 330.00 feet to said North line of the South 330.00 feet (perpendicular measure) of said Southeast quarter; thence N 89°47'30" W 132.00 feet along said North line; thence S 00°02'09" W 330.00 feet to said South line; thence N 89°47'30" W 263.67 feet (measured at 264.18 feet) along said South line to the Place of Beginning, containing 42.77 acres of land. Parcel is subject to easements, restrictions, and conditions of record.

WITH THIS SUBMISSION, THESE SHEETS ARE ADDED, OR ARE TO REPLACE, THE SHEETS PREVIOUSLY RECORDED.

FOR REPLAT No.1, SHEETS 1, 2, 3, AND 4 HAVE BEEN AMENDED. SHEETS 3B AND 4B ARE NEW.

FOR REPLAT No.2, SHEETS 1, 2, 3B, AND 4B HAVE BEEN AMENDED. SHEETS 3C AND 4C ARE NEW.

FOR REPLAT No.3, SHEETS 1, 2, 3C AND 4C HAVE BEEN AMENDED. SHEETS 3D AND 4D ARE NEW.

PRELIMINARY
(PLANS ARE UNDER
CITY/OWNER REVIEW)

Copperleaf

in the City of Portage, Kalamazoo County, Michigan

PROPOSED: 06/1/2015
AMENDED: 6/19/2017
AMENDED: 8/31/2018
AMENDED: 9/30/2019

COVER SHEET

Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1209 East Milham Road • Portage, Michigan 49002 • Area 269-244-6165 • Fax 269-244-0555

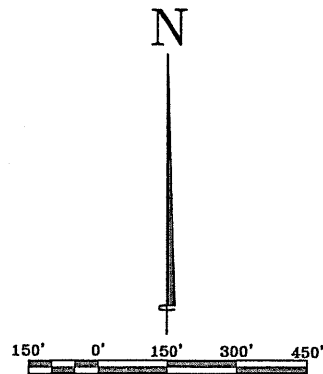
DATE
6/1/2015
JOB No.
36273
SHEET No.
1

CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD
#1	50.00'	170.00'	16°51'03"	S 81°34'53" W 49.82'
#2	12.75'	230.00'	3°10'36"	S 88°25'06" W 12.75'
#3	175.36'	880.00'	11°25'03"	N 32°32'24" E 175.07'
#4	232.23'	830.00'	16°01'51"	N 46°15'51" E 231.47'
#53	301.38'	863.00'	20°00'32"	N 14°23'28" W 299.85'
#54	48.33'	670.00'	04°07'59"	N 06°27'11" W 48.32'
#55	10.29'	670.00'	00°52'49"	N 21°06'51" W 10.29'

L = 65.97' Rad. = 727.51'
 $\Delta = 511'45"$
 Ch. = N 86°51'58" E 65.95'

L = 574.38' Rad. = 727.51'
 $\Delta = 451'40"$
 Ch. = S 61°39'01" W 559.58'

U.S. HIGHWAY I-94
 A LIMITED ACCESS HIGHWAY



L = 478.71' Rad. = 1054.92'
 $\Delta = 26°00'00"$
 Ch. = S 26°01'56" W 474.61'

20.0' WIDE PRIVATE EASEMENT TO THE CITY OF PORTAGE FOR STORM SEWER PURPOSES. (RECORDING PENDING)

L = 6.0' Rad. = 2573.79'
 $\Delta = 3°06'54"$
 Ch. = N 11°18'57" E 139.91'

L = 139.93' Rad. = 2573.79'
 $\Delta = 3°06'54"$
 Ch. = N 11°18'57" E 139.91'

ELEVATION BENCHMARK:
 60d NAIL IN 18" OAK TREE.
 ELEVATION = 905.55.

Copperleaf
 CONDOMINIUM
 (42.77 ACRES)

S 89°47'30" E 1494.93'
 AND N. 00°00'20" W.
 481.30' FROM SOUTH
 1/4 CORNER

N 89°47'30" W 388.67'
 UNPLATTED
 S 00°00'20" E 201.57'

N 89°47'30" W 168.86'
 UNPLATTED
 S 00°00'00" E 201.57'

N 89°47'30" W 168.86'
 UNPLATTED
 S 00°00'00" E 201.57'

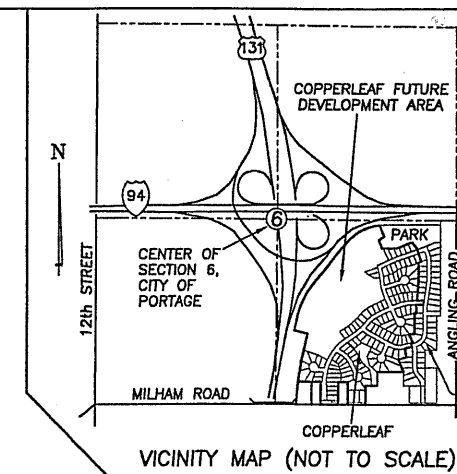
N 89°47'30" W 168.86'
 UNPLATTED
 S 00°00'00" E 201.57'

N 89°47'30" W 168.86'
 UNPLATTED
 S 00°00'00" E 201.57'

N 89°47'30" W 168.86'
 UNPLATTED
 S 00°00'00" E 201.57'

PRELIMINARY
 (PLANS ARE UNDER
 CITY/OWNER REVIEW)

LEGEND
 • CONCRETE SURVEY MONUMENT
 M MEASURED DIMENSION



NOTES:
 1) THE BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 6 AS BEING N. 00°00'00" W. AS SHOWN ON THE "HARBORS WEST No.1" FINAL PLAT MAP.
 2) ALSO SEE SHEETS 3, 3B, 3C, 3D, 4, 4B, 4C, AND 4D FOR ADDITIONAL EASEMENT LOCATIONS AND INFORMATION.
 3) THE ELEVATION DATUM AS SHOWN HEREON IS BASED ON U.S.G.S. DATUM AS PROMULGATED WITHIN THE CITY OF PORTAGE.

SURVEYOR'S CERTIFICATE:
 I, RANDY B. LIGMAN, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN HEREBY CERTIFY:
 THAT THE SUBDIVISION PLAN KNOWN AS KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN No. 264, AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT ALL OBSERVABLE ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED ARE SHOWN.
 THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED IN THE GROUND OR WILL BE PLACED BY NOVEMBER 1, 2020 AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT No.59 OF THE PUBLIC ACTS OF 1978.
 THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT No.59 OF THE PUBLIC ACTS OF 1978.
 THAT THE BEARINGS AS SHOWN, ARE NOTED ON THE SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT No.59 OF THE PUBLIC ACTS OF 1978.

DATE OF SURVEY

RANDY B. LIGMAN
 PROFESSIONAL SURVEYOR No. 28413
 INGERSOLL, WATSON & McMACHEN, INC.
 1133 EAST MILHAM ROAD
 PORTAGE, MI. 49002

Copperleaf
 in the City of Portage, Kalamazoo County, Michigan

PROPOSED: 06/1/2015
 AMENDED: 6/19/2017
 AMENDED: 8/31/2018
 AMENDED: 9/30/2019

SURVEY PLAN		DATE
Ingersoll, Watson & McMachen, Inc.		6/1/2015
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		36273
1800 East Milham Road • Portage, Michigan 49008 • Area 269-344-6100 • Fax 269-344-0605		2

NOTES:

- STREETS WITHIN THE CONDOMINIUM PROJECT ARE PAVED ROADWAYS WITH CONCRETE CURBS AND MUST BE BUILT.
- PROPOSED CONCRETE SIDEWALKS AND PAVED TRAILS MUST BE BUILT.
- THE IMPROVEMENTS SHOWN ARE BASED ON CONSTRUCTION PLANS DEVELOPED BY INGERSOLL, WATSON & McMACHEN, INC.
- THE COORDINATES SHOWN ARE BASED ON A VALUE OF 6999.94 NORTH AND 7019.51 EAST ON THE SOUTH 1/4 CORNER OF SECTION 6, TOWN 3 SOUTH, RANGE 12 WEST.
- ANY EASEMENTS LOCATED WITHIN THE STREETS (SHOWN AS PUBLIC RIGHT-OF-WAY AREA) ARE NOT SHOWN HEREON.
- SHOWN EASEMENTS BASED ON CERTAIN INFORMATION PROVIDED BY THE DEVELOPER. ADDITIONAL EASEMENTS MAY ENCUMBER PROPERTY.

SEE SHEET 4 AND 4B FOR EASEMENT INFORMATION

LEGEND

	GENERAL COMMON ELEMENT (HATCHED)
(2)	COORDINATE LOCATION
(NR)	INDICATES UNIT LINE IS NON-RADIAL
o	CONCRETE SURVEY MONUMENT
SF	SQUARE FOOT
(23)	CURVE NUMBER
(L5)	LINE NUMBER
	CONCRETE SIDEWALK OR PAVED TRAIL
	CONCRETE CURB
	EDGE OF EASEMENT

SCHEDULE OF COORDINATES

#	NORTHING	EASTING
1	8997.52	7685.26
2	7327.52	7685.46
3	7328.74	7351.80
4	7648.15	7406.74
5	7795.34	7434.19
6	7721.14	7842.00
7	7644.70	7782.89
8	7792.29	7677.06
9	7946.42	8036.22
10	7811.20	8180.93
11	7902.95	8286.22
12	7835.14	8431.13
13	7700.94	8369.58
14	7573.09	8401.27
15	7475.81	8514.38
16	7274.24	8514.40
17	7274.85	8345.49
18	6995.12	8345.43
19	6996.08	8081.43
20	7326.08	8081.64
21	7326.56	7949.64
22	6996.56	7949.43
23	7952.31	8044.30

ARC LENGTH = 139.93'
RADIUS = 2573.79'
Δ = 3°06'54"
CHORD: N 11°18'57" E
139.91'

ARC LENGTH = 175.36'
RADIUS = 880.00'
Δ = 11°25'03"
CHORD: N 32°32'24" E
175.07'

ARC LENGTH = 232.23'
RADIUS = 830.00'
Δ = 16°01'51"
CHORD: N 46°15'51" E
231.47'

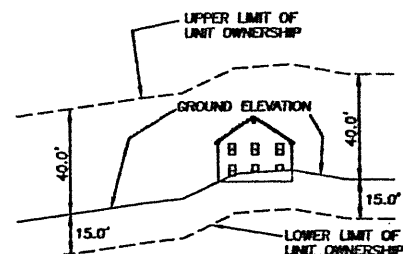
SEE SHEET 4 AND 4B FOR EASEMENT INFORMATION

LINE TABLE

LINE	BEARING & DISTANCE
L1	N 89°47'30" W 22.98'
L2	N 10°02'45" E 61.52'
L3	N 10°02'45" E 123.97'
L4	S 89°47'10" E 56.30'
L5	N 56°52'21" W 66.69'
L6	N 56°52'21" W 56.47'
L7	N 00°46'08" W 127.76'
L8	N 15°08'05" W 137.75'

CURVE TABLE

CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD
C7	51.61'	196.97'	15°00'45"	N 02°32'23" E 51.46'
C8	74.15'	430.00'	9°52'48"	N 05°06'21" E 74.06'
C9	13.94'	8.00'	99°49'55"	N 39°52'12" W 12.24'
C10	315.77'	70.00'	258°27'47"	N 39°26'43" E 108.44'
C11	41.08'	30.00'	78°27'47"	N 50°33'17" W 37.95'
C12	66.74'	380.00'	10°03'45"	N 18°11'12" E 66.65'
C13	73.57'	320.00'	13°10'20"	N 18°37'55" E 73.41'
C14	65.50'	880.00'	3°36'48"	N 25°01'29" E 55.48'
C15	210.45'	820.00'	14°42'18"	N 30°34'13" E 209.87'
C16	11.90'	8.00'	85°12'19"	N 80°31'30" E 10.83'
C17	14.04'	8.00'	100°32'31"	N 06°36'05" W 12.31'
C18	144.48'	770.00'	10°45'03"	N 49°02'42" E 144.27'
C19	161.45'	320.00'	28°54'27"	N 42°25'07" W 159.74'
C20	191.72'	380.00'	28°54'27"	N 42°25'07" W 189.70'
C21	27.82'	30.00'	53°07'48"	N 01°23'59" W 26.83'
C22	27.82'	30.00'	53°07'48"	N 54°31'47" W 26.83'
C23	349.73'	70.00'	286°15'37"	N 62°02'07" E 84.00'



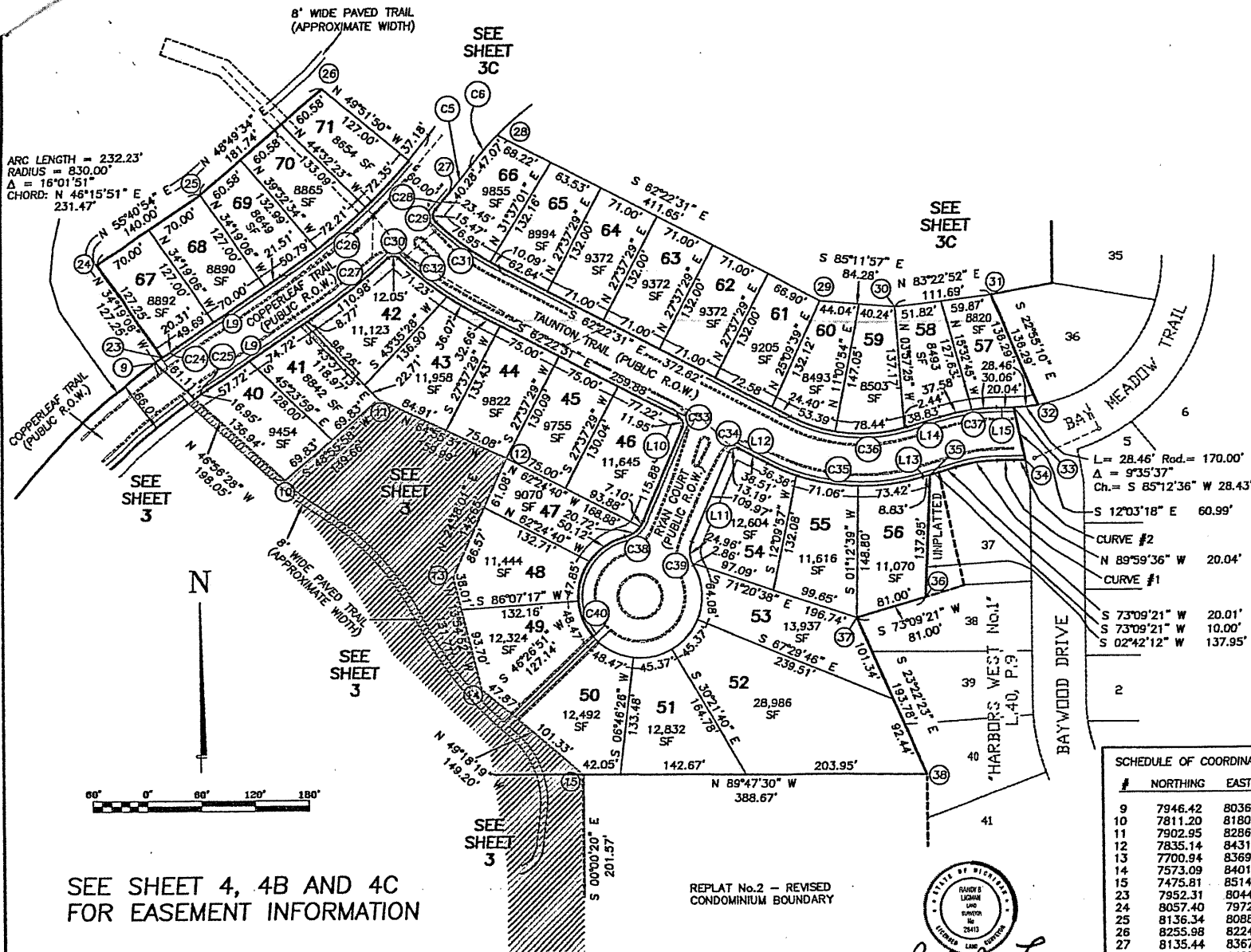
NOTE: EACH UNIT SHALL HAVE ITS OWN UNIQUE PROFILE WITH LIMITS OF OWNERSHIP 15.0' BELOW AND 40.0' ABOVE GROUND ELEVATION

UNIT CROSS SECTION
NO SCALE

Copperleaf
in the City of Portage, Kalamazoo County, Michigan

SITE PLAN	6/1/2015
Ingersoll, Watson & McMachen, Inc.	36273
3000 East Milliken Road • Portage, Michigan 49801 • Phone 269-244-0045 • Fax 269-244-0046	3

PROPOSED: 06/11/2015
AMENDED: 06/19/2017



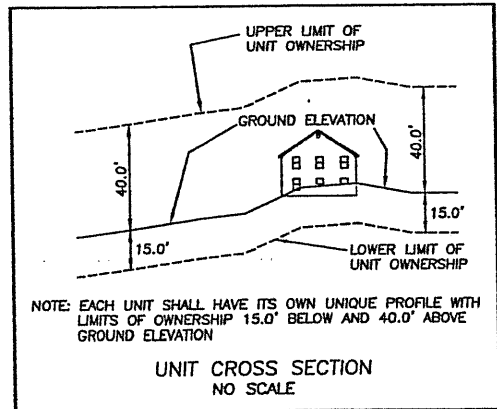
LEGEND

- GENERAL COMMON ELEMENT (HATCHED)
- COORDINATE LOCATION
- INDICATES UNIT LINE IS NON-RADIAL
- CONCRETE SURVEY MONUMENT
- SQUARE FOOT
- CURVE NUMBER
- LINE NUMBER
- CONCRETE SIDEWALK OR PAVED TRAIL
- CONCRETE CURB
- EDGE OF EASEMENT

CURVE TABLE				
CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD
C1	50.00'	170.00'	16°51'03"	S 81°34'53" W 49.82'
C2	12.75'	230.00'	3°10'36"	S 88°25'06" W 12.75'
C5	40.28'	780.00'	2°57'32"	N 38°39'25" E 40.27'
C6	183.57'	370.00'	28°25'37"	N 51°23'27" E 181.70'
C18	144.48'	770.00'	10°45'03"	N 49°02'42" E 144.27'
C24	20.31'	830.00'	1°24'07"	N 54°58'50" E 20.31'
C25	16.95'	770.00'	1°15'40"	N 55°03'03" E 16.95'
C26	232.53'	720.00'	18°30'15"	N 48°25'48" E 231.52'
C27	110.98'	780.00'	8°09'07"	N 51°36'20" E 110.88'
C28	23.45'	780.00'	1°43'22"	N 40°59'52" E 23.45'
C29	15.47'	10.00'	88°38'57"	N 02°27'56" W 13.97'
C30	12.05'	8.00'	88°16'25"	N 89°20'00" W 10.94'
C31	87.04'	320.00'	15°35'07"	N 54°34'57" W 86.78'
C32	107.30'	380.00'	16°10'43"	N 54°17'09" W 106.95'
C33	11.95'	8.00'	85°33'30"	N 19°35'46" W 10.87'
C34	13.19'	8.00'	94°26'30"	N 70°24'14" E 11.74'
C35	180.84'	233.00'	44°28'08"	N 84°36'35" W 176.33'
C36	134.27'	173.00'	44°28'08"	N 84°36'35" W 130.93'
C37	67.64'	230.00'	16°51'03"	N 81°34'53" E 67.40'
C38	27.82'	30.00'	53°07'48"	S 49°44'53" W 26.83'
C39	27.82'	30.00'	53°07'48"	S 03°22'55" E 26.83'
C40	349.73'	70.00'	286°15'37"	N 66°49'01" W 84.00'

SCHEDULE OF COORDINATES

#	NORTHING	EASTING
9	7946.42	8036.22
10	7811.20	8180.93
11	7902.95	8286.22
12	7835.14	8431.13
13	7700.94	8369.59
14	7573.09	8401.27
15	7475.81	8514.38
23	7952.31	8044.30
24	8057.40	7972.56
25	8136.34	8088.19
26	8255.98	8224.99
27	8135.44	8367.95
28	8202.49	8423.86
29	8011.61	8768.58
30	8004.56	8872.56
31	8017.43	8983.51
32	7891.90	9036.59
33	7889.53	9008.26
34	7829.88	9020.99
35	7813.54	8910.21
36	7875.75	8903.70
37	7652.28	8826.18
38	7474.40	8903.05



LINE TABLE

LINE	BEARING & DISTANCE
L9	N 55°40'54" E 141.21'
L10	S 23°10'59" W 115.88'
L11	S 23°10'59" W 109.97'
L12	S 62°22'31" E 36.51'
L13	N 73°09'21" E 8.83'
L14	N 73°09'21" E 38.83'
L15	S 89°59'36" E 20.04'

- NOTES:**
- STREETS WITHIN THE CONDOMINIUM PROJECT ARE PAVED ROADWAYS WITH CONCRETE CURBS AND MUST BE BUILT.
 - PROPOSED CONCRETE SIDEWALKS AND PAVED TRAILS MUST BE BUILT.
 - THE IMPROVEMENTS SHOWN ARE BASED ON CONSTRUCTION PLANS DEVELOPED BY INGERSOLL, WATSON & McMACHEN, INC.
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 - ANY EASEMENTS LOCATED WITHIN THE STREETS (SHOWN AS PUBLIC RIGHT-OF-WAY AREA) ARE NOT SHOWN HEREON.
 - SHOWN EASEMENTS BASED ON CERTAIN INFORMATION PROVIDED BY THE DEVELOPER. ADDITIONAL EASEMENTS MAY ENCUMBER PROPERTY.

Paul B. Ligner
 Surveyor
 License No. 24113
 State of Michigan

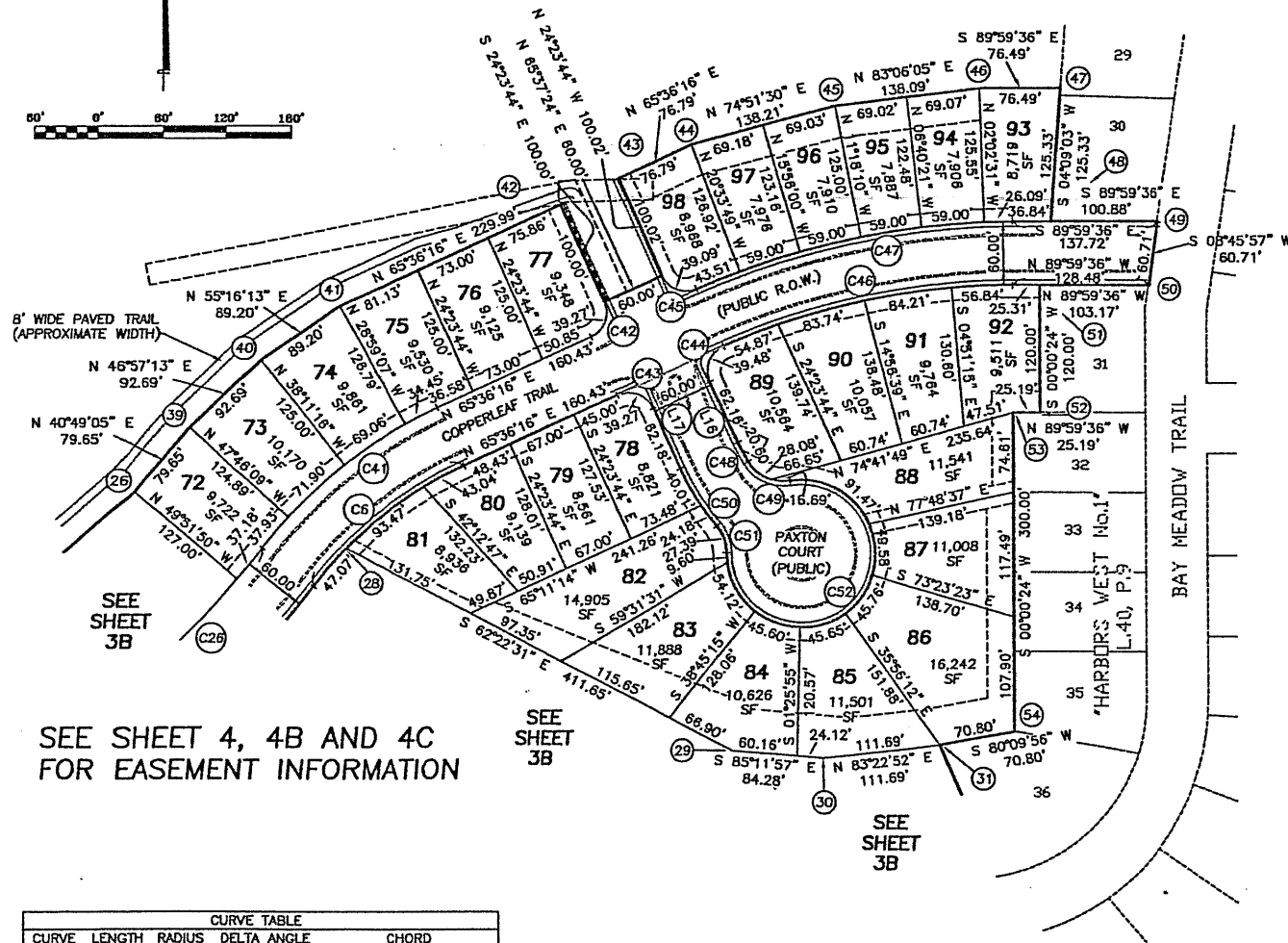
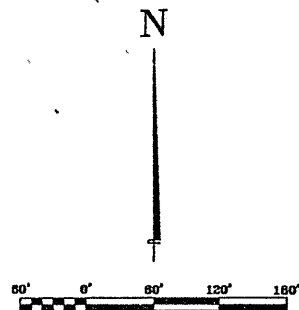
Copperleaf
 in the City of Portage, Kalamazoo County, Michigan

SITE PLAN

Ingersoll, Watson & McMachen, Inc.
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
 2200 East Michigan Street • Suite B • Portage, Michigan 49702 • Phone 268-6441-6168

DATE: 6/19/2017
 SHEET NO.: 36273
 PROJECT NO.: 3B

AMENDED 8/31/2018
 PROPOSED 06/19/2017



SEE SHEET 4, 4B AND 4C
FOR EASEMENT INFORMATION

SEE SHEET 3B

SEE SHEET 3B

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD
C6	183.57'	370.00'	28°25'37"	N 51°23'27" E 181.70'
C26	232.53'	720.00'	18°30'15"	N 46°25'46" E 231.52'
C41	213.34'	430.00'	28°25'37"	S 51°23'27" W 211.16'
C42	39.27'	25.00'	90°00'00"	N 20°36'15" E 35.36'
C43	39.27'	25.00'	90°00'00"	N 69°23'44" W 35.36'
C44	39.48'	25.00'	90°29'11"	S 20°50'51" W 35.51'
C45	39.09'	25.00'	89°35'04"	S 69°11'16" E 35.23'
C46	279.66'	670.00'	23°54'57"	S 78°02'56" W 277.64'
C47	305.61'	730.00'	23°59'12"	S 78°00'48" W 303.39'
C48	20.60'	170.00'	6°58'36"	S 27°52'02" E 20.59'
C49	44.77'	38.00'	67°29'53"	S 65°05'17" E 42.22'
C50	64.19'	230.00'	15°59'23"	S 32°23'26" E 63.98'
C51	27.39'	38.00'	41°18'06"	N 19°44'04" W 26.80'
C52	341.78'	70.00'	279°45'12"	N 41°02'23" E 90.22'

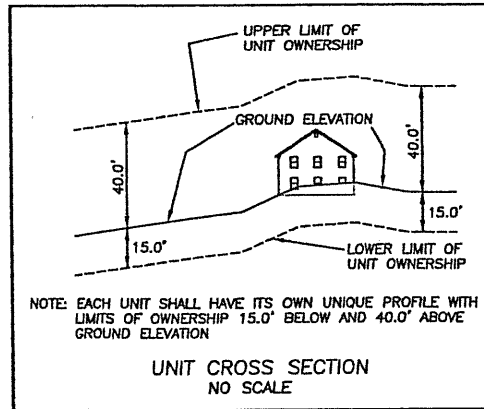
LINE TABLE	
LINE	BEARING - DISTANCE
L16	S 24°23'44" E 62.16'
L17	S 24°23'44" E 62.18'

- NOTES:
- STREETS WITHIN THE CONDOMINIUM PROJECT ARE PAVED ROADWAYS WITH CONCRETE CURBS AND MUST BE BUILT.
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 - SHOWN EASEMENTS BASED ON CERTAIN INFORMATION PROVIDED BY THE DEVELOPER. ADDITIONAL EASEMENTS MAY ENCUMBER PROPERTY.

