

5:30 p.m. Board & Commission Interviews.

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting of December 17, 2019.
 - b. Pre-Council Meeting of January 13, 2020.
2. Approval of the Accounts Payable Register of January 14, 2020 as presented.
3. Approve Contract #19-5569 between the Michigan Department of Transportation and the City of Portage for reconstruction of East Centre Avenue from Portage Road to South Sprinkle Road and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.
4. Approve Contract #19-5601 between the Michigan Department of Transportation and the City of Portage for reconstruction of South Westnedge Avenue from Kilgore Road to Highway I-94 and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.
5. Award a contract to AVB Construction, LLC, of Portage, Michigan, in the amount of \$503,713 to perform construction management services for the construction of the Charles & Lynn Zhang Portage Community Senior Center and authorize the City Manager to execute all documents related to this contract on behalf of the city.
6. Approve an Intergovernmental Agreement between the County of Kalamazoo and the City of Portage for disbursement of Senior Millage funds of \$70,400 to support the Portage