LEGEND	
	GENERAL COMMON ELEMENT (HATCHED)
	COORDINATE LOCATION
(NR)	INDICATES UNIT LINE IS NON-RADIAL
	CONCRETE SURVEY MONUMENT
SF	SQUARE FOOT
(C9)	CURVE NUMBER
(L5)	LINE NUMBER
	CONCRETE SIDEWALK OR PAVED TRAIL
	CONCRETE CURB
	EDGE OF EASEMENT

SCHEDULE OF COORDINATES		
#	NORTHING	EASTING
26	8255.98	8224.99
27	8135.44	8367.95
28	8202.49	8423.86
29	8011.61	8788.58
30	8004.56	8872.56
31	8017.43	8983.51
32	8319.25	8292.73
33	8370.07	8366.04
34	8433.73	8506.41
35	8465.06	8575.50
36	8489.85	8630.14
37	8521.56	8700.07
38	8557.67	8833.49
39	8574.25	8970.58
40	8574.24	9047.07
41	8449.25	9037.99
42	8449.23	9138.87
43	8389.23	9129.62
44	8389.25	9026.45
45	8269.25	9026.44
46	8269.25	9001.25
47	7969.25	9001.21

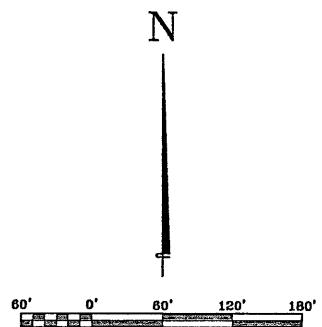
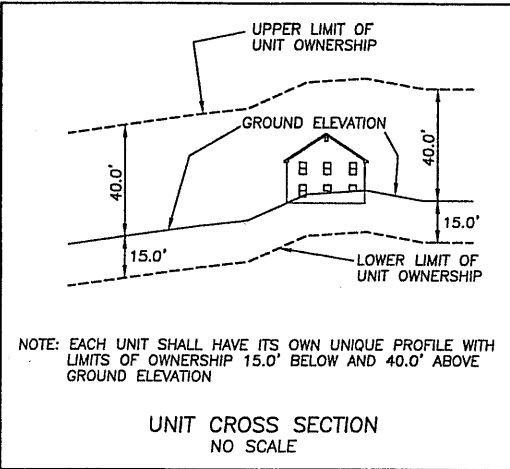
Randy B. Lyman



Copperleaf
in the City of Portage, Kalamazoo County, Michigan

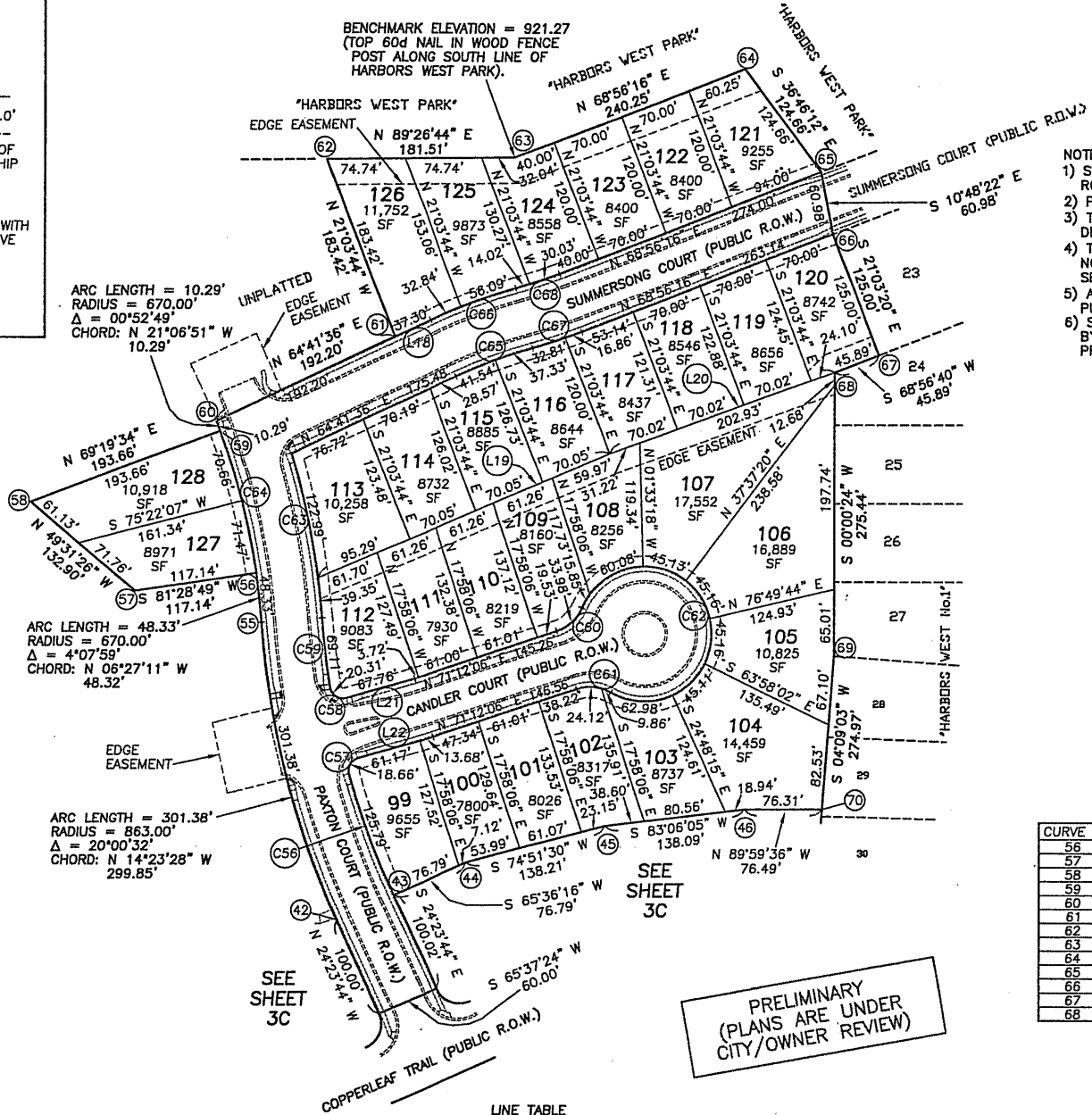
SITE PLAN	
Ingersoll, Watson & McMachen, Inc.	7/01/2018
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS	36273
1200 East Michigan Road • Suite B • Portage, Michigan 49702 • Phone 269-344-6188	3C

PROPOSED 8/31/2018



SCHEDULE OF COORDINATES

#	NORTHING	EASTING
42	8525.34	8627.55
43	8550.12	8682.20
44	8581.84	8752.13
45	8617.94	8885.55
46	8634.53	9022.64
47	8815.78	8553.03
48	8863.79	8547.60
49	8846.44	8431.75
50	8932.70	8330.66
51	9001.07	8511.85
52	9010.68	8508.14
53	9092.84	8681.89
54	9264.00	8615.98
55	9265.75	8797.48
56	9352.09	9021.67
57	9252.24	9096.29
58	9192.34	9107.73
59	9075.69	9152.64
60	9059.20	9109.81
61	8783.77	9109.78
62	8634.52	9098.94



SEE SHEETS 4, 4B, 4C, AND 4D FOR EASEMENT INFORMATION

- NOTES:
- 1) STREETS WITHIN THE CONDOMINIUM PROJECT ARE PAVED ROADWAYS WITH CONCRETE CURBS AND MUST BE BUILT.
 - 2) PROPOSED CONCRETE SIDEWALKS AND PAVED TRAILS MUST BE BUILT.
 - 3) THE IMPROVEMENTS SHOWN ARE BASED ON CONSTRUCTION PLANS DEVELOPED BY INGERSOLL, WATSON & McMACHEN, INC.
 - 4) THE COORDINATES SHOWN ARE BASED ON A VALUE OF 6999.94 NORTH AND 7019.51 EAST ON THE SOUTH 1/4 CORNER OF SECTION 6, TOWN 3 SOUTH, RANGE 12 WEST.
 - 5) ANY EASEMENTS LOCATED WITHIN THE STREETS (SHOWN AS PUBLIC RIGHT-OF-WAY AREA) ARE NOT SHOWN HEREON.
 - 6) SHOWN EASEMENTS BASED ON CERTAIN INFORMATION PROVIDED BY THE DEVELOPER. ADDITIONAL EASEMENTS MAY ENCUMBER PROPERTY.

LEGEND

- GENERAL COMMON ELEMENT (HATCHED)
- COORDINATE LOCATION
- (NR) INDICATES UNIT LINE IS NON-RADIAL
- CONCRETE SURVEY MONUMENT
- SF SQUARE FOOT
- CURVE NUMBER
- LINE NUMBER
- CONCRETE SIDEWALK OR PAVED TRAIL
- CONCRETE CURB
- EDGE OF EASEMENT (SEE SHEET 4D)

CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD
56	125.79'	803.00'	08°58'32"	N 19°54'28" W 125.67'
57	18.66'	12.00'	89°06'51"	N 29°08'14" E 15.84'
58	20.31'	12.00'	96°59'16"	N 57°48'43" W 17.97'
59	69.11'	803.00'	04°55'53"	N 06°51'09" W 69.09'
60	33.98'	40.00'	48°40'17"	N 46°51'58" E 32.97'
61	33.98'	40.00'	48°40'17"	N 84°27'45" W 32.97'
62	319.48'	66.00'	277°20'34"	N 18°47'54" W 87.17'
63	162.34'	730.00'	12°44'29"	N 10°45'27" W 162.00'
64	142.13'	670.00'	12°09'16"	N 14°35'49" W 141.86'
65	78.87'	470.00'	09°36'51"	N 69°30'02" E 78.77'
66	88.93'	530.00'	09°36'51"	N 69°30'02" E 88.83'
67	49.67'	530.00'	05°22'12"	N 71°37'22" E 49.65'
68	44.05'	470.00'	05°22'12"	N 71°37'22" E 44.03'

LINE TABLE

LINE	BEARING & DISTANCE
L18	N 64°41'36" E 37.30'
L19	N 66°46'02" E 305.44'
L20	N 70°13'34" E 234.15'
L21	N 73°41'39" E 67.76'
L22	N 73°41'39" E 74.85'

PRELIMINARY
(PLANS ARE UNDER
CITY/OWNER REVIEW)

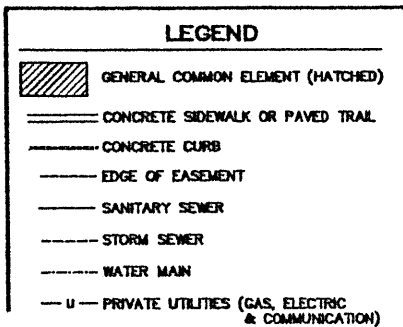
PROPOSED: 06/1/2015
AMENDED: 6/19/2017
AMENDED: 8/31/2018
AMENDED: 9/30/2019

Copperleaf
in the City of Portage, Kalamazoo County, Michigan

SITE PLAN Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 1209 East Millman Road • Portage, Michigan 49801 • Area 269-344-6165 • Fax 269-344-0565	DATE	6/1/2015
	DRAWN BY	36273
	REVIEW BY	3D

NOTES:

- 1) STREETS WITHIN THE CONDOMINIUM PROJECT ARE PAVED ROADWAYS WITH CONCRETE CURBS AND MUST BE BUILT.
- 2) PROPOSED CONCRETE SIDEWALKS MUST BE BUILT.
- 3) THE IMPROVEMENTS SHOWN ARE BASED ON CONSTRUCTION PLANS DEVELOPED BY INGERSOLL, WATSON & MCMACHEN, INC.
- 4) ANY EASEMENTS LOCATED WITHIN THE STREETS (SHOWN AS PUBLIC RIGHT-OF-WAY AREA) ARE NOT SHOWN HEREON.
- 5) SHOWN EASEMENTS BASED ON CERTAIN INFORMATION PROVIDED BY THE DEVELOPER. ADDITIONAL EASEMENTS MAY ENCUMBER PROPERTY.



LISTING OF SHOWN EASEMENTS:

- EASEMENT #1: 12.0' WIDE PRIVATE EASEMENT FOR UTILITIES
 EASEMENT #2: 8.0' WIDE PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR WATER LINES
 EASEMENT #3: 20.0' WIDE PRIVATE EASEMENT TO THE CITY OF PORTAGE FOR STORM SEWER PURPOSES.
 DOCUMENT NO. 2015-038119
 EASEMENT #4: PRIVATE EASEMENT TO THE CITY OF PORTAGE FOR STORM WATER DISPOSAL PURPOSES.
 DOCUMENT NO. 2015-038218
 (ALSO SEE SHEET 2)
 EASEMENT #5: 12.0' WIDE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR A PAVED TRAIL AND FOR PEDESTRIAN AND VEHICLE MAINTENANCE ACCESS.
 EASEMENT #6: 20.0' WIDE PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR WATER LINES
 EASEMENT #7: 20.0' WIDE PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR STORM SEWER PURPOSES.
 EASEMENT #8: PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR WATER LINES, GRADING, DRAINAGE, AND STORM SEWER PURPOSES.
 EASEMENT #9: PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR LANDSCAPING AND SIGNAGE
 EASEMENT #10: PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION AND TO THE OWNER OF UNIT 2 FOR SANITARY SEWER PURPOSES.
 EASEMENT #11: 3.0' WIDE PRIVATE EASEMENT TO THE CITY OF PORTAGE FOR SIDEWALK PURPOSES.

UTILITY OWNERS:

- SANITARY SEWER - CITY OF PORTAGE
- WATER MAIN - CITY OF PORTAGE
- STORM SEWER - CITY OF PORTAGE
- STORM WATER BASIN - CONDOMINIUM ASSOCIATION
- GAS - CONSUMERS ENERGY
- ELECTRIC - CONSUMERS ENERGY
- TELEPHONE - A.T.&T.
- CABLE TELEVISION - COMCAST

*NOTE THAT STORM SEWER THAT IS LOCATED ON UNITS 5 OR 6 IS PRIVATE AND OWNED BY THE CONDOMINIUM ASSOCIATION.

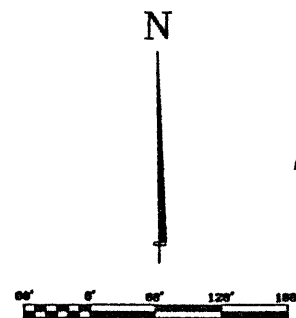
NOTE THAT INDIVIDUAL UTILITY SERVICES TO EACH DWELLING ARE OWNED THE OWNER OF THE UNIT UNLESS THE UTILITY COMPANY DICTATES OTHERWISE.

SIZE OF UTILITY LINES:

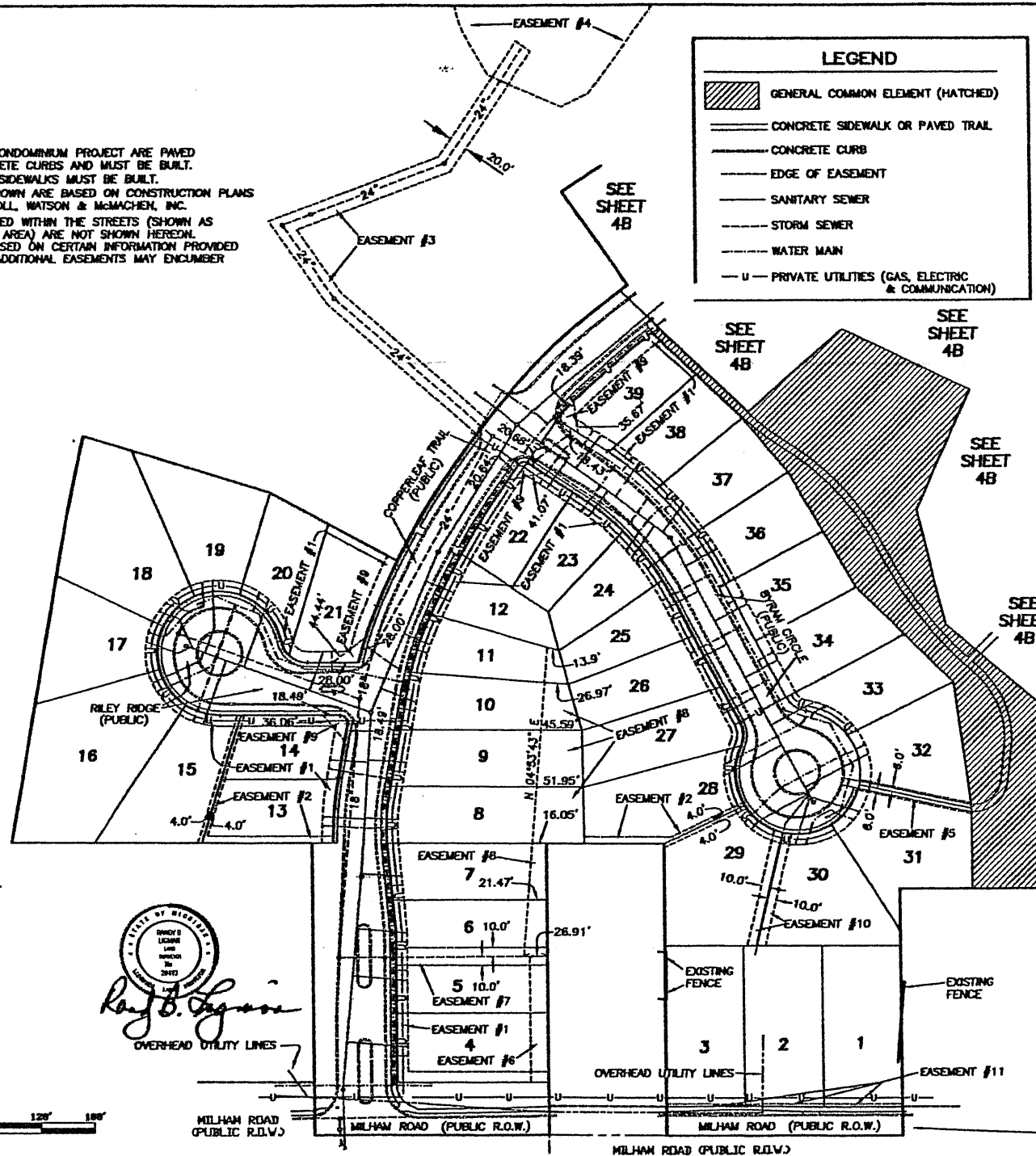
- WATER MAINS: 8" DIAMETER
- *WATER SERVICES (TO EACH UNIT): 1.25" DIAMETER
- SANITARY SEWER MAINS: 8" DIAMETER
- *SANITARY SEWER SERVICES (TO EACH UNIT): 6" DIAMETER
- STORM SEWER PIPE: 12" DIAMETER UNLESS NOTED OTHERWISE

*NOTE: SANITARY SEWER SERVICES MIGHT BE LESS THAN 6" DIAMETER OUTSIDE OF ROAD RIGHT-OF-WAY AREA.
 WATER SERVICES MIGHT BE LESS THAN 1.25" DIAMETER OUTSIDE OF ROAD RIGHT-OF-WAY AREA.

NOTE: UNITS 1 AND 2 ARE SERVICED BY SANITARY LEADS WITHIN MILHAM ROAD. UNITS 1, 2 & 3 MAY REQUIRE THAT NEW WATER SERVICES BE INSTALLED BEFORE (OR DURING) ANY HOUSE CONSTRUCTION.



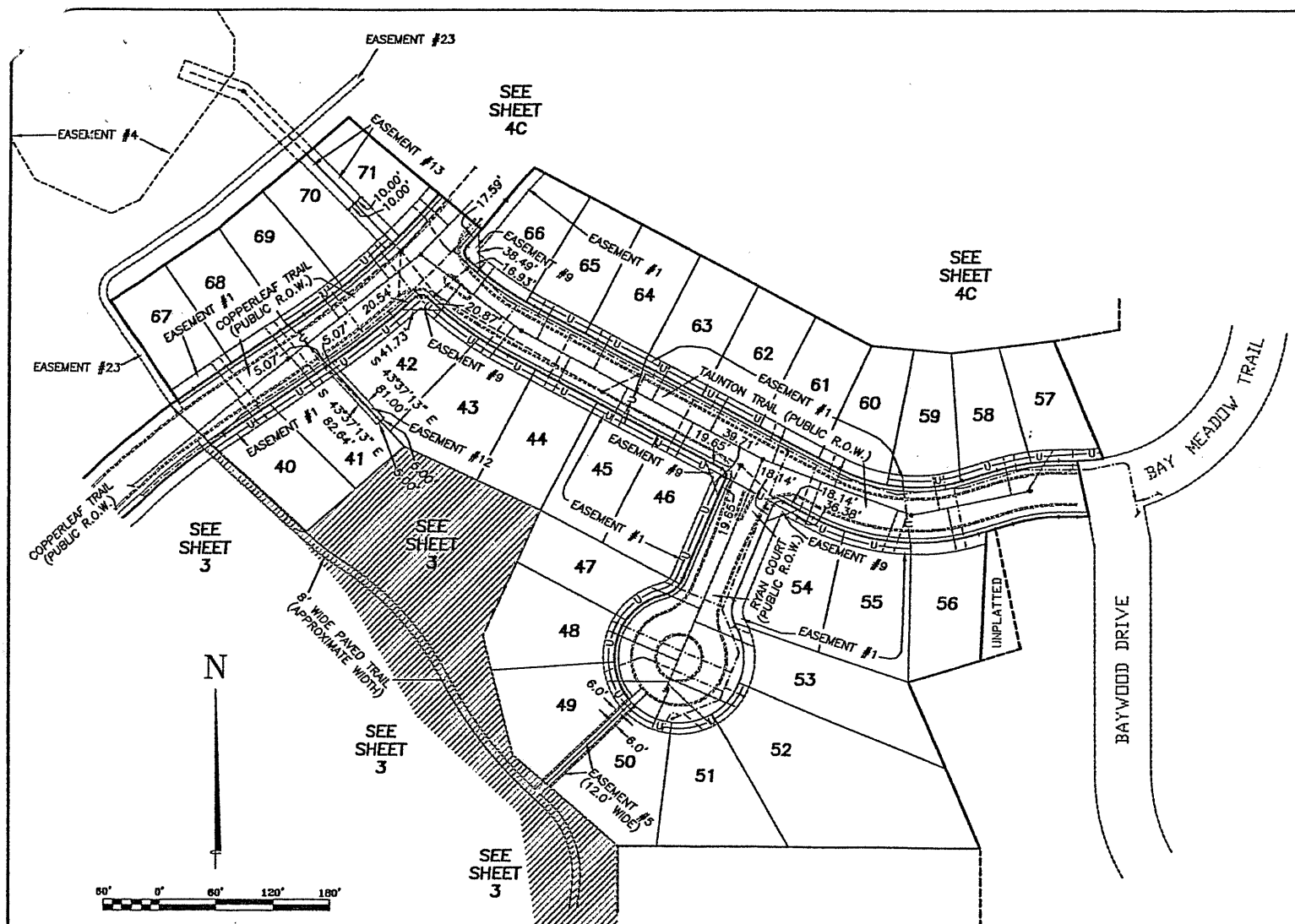
SEAL OF THE ENGINEER
 RAY B. LEONARD
 LICENSE NO. 24112
 OVERHEAD UTILITY LINES



Copperleaf
 in the City of Portage, Kalamazoo County, Michigan

UTILITY / EASEMENT PLAN	6/11/2015
Ingersoll, Watson & McMachen, Inc.	36273
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 2200 East Milham Road • Portage, Michigan 49801 • Phone 269-244-2440 • Fax 269-244-2440	4

PROPOSED: 06/11/2015
 AMENDED: 06/19/2017



- LISTING OF SHOWN EASEMENTS:**
- EASEMENT #1: 12.0' WIDE PRIVATE EASEMENT FOR UTILITIES
 - EASEMENT #4: PRIVATE EASEMENT TO THE CITY OF PORTAGE FOR STORM WATER DISPOSAL PURPOSES. DOCUMENT NO. 2015-038216
 - EASEMENT #5: 12.0' WIDE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR A PAVED TRAIL AND FOR PEDESTRIAN AND VEHICLE MAINTENANCE ACCESS.
 - EASEMENT #9: PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR LANDSCAPING AND SIGNAGE
 - EASEMENT #12: 10.0' WIDE PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR STORM SEWER PURPOSES.
 - EASEMENT #13: 20.0' WIDE PRIVATE EASEMENT TO THE CITY OF PORTAGE FOR STORM SEWER PURPOSES.
 - EASEMENT #23: 12.0' WIDE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR A PAVED TRAIL AND FOR PEDESTRIAN AND VEHICLE MAINTENANCE ACCESS. (RECORDING PENDING)

LEGEND

- GENERAL COMMON ELEMENT (HATCHED)
- CONCRETE SIDEWALK OR PAVED TRAIL
- CONCRETE CURB
- EDGE OF EASEMENT
- SANITARY SEWER
- STORM SEWER
- WATER MAIN
- PRIVATE UTILITIES (GAS, ELECTRIC & COMMUNICATION)

UTILITY OWNERS:
 SANITARY SEWER - CITY OF PORTAGE
 WATER MAIN - CITY OF PORTAGE
 * STORM SEWER - CITY OF PORTAGE
 STORM WATER BASIN - CONDOMINIUM ASSOCIATION
 GAS - CONSUMERS ENERGY
 ELECTRIC - CONSUMERS ENERGY
 TELEPHONE - A.T.&T.
 CABLE TELEVISION - COMCAST

NOTE THAT INDIVIDUAL UTILITY SERVICES TO EACH DWELLING ARE OWNED BY THE OWNER OF THE UNIT UNLESS THE UTILITY COMPANY DICTATES OTHERWISE.

SIZE OF UTILITY LINES:
 WATER MAINS: 8" DIAMETER
 * WATER SERVICES (TO EACH UNIT): 1.25" DIAMETER
 SANITARY SEWER MAINS: 8" DIAMETER
 * SANITARY SEWER SERVICES (TO EACH UNIT): 6" DIAMETER
 STORM SEWER PIPE: 12" DIAMETER UNLESS NOTED OTHERWISE

*NOTE: SANITARY SEWER SERVICES MIGHT BE LESS THAN 6" DIAMETER OUTSIDE OF ROAD RIGHT-OF-WAY AREA.
 WATER SERVICES MIGHT BE LESS THAN 1.25" DIAMETER OUTSIDE OF ROAD RIGHT-OF-WAY AREA.

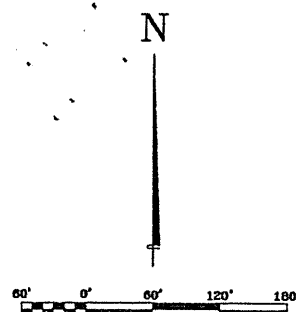
REPLAT No.2 - REVISED
 CONDOMINIUM BOUNDARY

- NOTES:**
- 1) STREETS WITHIN THE CONDOMINIUM PROJECT ARE PAVED ROADWAYS WITH CONCRETE CURBS AND MUST BE BUILT.
 - 2) PROPOSED CONCRETE SIDEWALKS AND PAVED TRAILS MUST BE BUILT.
 - 3) THE IMPROVEMENTS SHOWN ARE BASED ON CONSTRUCTION PLANS DEVELOPED BY INGERSOLL, WATSON & MCMACHEN, INC.
 - 4) ANY EASEMENTS LOCATED WITHIN THE STREETS (SHOWN AS PUBLIC RIGHT-OF-WAY AREA) ARE NOT SHOWN HEREON.
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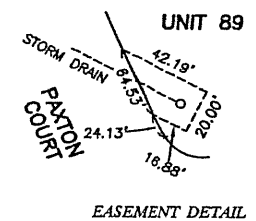
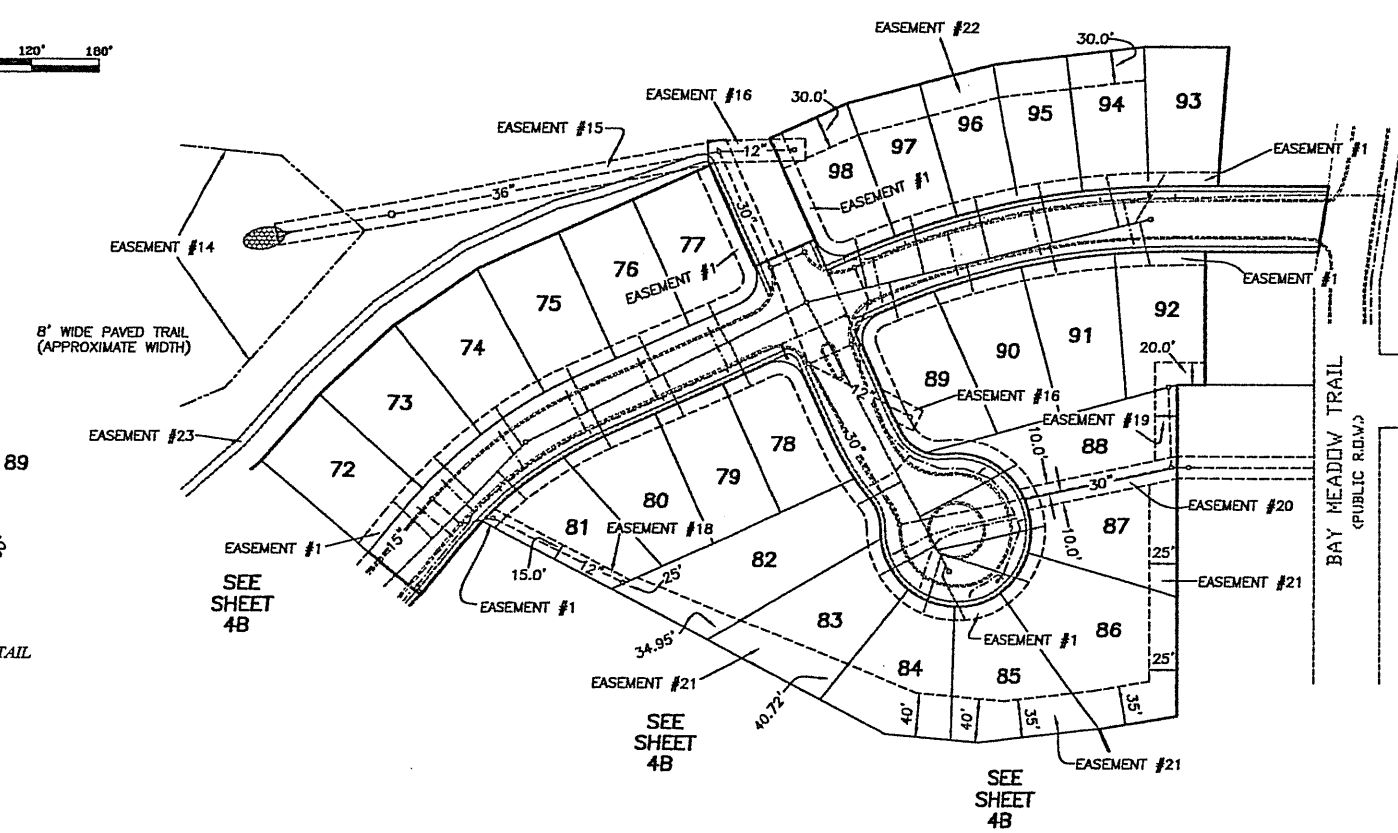
AMENDED 8/31/2018
 PROPOSED 06/19/2017

Randy B. Lyron
Copperleaf
 in the City of Portage, Kalamazoo County, Michigan

UTILITY / EASEMENT PLAN		DATE
		6/19/2017
Ingersoll, Watson & McMachen, Inc.		FILE NO.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		36273
2800 West Hillman Road • Suite B • Portage, Michigan 49706 • Phone 800-344-6186		SHEET NO.
		4B



- NOTES:
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LEGEND	
	GENERAL COMMON ELEMENT (HATCHED)
	CONCRETE SIDEWALK OR PAVED TRAIL
	CONCRETE CURB
	EDGE OF EASEMENT
	SANITARY SEWER
	STORM SEWER
	WATER MAIN
	PRIVATE UTILITIES (GAS, ELECTRIC & COMMUNICATION)

NOTE: NOT ALL REQUIRED EASEMENTS HAVE BEEN SHOWN

- LISTING OF SHOWN EASEMENTS:**
- EASEMENT #1: 12.0' WIDE PRIVATE EASEMENT FOR UTILITIES
- EASEMENT #14: PRIVATE EASEMENT TO THE CITY OF PORTAGE FOR STORM WATER DISPOSAL PURPOSES. (RECORDING PENDING)
- EASEMENT #15: 20.0' WIDE PRIVATE EASEMENT TO THE CITY OF PORTAGE FOR STORM SEWER PURPOSES. (RECORDING PENDING)
- EASEMENT #16: 20.0' WIDE PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR STORM SEWER PURPOSES. (RECORDING PENDING)
- EASEMENT #17: 20.0' WIDE PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR STORM SEWER PURPOSES.
- EASEMENT #18: 10.0' WIDE PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR STORM SEWER PURPOSES.
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- EASEMENT #21: PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR STORM DRAINAGE PURPOSES.
- EASEMENT #22: 30' WIDE PRIVATE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR STORM DRAINAGE PURPOSES.
- EASEMENT #23: 12.0' WIDE EASEMENT TO THE COPPERLEAF CONDOMINIUM ASSOCIATION FOR A PAVED TRAIL AND FOR PEDESTRIAN AND VEHICLE MAINTENANCE ACCESS. (RECORDING PENDING)

- UTILITY OWNERS:**
- SANITARY SEWER - CITY OF PORTAGE
 - WATER MAIN - CITY OF PORTAGE
 - *STORM SEWER - CITY OF PORTAGE
 - STORM WATER BASIN - CONDOMINIUM ASSOCIATION
 - GAS - CONSUMERS ENERGY
 - ELECTRIC - CONSUMERS ENERGY
 - TELEPHONE - A.T.&T.
 - CABLE TELEVISION - COMCAST

NOTE THAT INDIVIDUAL UTILITY SERVICES TO EACH DWELLING ARE OWNED BY THE OWNER OF THE UNIT UNLESS THE UTILITY COMPANY DICTATES OTHERWISE.

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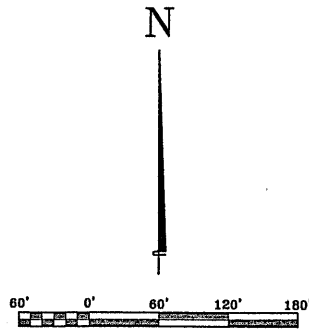
Randy B. Lujan

Copperleaf

in the City of Portage, Kalamazoo County, Michigan

PROPOSED 8/31/2018

UTILITY / EASEMENT PLAN		7/01/2018
Ingersoll, Watson & McMachen, Inc.		36273
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 1200 West 100th Street • Suite 2 • Portage, Michigan 49783 • Phone 269-644-6161		4C



UTILITY OWNERS:

SANITARY SEWER - CITY OF PORTAGE
 WATER MAIN - CITY OF PORTAGE
 * STORM SEWER - CITY OF PORTAGE
 STORM WATER BASIN - CONDOMINIUM ASSOCIATION
 NATURAL GAS - CONSUMERS ENERGY
 ELECTRIC - CONSUMERS ENERGY
 TELEPHONE - A.T.&T.
 CABLE TELEVISION - COMCAST

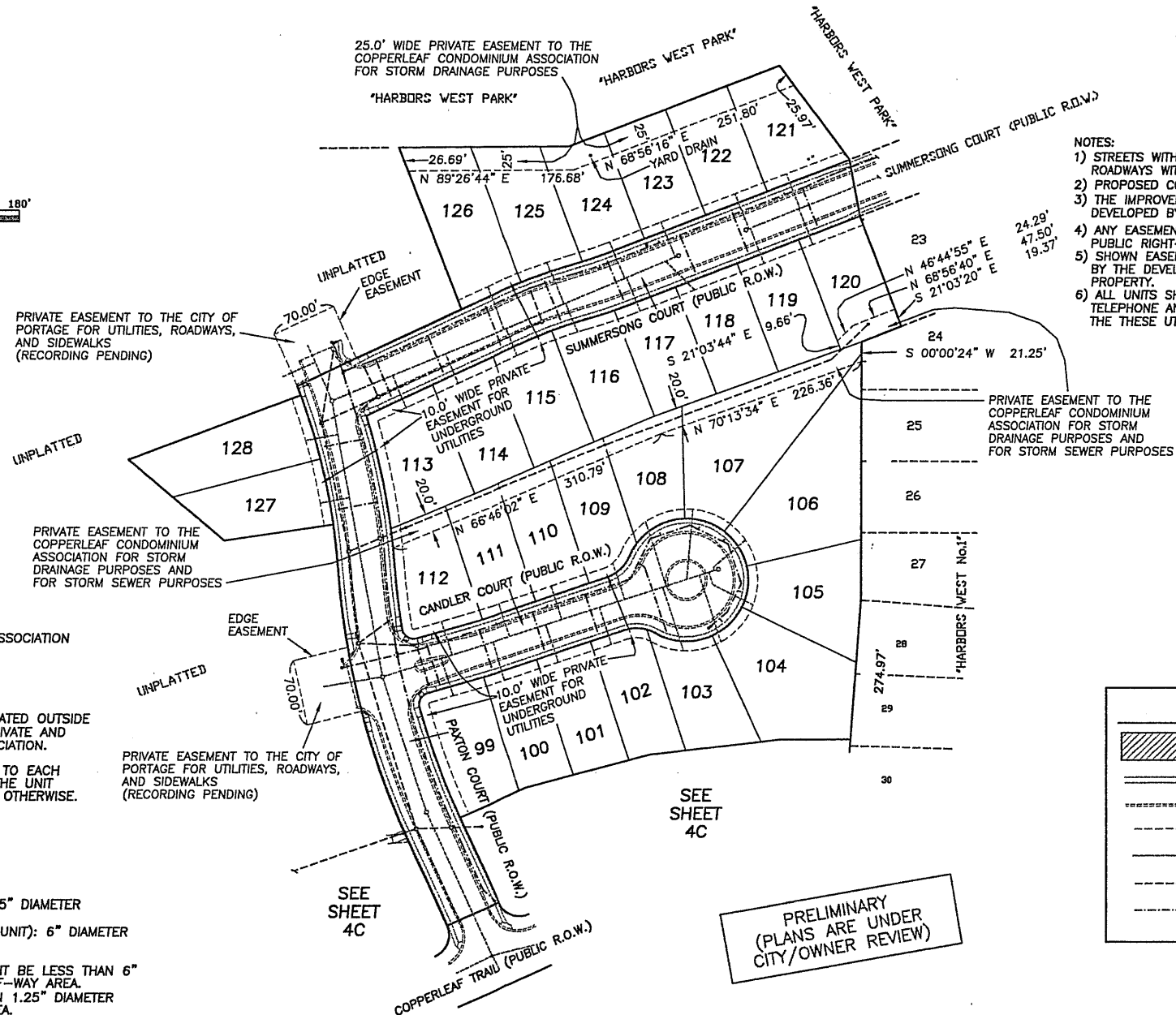
*NOTE THAT STORM SEWER THAT IS LOCATED OUTSIDE OF THE PUBLIC ROADWAY AREAS IS PRIVATE AND IS OWNED BY THE CONDOMINIUM ASSOCIATION.

NOTE THAT INDIVIDUAL UTILITY SERVICES TO EACH DWELLING ARE OWNED THE OWNER OF THE UNIT UNLESS THE UTILITY COMPANY DICTATES OTHERWISE.

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 *SANITARY SEWER SERVICES (TO EACH UNIT): 6" DIAMETER
 STORM SEWER PIPE: VARIES

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NOTES:

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- 3) THE IMPROVEMENTS SHOWN ARE BASED ON CONSTRUCTION PLANS DEVELOPED BY INGERSOLL, WATSON & McMACHEN, INC.
- 4) ANY EASEMENTS LOCATED WITHIN THE STREETS (SHOWN AS PUBLIC RIGHT-OF-WAY AREA) ARE NOT SHOWN HEREON.
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- 6) ALL UNITS SHALL BE SERVICED BY ELECTRIC, GAS, TELEPHONE AND CABLE TELEVISION. THE LOCATIONS OF THESE UTILITY LINES HAVE NOT BEEN SHOWN HEREON.

LEGEND

- GENERAL COMMON ELEMENT (HATCHED)
- CONCRETE SIDEWALK OR PAVED TRAIL
- CONCRETE CURB
- EDGE OF EASEMENT
- SANITARY SEWER
- STORM SEWER
- WATER MAIN

PRELIMINARY
 (PLANS ARE UNDER
 CITY/OWNER REVIEW)

Copperleaf

in the City of Portage, Kalamazoo County, Michigan

PROPOSED: 06/1/2015
 AMENDED: 6/19/2017
 AMENDED: 8/31/2018
 AMENDED: 9/30/2019

UTILITY / EASEMENT PLAN

Ingersoll, Watson & McMachen, Inc.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
 1809 East William Road • Portage, Michigan 49008 • Area 269-344-0100 • Fax 269-344-0555

DATE 6/1/2015

JOB No. 36273

SHEET No. 4D

(44)

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: City of Portage Brownfield Redevelopment Plan, Plan Amendment No. 8, CentrePort Commons

SUPPORTING PERSONNEL: Chris Forth, Acting Director, Department of Community Development

ACTION RECOMMENDED: Accept the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 8 (8015, 8043 and 8061 Portage Road, and 2610 and 2700 East Centre Avenue), and set a public hearing for December 17, 2019.

Southwest Michigan First, on behalf of the property owners, Treystar Holdings, LLC and TOF Centreport I, LLC, have requested assistance through the City of Portage Brownfield Redevelopment Authority (PBRA) with eligible building demolition, site preparation activities and infrastructure improvements (storm water treatment and sanitary sewer facilities) for CentrePort Commons, located at the southeast corner of Portage Road and East Centre Avenue. Treystar Holdings, LLC and TOF Centreport I, LLC is requesting to utilize tax increment financing (TIF) for reimbursement of eligible expenses related to the facility. A 12,600-square-foot Bronson Primary Care medical office building valued at approximately \$6 million is now under construction at 2610/2700 East Centre Avenue. This Bronson facility will employ 28 new, full-time-equivalent employees at this location with an average annual salary of \$125,000.

Redevelopment of this property has been contemplated since 2006. In March 2010, City Council approved the CentrePort Commons Brownfield Redevelopment Plan Amendment No. 6, which proposed the use of tax increment revenue generated by the project to reimburse the developer \$147,000 over a five-year period for eligible brownfield activities. These activities were subsequently completed in 2010. However, the economic downturn halted development of the property and no tax increment revenue was generated or captured. Since no tax increment revenue was generated, the developer was not reimbursed for any of the eligible activities that were completed.

The applicant requests to utilize TIF generated by the new Bronson facility for reimbursement of eligible expenses that were incurred in 2010. To capture the tax increment revenue (TIR), the applicant's Brownfield Redevelopment Plan No. 6 was terminated on September 17, 2019. A new Brownfield Plan has been prepared and approval pursuant to statutory requirements is needed.

The developer will be reimbursed \$147,000 consistent with the amount approved in the March 2010 plan. The Brownfield Redevelopment Plan also includes \$25,000 in public infrastructure expenses for

construction of a Lake Center Business District entry feature, \$17,976 for administration of the plan and \$172,000 for the Local Brownfield Revolving Fund.

The estimated foregone tax revenue for each taxing jurisdiction for the duration of the brownfield plan is shown in Table 2 of the Brownfield Redevelopment Plan. During this time period, the City of Portage will forego approximately \$137,707. After reimbursement of eligible activities and LBRF captures are complete, the tax revenue will be distributed to all taxing jurisdictions in the traditional manner.

On November 19, 2019, the Brownfield Redevelopment Authority convened a meeting to review the Brownfield Redevelopment Plan Amendment No. 8. The applicants, Mr. Joe Agostinelli, of Southwest Michigan First, and Fritz Brown, of Treystar Holdings, LLC/TOF Centreport I, LLC, were present to explain the development project and support the plan amendment. After discussing the plan amendment and project with staff and the applicants, the Brownfield Redevelopment Authority unanimously voted to recommend to City Council that the Brownfield Redevelopment Plan Amendment No. 8 (8015, 8043 and 8061 Portage Road and 2610 and 2700 East Centre Avenue) be approved.

The redevelopment of the property is consistent with City of Portage land use and environmental objectives and will provide additional tax base growth and related economic benefits to the community. Therefore, it is recommended that City Council accept the plan amendment and related documents and set the required public hearing for December 17, 2019.

FUNDING: Not applicable

Attachments:

1. Brownfield Redevelopment Authority draft meeting minutes dated November 19, 2019
2. 2019 Brownfield Redevelopment Policy
3. Vicinity map
4. CentrePort Commons Brownfield Redevelopment Plan Amendment No. 8

Brownfield Redevelopment Authority

Minutes of Meeting – Tuesday, November 19, 2019

The meeting of the City of Portage Brownfield Redevelopment Authority was called to order at 8:00 a.m. in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT: William Lenehan, Jeffrey Monroe, Bradley Galin, Jacob Barker and John Herberg.

MEMBERS EXCUSED: Eric Alburtus, Keith Lewandowski, Devrim Yaman and Daniel Vomastek.

IN ATTENDANCE: Christopher Forth, Acting Director of Community Development; Michael West, Senior City Planner; Joe Agostinelli, Southwest Michigan First; and Fritz Brown, Treystar Holdings, LLC and TOF Centreport I, LLC.

APPROVAL OF MINUTES: The minutes from the October 4, 2019 meeting were introduced for approval. A motion was offered by Barker, seconded by Herberg to approve the minutes as submitted. The motion was approved 5-0.

BUSINESS:

1. City of Portage Brownfield Redevelopment Plan Amendment No. 8, CentrePort Commons. Forth summarized the staff report dated November 15, 2019 regarding the request from Southwest Michigan First, on behalf of Treystar Holdings, LLC and TOF Centreport I, LLC, to provide assistance through the City of Portage Brownfield Redevelopment Authority (PBRA) for eligible activities including building demolition, environmental due diligence, site preparation and infrastructure improvements related to the CentrePort Commons development located at the southeast corner of Portage Road and East Centre Avenue (8015, 8043 and 8061 Portage Road and 2610 and 2700 East Centre Avenue). Forth discussed the original Brownfield Redevelopment Plan Amendment No. 6 for CentrePort Commons that was approved by City Council in March 2010 and subsequently terminated in September 2019. Mr. Forth stated that while the developer did complete building demolition, environmental due diligence, site work and infrastructure improvements in 2010, the 2008 economic downturn halted planned development of this property and since no tax increment revenue was generated within the proceeding five-year time period, the developer was not reimbursed for any of these eligible activities.

In July 2019, Forth stated the city administration approved a site plan for an approximate 12,600 square foot Bronson Primary Care medical office building at 2610 and 2700 East Centre Avenue and this project is currently under construction. Forth indicated this project represents an approximate \$6 million investment and will generate new tax revenue as initially contemplated in the original 2010 CentrePort Commons Brownfield Redevelopment Plan. Forth explained the importance of redevelopment of this property given its location at the northern gateway to the Lake Centre Business District and stated a new Brownfield Redevelopment Plan Amendment is now requested by the developer to obtain reimbursement for the eligible activities that were completed back in 2010.

Forth and Agostinelli explained the tax capture anticipated during the next 10 years and Brown explained the initial investment amount, activities eligible for reimbursement and the future vision for development of the remainder of the CentrePort Commons property. Galin asked if there were other projects forthcoming. Brown stated that development interest in this corner is very active and is content with being reimbursed \$147,000 of previously incurred eligible expenses. Brown also noted this property is located within an Opportunity Zone

and those available incentives will be utilized as well. Herberg asked if the jobs are new to Portage. Brown stated the jobs are relocating from the Angling Road facility.

After additional discussion, a motion was made by Monroe, seconded by Galin, that the Brownfield Redevelopment Authority recommend to City Council that the resolution of support involving the PBRA Brownfield Redevelopment Plan Amendment No. 8 for CentrePort Commons (8015, 8043 and 8061 Portage Road and 2610 and 2700 East Centre Avenue) be approved for tax capture in the amount of \$385,737 for not more than 10 years (including five additional years if tax capture for the LBRF) subject to finalization of the Reimbursement Agreement. The motion was unanimously approved 5-0.

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

There being no further business to come before the Authority, the meeting was adjourned at 8:15 a.m.

Respectfully submitted,

Christopher Forth, Acting Director

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT INCENTIVE POLICY

The City of Portage encourages the growth and development of the local industry and business tax base, the creation of additional job opportunities for community residents and desires to continue to provide incentives for industry and business expansion. The City Council also recognizes the essential responsibility to the community to maintain the array of public services necessary to ensure the high quality of life that exists in Portage. To facilitate tax base expansion and to fulfill these responsibilities, the City Council hereby establishes this City of Portage Brownfield Redevelopment Incentive Policy.

The City of Portage is *A Natural Place to Move*. To continue to be a community in which growth and development can prosper, the following attributes important to all industries and businesses will be maintained:

- **Low Tax Rate.** The maintenance of the lowest feasible tax rate compared to other full-service cities is essential to economic development and will facilitate expansion and job creation: A very competitive City of Portage tax rate will be continued.
- **Utility Service Rates.** The maintenance of competitive utility rates is also important to provide opportunities for continued growth and development: Cost effective rates and the efficient delivery of utility services by the City of Portage will be continued.
- **Capital Improvements.** Investments in existing public street, water and sewer infrastructure and the expansion of these public systems are necessary and will encourage additional private sector investment: The annual 10-year Capital Improvement Program budget will continue to reflect essential public improvements within the community.
- **Quality of Life Investments.** To provide opportunities for industry and business expansion and to ensure high quality of life standards, public safety, business and neighborhood services, cultural and recreational programming and related community attributes must be maintained: Quality of life investments will be continued by the City of Portage to foster a safe, *Living, Working and Learning* community.

In addition to these important locally-determined economic development and growth factors, the City Council will offer eligible industries and businesses the opportunity to apply for brownfield incentives under Michigan Statute. The City Council is desirous of fostering brownfield redevelopment to strengthen the tax base and to encourage job creation. The City Council also recognizes its fiduciary responsibility to the community to provide public services and uphold the quality of life. Periodic review of the brownfield policy is necessary to ensure consistency with the community needs and objectives.

Inquiries concerning this policy can be directed to the Department of Community Development (269.329.4477), or the Office of the City Clerk (269.329.4511) in Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002.

Brownfield Redevelopment Incentive Policy

The following sections reference the framework for processing and considering brownfield redevelopment incentive applications as provided under the Brownfield Redevelopment Financing Act (PA381 of 1996, as amended). This policy, these procedures and related provisions will

assist the private investors in the ongoing effort to enhance the productive capacity of environmentally distressed, functionally obsolete or blighted buildings and properties and contribute to the health and vibrancy of the City of Portage. The following sections address --

1. The Intent of the City of Portage Brownfield Redevelopment Program
2. The General Review Criteria for Brownfield Applications
3. Brownfield Redevelopment Financial Incentives in the City of Portage
4. Brownfield Redevelopment Application Review Process
5. Amendment of the City of Portage Brownfield Plan Process
6. State of Michigan Review Process
7. Annual Report Requirements for the City and the Applicant
8. Coordination with the Kalamazoo County Brownfield Redevelopment Authority

1. The Intent of the City of Portage Brownfield Redevelopment Program

Per the resolution adopted by the City Council in July 2001, the City of Portage Brownfield Redevelopment Program was established to facilitate reuse of environmentally distressed, functionally obsolete, and/or blighted buildings and property in the community. This economic development program is intended to place vacant and/or underutilized/blighted properties back into productive use, fostering reinvestment in the city and, also, discouraging sprawl development. Consistent with the intent of PA381 of 1996, as amended, City Council established the Portage Brownfield Redevelopment Authority in August 2001 and appointed the Board of Directors of the Portage Economic Development Corporation/Tax Increment Finance Authority (EDC/TIFA) to serve as the Portage Brownfield Redevelopment Authority.

The objective of the Act is to assist in effectively addressing brownfield properties and consider the level of assistance necessary to encourage redevelopment. It is acknowledged that the greater development costs associated with a brownfield, when compared to the development costs of a property that is not environmentally contaminated, functionally obsolete, or blighted is a significant consideration in successful redevelopment and use. The State of Michigan has enacted programs to assist in brownfield redevelopment, and has authorized local units of government to capture incremental increases in local and school property tax revenues to finance eligible activities on a brownfield property including environmental response activities, demolition, public infrastructure improvements, site preparation and lead and asbestos abatement.

2. The General Review Criteria for Brownfield Applications

The City Council will evaluate brownfield redevelopment applications based on the following criteria. The criteria shall be equally applied during the review of applications from eligible property owners:

- The brownfield redevelopment will facilitate the environmental clean-up to accepted State of Michigan standards and the productive reuse of one or more distressed properties, or
- The brownfield redevelopment will facilitate the demolition and removal of a functionally obsolete building (or selective interior building demolition) and site condition, or a blighted building and site condition.
- The brownfield redevelopment involves property that is zoned for office, business or industrial use and/or is planned for office, business or industrial use in the Portage Comprehensive Plan.
- The financial incentives to be provided for the project will not result in the impairment of the operation or the financial soundness of any affected taxing unit.
- A public purpose would be served; i.e., expanded tax base as well as the multiplier effects of additional employment, income and capital investment in the community.
- The project will provide for an expansion of the employment base in the community.

- The proposed facilities will be compatible with the present and future requirements for city services such as roads, utilities and public safety.
- The applicant meets current financial obligations to the city, is in compliance with all applicable state and city codes and ordinances and has no pending or current litigation against the city (including appeals to the Michigan Tax Tribunal).

The preceding criteria are not intended to be exhaustive. The City Council reserves the right to consider such additional criteria that are intended under this policy and that are consistent with promoting the general health, safety, and welfare of the City of Portage.

3. Brownfield Redevelopment Financial Incentives in the City of Portage

The Portage City Council wishes to encourage the environmental clean-up and/or redevelopment of eligible brownfield sites by leveling the playing field between "brownfield" and "greenfield" sites. The Portage City Council will offer the following incentives to stimulate reinvestment in eligible brownfield sites.

A. Tax Increment Financing Incentive. Tax increment financing (TIF) allows the use of tax revenues that result from an increase in taxable value caused by the construction of new facilities or the rehabilitation of existing facilities. Tax revenues can then be used to fund/reimburse the cost of eligible brownfield redevelopment activities.

1. The Portage City Council will support tax increment financing if such financing is necessary for the economic feasibility of an office, commercial or industrial project on a brownfield site. Tax increment financing may be approved to reimburse the applicant only for those costs attributed to approved activities directly related to the brownfield property such as public infrastructure, storm water retention, environmental response, demolition, including reasonable interest expenses as allowed by the Act, and for related fees and costs associated with the tax increment plan, financing, scheduling, reporting and related activities. City Administration costs for review and approval of the brownfield application and plan that involve tax increment financing will be incorporated into the tax increment finance plan as allowed by the Act. The city will not borrow money or issue negotiable revenue bonds or notes to finance eligible activities.
2. In order for a project to be considered for tax increment financing, the following minimum threshold criteria must be met:
 - a. The property must be zoned and/or designated for office or business use and located in a "Commercial Revitalization Area", the Downtown Development Authority, the Lake Centre subarea, or the City Centre subarea as identified in the Comprehensive Plan and meet the guidelines of the state brownfield program; OR
 - b. The property must be zoned and/or designated for industrial use and located within the general industrial area identified in the Comprehensive Plan and meet the manufacturing guidelines of the state brownfield program; AND
 - c. The local tax capture is limited to a maximum of 15 years or when 100% reimbursement of eligible expenses is achieved, whichever time period is shorter. Eligible expenses for projects that involve a functionally obsolete building or blighted building/property shall be limited to activities that demolish and/or remove the obsolete or blighted factors of the building/property; AND
 - d. The applicant is not responsible for any existing on-site environmental contamination and/or blighted building or site conditions.

3. The City Council may increase the financial assistance and level of city participation, by granting a TIF capture period that exceeds 15 years but is not longer than 30 years, consistent with the requirements of Act 381 and objectives stated in this policy. One of the following criteria should be considered for such projects:
 - a. The project is transformative and involves significant economic development benefits to the community; OR
 - b. The minimum taxable value of the project upon completion will be at least \$10 million; OR
 - c. The project will result in the creation of: 100 or more new jobs with a *median annual salary* above 80% of the Kalamazoo County Area Median Income for a single-person household; OR 50 new jobs, *all* of which have an annual salary above 80% of the Kalamazoo County Area Median Income for a single-person household; OR
 - d. Others benefits as may be determined by the City Council.

4. Brownfield Redevelopment Application Review Process

The application review process includes the following information/steps:

- A. Applications shall be submitted to the Department of Community Development and include:
 1. Letter of application, together with the adopted fee.
 2. Project summary of the overall project investment and proposed job creation/retention, a preliminary site plan or site sketch, graphics or other illustrations that detail the project.
 3. Summary of environmental conditions and eligible activities that necessitate consideration of a brownfield plan amendment.
 4. Preliminary estimate of the captured taxable value and tax increment revenues from all eligible properties.
 5. Preliminary estimate of the impact of tax increment financing on the revenues of all taxing units subject to tax capture.

The application will be promptly processed when all required information has been submitted.

- B. Review of a brownfield redevelopment application will be coordinated by the Department of Community Development, with assistance from the Office of City Assessor. The Community Development Department will prepare a report that will include appropriate analyses and give consideration to the application, Michigan Statue, the General Review Criteria specified in this policy and any other pertinent considerations. If the City Manager approves the brownfield redevelopment application, the applicant will prepare an amendment to the City of Portage Brownfield Plan, which will be considered as required by Act 381 and relevant statutory requirements.

5. Amendment to the City of Portage Brownfield Plan Process

Within six months of the City Manager approval of the brownfield application, the applicant may proceed and prepare an amendment to the City of Portage Brownfield Redevelopment Plan for consideration by the city to include an additional eligible property per the following:

- A. Preparation of the Brownfield Redevelopment Plan. The applicant, or designated agent, is responsible for preparing the Brownfield Redevelopment Plan consistent with the Act. The Brownfield Redevelopment Plan shall be properly completed and submitted to the Department of Community Development.

- B. City Administrative Review. The Brownfield Redevelopment Plan will be reviewed by the Department of Community Development, with assistance from the Office of City Assessor. A report will be prepared and include appropriate analyses, giving consideration to the approved brownfield application, Michigan Statute, this policy and any other pertinent considerations. The review and report, together with a draft development agreement, will be provided to the Brownfield Redevelopment Authority and to City Council for consideration at the public hearing on the plan.
- C. Brownfield Redevelopment Authority Review. The Authority will review the Brownfield Redevelopment Plan and related documents and develop a recommendation that will be forwarded to City Council. After review by the Authority, the plan will be forwarded to the City Council.
- D. Public Hearing on the Brownfield Redevelopment Plan. City Council will hold a public hearing on the plan consistent with Act 381 including written notice to taxing units subject to tax capture.
- E. Resolution adopted by City Council. After consideration of the proposal and Brownfield Redevelopment Plan, development agreement and related documents, City Council will adopt a resolution certifying the plan.

6. State of Michigan Review Process

If captured school taxes will be used to reimburse the cost of environmental response activities, or any non-environmental activities, approval of the Brownfield Redevelopment Plan and a Work Plan by the MDEQ and/or the MEDC is necessary. A Work Plan details the proposed project, specific activities to be undertaken, and the costs and time frame for completion. The MDEQ and MEDC will review the Brownfield Redevelopment Plan and Work Plan to ensure consistency with statutory, procedure and process requirements, and notify the City of Portage Brownfield Redevelopment Authority that the plan has been approved, approved with conditions, denied or if additional information is needed. The applicable state agency(ies) will approve the Tax Increment Finance Incentives, including the required Work Plans. The city and the authority will only use tax increment revenues in a manner consistent with the approval(s) granted by the applicable state agency(ies). If the plan is approved or approved with conditions by the State of Michigan, the City Council and other local units will be advised, as applicable.

7. Local Brownfield Revolving Fund

PA 381 of 1996 authorizes the creation of a Local Brownfield Revolving Fund (LBRF) that can be used for eligible activities such as: site investigation (e.g. environmental studies such as Baseline Environmental Assessments and Due Care Plans); preparation of a Brownfield Redevelopment Plan; environmental cleanup; demolition; site clearing, amongst others. The benefit of a LBRF is that it can provide funding for future brownfield redevelopment projects that require additional assistance with up front due diligence and planning costs required to prepare a Brownfield Redevelopment Plan, and/or with the cost of eligible redevelopment activities where a project may not otherwise be economically feasible.

Funding for a LBRF typically consists of funds from tax increment revenue in excess of the amount required to reimburse the developer, the local Brownfield Redevelopment Authority for administrative expenses, and the State Brownfield Redevelopment Authority. However, funding for a LBRF may also be derived from appropriations and/or grants from public and private sources. In the case of the Portage Brownfield Redevelopment Authority, the LBRF will initially be funded from tax increment revenue derived from approved Brownfield Redevelopment Plans. The LBRF will capture excess tax increment revenue for a period not to exceed five years (which must fall within the maximum 30-year capture period).

8. Annual Report Requirements for the City of Portage and the Applicant

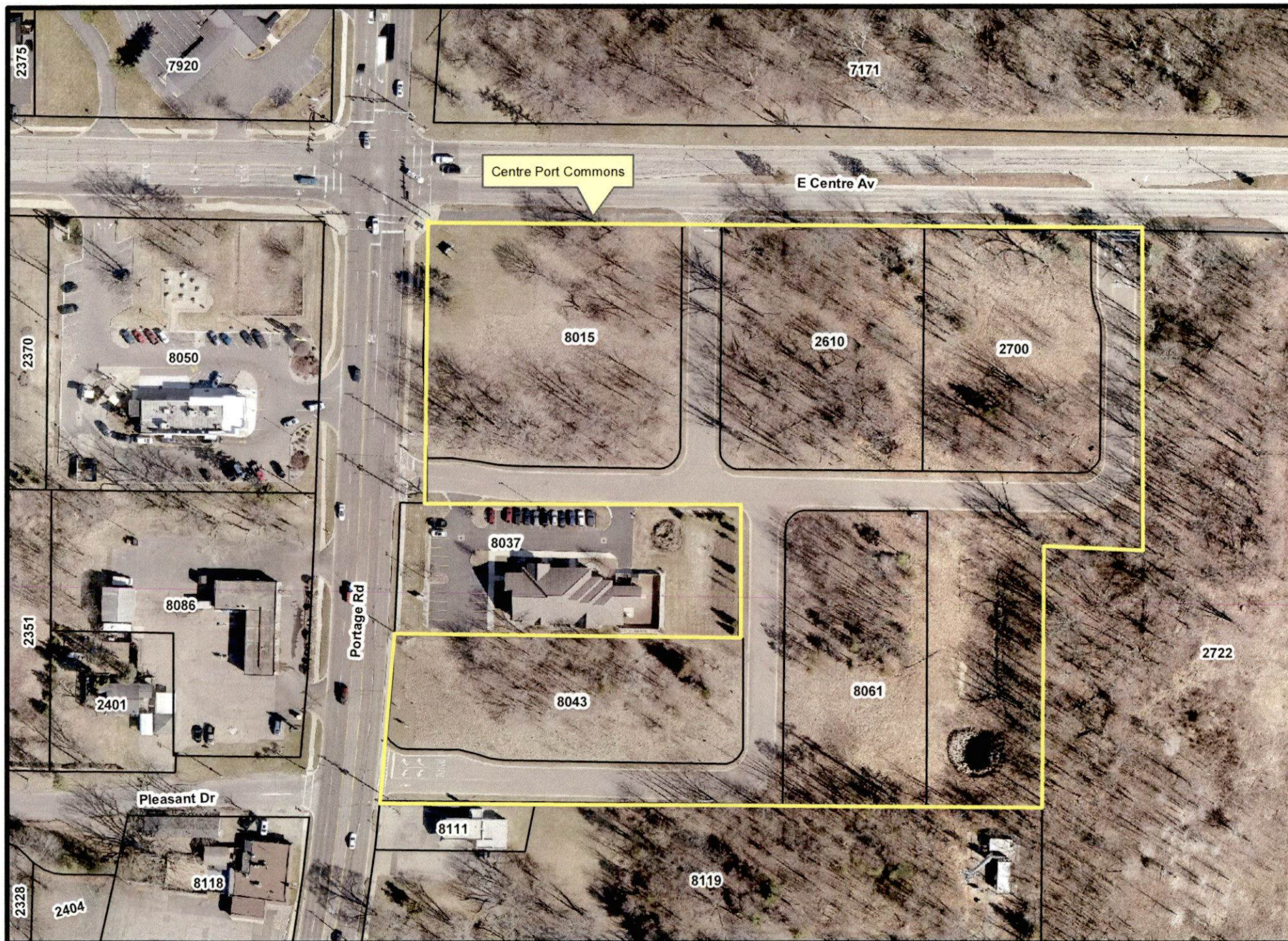
In accordance with Act 381 requirements, an annual financial report will be submitted to the City Council and the State Tax Commission on the status of the activities.

9. Coordination with Kalamazoo County Brownfield Redevelopment Authority

The Kalamazoo County Brownfield Redevelopment Authority (KCBRA) was created in 2002, which also provides incentives for brownfield redevelopment. While most KCBRA projects have occurred within Kalamazoo County townships, the City of Portage may permit a KCBRA project within the city. The KCBRA has established a Local Site Remediation Revolving Fund (LSRRF) that provides funding to assist applicants with up front expenses including environmental studies and preparation of a Brownfield Redevelopment Plan. In the event an applicant seeks approval through the KCBRA, the following criteria and process shall be utilized for the review and approval process:

- KCBRA staff reviews the initial application and consults with the City of Portage Department of Community Development regarding the project.
- KCBRA Brownfield Plans proposed within the City of Portage must be consistent with the criteria and TIF capture provisions outlined in the City of Portage Brownfield Redevelopment Incentive Policy. An additional TIF capture period will be permitted for a period of not more than five years to fund the LSRRF. Dependent on the amount of TIF capture and scope of the project, this time period may be shortened to less than five years.
- After the KCBRA reviews and approves Brownfield Plan, the plan shall be submitted to the City of Portage Department of Community Development. After review by the City Administration, the City of Portage Brownfield Redevelopment Authority will review the Brownfield Plan and make a recommendation to City Council.
- The City Council will then review the Brownfield Plan and if approved, adopt a Resolution Approving a Brownfield Plan.
- If approved by the Kalamazoo County Board of Commissioners and the State of Michigan (if applicable), the KCBRA shall provide an executed copy of the development agreement for the project and annually provide a report regarding Brownfield Plan projects within the City of Portage.

DATE OF ADOPTION BY CITY COUNCIL: June 11, 2019



Centre Port Commons Brownfield Redevelopment Plan Amendment No. 8



ACT 381 BROWNFIELD PLAN

**CentrePort Commons
Southeast Corner of Portage Road and Centre Ave
Kalamazoo County, City of Portage
City of Portage Brownfield Redevelopment Authority**

11/19/2019

Prepared by
Southwest Michigan First
261 E. Kalamazoo Ave, Suite 200
Kalamazoo, MI 49007

Approved by the Brownfield Redevelopment Authority on _____

Approved by the Portage City Council on _____

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ACT 381 BROWNFIELD PLAN

1.0 INTRODUCTION

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The proposed redevelopment consists of a single parcel of approximately 8 acres, which is the subject of a five-unit site condominium known as CentrePort Commons. A portion of the site previously contained a gas station which left behind legacy contamination in the soil and groundwater qualifying the site as a "Facility". The site is in the City of Portage, which is a qualified local governmental unit ("QLGU"), in the heart of the city's growing Lake Center District.

The project involved the demolition of the former gas station, construction of new interior roads, sidewalks, sewer and stormwater infrastructure and associated stormwater management systems. A 12,706 square foot building is being built on units 2 & 3 of the CentrePort Commons development, which will be leased by Bronson Family Practice. The building features a masonry and glass façade with various roof levels and pitches. The building will have a full basement for medical record storage. It is anticipated that Units 1, 4 and 5 of CentrePort Commons will be developed with retail, office and/or commercial uses for future unknown tenants and/or owners. A proposed site plan is included as Attachment E to this brownfield plan.

The total capital investment on the Unit 2 & 3 development is expected to be approximately \$6 million. Construction of the 12,706 building began in the 3rd quarter of 2019 and will be completed by the summer of 2020.

1.2 Eligible Property Information

Basis of Eligibility

The property consists of a single five-unit site condominium which is approximately 8.06 acres in size. Contamination from leaking underground storage tank(s) has been previously identified on the southern portion of the site (formerly 8043 Portage Road), which was previously occupied by a gasoline station. As a result, 8043 Portage Road is classified as a "facility" (see Attachment D).

Verification of Facility status is contained in Attachment C.

Location and Legal Description

SE Corner of Portage Road and Centre Ave
Portage, MI 49002

8.06 Acres

Tax IDs: 0023-501-O; 0023-502-O; 0023-503-O;
0023-504-O; 0023-505-O

Legal Description:

A PARCEL OF LAND SITUATION IN THE NE ¼ AND THE NW ¼ OF SEC 23, T3S, R11W; COMM AT THE N ¼ COR OF SEC23, T3S, R11W; TH S89DEG53'29"E 648.32FT ALONG THE N LI OF THE NE ¼ OF SAID SEC TO THE W LI OF THE E ½ OF THE NW ¼ OF SAID NE ¼; TH CONTINUING 2 89DEG53'29"E 170 FT ALONG SAID N LI; TH S00DEG28'10"E 50 FT PARALLEL WITH SAID W LI TO THE S ROW LI OF CENTRE AVE AND THE POB; TH CONT S00DEG28'10"E 318 FT PARALLEL WITH SAID W LI; TH N89DEG53'29"W 96.45 FT PARALLEL WITH SAID N LI TO THE E LI OF THE W 660 FT (PERPENDICULAR MEASURE) OF SAID NE ¼; TH S00DEG17'25"E 259.01 FT ALONG SAID E LI TO A POINT S00DEG17'25"E 627 FT PARALLEL WITH SAID E LI FROM THE N LI; TH N89DEG53'29"W 681.33 FT PARALLEL WITH SAID N LI TO THE CENTER LI OF PORTAGE RD; TH NORTHERLY 165.34 FT ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3125.36 FT AND A CHORD N03DEG45'51"E 165.00 FT TO A POINT S00DEG17'25"E 462 PARALLEL WITH SAID E LI FROM SAID N LI; TH S89DEG53'29"E 369.64 FT PARALLEL WITH SAID N LI TO A POINT N89DEG53'29"W 300 FT FROM SAID E LI; TH N00DEG17'25"W 132.00 FT PARALLEL WITH SAID E LI; TH N89DEG53'29"W 310 FT PARALLEL WITH SAID N LI TO THE E LI OF W 50 FT OF SAID NE ¼; TH S8989DEG53'29"E 705.47 FT ALONG SAID S ROW LI TO THE POB. CONTAINING 8.09 ACRES OF LAND. PARCEL SUBJECT TO HIGHWAY EASEMENT FOR PORTAGE RD.

2.0 Information Required by Section 13(2) of the Statute

2.1 Description of Costs to Be Paid for With Tax Increment Revenues

Tax increment revenues will be used to reimburse Treystar Holdings, LLC ("Developer:") for the cost of eligible activities as authorized by the Brownfield Redevelopment Financing Act (Act 381). Eligible activities will be reimbursed with local TIR only.

The total cost of eligible activities to be reimbursed under this plan are limited to \$172,000. Authority administrative costs are anticipated to be \$17,255. Capitalization of the Local Brownfield Revolving Fund is estimated to be \$172,000. The estimated cost of all eligible activities under this plan are summarized in Table 1.

Non-Environmental Activities

Because the City of Portage is a QLGU, non-environmental costs ("Michigan Strategic Fund ("MSF") Eligible Activities") can be reimbursed through a brownfield plan. This plan will provide for reimbursement of eligible demolition; lead, asbestos & mold abatement, site preparation and/or infrastructure improvements.

Authority Expenses

Actual eligible costs incurred by the City of Portage Brownfield Redevelopment Authority (PBRA) are included in this plan as an eligible expense. These expenses will be reimbursed with local tax increment revenues only.

2.2 Summary of Eligible Activities

2.2..1 Demolition

Demolition activities included the removal of an abandoned gasoline station and its related features such as awnings, piping, electrical conduit, and surfacing. The total cost of demolition was \$18,821.

2.2..2 Infrastructure Improvements

Infrastructure improvement activities included the installation of 400 linear feet of public sewer main through the "facility" portion of development. Additionally, infrastructure improvement activities included the construction of an urban stormwater management system. Costs under this category included the excavation and construction of a stormwater retention and infiltration basin and associated collection structures and piping.

The City of Portage also intends to obtain an easement from the developer on a small portion of the property at the corner of Portage Road and Centre Ave and install new signage for the Lake Center business district.

The total cost of these infrastructure improvement is anticipated to be \$111,500.

2.2..3 Site Preparation

Site Preparation activities included soil removal and fill, clearing and grubbing, site grading and surveying along with engineering and design related to eligible activities. The cost of site preparation activities was \$81,287.

2.2..4 Local Brownfield Revolving Fund

The Authority intends to capture non-school tax increments for deposit in the local brownfield revolving fund for a full five years, however the dollar amount is limited to the amount of eligible activities included in this brownfield plan. This capture is estimated to be \$172,000

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues

An estimate of the captured taxable value for this redevelopment by year is depicted in Table 2. This plan captures all available TIR, including real and personal property TIR.

2.4 Method of Financing and Description of Advances Made by the Municipality

The eligible activities will be financed by the developer and reimbursed as outlined in this plan and accompanying development agreement. No advances from the City are anticipated at this time.

2.5 Maximum Amount of Note or Bonded Indebtedness

No note or bonded indebtedness for this project is anticipated at this time. Therefore, this section is not applicable.

2.6 Duration of Brownfield Plan

The duration of this plan is estimated to be 9 years consistent with current city policy which limits the duration of developer reimbursement to 15 years, plus five full years of capture to the Local Brownfield Revolving Fund. It is estimated that the redevelopment of the property will be completed in 2019 and that full recapture of eligible costs and eligible administrative costs of the authority through TIR will be completed within 6 years.

While eligible activities previously incurred and to be incurred in the future exceed \$200,000, reimbursement to the developer is limited to \$147,000 under this plan while the City of Portage will then be reimbursed up to \$25,000 for their infrastructure improvements. As a result, capture to the LBRF is limited to the total eligible activities included in this plan, which is \$172,000 or 5 full years as required by Act 381.

Capture of TIR is expected to begin in 2020, however could be delayed for up to 5 years after the approval of this plan as permitted by Act 381. In no event shall capture extend beyond 30 year as required by Act 381. An analysis showing the reimbursement schedule is attached as Table 3.

2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions is illustrated in detail within Table 2.

2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The property consists of a single five-unit site condominium which is approximately 8 acres in size and is located at the southeast corner of Portage Road and Centre Ave. A legal description of the property along with a scaled map showing eligible property dimensions, is attached as Figure 1.

The parcel is considered "eligible property" due to the presence of contaminants, specifically benzene, ethylbenzene, xylene and trimethylbenzene isomers in soil and groundwater at concentrations in excess of the most stringent applicable MDEQ GRCC. Therefore, the property is a "Facility" as defined by Part 201.

Taxable personal property, if any, is included in this plan.

2.9 Estimates of Residents and Displacement of Individuals/Families

No persons reside at the property therefore this section is not applicable.

2.10 Plan for Relocation of Displaced Persons

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.11 Provisions for Relocation Costs

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.12 Strategy for Compliance with Michigan's Relocation Assistance Law

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.13 Other Material that the Authority or Governing Body Considers Pertinent

None.

Figure 1

Legal Description and Eligible Property Map

Legal Description:

A PARCEL OF LAND SITUATION IN THE NE $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ OF SEC 23, T3S, R11W; COMM AT THE N $\frac{1}{4}$ COR OF SEC23, T3S, R11W; TH S89DEG53'29"E 648.32FT ALONG THE N LI OF THE NE $\frac{1}{4}$ OF SAID SEC TO THE W LI OF THE E $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF SAID NE $\frac{1}{4}$; TH CONTINUING 2 89DEG53'29"E 170 FT ALONG SAID N LI; TH S00DEG28'10"E 50 FT PARALLEL WITH SAID W LI TO THE S ROW LI OF CENTRE AVE AND THE POB; TH CONT S00DEG28'10"E 318 FT PARALLEL WITH SAID W LI; TH N89DEG53'29"W 96.45 FT PARALLEL WITH SAID N LI TO THE E LI OF THE W 660 FT (PERPENDICULAR MEASURE) OF SAID NE $\frac{1}{4}$; TH S00DEG17'25"E 259.01 FT ALONG SAID E LI TO A POINT S00DEG17'25"E 627 FT PARALLEL WITH SAID E LI FROM THE N LI; TH N89DEG53'29"W 681.33 FT PARALLEL WITH SAID N LI TO THE CENTER LI OF PORTAGE RD; TH NORTHERLY 165.34 FT ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3125.36 FT AND A CHORD N03DEG45'51"E 165.00 FT TO A POINT S00DEG17'25"E 462 PARALLEL WITH SAID E LI FROM SAID N LI; TH S89DEG53'29"E 369.64 FT PARALLEL WITH SAID N LI TO A POINT N89DEG53'29"W 300 FT FROM SAID E LI; TH N00DEG17'25"W 132.00 FT PARALLEL WITH SAID E LI; TH N89DEG53'29"W 310 FT PARALLEL WITH SAID N LI TO THE E LI OF W 50 FT OF SAID NE $\frac{1}{4}$; TH S8989DEG53'29"E 705.47 FT ALONG SAID S ROW LI TO THE POB. CONTAINING 8.09 ACRES OF LAND. PARCEL SUBJECT TO HIGHWAY EASEMENT FOR PORTAGE RD.

Table 1

Eligible Activities Costs

Local Only Eligible Activities Costs and Schedule		
Local Only Eligible Activities	Cost	Completion
		Season/Year
Demolition		
<i>Demolition of abandoned gas station structures</i>	\$ 18,821	Spring 2010
Sub-Total - Demolition	\$ 18,821	
Infrastructure Improvements		
<i>Urban Stormwater Management System</i>	\$ 46,700	Spring 2010
<i>Sanitary Sewer</i>	\$ 39,800	Spring 2010
<i>City of Portage Signage</i>	\$ 25,000	Summer 2020
Subtotal – Infrastructure	\$ 111,500	
Site Preparation		
<i>Geotechnical Engineering, Surveying and Design</i>	\$ 22,437	Winter 2010
<i>Soil Removal/Fill</i>	\$ 17,150	Spring 2010
<i>Clearing and Grubbing</i>	\$ 9,800	Spring 2010
<i>Grading</i>	\$ 31,900	Spring 2010
Sub-Total – Site Prep	\$ 81,287	
Local Only Eligible Activities Total	\$ 211,608	

Table 2

Tax Capture Schedule

Tax Increment Revenue Capture Estimates
CentrePort Commons

Portage, Michigan
November 19, 2019

Estimated Taxable Value (TV) Increase Rate: 2.0%

Plan Year	1	2	3	4	5	6	7	8	9	10	TOTAL
Calendar Year	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
*Base Taxable Value \$	368,157	368,157	368,157	368,157	368,157	368,157	368,157	368,157	368,157	368,157	
Estimated New TV \$	402,169	1,640,851	1,673,668	1,707,141	1,741,284	1,776,110	1,811,632	1,847,864	1,884,822	1,922,518	
Incremental Difference (New TV - Base TV) \$	34,012	1,272,694	1,305,511	1,338,984	1,373,127	1,407,953	1,443,475	1,479,707	1,516,665	1,554,361	

Local Capture	Millage Rate												
City of Portage	10.8205	\$	368	\$ 13,771	\$ 14,126	\$ 14,488	\$ 14,858	\$ 15,235	\$ 15,619	\$ 16,011	\$ 16,411	\$ 16,819	\$ 137,707
KVCC	2.8089	\$	96	\$ 3,575	\$ 3,667	\$ 3,761	\$ 3,857	\$ 3,955	\$ 4,055	\$ 4,156	\$ 4,260	\$ 4,366	\$ 35,747
KRESA Allocated	0.1444	\$	5	\$ 184	\$ 189	\$ 193	\$ 198	\$ 203	\$ 208	\$ 214	\$ 219	\$ 225	\$ 1,838
KRESA Operating	2.8946	\$	98	\$ 3,684	\$ 3,779	\$ 3,876	\$ 3,975	\$ 4,075	\$ 4,178	\$ 4,283	\$ 4,390	\$ 4,499	\$ 36,838
KRESA Enhancement	1.5000	\$	51	\$ 1,909	\$ 1,958	\$ 2,008	\$ 2,060	\$ 2,112	\$ 2,165	\$ 2,220	\$ 2,275	\$ 2,332	\$ 19,090
KRESA Special Ed	1.4988	\$	51	\$ 1,908	\$ 1,957	\$ 2,007	\$ 2,058	\$ 2,110	\$ 2,163	\$ 2,218	\$ 2,273	\$ 2,330	\$ 19,074
KRESA CTE	1.0000	\$	34	\$ 1,273	\$ 1,306	\$ 1,339	\$ 1,373	\$ 1,408	\$ 1,443	\$ 1,480	\$ 1,517	\$ 1,554	\$ 12,726
County Operating	4.6810	\$	159	\$ 5,957	\$ 6,111	\$ 6,268	\$ 6,428	\$ 6,591	\$ 6,757	\$ 6,927	\$ 7,100	\$ 7,276	\$ 59,573
CCTA Transit	0.7500	\$	26	\$ 955	\$ 979	\$ 1,004	\$ 1,030	\$ 1,056	\$ 1,083	\$ 1,110	\$ 1,137	\$ 1,166	\$ 9,545
KCTA Transit	0.3145	\$	11	\$ 400	\$ 411	\$ 421	\$ 432	\$ 443	\$ 454	\$ 465	\$ 477	\$ 489	\$ 4,002
Portage Library	2.0000	\$	68	\$ 2,545	\$ 2,611	\$ 2,678	\$ 2,746	\$ 2,816	\$ 2,887	\$ 2,959	\$ 3,033	\$ 3,109	\$ 25,453
County Public Safety	1.4472	\$	49	\$ 1,842	\$ 1,889	\$ 1,938	\$ 1,987	\$ 2,038	\$ 2,089	\$ 2,141	\$ 2,195	\$ 2,249	\$ 18,418
County Housing	0.0998	\$	3	\$ 127	\$ 130	\$ 134	\$ 137	\$ 141	\$ 144	\$ 148	\$ 151	\$ 155	\$ 1,270
County Senior	0.3500	\$	12	\$ 445	\$ 457	\$ 469	\$ 481	\$ 493	\$ 505	\$ 518	\$ 531	\$ 544	\$ 4,454
Local Total	30.3097	\$	1,031	\$ 38,575	\$ 39,570	\$ 40,584	\$ 41,619	\$ 42,675	\$ 43,751	\$ 44,850	\$ 45,970	\$ 47,112	\$ 385,737

Non-Capturable Millages	Millage Rate																						
Portage School Debt	7.3500	\$	250	\$	9,354	\$	9,596	\$	9,842	\$	10,092	\$	10,348	\$	10,610	\$	10,876	\$	11,147	\$	11,425	\$	93,540
County Juvenile Home Debt	0.1873	\$	6	\$	238	\$	245	\$	251	\$	257	\$	264	\$	270	\$	277	\$	284	\$	291	\$	2,384
KRESA Debt	0.3650	\$	12	\$	465	\$	477	\$	489	\$	501	\$	514	\$	527	\$	540	\$	554	\$	567	\$	4,645
State Education Tax (SET)	6.0000	\$	204	\$	7,636	\$	7,833	\$	8,034	\$	8,239	\$	8,448	\$	8,661	\$	8,878	\$	9,100	\$	9,326	\$	76,359
School Operating Tax	17.8182	\$	606	\$	22,677	\$	23,262	\$	23,858	\$	24,467	\$	25,087	\$	25,720	\$	26,366	\$	27,024	\$	27,696	\$	226,763
Total Non-Capturable Taxes	31.7205	\$	1,079	\$	40,370	\$	41,411	\$	42,473	\$	43,556	\$	44,661	\$	45,788	\$	46,937	\$	48,109	\$	49,305	\$	403,691

Total Tax Increment Revenue (TIR) Available for Capture \$ 1,031 \$ 38,575 \$ 39,570 \$ 40,584 \$ 41,619 \$ 42,675 \$ 43,751 \$ 44,850 \$ 45,970 \$ 47,112 **\$ 385,737**

Footnotes:

*Personal Property tax increment, if any, will be captured however is not contemplated in this table

Table 3

Reimbursement Schedule

Tax Increment Revenue Reimbursement Allocation Table

CentrePort Commons
Portage, Michigan
November 19, 2019

Estimated Total Years of Plan: 10

Estimated Capture	\$ 385,737
Administrative Fees	\$ 17,976
State Brownfield Redevelopment Fund	N/A
Developer Reimbursement	\$ 147,000
City Reimbursement	\$ 25,000
Local Brownfield Revolving Fund	\$ 172,000

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	TOTAL
Total Local Incremental Revenue	\$ 1,031	\$ 38,575	\$ 39,570	\$ 40,584	\$ 41,619	\$ 42,675	\$ 43,751	\$ 44,850	\$ 45,970	\$ 47,112	\$ 385,737
BRA Administrative Fee (5%)	\$ 48	\$ 1,798	\$ 1,844	\$ 1,891	\$ 1,940	\$ 1,989	\$ 2,039	\$ 2,090	\$ 2,142	\$ 2,196	\$ 17,976
Local TIR Available for Reimbursement	\$ 983	\$ 36,777	\$ 37,726	\$ 38,693	\$ 39,680	\$ 40,686	\$ 41,712	\$ 42,759	\$ 43,827	\$ 44,917	\$ 367,760
Local Only Costs	\$ 172,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Treystar Holdings, LLC	\$ 147,000	\$ 983	\$ 36,777	\$ 37,726	\$ 38,693	\$ 32,821					\$ 147,000
City of Portage	\$ 25,000					\$ 6,858	\$ 18,142				\$ 25,000
Total Local Only Reimbursement Balance	\$ 171,017	\$ 134,240	\$ 96,514	\$ 57,821	\$ 25,000	\$ 6,858					
Total Annual Reimbursement	\$ 983	\$ 36,777	\$ 37,726	\$ 38,693	\$ 39,680	\$ 18,142	\$ -	\$ -	\$ -	\$ -	\$ 172,000
LOCAL BROWNFIELD REVOLVING FUND											
LBRF Deposits *	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total LBRF Capture (Local Only)	\$ -	\$ -			\$ -	\$ 22,544	\$ 41,712	\$ 42,759	\$ 43,827	\$ 21,157	\$ 172,000

Footnotes:

- * Up to five years of capture for LBRF Deposits after eligible activities are reimbursed. May be taken from DEQ & Local TIR only.
- * Capture to the LBRF shall not exceed the total amount of Eligible Activities included in the brownfield plan

Attachment A

Brownfield Plan Resolutions

CITY OF PORTAGE, COUNTY OF KALAMAZOO

**RESOLUTION APPROVING AN AMENDED BROWNFIELD REDEVELOPMENT PLAN
BY ADDING BROWNFIELD PLAN NO. 8
FOR THE CITY OF PORTAGE PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381
OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN 1996,
AS AMENDED**

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall, on the _____ day of _____, 2019, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

Resolution offered by Councilmember _____ and
seconded by Councilmember _____.

WHEREAS, the Brownfield Redevelopment Authority (the Authority) of the City of Portage, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the Act), has approved Brownfield Plan No. 8 (8015, 8043 and 8061 Portage Road and 2610 and 2700 East Centre Avenue) pursuant to and in accordance with Section 13 of the Act as an amendment to the Brownfield Redevelopment Plan approved by the Council on September 4, 2001.

WHEREAS, the Authority has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the Taxing Jurisdictions) about the fiscal and economic implications of the proposed Financing Plan, and the Council has provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Section 14(1) of the Act; and

WHEREAS, the Council makes the following determinations and findings:

A. The Amended Plan constitutes a public purpose under the Act;

B. The Amended Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;

C. The amount of captured taxable value estimated to result from adoption of the plan is reasonable;

D. The owner and/or developer of the property which is included in the Amended Plan shall finance all eligible activities under the Amended Plan and the Authority shall not issue any notes or bonds related to this Amended Plan.

WHEREAS, as a result of its review of the Amended Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Amended Plan Approved.** Pursuant to the authority vested in the City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Amended Plan is hereby approved in the form attached as Exhibit A to this Resolution.

2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION ADOPTED: _____

Adam Herringa, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

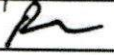
I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2019, the original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

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

Adam Herringa, City Clerk

Prepared by:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

Approved as to Form:

Date: 11/14/2019
By: 
City Attorney

Attachment B

Reimbursement Agreement

BROWNFIELD REIMBURSEMENT AGREEMENT

This BROWNFIELD REIMBURSEMENT AGREEMENT ("Agreement") is made this ___ day _____ of _____, 2019, by and between Treystar Holdings, LLC and TOF CentrePort I, LLC, with offices at 161 E. Michigan Avenue, Suite 400, Kalamazoo, Michigan 49007 (the "Developer"), and the City of Portage Brownfield Redevelopment Authority (the "AUTHORITY"), established by the City of Portage with its office at 7900 S. Westnedge Avenue, Portage, MI 49002.

RECITALS

- A. The Authority was created by the City of Portage (the "City") pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of Michigan of 1996 as amended ("Act 381"), and, pursuant to Act 381, the Authority has prepared a Brownfield Plan which was duly approved by the City Council of the City (the "Brownfield Plan").
- B. The Developer owns property in the City addressed as 8015, 8043 and 8061 Portage Road and 2610 and 2700 East Centre Avenue (a five-unit site condominium project known as CentrePort Commons), City of Portage, County of Kalamazoo, Michigan and which is legally described in the attached Exhibit A and which is included in the Brownfield Plan as being a "facility" as defined in Act 381 (the "Property").
- C. Act 381 permits the use of the real and personal property tax revenues generated from the increase in value (the "Increment") to brownfield sites constituting Eligible Property as defined under Act 381 resulting from their redevelopment to pay or reimburse the payment of costs in conducting Eligible Activities and, unless Developer is a liable party for the site contamination, permits the reimbursement to Developer of Eligible Costs it has incurred.
- D. The Developer is in the process of constructing an approximate 12,600 sq. ft. medical office building (the "Project") on 2610 and 2700 East Centre Avenue (units 2 and 3 of the CentrePort Condominium) and is requesting to be reimbursed for certain eligible activities that were completed in 2010 in an amount not to exceed One Hundred Forty-seven Thousand Dollars (\$147,000.00). These activities are all described in the City of Portage Brownfield Redevelopment Authority Brownfield Plan for the Project dated November 19, 2019 (the "Brownfield Amendment"), attached as Exhibit B. The Eligible Activities have the effect of assisting in the redevelopment of the Property, maintaining and increasing employment within the City, increasing tax base within the City and otherwise enhancing the economic vitality and quality of life in the City.
- E. Act 381 permits the use of the real property tax revenues generated from the incremental increase in property value of a redeveloped brownfield site constituting an "eligible property" under Act 381 to which the Authority is entitled to receive to pay or to reimburse the payment of costs of conducting activities that meet the requirements under Act 381 of "Eligible Activities".
- F. By completing the Eligible Activities on the Property, the Developer incurred costs of performing the Eligible Activities.
- G. In accordance with Act 381, the parties desire to use the property tax revenues that are generated from an increase in the taxable value of the Property resulting from its

redevelopment to which the Authority is entitled to receive (the "Tax Increment Revenues") to reimburse the Developer for the Eligible Costs.

- H. Whereas, the Developer will construct and develop all phases necessary to complete the Project and has obtained financing for said improvements and the AUTHORITY, subject to the terms, conditions, and limitations contained herein, intends, pursuant to the Brownfield Plan, to reimburse the Developer for the certain costs of Eligible Activities.
- I. The parties are entering into this Agreement to establish the terms and procedure for such reimbursement.

AGREEMENTS

NOW, THEREFORE, the parties agree with each other as follows:

1. **Definitions.** Capitalized terms shall have those definitions provided under Act 381 unless otherwise provided by this Agreement or unless inconsistent with the context in which the term is used.
2. **The Plans.** The AUTHORITY has approved the Brownfield Plan and the Developer hereby also approves the Brownfield Plan. To the extent provisions of the Brownfield Plan and any subsequent amendments conflict with this Agreement, and as it may be amended, the terms and conditions of this Agreement control. To the extent provisions of the Brownfield Plan and any subsequent amendments or this Agreement conflicts with the Brownfield Act, as amended, Act 381 controls.
3. **Construction of Project.** The Developer acknowledges and represents, and the AUTHORITY and the City agree, that the Developer shall, at its own cost, have the sole right and responsibility to develop, construct and complete the development of the Project as determined by the Developer, in accordance with site plans and permits approved by the City, and the Developer shall pay for the development, construction, completion and maintenance of the Eligible Activities and Eligible Investments specified in the Brownfield Plan, subject to the Developer's Repayment Obligation (defined herein). For the purposes of this Agreement, "construction" or "construct" or similar terms shall include the acquisition, placement and/or installation of business personal property by the Developer within the Property. All development improvements performed by the Developer on the Project shall comply, in all respects, with all of the City's regulations including, but not limited to, zoning ordinances and building code, as well as all applicable federal, state, city, local and municipal rules, regulations and laws.
4. **Submission of Plans and Permit Applications.** The Developer has submitted all required plans and applications required by the City and its engineers for the Project and the Developer has obtained all required permits and approvals, paid all applicable fees, and the Developer has begun construction of the Project in accordance with the approved site plan identified in the Brownfield Plan. The Developer may modify and amend its site plan at any time and from time to time provided City approvals are obtained and provided that all improvements called for by such modifications and amendments shall not alter the "Eligible Property" as defined and used in the

Brownfield Act.

5. **Construction of Certain Improvements by the Developer.** The Developer asserts that Eligible Activities described in the Brownfield Plan have been completed. Promptly after completion of construction of the Project and upon request of the Developer, the AUTHORITY and the City shall execute and deliver to the Developer a Certificate of Completion (the "Certificate of Completion"). When issued, the Certificate of Completion, except for any items to be completed or corrected as set forth therein, shall be a conclusive determination by the AUTHORITY and City of their satisfaction with respect to the obligations of the Developer and their satisfaction that the construction of the Project has been completed in accordance with the provisions of this Agreement.
6. **AUTHORITY Costs and Expenses.** All legal and consulting fees, and other expenses incurred by the AUTHORITY (including administrative and operating costs as described in Section 14 hereof) in connection with the Brownfield Plan, this Agreement or the Project, other than reimbursement to the Developer for approved expenses of Eligible Activities, shall be reimbursable annually to the AUTHORITY from the Tax Increment Revenues in an amount not to exceed 5% of available TIR.
7. **Builders Risk Insurance Prior to Completion.** Prior to completion of the construction of the Project as certified by the AUTHORITY and City, the Developer shall keep in force at all times Builder's Completed Value Risk Insurance, in non-reporting form, against all risks of physical loss, including collapse, covering the total value of the work performed and equipment, supplies and materials furnished for the Project. Such insurance policies shall be issued by a company satisfactory to the AUTHORITY and City. All such policies shall contain a provision that the same will not be cancelled or modified without thirty (30) day prior written notice to the AUTHORITY and the City.
8. **Insurance Proceeds.** If all or any part of the Project is damaged or destroyed, the insurance proceeds resulting from such damage or destruction shall be used by Developer for the cost of restoring or rebuilding the Project. The Project shall be restored or rebuilt substantially in accordance with the construction plans provided by Developer and approved by the AUTHORITY and City and shall be of at least equal value and substantially the same character as prior to the damage or destruction.
9. **Rights of Inspection.** During construction of the Project, the City's and AUTHORITY's designees shall have the right at any time and from time to time to enter upon the Project for purposes of inspection. Such inspection by the City and AUTHORITY of the Project shall not be construed as a representation by the AUTHORITY or the City that there has been compliance with the site plan or that the Project will be, or are, free of faulty materials or workmanship, or a waiver of any right, the AUTHORITY, the City or any other party may have against Developer or any other party for non-compliance with the site plan and the terms of this Agreement.
10. **Implementation of Construction and Utility Maintenance Easements.** The parties shall all coordinate together and use their best efforts to establish all construction access maintenance and utility service easements designated in

the Brownfield Plan or as more particularly defined in site plans and engineering plans pertaining to the Project.

11. **Source of Tax Increment Revenues.** All millages, unless otherwise excluded or exempt from capture pursuant to the Brownfield Act, will be captured by the AUTHORITY, and the TIR generated by such capture shall be available to the AUTHORITY for purposes of the Brownfield Plan and to make the reimbursement payments required under this Agreement.

12. **Determination of Eligible Activities Qualified for Reimbursement.**

- a. All costs of Eligible Activities attributable to the Property for which the Developer seeks reimbursement from Tax Increment Revenues shall satisfy each of the following applicable qualifications:
- i. The Eligible Activity and the cost of the Eligible Activity is included in the Brownfield Plan approved by the AUTHORITY or any amendment or supplement thereto approved by the AUTHORITY, and the Eligible Activity was conducted in accordance with the terms of the Brownfield Plan, this Agreement, and all applicable state and federal laws and regulations.
 - ii. The cost of the Eligible Activity is payable from Tax Increment Revenues only after reimbursement to AUTHORITY of the AUTHORITY'S Administrative and Operating Costs as set forth in Sections 6 and 14.
- b. Developer understands and agrees that any reimbursement of the Developer by or on behalf of the AUTHORITY of any expenses for approved activities shall be only for "Eligible Activities" as defined in the Act 381, and the Brownfield Plan and for which reimbursement is authorized under this Agreement. It is further understood and agreed that any reimbursement to or on behalf of the Developer shall only occur to the extent that Tax Increment Revenues are generated from the Property and those Tax Increment Revenues are available under Act 381 and this Agreement for the making of reimbursements to the Developer.
- c. Pursuant to the Brownfield Plan, the AUTHORITY shall capture the Tax Increment Revenues generated from real and personal property taxes allowed by law on the eligible property beginning 2020 and continuing, unless eliminated or otherwise modified by this Agreement, the total which shall not exceed One Hundred Forty-Seven Thousand Dollars (\$147,000.00) but no later than 2029. This Agreement shall terminate the earlier of the date when all reimbursements required under this Agreement have been made or the Brownfield Plan has expired.

13. **AUTHORITY Reimbursement Payments to Developer.**

- a. From time to time, but not more frequently than quarter-annually without

approval of the AUTHORITY, the Developer may submit to the AUTHORITY a certification of costs of Eligible Activities paid or incurred for reimbursement in accordance with this Agreement and the Brownfield Plan. Such certification shall include a narrative of the approved activities performed and an explanation of why such activities qualify for reimbursement under this Agreement, a representation and warranty of the Developer that all activities for which reimbursement is sought qualify as Eligible Activities under Act 381, copies of all documents or reports for whose preparation payment is requested, a copy of invoices for the work described in such certification, and any substantiating documentation for such invoices that is requested by the AUTHORITY.

- b. Within thirty (30) days of its receipt of such statement and supporting invoices, the AUTHORITY shall review the submission to confirm that such activities qualify for reimbursement under this Agreement and the Brownfield Plan and advise the Developer in writing if any activities do not so qualify including the specific reasons why the AUTHORITY believes that such activities do not so qualify.
- c. Subject to Section 14 below, to the extent that such submission is approved by the AUTHORITY Board, the AUTHORITY shall thereafter cause the Developer to be paid the amounts approved within forty-five (45) days, but only to the extent that Tax Increment Revenues attributable to the Property are available. If sufficient Tax Increment Revenues attributable to the Property are not available at the time such submission is approved and payment is due, the approved amount shall be paid from Tax Increment Revenues attributable to the Property that are next received by the Authority and that are not otherwise allowed to be used for purposes permitted by Section 14 below.
- d. To the extent that any portion of such submission is not approved, any authorized representative of the AUTHORITY and the Developer shall, within fourteen (14) days upon the request of either party, meet promptly to discuss the reasons the submission was not approved and the conditions pursuant to which the Developer can obtain approval of such disallowed request.
- e. No interest or other charge shall accrue or attach to any reimbursement payment agreed to by AUTHORITY under this Agreement.
- f. The AUTHORITY shall have no obligation to reimburse the Developer for Eligible Costs for Tax Increment Revenue captured and received by the AUTHORITY after 2029. This Agreement is limited to Tax Increment Revenue captured and received by the AUTHORITY for tax years 2020-2029.

14. AUTHORITY Administrative and Operating Costs.

- a. The AUTHORITY may retain funds to pay administrative and operating costs of the AUTHORITY from the annual Tax Increment Revenues attributable to the Property. The amount the AUTHORITY may retain shall not exceed the actual administrative operating costs or the amounts permitted by Act 381, and for funding of the Local Site Remediation Revolving Fund to the extent permitted by applicable law and the Brownfield Plan. In no event shall the AUTHORITY retain more than 5% of the available Tax Increment Revenues in any given year.
- b. The amount retained pursuant to this Section 14 may be generated only from Tax Increment Revenues attributable to the levies of Local Taxes upon the Property.
- c. All amounts captured by the AUTHORITY that exceed the lesser of actual AUTHORITY administrative costs or the 5% limitation on administrative expense reimbursement shall be redistributed for reimbursement to the Developer to pay for Eligible Activities as authorized by the Brownfield Plan.
- d. The AUTHORITY may retain the amount permitted by this Section 14 prior to making any reimbursement under Section 13 to the Developer. To the extent Tax Increment Revenues are not available from levies of Local Taxes for any year in an amount sufficient to make the reimbursement under this Section 14 for that year, the shortfall may be reimbursed from any subsequent years' Tax Increment Revenues attributable to the Property after reimbursements required under this Section 14 and Section 13 are made for the year in question.

15. Prohibitions Against Assignment and Transfer of Project Prior to Issuance of Certificate of Completion.

- a. Until issuance of the Certificate of Completion pursuant to Section 5 of this Agreement, the Developer will not: (i) assign, sell or transfer its interest in the Property and/or the Project or any part thereof or any interest therein, except for utility easements; or (ii) assign this Agreement, without in each case the prior written consent of the City and the AUTHORITY, which consent will not unreasonably be withheld. Any such assignment shall be an "Approved Assignment." The City and the AUTHORITY shall give their consents if:
 - (i) the Developer demonstrates, subject to reasonable review by the City and the AUTHORITY, that the assignee has the ability and financial stature to fulfill the obligations assigned by the Developer; and
 - (ii) the assignee assumes unconditionally in writing all of Developer's past, present and future obligations assigned by the Developer. In the event the assignee fails to perform all of the obligations assigned by the Developer, the Developer shall retain the obligation to perform all remaining unperformed obligations previously assigned.

- b. This Section relates only to the development of the Project and shall not be construed or interpreted as imposing any restrictions on the use, transfer or sale of any other Property.

16. **Property Tax Appeal.**

- a. In the event the Developer files an appeal with the Michigan Tax Tribunal related to the taxable value of the Property, the AUTHORITY may do either of the following:
 - i. Remit tax reimbursement payments based upon the lowest taxable value being sought pursuant to the appeal until resolution of the appeal **and** hold any Tax Increment Revenue that is collected but not remitted as a result of a tax appeal in a separate account of the AUTHORITY until the pending appeal is adjudicated; and once any tax appeals are adjudicated, either return the escrowed funds to the local unit in compliance with any tax appeal rulings, or make payments pursuant to Sections 13 and 14 of this Agreement, or
 - ii. If the AUTHORITY reasonably determines, after notice to the Developer and an opportunity for the Developer to discuss the issues with the AUTHORITY, that the Developer's taxable value being sought pursuant to the appeal will so diminish or negatively change the benefit of the Project to the taxing jurisdictions involved that the original expectations will no longer exist or be substantially diminished, the AUTHORITY may determine that the Developer is ineligible to receive any further reimbursement under this Agreement and hold any Tax Increment Revenue that is collected but not remitted as a result of this provision in a separate account of the AUTHORITY until the pending appeal is adjudicated. If the appeal results in a Property valuation that is substantially consistent with the Brownfield Plan and if the Developer completes the Project as contemplated by this Agreement, then the AUTHORITY shall make payments pursuant to Sections 13 and 14 of this Agreement.
- b. In no event will the Developer be required to return reimbursement payments made by the AUTHORITY to Developer. No sanctions hereunder will accrue to Developer in the event it files an action in the Michigan Tax Tribunal with respect to the property in order to correct a clerical error of the Assessor, such as an error in addition or subtraction.

17. **Municipal Representatives not Personally Liable.** No AUTHORITY Board Member, City Council member or any other official, employee, agent, consultant, advisor, attorney or representative of the AUTHORITY or City shall be personally liable to Developer in the event of any default or breach by any party under this Agreement, or for any amount which may become due to any party or on any obligations under the terms of this Agreement.

18. **Release and Indemnification.** The parties agree as follows:

- a. Except to the extent any of the following arises from or relates to the fraud,

intentional misconduct or gross negligence of the AUTHORITY or the City, Developer releases from and covenants and agrees that the AUTHORITY and the City and their governing body members, officers, employees, agents, consultants, advisors, attorneys and representatives shall not be liable for, and Developer agrees to indemnify, defend and hold harmless the officers, employees, agents, consultants, advisors, attorneys and representatives thereof against any losses, demands, claims, actions, causes of assessments, suits, judgments, damages, liabilities, penalties, costs and expenses (including without limitation the fees and expenses of attorneys and other consultants) which are asserted against, or are imposed upon or incurred by the AUTHORITY or the City or an above-listed person and which are resulting from, relating to, or arising out of any of the following:

- i. any defect in the design or construction of the Project, or the negligence or willful misconduct of Developer, its agents or independent interests in connection with the construction of the Project;
 - ii. The capture and use of Tax Increment Revenues, including any order, ruling, or instruction to repay or refund the State of Michigan or any other taxing jurisdiction for any levy captured as Tax Increment Revenues and paid to Developer as a reimbursement payment under this Agreement made in excess of the amount of Tax Increment Revenues the AUTHORITY is determined by the State, any agency thereof or by a court to be allowed by law to use for such reimbursement;
 - iii. Any act or omission of the Developer with respect to the conduct of a baseline environmental assessment, due care activity or additional response or remedial activity for the Property, including any failure by the Developer to take any affirmative action to prevent the release of a hazardous substance or any other contaminant or the exacerbation of an existing environmental condition;
 - iv. Any release of a hazardous substance or any other contaminant on the Property or an exacerbation of an existing environmental condition, any adverse effects on the environment, or any violation of any state or federal environmental law or regulation caused or due to act by the Developer or in any way related to the Property;
 - v. The Eligible Activities for the Property; or
 - vi. The operation of the business of the Developer or tenant on the Property.
- b. Notwithstanding anything herein to the contrary, neither the AUTHORITY nor City shall be liable to Developer for damages arising in any way from this Agreement, or any other obligation or agreement made in connection therewith or from any breach thereof, or arising from a declaration or a final

judgment by a court of competent jurisdiction that all or any portion of the Brownfield Act is unconstitutional or that the Brownfield Plan in whole or in part are invalid.

- c. All covenants, stipulations, promises, agreements and obligations of Developer contained herein shall be deemed to be the covenants, stipulations, promises, agreements and obligations of Developer and not of any member, director, officer, agent, servant or employee of Developer in their individual capacities.
- d. Subject to subsection (e) below, the AUTHORITY may, at its discretion and without consent of the Developer, set-off any amount owing to the Developer under this Agreement to satisfy any indemnification obligation of the Developer under this Section.
- e. Prior to set-off of any amount owing to the Developer to satisfy any indemnification obligation of the Developer under this Section, the Developer shall be provided an opportunity to address the AUTHORITY and the AUTHORITY shall determine whether the exercise of the rights of set-off provided under subsection (d) is necessary to protect the interests of the AUTHORITY.

19. **Environmental.** Developer warrants and represents as follows:

- a. Developer agrees to comply in all material respects with all environmental laws and regulations applicable to the Project, and further agrees, except as is in compliance with applicable laws, not to knowingly place or dispose of, or knowingly cause to be placed or disposed of, any toxic or hazardous substances (as defined in subsection (d) below) ("Hazardous Substances") on any parcel located within the Project, and not knowingly manufacture, store, use, treat or dispose of such substances, or permit any manufacturing, storage, use, treatment or disposal of any Hazardous Substances on the Project.
- b. "Hazardous Substances" includes, but is not limited to, any flammable explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, asbestos or related materials defined in: (1) the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 et seq.); (2) the Hazardous Materials Transportation Act, as amended (49 U.S.C. Section 1801 et seq.); (3) the Resource Conservation and Recovery Act, as amended (41 U.S.C. Section 9601, et seq.); (4) the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.; or (5) Michigan's Natural Resources and Environmental Protection Act, as amended (M.C.L. 324.101 et seq.), including any regulations adopted or publications promulgated pursuant to the above-referenced statutes, or as otherwise defined, classified, characterized, listed or identified by any other federal, state or local governmental law, ordinance, rule or regulation.
- c. No portion of the funds or benefits received by Developer pursuant to this Agreement or otherwise received by Developer in connection with Act 381

and the Project shall operate or be used to subsidize response activities that would benefit a liable party at the Property, under the standards of the Michigan Natural Resources and Environmental Protection Act or other similar federal law, or otherwise relieve such a liable party of such obligation.

20. **Representations of the AUTHORITY and the City.** The AUTHORITY represents and warrants that:

- a. **Organization and Authority.** It: (i) has full corporate power to execute and deliver and perform the terms and obligations of this Agreement; and (ii) has been authorized by all necessary action to execute and deliver this Agreement, which shall constitute its legal, valid and binding obligation of it, enforceable in accordance with its terms, subject to applicable insolvency laws.
- b. **No Defaults or Violations of Law.** The execution and delivery of this Agreement will not conflict with or result in a breach of any of the terms of, or constitute a default under any indenture, mortgage, deed of trust, lease or other agreement or instrument to which it is a party or by which it is bound or any charter, or any of the rules or regulations applicable to it, subject to applicable insolvency laws.
- c. **Pending Litigation.** No litigation, proceedings or investigations are pending or, to the knowledge of it is threatened against it, except claims which if adversely determined will not, in the opinion of its counsel, materially and adversely affect the financial condition or operations of it. In addition, no litigation, proceedings or investigations are pending or, to the knowledge of it, threatened against it seeking to restrain, enjoin or in any way limit the approval or issuance and delivery of this Agreement by it or which would in any manner challenge or adversely affect its existence or powers to enter into and carry out the transactions described in or contemplated by the execution, delivery, validity or performance by it of the terms and provisions of this Agreement.

21. **Representations, Warranties and Agreements of Developer.** Developer represents, warrants and agrees that:

- a. **Organization and Authority.** It: (i) is duly organized under the laws of the state of its incorporation or organization, and is authorized to do business in and is in good standing under the laws of the State of Michigan; (ii) has full corporate power to execute and deliver and perform the terms and obligations of this Agreement; and (iii) has been authorized by all necessary corporate or member action to execute and deliver this Agreement, enforceable in accordance with its terms, subject to applicable insolvency laws.
- b. **No Defaults or Violations of Law.** The execution and delivery of this Agreement by it will not conflict with or result in a breach of any of the terms of, or constitute a default under, any indenture, mortgage, deed of trust,

lease or other agreement or instrument to which it is a party or by which it is bound or its respective articles of incorporation, bylaws, articles of organization, operating agreement, or any of the rules or regulations applicable to it of any court or other governmental body, subject to applicable insolvency laws.

- c. Pending Litigation. No litigation, proceedings or investigations are pending or, to its knowledge, threatened against it, except claims that if adversely determined will not, in the opinion of its counsel, materially and adversely affect its financial condition or its operations. In addition, no litigation, proceedings or investigations are pending or, to its knowledge, threatened against it seeking to restrain, enjoin or in any way limit its approval and delivery of this Agreement or which would in any manner challenge or adversely affect its entity existence or powers to enter into and carry out the transactions described in or contemplated by the execution, delivery, validity or performance by it of the terms and provisions of this Agreement.
- d. Power and Authority. Developer possesses all necessary power and authority to fully implement and carry out all foreseeable obligations and duties imposed upon it under this Agreement.
- e. Not Liable Party. With respect to the Property, Developer is not a party liable under section 20126 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20126.
- f. Eligible Property. The Project qualifies as Eligible Property under Act 381.

22. Unavoidable Delays (Force Majeure). Each party shall diligently perform its respective duties as set forth herein. However, notwithstanding anything to the contrary in this Agreement, no party shall be deemed to be in default in the performance of such duties including failure to complete any obligations by specific deadline dates, if and so long as nonperformance of such duty shall be directly caused by fire or other casualty, national emergency, condemnations, enemy action, civil commotion, labor disputes, strikes, lockouts, war or national defense preemptions, acts of God, action or non-action by public utilities or of local city, state or federal governments, changes in law, litigation, environmental conditions on the Project not discovered during any due diligence period or any other similar cause beyond the reasonable control of such party (herein referred to as an "Unavoidable Delay"), and the time limit for such performance shall be extended for a period equal to the time period of such Unavoidable Delay; provided, however, that the party unable to perform (the "Non-Performing Party") shall provide written notice to the other party to which duty is owed within ten (10) days after notice to such Non-Performing Party of its failure to perform or within ten (10) days after the Non-Performing Party otherwise becomes aware that an Unavoidable Delay with respect to one of its duties has occurred or will likely occur, whichever shall first occur, of the existence and nature of such Unavoidable Delay. Thereafter, the Non-Performing Party shall, from time to time, keep the other party to which such duty is owed reasonably informed of all developments concerning the Unavoidable Delay and the nonperformance of such duty or duties.

23. **Default and Remedies.** The parties agree that the following shall be events of default ("Events of Default") with respect to this Agreement:

- a. If any material representation made by a party in this Agreement, or in any certificate, notice, demand or request made by a party hereto, in writing and delivered to the other party pursuant to or in connection with any of said documents shall prove to be untrue or incorrect in any material respect as of the date made; or
- b. Breach by a party of any material covenant, warranty or obligation set forth in this Agreement.
- c. With respect the AUTHORITY, the enactment by the AUTHORITY of any rule or regulation which prevents or prohibits the AUTHORITY from presently or prospectively performing any covenant, condition or agreement contained herein.

24. **Remedies of Default: Reinstatement of Rights.**

- a. In the case of an Event of Default by a party hereto or any successors to such party, such party or successor shall, upon written notice from the aggrieved party, take immediate action to cure or remedy such Event of Default within sixty (60) days after receipt of such notice. If, in such case action is not taken, or not diligently pursued, or if the Event of Default shall not be cured or remedied within a reasonable time, beyond such sixty (60) day period the aggrieved party may institute such proceedings as may be necessary or desirable in its opinion to cure or remedy such default, including but not limited to, proceedings to compel specific performance by the party in default of its obligations. In case a party hereto shall have proceeded to enforce its rights under this Agreement and such proceedings shall have been discontinued or abandoned for any reason or shall have been determined adversely to the party initiating such proceedings, then and in every such case the parties hereto shall be restored respectively to their several positions and rights hereunder, and all rights, remedies and powers of each party shall continue as though no such proceedings had been taken.
- b. In the event the Developer does not cure the Event of Default within 60 days, this Agreement will be considered terminated on the 61st day after the written notice of an Event of Default was delivered. Upon the effective date of the termination of this Agreement, the AUTHORITY shall have no further obligation under this Agreement to make any payments to the Developer in reimbursement of any costs of Eligible Activities incurred or to be incurred by the Developer. In lieu of termination, the AUTHORITY may seek to enforce and compel performance with the terms of this Agreement in a court of competent jurisdiction by specific performance or mandatory injunction and may pursue any other remedy that may be available to it in law or equity.

25. **No Waiver by Delay.** Any delay by a party in instituting or prosecuting any actions or proceedings or otherwise asserting its rights under this Agreement shall not

operate to act as a waiver of such rights or to deprive them of or limit such rights in any way (it being the intent of this provision that each party should not be constrained so as to avoid the risk of being deprived of or limited in the exercise of the remedies provided in this Agreement because of concepts of waiver, laches or otherwise); nor shall any waiver in fact made by a party with respect to any specific Event of Default by a party under this Agreement be considered or treated as a waiver of the rights of a non-defaulting party under this Section or with respect to any Event of Default under any section in this Agreement or with respect to the particular Event of Default, except to the extent specifically waived in writing by a non-defaulting party.

26. **Rights and Remedies Cumulative.** The rights and remedies of the parties to this Agreement (or their successors in interest) whether provided by law or by this Agreement, shall be cumulative, and the exercise by either party of any one or more of such remedies shall not preclude the exercise by it, at the time or different times, of any other such remedies for the same Event of Default by the other party. No waiver made by a party with respect to the performance, nor the manner of time thereof, or any obligation of the other party or any condition to its own obligation under the Agreement shall be considered a waiver of any rights of the party making the waiver with respect to the particular obligation of the other party or condition to its own obligation beyond those expressly waived in writing and to the extent thereof, or a waiver in any respect in regard to any other rights of the party making the waiver or any other obligations of any other party.
27. **Legislative Authorization.** This Agreement is governed by and subject to the restrictions set forth in the Brownfield Act, as amended, and the Michigan General Property Tax Act. In the event that there is legislation enacted in the future which restricts or adversely affects the amount of Tax Increment Revenues capturable, Eligible Properties, or Eligible Activities relating to already approved plans, then any Developer's rights and the AUTHORITY's obligations under this Agreement shall be eliminated or modified accordingly.
28. **Freedom of Information Act.** Developer stipulates that all requests and documentation submitted by them shall be open to the public under the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being Sections 15.231 et seq. of the Michigan Compiled Laws and no claim of trade secrets or other privilege or exception to the Freedom of Information Act will be claimed by it in relation to this Agreement, requests for reimbursement and supporting documentation.
29. **Plan Modification** The Brownfield Plan may only be modified to the extent allowed under the Brownfield Act by mutual agreement in writing of the AUTHORITY and the City.
30. **Notices.** All notices shall be given by registered or certified mail addressed to the parties at their respective addresses as shown below their respective signatures to this agreement. Either party may change the address by written notice sent by registered or certified mail to the other party.
31. **Entire Agreement** This agreement supersedes all agreements previously made among the parties relating to the subject matter, if any. There are no other

understandings or agreements between them concerning the subject matter contained herein.

32. **Non-Waiver. Time of the Essence** No delay or failure by either party to exercise any right under this agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein. Time is of the essence.
33. **Headings** Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.
34. **Governing Law** This agreement shall be construed in accordance with and governed by the laws of the State of Michigan.
35. **Counterparts** This agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
36. **Binding Effect** Subject to the terms herein, the provisions of this agreement shall be binding upon and inure to the benefit of each of the parties and their respective heirs, legal representatives, successors, and assigns.

In witness whereof the parties have executed this agreement by their duly authorized representatives on the day and date first herein above written.

City of Portage Brownfield Redevelopment Authority

Date: _____, 20____

By: _____
Its Chairperson

Date: _____, 20____

By: _____
Its Secretary/Treasurer

Developer

Date: _____, 20____

By: _____
Its

EXHIBIT A

Legal Description:

A PARCEL OF LAND SITUATION IN THE NE ¼ AND THE NW ¼ OF SEC 23, T3S, R11W; COMM AT THE N ¼ COR OF SEC23, T3S, R11W; TH S89DEG53'29"E 648.32FT ALONG THE N LI OF THE NE ¼ OF SAID SEC TO THE W LI OF THE E ½ OF THE NW ¼ OF SAID NE ¼; TH CONTINUING 2 89DEG53'29"E 170 FT ALONG SAID N LI; TH S00DEG28'10"E 50 FT PARALLEL WITH SAID W LI TO THE S ROW LI OF CENTRE AVE AND THE POB; TH CONT S00DEG28'10"E 318 FT PARALLEL WITH SAID W LI; TH N89DEG53'29"W 96.45 FT PARALLEL WITH SAID N LI TO THE E LI OF THE W 660 FT (PERPENDICULAR MEASURE) OF SAID NE ¼; TH S00DEG17'25"E 259.01 FT ALONG SAID E LI TO A POINT S00DEG17'25"E 627 FT PARALLEL WITH SAID E LI FROM THE N LI; TH N89DEG53'29"W 681.33 FT PARALLEL WITH SAID N LI TO THE CENTER LI OF PORTAGE RD; TH NORTHERLY 165.34 FT ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3125.36 FT AND A CHORD N03DEG45'51"E 165.00 FT TO A POINT S00DEG17'25"E 462 PARALLEL WITH SAID E LI FROM SAID N LI; TH S89DEG53'29"E 369.64 FT PARALLEL WITH SAID N LI TO A POINT N89DEG53'29"W 300 FT FROM SAID E LI; TH N00DEG17'25"W 132.00 FT PARALLEL WITH SAID E LI; TH N89DEG53'29"W 310 FT PARALLEL WITH SAID N LI TO THE E LI OF W 50 FT OF SAID NE ¼; TH S8989DEG53'29"E 705.47 FT ALONG SAID S ROW LI TO THE POB. CONTAINING 8.09 ACRES OF LAND. PARCEL SUBJECT TO HIGHWAY EASEMENT FOR PORTAGE RD.

EXHIBIT B

[Insert Brownfield Plan]

Attachment C

Facility Verification

Joe Agostinelli

From: Gurnee, Michael (EGLE) <GurneeM1@michigan.gov>
Sent: Monday, September 30, 2019 5:50 PM
To: Joe Agostinelli
Cc: Heywood, David (EGLE)
Subject: RE: Facility Verification | 8043 Portage Road, Portage | Centreport Commons

Hi, Joe –

According to a BEA report submitted December 2005 for the property at 8043 Portage Road, Portage (PPN at time of BEA submittal: 10-00023-050-0), the property is indeed a facility.

Please let me know if you have any questions or concerns. Thanks,

Mike Gurnee
Brownfield Redevelopment Coordinator
Kalamazoo District Office
Michigan Department of Environment, Great Lakes, and Energy
269-568-1291 | GurneeM1@michigan.gov
[Follow Us](#) | Michigan.gov/EGLE

From: Joe Agostinelli <JAgostinelli@southwestmichiganfirst.com>
Sent: Monday, September 30, 2019 2:53 PM
To: Gurnee, Michael (EGLE) <GurneeM1@michigan.gov>
Subject: Facility Verification | 8043 Portage Road, Portage | Centreport Commons

Hi Mike-

We are working with Treystar Holdings on the redevelopment of the SE corner of Portage Road and Centre Ave in Portage and are preparing a new brownfield plan for this project. A previous brownfield plan on this site was approved by the City of Portage in 2006, amended in 2009, and then abolished in 2019 because no vertical development had occurred and tax capture did not begin within the required 5 years of plan adoption. A new brownfield plan is being contemplated to reimburse the developer for brownfield eligible activities through local-only capture.

It appears that a BEA was completed in December 2005. Can you confirm that this parcel, which has since been combined with two other parcels, is a Facility?

Thank you in advance for your assistance!

Regards,

Joe Agostinelli | partner

southwest michigan first
street 261 East Kalamazoo Avenue | Suite 200 | Kalamazoo, MI 49007
mail P.O. Box 50827 | Kalamazoo, MI 49005-0827
p 269.553.9588 | **c** 269.567.0669
jagostinelli@southwestmichiganfirst.com

Attachment D

Soil Sampling Map

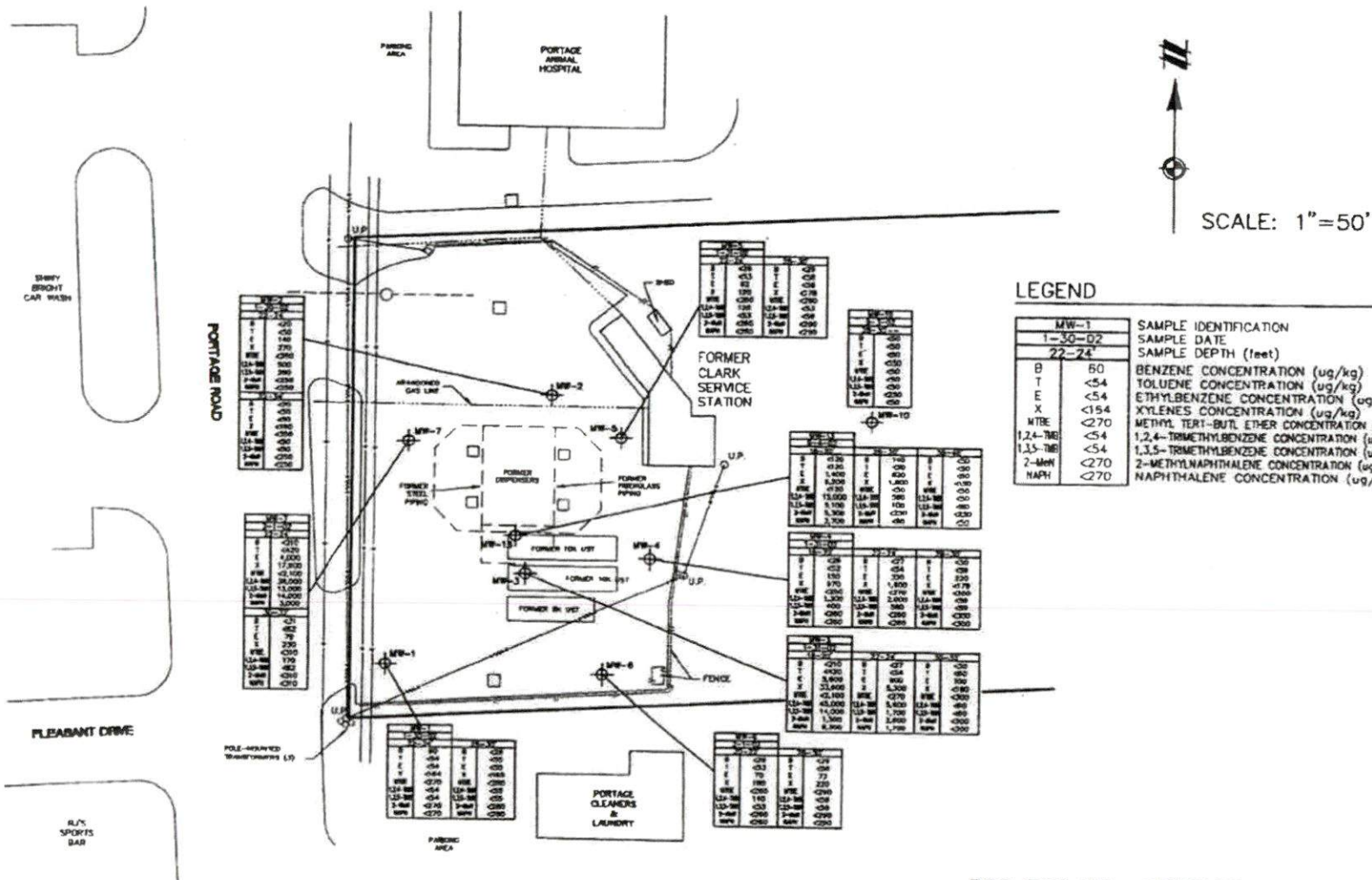


FIGURE 4: VOC CONCENTRATIONS IN SOIL
FORMER CLARK STATION PROPERTY
8043 PORTAGE RD.
PORTAGE, MICHIGAN

PROJECT NO.: 05001239
DATE: 11/10/05

ATWELL-HICKS
Engineering • Surveying • Planning
Environmental • Water/Wastewater

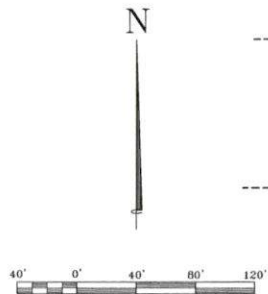
866 850 4200
www.atwell-hicks.com
MICHIGAN ILLINOIS OHIO FLORIDA

DR: KLS
CAD FILE: 05001239EV-03



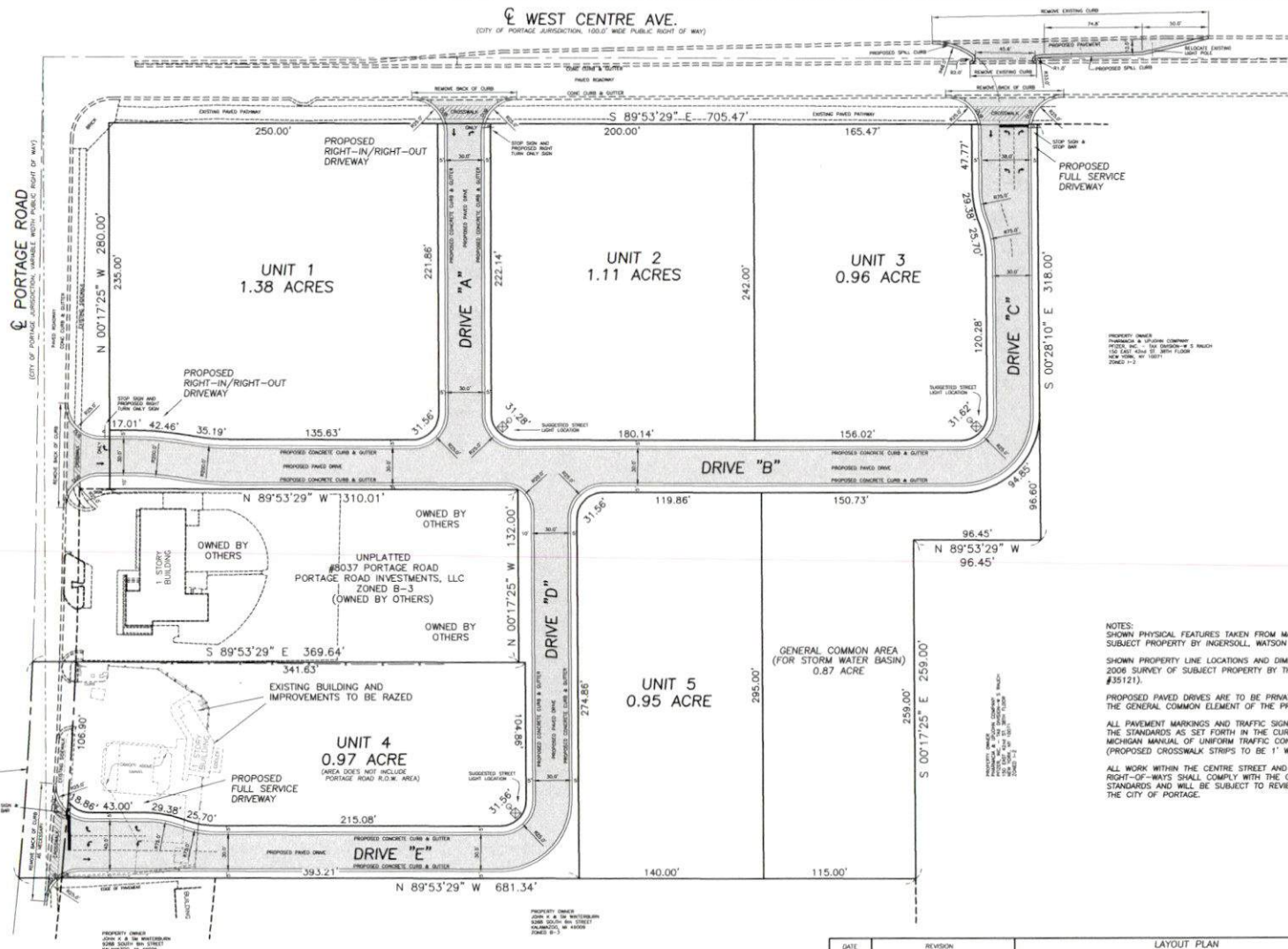
Attachment E

Site Plan



$L = 165.35' \text{ Rad.} = 3125.36'$
 $\Delta = 03^{\circ}01'53''$
 $\text{Chd.} = N 03-45-51 E 165.33'$

PLEASANT DRIVE



NOTES:
 SHOWN PHYSICAL FEATURES TAKEN FROM MARCH 2006 MAPPING OF SUBJECT PROPERTY BY INGERSOLL, WATSON & MCMACHEN, INC.
 SHOWN PROPERTY LINE LOCATIONS AND DIMENSIONS TAKEN FROM A 2006 SURVEY OF SUBJECT PROPERTY BY THIS OFFICE (JOB #35121).
 PROPOSED PAVED DRIVES ARE TO BE PRIVATE AND LOCATED WITHIN THE GENERAL COMMON ELEMENT OF THE PROPOSED CONDOMINIUM.
 ALL PAVEMENT MARKINGS AND TRAFFIC SIGNS SHALL CONFORM TO THE STANDARDS AS SET FORTH IN THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. (PROPOSED CROSSWALK STRIPS TO BE 1' WIDE).
 ALL WORK WITHIN THE CENTRE STREET AND PORTAGE ROAD RIGHT-OF-WAYS SHALL COMPLY WITH THE CITY OF PORTAGE STANDARDS AND WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE CITY OF PORTAGE.

72 HOURS
 BEFORE YOU DIG
 CALL MISS DIG
 1-800-462-7171

I.W.M.
 INGERSOLL, WATSON & MCMACHEN, INC.

DATE	REVISION
11/07/08	REVISED UNIT 5
11/18/08	REVISED UNIT 5 & BASIN AREA
12/11/08	PER CITY COMMENTS

LAYOUT PLAN
CENTREPORT COMMONS
 PART OF NE 1/4 OF SEC. 23, T35, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN
Ingersoll, Watson & McMachen, Inc.
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
 1133 East Milliken Road - Portage, Michigan 49802 - Area 389 344-6165 - Fax 389 344-0555

DATE	10/23/2008
SHEET	2 OF 5
JOB NO.	35284

[illegible][illegible][illegible]

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PROF. STORM STRUCTURE DATA
=====
#WINDY - 2.0 DATA, 8/20/97 15:00
#NAME = 0001
117 - 12.0000 100  #MAX 100

118 - 2.0 DATA, 8/20/97 15:00
#NAME = 0011 101
117 - 12.0000 100  #MAX 100
118 - 2.0000 100  #MAX 100

119 - 2.0 DATA, 8/20/97 15:00
#NAME = 0001 101
117 - 12.0000 100  #MAX 101
118 - 2.0000 100  #MAX 101
119 - 2.0000 100  #MAX 100

120 - 2.0 DATA, 8/20/97 15:00
#NAME = 0001 101
117 - 12.0000 100  #MAX 101
118 - 2.0000 100  #MAX 101
119 - 2.0000 100  #MAX 100
120 - 2.0000 100  #MAX 100

121 - 2.0 DATA, 8/20/97 15:00
#NAME = 0001 101
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118 - 2.0000 100  #MAX 100
119 - 2.0000 100  #MAX 100
120 - 2.0000 100  #MAX 100
121 - 2.0000 100  #MAX 100

```

[illegible][illegible]

LEGEND	
	LIGHT DUTY ASPHALT
	HEAVY DUTY BITUMINOUS PAVEMENT (SEE DETAIL THIS SHEET)
	CONCRETE PAVEMENT AND DECKING
	CA CURB AND GUTTER (SEE DETAIL SHEET)
	BIT VALLEY CURB (SEE DETAIL SHEET)

[illegible]

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: MDOT Contract 2018-0770 – Zylman Avenue

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Adopt a Resolution authorizing the City Manager to sign all documents with the Michigan Department of Transportation related to Contract 2018-0770 on behalf of the city.

At the Regular City Council Meeting of June 26, 2018, former State Representative Margaret O'Brien and Michigan State Representative Brandt Iden announced that the State of Michigan Department of Transportation (MDOT) would fund three roadway improvement projects in the City of Portage. Funding from the State of Michigan for these projects totaled \$3.25 million and work on these projects began in the 2019 construction season.

On August 28, 2018, City Council approved Contract 2018-0770 between the Michigan Department of Transportation and the City of Portage. This contract was for the funding of street improvements on Zylman Avenue from Portage Road to South Sprinkle Road in the amount of \$1,800,000, and City Council adopted a resolution authorizing the City Manager to sign Contract 2018-0770 and all other documents with MDOT related to this project on behalf of the city.

An amendment to the contract is required to move the expiration date of the contract from November 1, 2019 to May 30, 2020. Due to the retirement of City Manager Laurence Shaffer, a new resolution is required authorizing City Manager Joseph La Margo to sign all documents with MDOT related to Contract 2018-0770 on behalf of the city.

It is recommended that City Council adopt the Resolution authorizing the City Manager Joseph La Margo, to sign all documents with MDOT related to Contract 2018-0770 on behalf of the city.

FUNDING: N/A

Attachments:

1. Contract Amendment 2018-0770/A1
2. Resolution - MDOT Contract 2018-0770

MICHIGAN DEPARTMENT OF TRANSPORTATION
CITY OF PORTAGE
AMENDMENT

This Amendatory Contract is made and entered into this date of _____ by and between the Michigan Department of Transportation (MDOT) and the City of Portage (AGENCY) for the purpose of retroactively amending Contract No. 2018-0770, dated September 13, 2018 (CONTRACT).

Recitals:

The CONTRACT expired on its own terms on November 1, 2019; and

The CONTRACT provided a grant from MDOT to the AGENCY for the completion of the Zylman Avenue Reconstruction Project; and

The parties desire to retroactively extend the CONTRACT term to provide sufficient time for the AGENCY to perform the services.

The parties agree that the CONTRACT be and that the same is retroactively amended as follows:

1. In order to retroactively extend the CONTRACT term by six (6) months and twenty-nine (29) days, Section 15 of the CONTRACT is amended to read as follows:

“15. This Contract will be in effect from the date of award through May 30, 2020. All documented costs associated with this project are eligible for reimbursement, not to exceed the amount shown in Section 2 of this Contract.”
2. All other provisions of the CONTRACT, except as herein amended, remain in full force and effect as originally set forth.
3. The AGENCY waives any and all claims it has or may have against MDOT that arise out of the need to amend and/or extend the CONTRACT.

4. This Amendatory Contract will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the AGENCY and MDOT and upon adoption of a resolution approving said Amendatory Contract and authorizing the signature(s) thereto of the respective representative(s) of the AGENCY, a certified copy of which resolution will be sent to MDOT with this Amendatory Contract, as applicable.

CITY OF PORTAGE

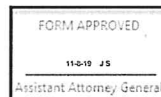
By: _____
Title:

APPROVED AS TO FORM
DATE 11/22/2015

CITY ATTORNEY

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: _____
Title: Department Director



REVIEWED

**CITY OF PORTAGE
RESOLUTION**

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

PRESENT: _____

ABSENT: _____

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

RESOLVED, that the City Council for the City of Portage does hereby authorize the City Manager, Joseph La Margo, to sign all documents related to Contract No. 2018-0770 between the City of Portage and the Michigan Department of Transportation. This contract is for the construction improvements on Zylman Avenue from Portage Road to South Sprinkle Road.

ADOPTED: YEAS:

NAYS:

ABSENT:

Adam Herringa, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2019 that the foregoing is a true and complete copy of the original on file in my office.

Adam Herringa, City Clerk

APPROVED AS TO FORM
DATE 11-26-19
CRB
CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Rezoning Application #19/20-3, 1816 East Centre Avenue

SUPPORTING PERSONNEL: Chris Forth, Acting Director, Department of Community Development

ACTION RECOMMENDED: Accept Rezoning Application #19/20-3, 1816 East Centre Avenue, for first reading and set a public hearing for January 14, 2020; and subsequent to the public hearing, consider approving Rezoning Application #19/20-3 changing the zoning designation of 1816 East Centre Avenue from R-1B, one family residential, to OS-1, office service.

An application has been received from Rita Key, property owner, requesting that 1816 East Centre Avenue be rezoned from R-1B, one family residential, to OS-1, office service. The zoning change is being requested to facilitate a future office redevelopment project.

In a report dated October 31, 2019, the Department of Community Development discussed the consistency of the proposed OS-1 zoning district with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern. Given these reasons and consistent with past recommendations involving 1730 and 1700 East Centre Avenue, staff is also supportive of the proposed OS-1, office service district for 1816 East Centre Avenue.

The Planning Commission convened a public hearing during the November 7, 2019 meeting to consider the request. Walt Hansen, the applicant's representative, was present to support the zoning change. No citizens spoke during the public hearing and no written communications have been received regarding this rezoning application.

After careful consideration, the Planning Commission voted 8-0 to modify its policy and waive the second meeting, and to recommend to City Council that Rezoning Application #19/20-3 be approved allowing the rezoning of 1816 East Centre Avenue from R-1B, one family residential, to OS-1, office service. The Planning Commission's decision to waive the second meeting was based on the two recent rezoning applications on the adjacent properties to the west, the lack of public comment received and the consistency of the requested OS-1 zoning with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern along East Centre Avenue.

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

It is recommended that City Council accept the Rezoning Application #19/20-3, 1816 East Centre Avenue and set a public hearing for January 14, 2019, and consider approving the zoning designation for 1816 East Centre Avenue from R-1B, one family residential, to OS-1, office service.

FUNDING: Not applicable.

Attachments:

1. Planning Commission Transmittal dated November 21, 2019
2. Planning Commission meeting minutes dated November 7, 2019
3. Department of Community Development Staff Report Dated October 31, 2019
4. Ordinance Amendment

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: November 21, 2019
SUBJECT: Rezoning Application #19/20-3, 1816 East Centre Avenue

The Planning Commission convened a public hearing during the November 7, 2019 meeting to consider the rezoning application submitted by Rita Key to rezone 1816 East Centre Avenue from R-1B, one family residential to OS-1, office service. Walt Hansen (applicant representative) was present to support of the rezoning request. No citizens spoke during the public hearing and no written communications have been received.

The Commission discussed modifying the policy of adjourning the rezoning application to the next meeting given the two recent rezoning requests on the adjacent properties to the west, the lack of public comment received and the consistency of the requested OS-1 zoning with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern along East Centre Avenue. After additional discussion, a motion was made by Commissioner Fries, seconded by Commissioner Baldwin, to waive the second meeting and recommend to City Council that Rezoning Application ##19/20-3 be approved and 1816 East Centre Avenue be rezoned from R-1B, one family residential to OS-1, office service. The motion was unanimously approved 8-0.

Sincerely,


Dan Corradini
Chairman

PLANNING COMMISSION

November 7, 2019

DRAFT

The City of Portage Planning Commission meeting of November 7, 2019 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

Michael West, Senior City Planner and Randy Brown, City Attorney.

ROLL CALL:

Mr. West called the role: Patterson (yes); Joshi (yes); Corradini (yes); Fries (yes); Baldwin (yes); Pezzoli (yes); Harrell-Page (yes) and Myer (yes). A motion was then made by Commissioner Fries, seconded by Commissioner Baldwin, to approve the role excusing Commissioner Schimmel. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Corradini referred the Commission to the October 17, 2019 meeting minutes contained in the agenda. A motion was made by Commissioner Baldwin, seconded by Commissioner Harrell-Page, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. Preliminary Report: Rezoning Application #19/20-3, 1816 East Centre Avenue. Mr. West summarized the October 31, 2019 preliminary staff report regarding a request from Rita Key to rezone property located at 1816 East Centre Avenue from R-1B, one family residential to OS-1, office service. Mr. West stated the property is currently occupied by a single family residence and the applicant has indicated plans to demolish the residence for a future office redevelopment project. Mr. West discussed the recent rezoning consideration of the two adjacent properties to the west at 1700 East Centre Avenue and 1730 East Centre Avenue. Mr. West then summarized the preliminary analysis of the rezoning request including consistency with the Comprehensive Plan/Future Land Use Map and evolving office zoning/land use pattern along East Centre Avenue, suitability of existing R-1B district and impacts of proposed OS-1 district.

Walt Hansen (applicant representative) was present to support the rezoning application. The public hearing was opened by Chairman Corradini. No citizens spoke in regards to the proposed rezoning. A motion was then made by Commissioner Baldwin, seconded by Commissioner Joshi, to close the public hearing. The motion was unanimously approved 8-0.

Commissioner Fries next discussed modifying the Commission's policy of adjourning the rezoning consideration to the next meeting given the two recent rezoning considerations on the adjacent properties to the west, the lack of public comment received and the consistency of the requested OS-1 zoning with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern along East Centre Avenue. The Commission briefly discussed and concurred that a second meeting was not necessary for this particular application. A motion was then made by Commissioner Fries, seconded by Commissioner Baldwin, to waive

DRAFT

the second meeting and recommend to City Council that Rezoning Application ##19/20-3 be approved and 1816 East Centre Avenue be rezoned from R-1B, one family residential to OS-1, office service. The motion was unanimously approved 8-0.

NEW BUSINESS:

1. 2020-2030 Capital Improvement Program On-Line Survey & Open House Results. Mr. West summarized the October 31, 2019 staff report regarding public comment that has been solicited and received regarding the annual Capital Improvement Program (CIP). Mr. West then referred the Commission to the agenda packet that included the results of the on-line citizen survey received between late August and September 30th, along with specific and general feedback provided by citizens during the September 30th CIP Open House. Mr. West indicated this citizen input received would be considered by the city administration as the CIP document and specific projects are being developed.

After a brief discussion, a motion was made by Commissioner Harrell-Page, seconded by Commissioner Baldwin, to receive the 2020-2030 CIP On-Line Survey and Open House Results as information. The motion was unanimously approved 8-0.

STATEMENT OF CITIZENS/COMMISSIONERS:

Commissioner Patterson indicated that he would not be present at the December 5th and 19th, 2019 and the January 2nd, 2020 meetings.

Commissioner Fries stated he attended the first City Council meeting with new City Manager, Joe LaMargo and was excited about his vision and energy.

Commissioner Fries also discussed the Kalamazoo County Identification Program and encouraged citizens to consider obtaining county ID. Commissioner Fries indicated that receiving a county ID is quick and simple and cost \$10 per ID.

OLD BUSINESS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Michael West, AICP
Senior City Planner

TO: Planning Commission

DATE: October 31, 2019

FROM: Christopher Forth, Acting Director of Community Development

SUBJECT: Preliminary Report: Rezoning Application #19/20-3, 1816 East Centre Avenue

I. INTRODUCTION:

An application has been received from Rita Key requesting that 1816 East Centre Avenue be rezoned from R-1B, one family residential to OS-1, office service. According to the applicant, the rezoning is being requested to facilitate an office redevelopment project.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Rita Key	1816 East Centre Avenue	08820-007-O	R-1B	OS-1
One parcel – 1.35 acres (198-feet by 297-feet)				

II. EXISTING CONDITIONS:

Land Use/Zoning	<u>Rezoning Site:</u> The subject property at 1816 East Centre Avenue is currently occupied by a 660 square foot one-story single family dwelling and a 484 square foot detached garage. • <u>East/South:</u> Single family residences zoned R-1B, one family residential. • <u>West:</u> Single family residence (1730 East Centre Avenue) currently zoned R-1B, however, being considered by City Council for rezoning to OS-1: Public hearing for Rezoning Application #19/20-2 scheduled for December 3, 2019 City Council meeting. • <u>North (across East Centre Avenue):</u> Greenhouses and First Church of God zoned R-1B, one family residential.
Zoning/Development History	There have been several rezoning considerations in the past 10 years along East Centre Avenue, west of the subject property, including two previous rezoning applications considered by the Planning Commission within the past several months: • On October 3, 2019, the Planning Commission reviewed and recommended a zoning change from R-1A, one family residential to OS-1, office service for 1730 East Centre Avenue (immediately to the west of the subject property). City Council will be conducting a public hearing on December 3, 2019 to consider this rezoning request. • In April 2019, City Council rezoned 1700 East Centre Avenue from R-1B, one family residential to OS-1, office service. This rezoning facilitated the Dr. Sage Orthodontic Clinic redevelopment project, which is currently under construction. • In 2015, City Council rezoned 710 and 732 East Centre Avenue from B-1, local business and R-1A, one family residential, to OS-1, office service. This rezoning facilitated the Beacon Point Memory Care facility at the southeast corner of East Centre Avenue and Lakewood Drive.

	- In 2014, City Council rezoned several properties in the 700-900 block of East Centre Avenue, along the south side of East Centre Avenue between Lakewood Drive and Lovers Lane, from B-3, general business and R-1A, one family residential, to B-1, local business. This rezoning was initiated by the Planning Commission to facilitate office/local business redevelopment consistent with the Comprehensive Plan and Future Land Use Map designations. - In 2012, City Council approved several properties in the 700-900 block of East Centre Avenue, along the north side of East Centre Avenue between Lakewood Drive and Garden Lane, from R-1A and R-1B, one family residential, to OS-1, office service. This rezoning was initiated by property owners, then expanded by the Planning Commission, to facilitate office redevelopment consistent with the Comprehensive Plan and Future Land Use Map designations. - In 2011, City Council rezoned 1302, 1306, 1316 and 1330 East Centre Avenue from R-1B, one family residential and OS-1, office service, to B-1, local business and OS-1, office services. This rezoning was initiated by property owners facilitate future office/local business redevelopment at the southeast corner of East Centre Avenue and Lovers Lane.
Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	East Centre Avenue is designated a 5-lane major arterial roadway with 18,054 vehicles per day (2015) and a capacity of 37,100 vehicles per day (level of service "D").
Public Utilities	Municipal water and sanitary sewer are available along East Centre 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.

III. PRELIMINARY 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 Comprehensive Plan identifies the rezoning parcel, as well as properties located to the east and west along East Centre Avenue, as appropriate for Office Service land use. The Comprehensive Plan also identifies East Centre Avenue as an office corridor. The proposed OS-1, office service zoning district is consistent with these Plan designations.

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

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. An evaluation of the Development Guidelines will be provided with the final report and staff recommendation.

Suitability of Existing R-1B Zone/Impacts of Proposed OS-1 Zone. The suitability of the existing residence and R-1B zoning is somewhat diminished considering the increasing traffic volumes along East Centre Avenue and the existing/planned office zoning and land use pattern along this major street corridor. The proposed OS-1 zone is consistent with the land use/zoning pattern along East Centre Avenue and the Comprehensive Plan designations. Allowable uses in the OS-1 district include executive, administrative and professional offices, medical offices and clinics, banks and credit unions, art and photographic studios, personal service establishments, along with institutional uses, trade and business schools, and funeral homes. Since the rezoning site abuts single family residential land use/zoning, any future office building construction would be limited to one-story and 25-feet in height. Additional Zoning Code requirements for screening, buffering, lighting and noise designed to mitigate adverse impacts on adjacent residential properties would also be applicable with any office redevelopment project.

A change in zoning to OS-1 would cause the existing single-family residential use to become legally nonconforming. Section 42-133 of the Zoning Code provides regulations for nonconforming lots, buildings, structures and uses. Under these regulations, a nonconforming use may continue until it is removed, changed to a conforming use or intentionally abandoned. In particular, a property and/or building with a nonconforming use can have a change of tenancy, ownership or management without losing its nonconforming status. General maintenance and repair of the property and/or building in which the nonconforming use is located is also permitted by the Zoning Code. Additionally, if a nonconforming use is abandoned for any reason described in Section 42-133.C.5, any subsequent use of the land must be conforming to the underlying zoning district. Finally, if the building in which a nonconforming use is located were destroyed by fire, tornado or other act of God, the building could be reconstructed to its original location within 18 months.

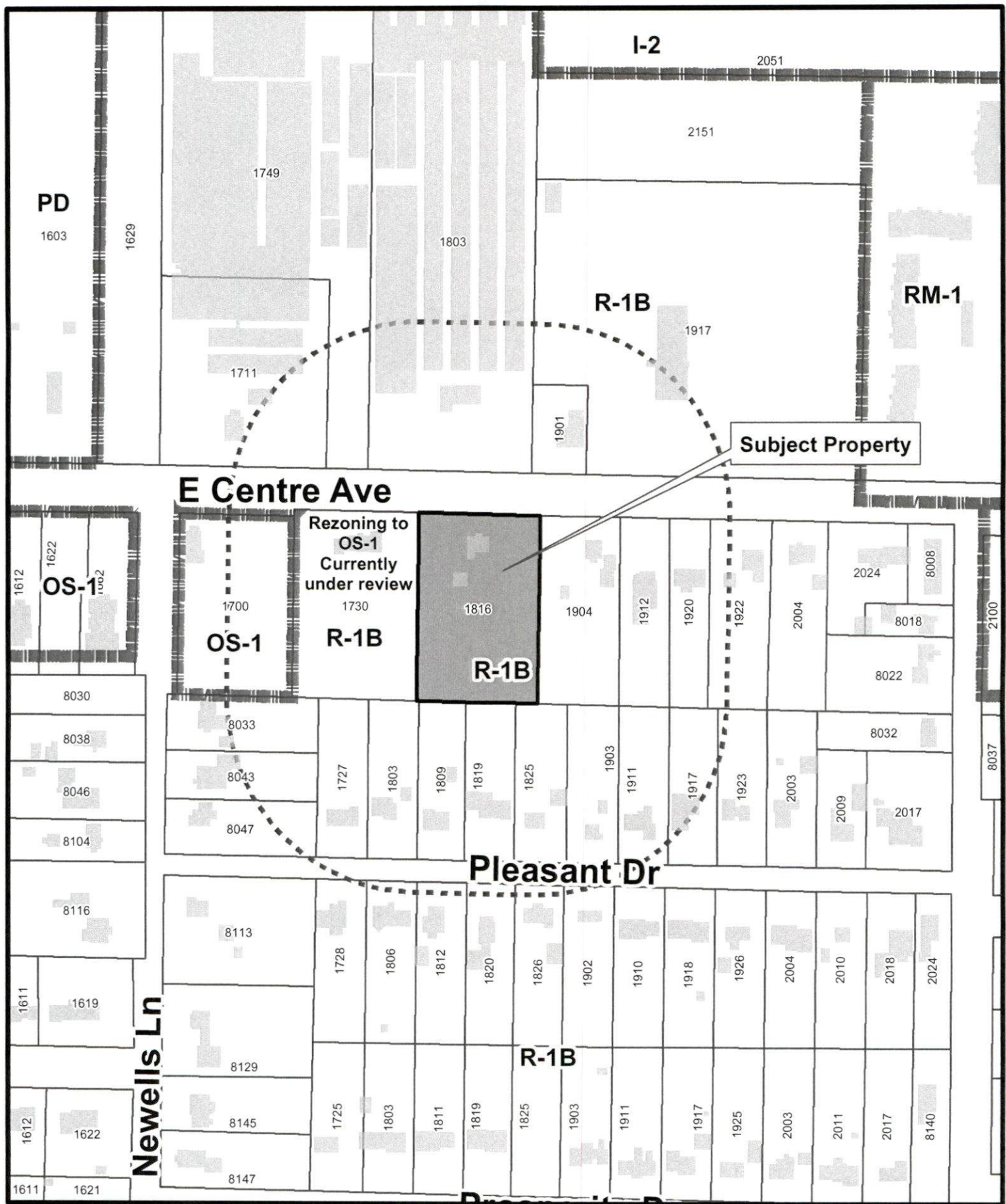
Traffic Considerations. Rezoning the subject properties from R-1B to OS-1 would result in an increase in traffic generation dependent upon the type of office use that would be established at the site. However, this additional traffic generation can be accommodated by the adjacent roadway network. Specific access related issues including driveway location, shared/cross access would be reviewed at the site plan stage of development/redevelopment.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the November 7, 2019 meeting and adjourn the public hearing to the November 21, 2019 meeting.

Attachments: Zoning/Vicinity Map
Aerial Photo Map
Future Land Use Map
Rezoning Application and Supporting Materials

T:\COMMDEV\2019-2020 Department Files\Board Files\Planning Commission\PC Reports\Rezoning\2019 10 31 Rezoning Application 19-20-3, 1816 East Centre Avenue (preliminary).doc

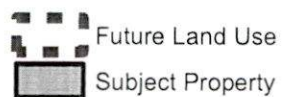
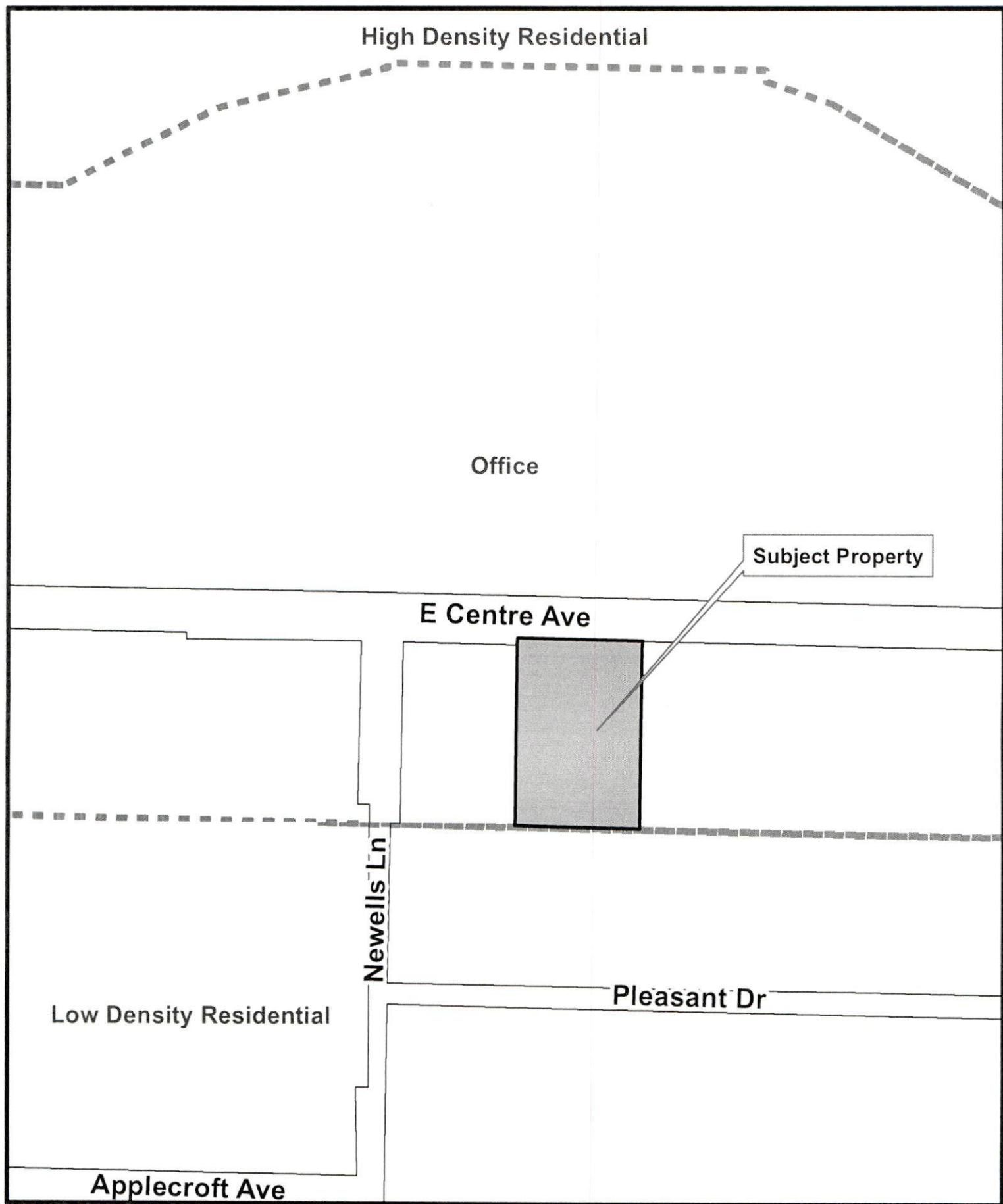


-  Zoning Boundary
-  Subject Property
-  300' Notification Boundary

Rezoning: #19/20 - 03
1816 East Centre Avenue



1 inch = 200 feet
 (109)



Future Land Use Map 1700 East Centre Avenue



1 inch = 200 feet



 Subject Property

Aerial Photography 1816 East Centre Avenue



1 inch = 100 feet
(111)

Rezoning Application
#19/20-3



Form Center

RECEIVED
OCT 16 2019
COMMUNITY DEVELOPMENT

Zoning Amendment Application

Applicant Information

First Name*

Rita G.

Last Name*

Key

Address*

10111 Mozart St.

City*

Portage

State*

MI

Zip Code*

49024

Email Address*

rita.key@gmail.com

Phone Number*

269-3392959

Fax Number

Property Owner Information

Required if property owner is different than the Applicant

First Name

Last Name

Address

SAME

City

State

Zip Code

Phone Number

Fax Number

Email Address

Zoning Map Amendment

Property Address*

1816 E. Centre Ave

Parcel ID No.

Plat Name

088200070

West Lake Acres lots 7, 8, 9.

Current Zoning*

Residential R-DA

Proposed Zoning*

Commercial OS1

Comprehensive Plan Designation

Office

Site Area (acreage)

1.35

Current Land Use*

residential

Proposed Land Use*

Zoning Code Text Amendment

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

Proposed Amendment*

Explain proposed amendment

upload file attachment if needed

Choose File No file chosen

Applicant/Property Owner Certification

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

 [Enable Google Translate](#)

Electronic Signature Agreement*

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

I agree.

Electronic Signature

Rita G Key

Date*

10/16/19

First M. Last

* indicates a required field

The City of Portage | A Natural Place to
Move

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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

1816 East Centre Avenue

08820-007-O

From R-1B, one family residential to OS-1, office service.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2019.

Adam Herringa, City Clerk

(App #19/20-3)

Approved as to Form:

Date: 10/28/2019

By: [Signature]

City Attorney

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2019, and will become effective _____, 2019.

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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

1816 East Centre Avenue

08820-007-O

From R-1B, one family residential to OS-1, office service.

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

Dated: _____

Adam Herringa, City Clerk

(App #19/20-3)

**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

1816 East Centre Avenue

08820-007-O

From R-1B, 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 #19/20-3)

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Special Meeting for Board and Commission Applicants

SUPPORTING PERSONNEL: Erica Eklov, Deputy City Clerk

ACTION RECOMMENDED: Set a Special Meeting on Tuesday, January 14, 2020, beginning at 5:30 p.m., to interview Board and Commission applicants.

The City of Portage relies upon citizen participation on many Boards and Commissions that help to serve the community. The advice received from these groups assists the City Council and City Administration in making Portage *A Natural Place to Move!* These citizens provide the talent and experience needed to meet the diverse challenges facing the community. Interviews of Board and Commission applicants are performed each year in January, May and October.

As reflected on the attached Board and Commission Vacancy Summary and per the Policy for Appointments to Citizen Advisory Boards, Council will interview applicants to fill vacancies on the following Boards and Commissions:

- Board of Review - 6 expiring terms
- Human Services Board - 1 vacancy
- Zoning Board of Appeals - 4 expiring terms

It is recommended that City Council set a Special Meeting on Tuesday, January 14, 2020, to interview Board and Commission applicants. Following Councilmember comments at the December 2nd Pre-Council meeting, the beginning time has been changed from 5:15 p.m. to 5:30 p.m.

FUNDING: N/A

Attachments: 1. Vacancy Summary

**BOARD/COMMISSION VACANCY SUMMARY
FOR JANUARY 14, 2020 SPECIAL MEETING**

INTERVIEWS	5:15 pm			
APPLICANTS	BD REV	ZBA	HSB	STATUS
	6 exp terms	4 exp terms	1 vacancy	
	1 yr terms	3 yr terms	partial term	
Stu Bernhardt		Alternate		Appointed 05/08/18
Patrick J. Buckley	Member			Appointed 01/12/16
John C. Byrnes		Member		Appointed 03/01/17
Joseph E. Dabrowski	Applicant			
Carol Eddy	Member			Appointed 01/12/16
James (Jay) Eichstaedt		Member		Appointed 03/01/17
Justin Gish	Member			Appointed 02/23/16
Keith Hearit	Member			Appointed 01/10/17
Lena Jomaa		Applicant		
Brooke Kolodzieczvk			Applicant	
Leonard Lamberson	Member			Appointed 01/12/16
Natalie Rowe		Member		Appointed 03/01/17
Robert Wood Smith	Applicant	Applicant		
Dan Thornton	Applicant	Applicant	Applicant	
Lyndsay Vainner	Member			Appointed 01/09/18

NOTE: **Alternate** – currently serving as an Alternate Member of a Board or Commission and is seeking appointment or reappointment.
Member – currently serving as a Member of a Board or Commission and is seeking reappointment.
Applicant – new applicant seeking appointment to a Board or Commission.
1 – will attend
2 – unable to attend
3 – no response

11/21/19

Minutes of Boards & Commissions

Portage Senior Citizens Advisory Board

Minutes: October 2019

ATTENDANCE:

Sharon White, Larry Smith, Art Roberts, Trudy Riker, Doug Gilchrist, Linda Zoeller, Mary Lou Petrulio, John Lobo, Tony Lorentz

Absent Excused: Bill Wieringa, Joe Magalski

Absent Un-excused:

Guests: Program Needs Assessment Survey by Ouen and Geoffrey

Staff: Kim Phillips

Call to order time: 2:30 PM

The minutes for September were approved without correction with Linda Zoeller moving and Art Roberts seconding.

Survey Results, WMU representatives Ouen and Geoffrey:

Executive summaries of the survey were distributed. Two group discussion was best of show, followed up by surveys regarding programming at the PSC. From a baseline of six questions followed by discussions. Over 57 people attended the open discussions. Nine areas discussed were identified including physical activity, education, multicultural events, and health related. The questions also included the new building and the future programming opportunities desired. 612 responses were considered an outstanding result. Non-members and members came up with many similar themes.

Social Events: People wanted opportunities to get together and have coffee and tea with a discussion topic and time to mingle. Lunches and dinners were requested. Dances and singles activities were not overall as popular. Physical activity requests were focused on having an open access exercise room instead of structured classes. On site yoga was requested. Android, I-phone and other technology classes were requested.

Travel: Michigan was of interest as well as museums and educational venues. National Parks, site seeing in Chicago were also mentioned.

Multicultural events were specifically mentioned to obtain feedback. 24% said yes, mentioning sushi, Indonesian puppet shows, Malaysian, food related cultural differences.

Around the subject of health came the thoughts of having immunizations, massage and physical therapy came up. Primary Care options were not requested, but maintenance of health was of interest. Objective medical advice is of interest, not representatives from businesses who have a product to sell. Health programs requested were related to convenience, flu shots, massages.

Support groups and caregiver support were requested. On-site counselors were not requested. How to provide care for aging parents is becoming a big issue that the PSC could provide resources for.

Social Services: Transportation was asked for by about 2 out of ten responders, with a focus on transportation to the PSC. Also affordable insurance was a concern of responders. A common misconception is that the PSC currently provides adult day care.

Communication: Responders prefer to get information via emails and the newsletter, not on Facebook or the website.

Discussion took place after the presentation regarding getting this information into the newsletter in periodic articles.

Special Events, Sharon White:

A list of upcoming events was distributed to board members by Sharon White.

Travel Program, Trudy Riker & Art Roberts:

Based on the way the calendar falls, there is nothing new to report at this time, the trip committee meeting is next week. The trip preview went well and took in record numbers again. The trip last week, the Grand Ledge cruise, was full and went perfectly.

Friends of PSC Board Update, Trudy Riker:

\$7,000 was made at the purse sale. Discussion was held regarding a pre-sale next year and having a two-day event. September 19th 2020 was set as the date.

On Friday Oct 25 there will be a donor event for people who have given to the Friends. They do need a bartender for this event – and help with set up would be appreciated around 3:30 as well.

The cost of the fall appeal was discussed; the mailing is to go out the first week in November.

The printing of a new legacy card was discussed.

Election of officers will take place at the next meeting, as well as a review of the board bylaws.

Legislative Update, Art Roberts:

KASCI, are the third Monday of every month at 1:15. Dana Nessel is coming to on Monday, October 21, at Electrical Workers from 11:30 – 1:00 at 1:30 is the KASCI meeting at the PSC to discuss the issue of home sharing of seniors.

Managers Report, Kim Phillips:

Kim distributed the report to board members. Welcome new advisory board member Joe who is currently on a PSC trip, and will be attending next month. Doug was approved as a regular Advisory Board member. We have a posting out for a volunteer and program coordinator who will job-share with Greta.

Discussion took place regarding the senior millage. The PSC has applied for millage dollars.

We do not have a budget for programming, it is either free or self-supporting. The millage dollars could fund such a budget.

We have a Financial Exploitation workshop coming up, they have been successful & well attended thus far, the curriculum is from NCOA.

The Holiday Bazaar and Bake Sale is on November 2nd. Kalamazoo's biggest bake sale – join us!

Old Business:

The election of officers was deferred for the return of the chair, Bill Wieringa.

New Business:

Traditionally, a representative from the Advisory Board presents a report to city council in November. We could postpone this until December. The report consists of what the board is working on, just a five or ten-minute presentation. The board attends at this presentation to show support.

Advisory Board Comments:

Art Roberts will be in El Salvador during the November meeting.

Linda Zoeller commented on the location and accessibility of water as dehydration is a key issue with seniors. Breaks to stand and stretch and get water should be encouraged at senior center activities. Also noticed were the unhealthy snacks offered at the coffee bar. Linda suggested fruit and healthy snacks. Art commented that there is a focus on water on trips.

Citizen comments:

Time Adjourned: 3:37 PM

Next meeting: Wednesday, November 20, 2:30 PM

**PORTAGE PUBLIC SCHOOLS
BOARD OF EDUCATION
POLICY GOVERNANCE RETREAT AND
COMMITTEE OF THE WHOLE WORK SESSION**

November 11, 2019

POLICY GOVERNANCE RETREAT

The Policy Governance Retreat of the Board of Education of Portage Public Schools held on Monday, November 11, 2019, was called to order at 4:04 p.m. by President Van Antwerp in the Learning Lab of the Administration Building, 8107 Mustang Drive, Portage.

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

Board Trustees Absent: None

Administration Present: Mark Bielang. Present during certain discussion topics were Ron Herron, Michael Pascoe, Beth Hartman, and Dan Vomastek.

Others Present: Gary Goscenski of Perspectives Consulting

REVISIONS/APPROVAL OF AGENDA

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

The motion carried unanimously.

COMMENTS OR COMMUNICATIONS

There were no comments or communications.

DISCUSSION ITEMS

Mr. Goscenski facilitated this portion of the meeting. The Board discussed board meeting self-assessments, elementary facility planning, owner linkage, and middle school enrollment.

The Policy Governance Retreat adjourned at 6:19 p.m.

COMMITTEE OF THE WHOLE WORK SESSION

The Committee of the Whole Work Session of the Board of Education of Portage Public Schools held on Monday, November 11, 2019, was called to order at 6:30 p.m. by President Van Antwerp in Conference Room #1 of the Administration Building, 8107 Mustang Drive, Portage. 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, Joanne Willson

Board Trustees Absent: None

REVISIONS/APPROVAL OF AGENDA

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

The motion carried unanimously.

REPORTS

Superintendent's Report

Communeen Update

The Communeen Read is a read program developed in collaboration with Portage Northern and Central High Schools, the Portage District Library, and Bookbug bookstore. Central High Media Specialist, Sara Brown along with representatives from the District Library and Bookbug shared information about the program, now in its fifth year, and details for the upcoming event to be held March 18, 2020 at Portage Central's Auditorium at 6:30 p.m. This year's book is *Long Way Down* by best-selling author Jason Reynolds. Mr. Reynolds will be at the event and visiting with students at the high schools. A copy of the book was provided to each board member.

Energy Program Update

Mr. Steve Phelps, Maintenance Coordinator, provided an energy program update. This is our tenth year with the program. Mr. Phelps reviewed the cumulative cost avoidance since the onset of the program (January 2009) through October 2019, which totaled \$6,739,280. Mr. Phelps reviewed cost avoidance trends for 2018-19, electrical and natural gas usage by building over time, and current/future energy saving projects. Superintendent Bielang thanked Mr. Phelps for the update and his work with the program.

Bond Project Update

Mr. Ron Herron, Assistant Superintendent of Operations, provided an update on the status of bond work. At North Middle School, work continues on punch list items. Sound attenuation work is taking place as well. At Central Middle School, most of the building is enclosed and temporary heat is on. Finish work has started in certain sections of the building. At the West Middle School gym, rough-in work is taking place for electrical/mechanical/plumbing. Finish work has started in the art/band/shop areas. At the Northern Natatorium 95 percent of the foundation work is complete; block wall is going up. At the Central AEF punch list work in the baseball area continues. At the Northern AEF, grating work is taking place. Mr. Herron added that the next report would include a financial report with a reconciliation update. Mr. Herron addressed questions from the Board.

Other

Mr. Bielang thanked transportation and maintenance staff for their work in tackling the winter conditions brought on by the first snow of the season.

COMMENTS OR COMMUNICATIONS

President Van Antwerp opened the comments and communications portion of the meeting. There was no public comment. The floor was opened to Trustee comments.

Mrs. Willson shared positive comments relative to local police/fire visits to the elementary schools; paid accolades to volunteers from WMU and to Amberly Elementary regarding books read by students.

Mr. Droppers shared positive comments regarding the recent football game between Portage Northern and Portage Central.

Mrs. Novaria shared positive comments regarding the Central High production of “Moon Over Buffalo” and reminded Trustees of the upcoming production of “Camelot” at Northern High.

Mr. Van Antwerp thanked the community for their support in approving the District’s renewal of the Building and Site Sinking Fund Tax Levy. Mr. Van Antwerp also thanked Administration for getting the word out on this ballot item. In addition, the Audit Committee met earlier today. The upcoming external audit report will cover this.

CONSENT AGENDA

President Van Antwerp presented the following Consent Agenda item for approval by the Board of Education: approve the October 28, 2019 Regular Business Meeting Minutes as presented.

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

ASSURANCE OF DISTRICT PERFORMANCE

Monitoring Report 2.5, Financial Condition/Activities – External Audit

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education accept the 2018/19 Financial Report, Single Audit Act Compliance Report, and Management Letter, as presented.

Mr. Kim Lindsay of Rehmann Robson, the District’s external auditor, provided an overview of their 2018-19 financial audit. A clean audit opinion was given with no findings or reportable conditions. Mr. Lindsay reviewed a summary of revenues/expenditures, General Fund revenue sources and expenditures, and General Fund budget results. Mr. Lindsay thanked the District’s Finance Office for their hard work. Mr. Lindsay addressed questions from Trustees. Discussion followed. Audit Committee Chair, Mrs. Joanne Willson, thanked the Finance Office for their work.

The motion carried unanimously.

Monitoring Report 1.1 (State), Ends Policy

Dr. Michael Pascoe, Assistant Superintendent of Instruction and Assessment, detailed graphs included in the report regarding assessments administered at the state level, the M-STEP and PSAT 8/9. Graphs for the 2019 M-STEP detailed results in each of the subject areas English Language Arts and Mathematics at the fifth grade level showing percent proficient for Portage students compared to students from comparable communities. Graphs for the 2019 PSAT 8/9 were detailed in the same way for eighth grade students in the subject areas of Reading and Writing and Mathematics. Dr. Pascoe responded to questions from Trustees.

Monitoring Report 2.2, Treatment of Staff

Motion offered by Mrs. Novaria, seconded by Dr. Shelton-Harris, that the Board of Education accept as presented, the Monitoring Report on 2.2, Treatment of Staff, as a reasonable interpretation and evidence of compliance with policy.

Superintendent Bielang highlighted a portion of his report that discussed the Employee Engagement Survey. Mr. Bielang commented this is the third year for the survey; participation is good.

The motion carried unanimously.

Monitoring Report 2.3, Compensation & Benefits

Motion offered by Mr. Snyder, seconded by Mr. Droppers, that the Board of Education accept as presented, the Monitoring Report on 2.3, Compensation & Benefits, as a reasonable interpretation and evidence of compliance with policy.

Mr. Bielang commented other than an update on the numbers; the report is unchanged from his 2018 report on 2.3.

The motion carried unanimously.

DISCUSSION ITEMS

Approve Summer Tax Collection Resolution

There were no questions or discussion on this annual resolution.

Proposed Policy Revisions

Superintendent Bielang highlighted new policy recommended for adoption and commented on some policies requiring revision.

Approve CMS Black Box Lighting

Mr. Dan Vomastek, Director of Information and Technology Systems, briefly reviewed the recommendation to purchase theatrical lighting fixtures for Central Middle School, the funds for which would come from the 2016 Bond Construction Fund #1.

Approve CMS Black Box Switchgear Purchase

Mr. Dan Vomastek reviewed the recommendation to purchase theatrical sound equipment for Central Middle School, the funds for which would come from the 2016 Bond Construction Fund #1.

With no further business to come before the Board, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Barb Atkinson
Recording Secretary

MATERIALS TRANSMITTED

Tuesday, November 19, 2019

1. Communication from Bill Furry, Finance Director, regarding the October, 2019 Monthly Financial Report, **Agenda Item B.7.H** – Information Only



Joseph S. La Margo, City Manager

cc Rob Boulis, Deputy City Manager II
Adam Herringa, Deputy City Manager I

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Monthly Financial Report

SUPPORTING PERSONNEL: William Furry, Finance Director

Prudent practices require that the governing body be periodically apprised of the ongoing financial status of city operations. Attached is a report of revenue and expenditure levels as compared to budget for the most recently completed month.

Attachments: 1. October 2019 Financial Report

11/05/2019

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 10/31/2019

FUND	DESCRIPTION	2019-20 ORIGINAL BUDGET	2019-20 AMENDED BUDGET	2019-20 ACTIVITY	Percent of Amended Collected/Used
REVENUES					
Totals for dept 0000 -		24,360,004	24,360,004	18,453,159	76%
Totals for dept 1720 - City Manager		500	500	0	0%
Totals for dept 2053 - Finance Treasury		1,000	1,000	346	35%
Totals for dept 2110 - Technology Services		0	0	0	0%
Totals for dept 2415 - City Clerk		64,550	64,550	34,826	54%
Totals for dept 2491 - City Clerk Elections		23,000	23,000	950	4%
Totals for dept 2865 - Parks Maintenance		1,500	1,500	1,400	93%
Totals for dept 2876 - Cemeteries		59,400	59,400	14,146	24%
Totals for dept 2877 - Parks & Rec - Parks		65,500	65,500	30,025	46%
Totals for dept 2878 - Parks & Rec - Kalamazoo In Bloom		0	0	0	0%
Totals for dept 2882 - Parks & Rec - Team Sports		140,540	144,236	31,534	22%
Totals for dept 2885 - Parks & Rec - Programs		19,000	13,000	6,274	48%
Totals for dept 2886 - Parks & Rec - Ramona Park		54,450	54,450	39,898	73%
Totals for dept 2887 - Parks & Rec - Special Events		12,000	12,000	3,325	28%
Totals for dept 2888 - Parks & Rec - Millennium Park		45,000	45,000	0	0%
Totals for dept 3005 - Police Administration		155,000	155,000	61,777	40%
Totals for dept 3010 - Police Patrol		1,000	1,000	3,620	362%
Totals for dept 3021 - Police Training-Grant Funded		9,000	9,000	4,920	55%
Totals for dept 3030 - Police Public Safety Dispatch/ts		19,209	19,209	9,589	50%
Totals for dept 3050 - Police Drug Law Enforcement		1,000	1,000	0	0%
Totals for dept 3310 - Fire Admin		160	160	0	0%
Totals for dept 3340 - Fire Prevention		900	900	440	49%
Totals for dept 3710 - Comm Dev Building Services		750,000	750,000	223,545	30%
Totals for dept 3720 - Comm Dev Planning & Development		55,000	55,000	22,932	42%
Totals for dept 3730 - Comm Dev Neighborhood Services		177,500	177,500	178,646	101%
Totals for dept 6720 - Senior Center		158,700	163,700	31,425	19%
Totals for dept 6721 - Senior Center Trips		375,000	375,000	0	0%
Totals for dept 6722 - Senior Center Activities		15,000	15,000	0	0%
Totals for dept 6725 - Aging Mastery Program		1,200	1,200	270	23%
TOTAL REVENUES - GENERAL FUND		26,635,113	26,637,809	19,188,047	72%

11/05/2019

BUDGET REPORT FOR CITY OF PORTAGE

Calculations as of 10/31/2019

FUND	DESCRIPTION	2019-20 ORIGINAL BUDGET	2019-20 AMENDED BUDGET	2019-20 ACTIVITY	Percent of Amended Collected/Used
EXPENDITURES					
Totals for dept 1001-City Council		88,000	88,000	17,856	20%
Totals for dept 1085-City Council-Human Services		169,740	169,740	29,205	17%
Totals for dept 1720-City Manager		654,587	654,587	186,679	29%
Totals for dept 2001-Finance Accounting		449,430	449,430	124,235	28%
Totals for dept 2002-Finance & Budget		301,790	301,790	69,208	23%
Totals for dept 2053-Finance Treasury		140,391	140,391	45,701	33%
Totals for dept 2110-MIS		852,278	852,278	310,923	36%
Totals for dept 2133-MIS Public Information		57,563	57,563	16,507	29%
Totals for dept 2209-Assessor		445,695	445,695	115,351	26%
Totals for dept 2247-Assessor Board Of Review		35,174	35,174	5,781	16%
Totals for dept 2310-Attorney		226,728	226,728	75,240	33%
Totals for dept 2415-City Clerk		167,958	167,958	48,675	29%
Totals for dept 2416-City Clerk Records Management		67,256	67,256	19,520	29%
Totals for dept 2491-City Clerk Elections		233,631	233,631	39,891	17%
Totals for dept 2610-Human Resources		473,940	473,940	115,749	24%
Totals for dept 2733-Purchasing		85,594	85,594	23,067	27%
Totals for dept 2734-Purchasing Risk Management		25,958	25,958	8,266	32%
Totals for dept 2865-Parks Maintenance		1,332,081	1,332,081	345,271	26%
Totals for dept 2876-Cemeteries		66,855	66,855	15,082	23%
Totals for dept 2877-Parks & Rec - Parks		649,905	649,905	162,995	25%
Totals for dept 2878-Parks & Rec - Kalamazoo In Bloom		15,000	15,000	0	0%
Totals for dept 2880-Parks & Rec Rec - Admin		204,852	204,852	52,902	26%
Totals for dept 2882-Parks & Rec Rec - Team Sports		70,650	74,346	28,388	38%
Totals for dept 2885-Parks & Rec - Programs		53,670	34,150	3,945	12%
Totals for dept 2886-Parks & Rec Rec - Ramona Park		132,532	132,532	51,111	39%
Totals for dept 2887-Parks & Rec Rec - Special Events		111,379	111,379	49,417	44%
Totals for dept 2888-Parks & Rec - Ice Rink		88,603	88,603	7,072	8%
Totals for dept 3005-Police Administration		1,228,159	1,228,159	372,133	30%
Totals for dept 3006-Police Youth Services		517,905	517,905	130,527	25%
Totals for dept 3007-Police Investigation		708,861	708,861	210,577	30%
Totals for dept 3010-Police Patrol		5,692,511	5,692,511	1,788,807	31%
Totals for dept 3020-Police Training		266,790	266,790	59,951	22%
Totals for dept 3021-Police Training-Grant Funded		9,000	9,000	1,524	17%
Totals for dept 3030-Police Public Safety Dispatch/Is		69,619	69,619	11,643	17%
Totals for dept 3031-Police Emergency Sirens		23,676	23,676	498	2%
Totals for dept 3040-Police Records & PST		640,074	640,074	175,101	27%
Totals for dept 3050-Police Drug Law Enforcement		248,286	248,286	70,774	29%

11/05/2019

BUDGET REPORT FOR CITY OF PORTAGE
 Calculations as of 10/31/2019

FUND	DESCRIPTION	2019-20	2019-20	2019-20	Percent of
		ORIGINAL BUDGET	AMENDED BUDGET	ACTIVITY Collected/Used	Amended
Totals for dept 3065-Police Facility Management		196,420	196,420	70,484	36%
Totals for dept 3090-Police KCCDA support		756,793	756,793	378,397	50%
Totals for dept 3310-Fire Admin		713,282	713,282	189,825	27%
Totals for dept 3320-Fire Operations		4,209,123	4,209,123	1,229,532	29%
Totals for dept 3330-Fire On Call Firefighters		83,527	83,527	17,401	21%
Totals for dept 3340-Fire Emergency Operations		4,900	4,900	1,300	27%
Totals for dept 3340-Fire Prevention		139,291	139,291	42,884	31%
Totals for dept 3350-Fire Training		191,552	191,552	55,110	29%
Totals for dept 3365-Fire Facility Management		238,050	238,050	7,093	3%
Totals for dept 3710-Comm Dev Building Services		591,069	591,069	167,782	28%
Totals for dept 3720-Comm Dev Planning & Development		326,307	326,307	95,648	29%
Totals for dept 3730-Comm Dev Neighborhood Services		238,145	238,145	63,548	27%
Totals for dept 3765-Comm Dev Building Maintenance		257,817	257,817	64,805	25%
Totals for dept 4210-General Public Services		510,650	657,650	184,158	28%
Totals for dept 6720-Senior Center		401,901	406,901	105,276	26%
Totals for dept 6721-Senior Center Trips		387,246	387,246	10,989	3%
Totals for dept 6725-Aging Mastery Program		1,500	1,500	0	0%
Totals for dept 6740-Fundraising		0	0	32,758	0%
Totals for dept 9610-Transfers Out		781,419	781,419	0	0%
TOTAL EXPENDITURES - GENERAL FUND		26,635,113	26,771,289	7,506,562	28%
202	Major Street Fund - Revenues	4,412,852	4,412,852	806,293	18%
	Major Street Fund - Expenditures	4,390,769	4,390,769	505,096	12%
203	Local Streets Fund - Revenues	1,661,784	1,661,784	249,351	15%
	Local Streets Fund - Expenditures	1,649,992	1,649,992	244,608	15%
204	Municipal Streets Fund - Revenues	1,563,000	1,563,000	1,452,237	93%
	Municipal Streets Fund - Expenditures	1,563,000	1,563,000	0	0%
223	Curbside Recycling - Revenues	698,885	698,885	649,054	93%
	Curbside Recycling - Expenditures	698,312	698,312	165,043	24%
226	Leaf Pickup/Spring Cleanup - Revenues	803,400	803,400	744,138	93%
	Leaf Pickup/Spring Cleanup - Expenditures	833,692	833,692	74,998	9%
230	CDBG Program Income Fund - Revenues	125,000	125,000	61,578	49%
	CDBG Program Income Fund - Expenditures	125,000	125,000	7,791	6%

11/05/2019

BUDGET REPORT FOR CITY OF PORTAGE
 Calculations as of 10/31/2019

FUND	DESCRIPTION	2019-20	2019-20	2019-20	Percent of
		ORIGINAL BUDGET	AMENDED BUDGET	ACTIVITY	Amended Collected/Used
252	West Lake Weed Mgmt - Revenues	32,500	32,500	81	0%
	West Lake Weed Mgmt - Expenditures	32,120	32,120	3,250	10%
296	Community Development Block Grant - Rev	229,105	373,110	89,205	24%
	Community Development Block Grant - Exp	229,105	373,110	0	0%
298	Cable Television Fund - Revenues	784,522	784,522	37,686	5%
	Cable Television Fund - Expenditures	989,038	989,038	143,924	15%
400	Capital Improvement General - Revenues*	19,365,418	27,959,717	4,614,751	17%
	Capital Improvement General - Expenditures*	19,365,418	36,419,728	6,438,931	18%
490	Capital Improvement Sewer - Revenues*	900,000	4,905,000	0	0%
	Capital Improvement Sewer - Expenditures*	900,000	3,648,608	392,098	11%
491	Capital Improvement Water - Revenues*	2,350,000	8,563,775	0	0%
	Capital Improvement Water - Expenditures*	2,350,000	7,186,185	1,234,599	17%
590	Sewer Fund - Revenues	8,936,142	8,936,142	3,796,807	42%
	Sewer Fund - Expenditures	8,903,057	8,903,057	1,589,317	18%
591	Water Fund - Revenues	6,557,387	6,557,387	3,261,203	50%
	Water Fund - Expenditures	6,498,171	6,498,171	2,724,920	42%
TOTAL REVENUES - ALL FUNDS **		75,055,108	94,014,883	34,950,431	37%
TOTAL EXPENDITURE - ALL FUNDS **		75,162,787	100,082,071	21,031,137	21%

* The Capital Improvement Program uses project-length budgets, original is current fiscal year, amended includes budgets of prior year projects continued.

** Debt Service and Internal Service Funds not included.

To: Honorable Mayor Randall and City Council

From: Doug Gilchrist, Senior Citizens Advisory Board Chair

Subject: 2019 Senior Citizens Advisory Board Update

Goal #1: Advocate with the City administration and the community at large for an expanded Senior Center facility

We are so pleased to see the plans for a larger center become a reality. Having a larger space will allow for an increase in programs and services for older adults in the community. We are confident that as this project moves forward, the Portage Senior Center will become a special destination for older adults across the region. We commend and thank the Portage City Council for their visionary commitment to this important project.

Goal #2: Support efforts to increase the number of Portage Senior Center memberships by 10% over the previous fiscal year.

Towards this goal, the following progress has been made:

- Current Active Membership as of October 31 stands at 1,548. The previous year, memberships stood at 1,344. This is a 15% increase.
- Participation in programs for the past twelve months is 24,853.
- Volunteerism: PSC Volunteer hours for the past twelve months is 21,387 hours. (The pay equivalent for volunteer services provided is over \$464,000)

To assist in attracting and retaining new members, PSC staff and volunteers have implemented a quarterly “New Member Breakfast.” This allows new and potential members to meet staff and volunteers, learn more about the Center, and enjoy fellowship with each other. This has proven to be a successful strategy. Each event averages approximately 60 participants.

Goal #3: Support fundraising efforts for operational support in cooperation with the Friends of the Portage Senior Center.

The Advisory Board has been actively engaged in supporting the Friends of the Portage Senior Center.

The fourth annual “It’s in the Bag” purse sale was held this past September. Over 200 individuals participated, and the event raised over \$7,000. This unique fundraiser not only generates revenue, but increases awareness of the PSC in the community.

Goal #4: Work with staff to identify innovative quality programming opportunities to reach the older adult population.

To attract a growing population of older adults, the development of new ideas for programs and collaborating activities is critical. This includes assessing the needs and interests of our members, as well as seeking out new opportunities for program partnerships.

Over the summer of 2019, a needs assessment and survey of members took place to gather information on areas of interest for programs and services. A few of the highlights:

- Members expressed an interest in having a dedicated exercise room, walking groups, as well as on-site yoga classes.
- Of the group surveyed, 46% indicated an interest in educational and auditorium events such as plays, concerts & readers theater.
- Over 30% of respondents also indicated an interest in preventive health services such as immunizations, massage therapy and physical therapy.

The Advisory Board and PSC staff also worked with a consultant to create a strategic plan that places a focus on diversity and inclusiveness across all program areas. At the recommendation of Advisory Board members, the PSC staff continues to work to create and offer inclusive program opportunities that are reflective of the center’s diverse membership.

The Trip Department continues to be an active program that also generates revenue that supports PSC operations. In the past twelve months, 1784 individuals have participated in 37 day trips, 17 multi-day extended trips, and 2 international travel opportunities. The PSC is fortunate to have a committed committee of volunteers who seek out trip opportunities, and assist with planning and implementing trips.

Goal #5: Advise City Council and the Portage Senior Center management on issues and projects pertaining to older adults and the Portage Senior Center.

Advisory Board members are regularly in attendance at Kalamazoo County Advocates for Senior Issues (KCSI) meetings. Information is shared and discussed at monthly Advisory Board meetings.

Current policy and legislative issues that impact older adults in our community are identified and discussed at meetings.

Regular dialogs with the PSC Manager take place, and recommendations regarding programming or administrative issues are made.

Goal #6: Support the implementation of the Aging Mastery Program by helping to identify resources and speakers as needed.

The PSC was the second senior center in the State of Michigan to offer the Aging Mastery Program (AMP), and this program continues to be a success. The PSC has been recognized by the National Council on Aging as a “best practice” in terms of implementing the AMP program. The Center was fortunate to be part of a two-year grant program in conjunction with other centers in Southwest Michigan, receiving funding from the Michigan Health Endowment Fund to supplement the cost of offering AMP programming.

Goal #7: Continue to explore opportunities for interaction and partnering with community agencies, such as the Portage Community Center, Portage Public Schools, and Portage District Library.

We continue to seek out opportunities to partner with other agencies in the community. The partnership with the Portage Community Center includes collecting food donations for Thanksgiving baskets, and involvement with the Christmas adopt-a-family program. In addition, the PCC's youth program utilizes the kitchen space at the PSC for programming.

Our "Needlers" group works throughout the year to create hats, mittens, scarves and blankets that are distributed to multiple agencies in the community, including the Portage Community Center, Gospel Mission, hospitals, and local schools.

The PSC is also continues to be involved with the schools through both the Partners and Pen Pals programs.

In Summary:

In the coming years, the PSC will need to change and expand to meet the needs of the increasing older adult population. The Senior Citizens Advisory Board will continue to advocate for the needs of older adults in the community, but meeting these needs will take the commitment of time and resources from the City. The PSC is currently challenged with both space and staffing constraints. If we are to become a leading community that provides resources that engage older adults to actively age in place, the City is encouraged to continue to invest in the resources that provide the best environment possible. A healthy and active adult population is an important factor in keeping Portage vibrant and unique.

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Rezoning Application #19/20-2, 1730 East Centre Avenue

SUPPORTING PERSONNEL: Chris Forth, Acting Director, Department of Community Development

ACTION RECOMMENDED: Set a public hearing for January 14, 2020, for Rezoning Application #19/20-2, 1730 East Centre Avenue; and subsequent to the public hearing, consider approving Rezoning Application #19/20-2, changing the zoning designation of 1730 East Centre Avenue from R-1B, one-family residential, to OS-1, office service.

An application requesting the rezoning of 1730 East Centre Avenue from R-1B, one-family residential to OS-1, office service has been received from Mr. Auville Krause, the property owner. The zoning change is being requested to facilitate an office redevelopment project at this location.

In a report dated September 27, 2019, the Department of Community Development concluded the proposed OS-1, office services zoning district is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern. For these reasons, staff is supportive of the proposed OS-1, office service district.

The Planning Commission convened public hearings on September 19 and October 3, 2019 to consider the request. The applicant's representative, David Keyte, of Callander Commercial, was present to support the zoning change. One citizen spoke during the September 19 hearing but did not oppose the zoning change. No additional citizens spoke during the public hearing and no written communications have been received.

After careful consideration, the Planning Commission voted 9-0 to recommend that City Council consider approving Rezoning Application #19/20-2, changing 1730 East Centre Avenue from R-1B, one-family residential, to OS-1, office service. The Planning Commission found that the OS-1 district is appropriate in this area of the city and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern along East Centre Avenue.

The Planning Commission transmittal, Department of Community Development report and related materials are attached for review. It is recommended that, subsequent to the public hearing, City Council approve Rezoning Application #19/20-2, 1730 East Centre Avenue.

Subsequent to the public hearing, it is recommended that Council approve Rezoning Application #19/20-2, changing the zoning designation of 1730 East Centre Avenue from R-1B, one-family residential, to OS-1, office service.

FUNDING: Not applicable

- Attachments:**
1. Planning Commission transmittal dated October 23, 2019
 2. Planning Commission meeting minutes dated September 19 and October 3, 2019
 3. Community Development staff report dated September 27, 2019
 4. Ordinance Amendment

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: October 23, 2019

SUBJECT: Rezoning Application #19/20-2, 1730 East Centre Avenue

The Planning Commission convened a public hearing during the September 19th and October 3rd, 2019 meetings to consider the rezoning application submitted by Auville Krause to rezone 1730 East Centre Avenue from R-1B, one family residential to OS-1, office service. David Keyte of Callander Commercial (applicant representative) was present during both meetings to support of the rezoning request. One citizen spoke during the September 19th meeting not objecting to the rezoning, but requesting a screening fence be installed and any outdoor lighting be minimized to provide privacy to his adjacent residence to the south. No additional citizens spoke during the public hearings and no written communications have been received.

After careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Harrell-Page, to recommend to City Council that Rezoning Application #19/20-2 be approved and 1730 East Centre Avenue be rezoned from R-1B, one family residential to OS-1, office service. The motion included a finding that the OS-1 district is appropriate in this area of the City and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern along East Centre Avenue. The motion was unanimously approved 9-0.

Sincerely,


Dan Corradini
Chairman

PLANNING COMMISSION

September 19, 2019

The City of Portage Planning Commission meeting of September 19, 2019 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Six citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Corradini 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 role: Myer (yes); Pezzoli (yes); Harrell-Page (arrived at 7:02 p.m.); Baldwin (yes); Corradini (yes); Joshi (yes) and Patterson (yes). A motion was then made by Commissioner Baldwin, seconded by Commissioner Joshi, to approve the role excusing Commissioners Fries and Schimmel. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Corradini referred the Commission to the September 5, 2019 meeting minutes contained in the agenda. A motion was made by Commissioner Patterson, seconded by Commissioner Baldwin, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. **Preliminary Report: Rezoning Application #19/20-2, 1730 East Centre Avenue.** Mr. Forth summarized the September 13, 2019 preliminary staff report regarding a request from Auville Krause to rezone property located at 1730 East Centre Avenue from R-1B, one family residential to OS-1, office service. Mr. Forth stated the property is currently occupied by a single family residence and the applicant has indicated plans to demolish the residence and construct a new office building at the site. Mr. Forth discussed the recent rezoning of the adjacent parcel at 1700 East Centre Avenue and the new office building that was under construction. Mr. Forth then briefly summarized the preliminary analysis of the rezoning request including consistency with the Comprehensive Plan/Future Land Use Map and evolving office zoning/land use pattern along East Centre Avenue, suitability of existing R-1B district and impacts of proposed OS-1 district.

David Keyte of Callander Commercial (applicant representative) was present to support the rezoning application. The public hearing was opened by Chairman Corradini. One citizen (Bill McNally, 1727 Pleasant Drive) spoke in regards to the proposed rezoning. Mr. McNally stated he did not object to the rezoning, however, requested that a screening fence be installed and any outdoor lighting be minimized to provide privacy to his home. Mr. Forth and Mr. West discussed the outdoor lighting standards and conflicting land use screening requirements between office and residential land uses. No additional citizens spoke regarding the proposed rezoning.

After a brief conversation, a motion was made by Commissioner Myer, seconded by Commissioner Harrell-Page, to adjourn the public hearing for Rezoning Application #19/20-2, 1730 East Centre Avenue, to the October 3, 2019 meeting. The motion was unanimously approved 7-0.

NEW BUSINESS:

1. Accessory Building (Smoots), 2934 Woodhams Avenue. Mr. West summarized the September 13, 2019 staff report regarding a request from Ryan and Karen Smoots to construct a 2,068 square foot detached accessory building along the northeast portion of their residential property located at 2934 Woodhams Avenue. Mr. West indicated the accessory building will be of pole barn construction with siding and roofing materials that will match the existing residential structures and will be utilized for storage of a large RV, antique vehicles, quads, trailers and other personal items, and will not be utilized for any business related purpose. Mr. West stated the Zoning Board of Appeals on September 9, 2019 approved a variance to allow the accessory building to be constructed to a height of 17-feet. Mr. West indicated the 5.3-acre parcel is currently occupied by a 1,505 square foot ranch style home, a 462 square foot attached garage, a 768 square foot detached garage and a small storage shed (10-foot by 10-foot) that was proposed to be removed with construction of the proposed pole barn. If the proposed pole barn was approved, Mr. West indicated the total ground floor area of all accessory buildings would exceed the ground floor area of the main residence by 1,793 square feet.

Mr. West referred the Commission to a revised site sketch and letter provided by the applicant. Mr. West indicated the revised site sketch now proposed a 20-foot setback from the north/side property line (30-foot setback originally proposed), a 240-foot setback from the east/rear property line and a 275-foot setback from the south/side property line. Mr. West further indicated the proposed pole barn would be situated in excess of 300-feet from the nearest adjacent single family residence. Mr. West stated the size and configuration of the parcel, combined with the setback distances from adjacent property lines and residences, would mitigate impacts on adjacent properties and the proposed pole barn was recommended for approval subject to removal of the existing storage shed (approximately 10-foot by 10-foot) upon completion of the proposed pole barn.

Ms. Karen Smoots (applicant) was present to support the request. Ms. Smoots discussed the relocation of the pole barn location in order to address the slope of the land and minimize the need for fill material. Ms. Smoots discussed the construction quality of the proposed pole barn and the nature of the personal items that would stored within the building. Ms. Smoots also confirmed that the existing 10-foot by 10-foot storage shed would be removed upon construction of the new pole barn. One citizen (Jim Moiles, 10828 Autumn View Lane) spoke regarding the proposed accessory building. Mr. Moiles stated he had no objection to the accessory building, however, asked for clarification on the proposed location and whether the large open area and tree line within the rear of the property would be preserved. Ms. Smoots stated the open area and tree line would be retained.

After a short discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Baldwin, to approve the 2,068 square foot accessory building for Ryan and Karen Smoots, 2934 Woodhams Avenue, subject to removal of the existing storage shed (approximately 10-foot by 10-foot) upon completion of the proposed pole barn. The motion included a finding that the size and configuration of the parcel combined with the setback distances from adjacent residences and property lines will mitigate visual impacts on adjacent properties. The motion was unanimously approved 7-0.

PLANNING COMMISSION

October 3, 2019

The City of Portage Planning Commission meeting of October 3, 2019 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

Michael West, Senior City Planner and Matt Quardokus, Assistant City Attorney.

ROLL CALL:

Mr. Forth called the role: Myer (yes); Pezzoli (yes); Baldwin (yes); Fries (yes); Schimmel (yes); Corradini (yes); Joshi (yes), Patterson (yes) and Harrell-Page (arrived at 7:02 p.m.).

APPROVAL OF MINUTES:

Chairman Corradini referred the Commission to the September 19, 2019 meeting minutes contained in the agenda. A motion was made by Commissioner Patterson, seconded by Commissioner Joshi, to approve the minutes as submitted. The motion was unanimously approved 9-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. **Final Report: Rezoning Application #19/20-2, 1730 East Centre Avenue.** Mr. West summarized the September 27, 2019 final staff report regarding a request from Auville Krause to rezone property located at 1730 East Centre Avenue from R-1B, one family residential to OS-1, office service. Mr. West stated the rezoning would be requested to facilitate an office redevelopment project. Mr. West next summarized the final analysis of the rezoning request including consistency with the Comprehensive Plan/Future Land Use Map and evolving office zoning/land use pattern along East Centre Avenue, suitability of existing R-1B district and impacts of proposed OS-1 district.

David Keyte of Callander Commercial (applicant representative) was present to support the rezoning application. The public hearing was opened by Chairman Corradini. No citizen spoke regarding the proposed rezoning. A motion was then made by Commissioner Schimmel, seconded by Commissioner Harrell-Page. The motion was unanimously approved 9-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Harrell-Page, to recommend to City Council that Rezoning Application #19/20-2 be approved and 1730 East Centre Avenue be rezoned from R-1B, one family residential to OS-1, office service. The motion included a finding that the OS-1 district is appropriate in this area of the City and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern along East Centre Avenue. The motion was unanimously approved 9-0.

NEW BUSINESS:

None.

TO: Planning Commission

DATE: September 27, 2019

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Final Report: Rezoning Application #19/20-2, 1730 East Centre Avenue

I. INTRODUCTION:

An application has been received from Auville Krause requesting that 1730 East Centre Avenue be rezoned from R-1B, one family residential to OS-1, office service. According to the applicant, the rezoning is being requested to facilitate an office redevelopment project.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Auville Krause	1730 East Centre Avenue	08820-004-O	R-1B	OS-1
One parcel – 1.35 acres (198-feet by 297-feet)				

II. EXISTING CONDITIONS:

Land Use/Zoning	<u>Rezoning Site:</u> The subject property at 1730 East Centre Avenue is currently occupied by a 1,336 square foot one-story single family dwelling and a 384 square foot detached garage. <u>East/South:</u> Single family residences zoned R-1B, one family residential. <u>West:</u> Office building (currently under construction) zoned OS-1, office service. <u>North (across East Centre Avenue):</u> Greenhouses zoned R-1B, one family residential.
Zoning/Development History	There have been several rezoning considerations in the past 10 years along East Centre Avenue, west of the subject property: - In April 2019, City Council rezoned 1700 East Centre Avenue from R-1B, one family residential to OS-1, office service. This rezoning facilitated the Dr. Sage Orthodontic Clinic redevelopment project, which is currently under construction. - In 2015, City Council rezoned 710 and 732 East Centre Avenue from B-1, local business and R-1A, one family residential, to OS-1, office service. This rezoning facilitated the Beacon Point Memory Care facility at the southeast corner of East Centre Avenue and Lakewood Drive. - In 2014, City Council rezoned several properties in the 700-900 block of East Centre Avenue, along the south side of East Centre Avenue between Lakewood Drive and Lovers Lane, from B-3, general business and R-1A, one family residential, to B-1, local business. This rezoning was initiated by the Planning Commission to facilitate office/local business redevelopment consistent with the Comprehensive Plan and Future Land Use Map designations. - In 2012, City Council approved several properties in the 700-900 block of East Centre Avenue, along the north side of East Centre Avenue between Lakewood Drive and Garden Lane, from R-1A and R-1B, one family residential, to OS-1, office service. This rezoning was initiated by property owners, then expanded by the Planning Commission, to facilitate office redevelopment consistent with the Comprehensive Plan and Future Land Use Map designations.

	In 2011, City Council rezoned 1302, 1306, 1316 and 1330 East Centre Avenue from R-1B, one family residential and OS-1, office service, to B-1, local business and OS-1, office services. This rezoning was initiated by property owners facilitate future office/local business redevelopment at the southeast corner of East Centre Avenue and Lovers Lane.
Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	East Centre Avenue is designated a 5-lane major arterial roadway with 18,054 vehicles per day (2015) and a capacity of 37,100 vehicles per day (level of service "D").
Public Utilities	Municipal water and sanitary sewer are available along East Centre 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.

III. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the rezoning request at the September 19, 2019 meeting. David Keyte of Callander Commercial (applicant representative) was present to support the rezoning application. One citizen (Bill McNally, 1727 Pleasant Drive) spoke in regards to the proposed rezoning. Mr. McNally stated he did not object to the rezoning, however, requested that a screening fence be installed and any outdoor lighting be minimized to provide privacy to his home. No additional citizens spoke during the public hearing and no written communications have been received regarding the proposed rezoning.

IV. FINAL ANALYSIS:

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

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map component of the Comprehensive Plan identifies the rezoning parcel, as well as properties located to the east and west along East Centre Avenue, as appropriate for Office Service land use. The Comprehensive Plan also identifies East Centre Avenue as an office corridor. The proposed OS-1, office service zoning district is consistent with these Plan designations.

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

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

Suitability of Existing R-1B Zone/Impacts of Proposed OS-1 Zone. The suitability of the existing residence and R-1B zoning is somewhat diminished considering the increasing traffic volumes along East Centre Avenue and the existing/planned office zoning and land use pattern along this major street corridor. The proposed OS-1 zone is consistent with the land use/zoning pattern along East Centre Avenue and the Comprehensive Plan designations. Allowable uses in the OS-1 district include executive, administrative and professional offices, medical offices and clinics, banks and credit unions, art and photographic studios, personal service establishments, along with institutional uses, trade and business schools, and funeral homes. Since the rezoning site abuts single family residential land use/zoning, any future office building construction would be limited to one-story and 25-feet in height. Additional Zoning Code requirements for screening, buffering, lighting and noise designed to mitigate adverse impacts on adjacent residential properties would also be applicable with any office redevelopment project.

A change in zoning to OS-1 would cause the existing single-family residential use to become legally nonconforming. Section 42-133 of the Zoning Code provides regulations for nonconforming lots, buildings, structures and uses. Under these regulations, a nonconforming use may continue until it is removed, changed to a conforming use or intentionally abandoned. In particular, a property and/or building with a nonconforming use can have a change of tenancy, ownership or management without losing its nonconforming status. General maintenance and repair of the property and/or building in which the nonconforming use is located is also permitted by the Zoning Code. Additionally, if a nonconforming use is abandoned for any reason described in Section 42-133.C.5, any subsequent use of the land must be conforming to the underlying zoning district. Finally, if the building in which a nonconforming use is located were destroyed by fire, tornado or other act of God, the building could be reconstructed to its original location within 18 months.

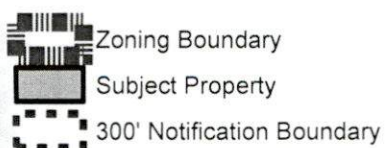
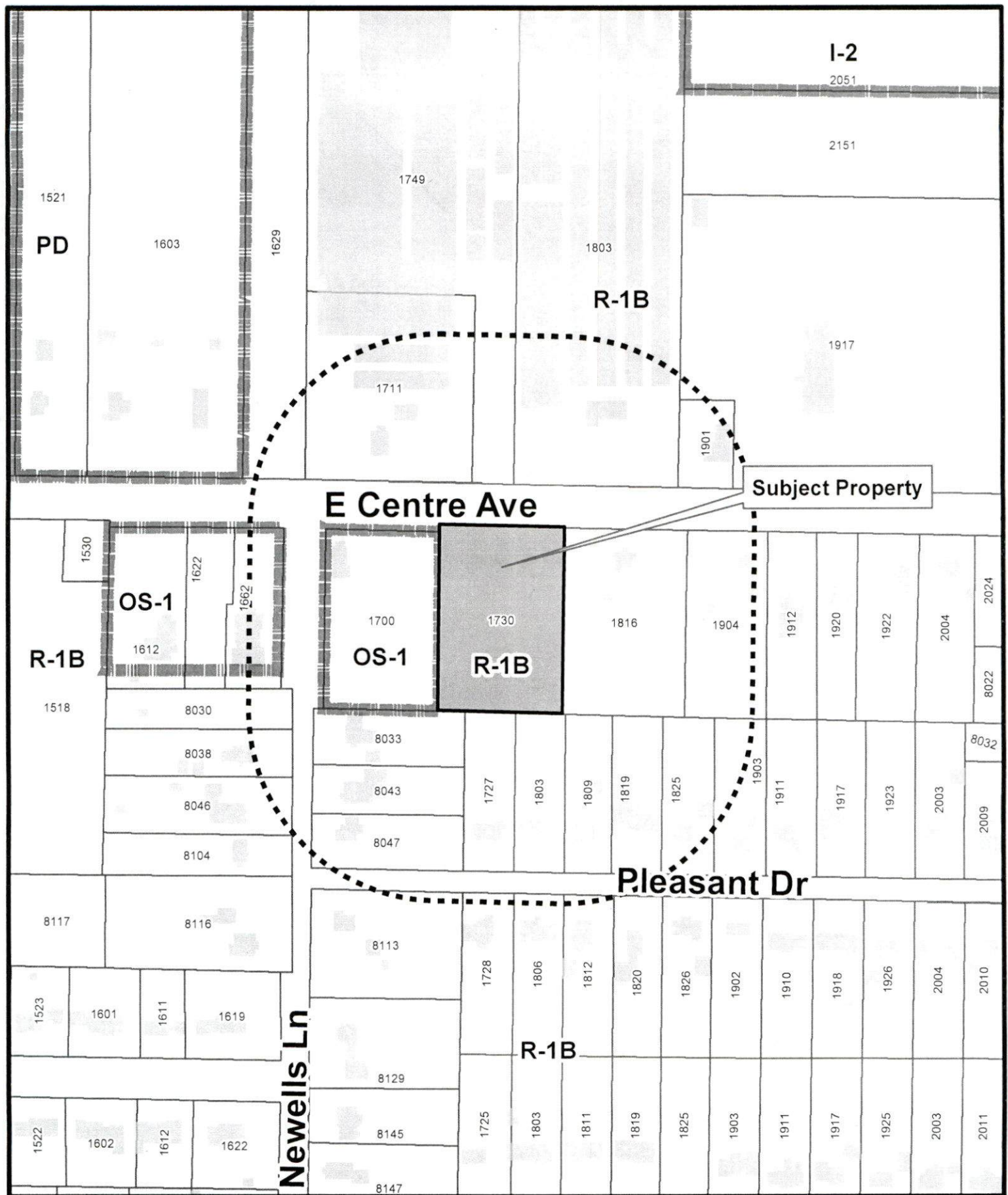
Traffic Considerations. Rezoning the subject properties from R-1B to OS-1 would result in an increase in traffic generation dependent upon the type of office use that would be established at the site. However, this additional traffic generation can be accommodated by the adjacent roadway network. Specific access related issues including driveway location, shared/cross access would be reviewed at the site plan stage of development/redevelopment.

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 #19/20-2 be approved and 1730 East Centre Avenue be rezoned from R-1B, one family residential to OS-1, office service. The OS-1 district is appropriate in this area of the City and is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern along East Centre Avenue.

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

T:\COMMDEV\2019-2020 Department Files\Board Files\Planning Commission\PC Reports\Rezoning\2019 09 27 Rezoning Application 19-20-2, 1730 East Centre Avenue (final).doc



Rezoning: #19/20 - 2 1730 East Centre Avenue



1 inch = 200 feet

High Density Residential

Office

Subject Property

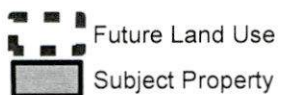
E Centre Ave

Newells Ln

Low Density Residential

Pleasant Dr

Applecroft Ave



Future Land Use Map 1700 East Centre Avenue



1 inch = 200 feet



E Centre Ave

Subject Property

Pleasant Dr

 Subject Property

Aerial Photography
1730 East Centre Avenue



1 inch = 100 feet
(149)

DEVELOPMENT GUIDELINES
Rezoning Application #19/20-2, 1730 East Centre Avenue
(OS-1, Office Service)

Guideline	Description	Consistent	Comments
Rezoning Request – Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map designates the subject property and other properties along the north and south sides of East Centre Avenue as appropriate for office land use. The Comprehensive Plan also designates Centre Avenue as an office corridor. The proposed OS-1 zone is consistent with these designations.
Commercial – 1	Coordinated Development	Yes	Properties located along the Centre Avenue corridor are either zoned or planned for office land use. The proposed OS-1 zone is consistent and compatible with existing and transitioning land uses.
Commercial – 2	Commercial/Office Uses in General	Yes	Rezoning site is located within the Centre Avenue Office Corridor within a mixture of office, institutional and residential land uses. East Centre Avenue is a major arterial roadway and traffic related issues can be accommodated. The size, intensity and character of the proposed use is compatible with adjacent areas.
Commercial – 3	Local Business Uses	N/A	Guideline is not applicable to rezoning request.
Commercial – 4	Regional and General Commercial Uses	N/A	Guideline is not applicable to rezoning request.
Commercial – 5	Portage Commerce Square	N/A	Guideline is not applicable to rezoning request.
Natural & Historic Resources - 1	Environmental Protection	Yes	Rezoning site is not characterized by environmentally sensitive areas (wetlands, floodplain, lakes/streams, etc).
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	N/A	Rezoning site is not situated within a designated historic preservation area and does not contain any historic structures.
Natural & Historic Resources – 6	Open Space Protection	Yes	Reviewed at site plan stage of development.
Transportation – 1	Transportation Systems	Yes	East Centre Avenue is a 5-lane major arterial roadway with 18,054 vehicles per day (2015) and a capacity of 38,700 vehicles per day (level of service “D”). Additional traffic generation associated with the proposed zoning change can be accommodated by the surrounding roadway network.
Transportation – 2	Street Design	Yes	Reviewed at site plan stage of development.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Reviewed at site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at site plan stage of development.

Guideline	Description	Consistent	Comments
Transportation – 6	Parking	Yes	Reviewed at site plan stage of development.
Municipal Facilities & Services – 1	Sound Fiscal Growth	Yes	Existing infrastructure is adequate to accommodate future development and growth.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at site plan stage of development.

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Rezoning Application
#19/20-2



Form Center

RECEIVED
AUG 13 2019
COMMUNITY DEVELOPMENT

Zoning Amendment Application

Applicant Information

First Name*

Avuille
~~Barbara Van Tulpen~~

Last Name*

Krassse

Address*

606 Lower Lane

City*

Portage

State*

MI

Zip Code*

49002

Email Address*

Krassse.dentistry@gmail.com

Phone Number*

269-419-9629

Fax Number

Property Owner Information

Required if property owner is different than the Applicant

First Name

Barbara Van Tulpen

Last Name

Address

1730 East Centre Portage 49002

[Enable Google Translate](#)

City

State

Zip Code

Phone Number

Fax Number

269-998-7688

Email Address

Willie49002@yahoo.com

Zoning Map Amendment

Property Address*

1730 E. Centre

Parcel ID No.

Plat Name

08820-0040

Current Zoning*

R-1B

Proposed Zoning*

OS-1

Comprehensive Plan Designation

Office

Site Area (acreage)

1.35

Current Land Use*

Residential

Proposed Land Use*

Office

~~Zoning Code Text Amendment~~

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

~~Proposed Amendment*~~

~~Explain proposed amendment~~

~~upload file attachment if needed~~

~~Choose File No file chosen~~

~~Applicant/Property Owner Certification~~

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

~~ Enable Google Translate~~

Electronic Signature Agreement*

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

☐ I agree.

Electronic Signature

First M. Last

David Kaye Agent For
Aville Frouse

Date*

8-13-2019

* indicates a required field

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**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 November 5, 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

1730 East Centre Avenue

08820-004-O

From R-1B, 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 #19/20-2)

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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

1730 East Centre Avenue

08820-004-O

From R-1B, one family residential to OS-1, office service.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2019.

Adam Herringa, City Clerk

(App #19/20-2)

Approved as to Form:

Date: 7/9/2019

By: [Signature]

City Attorney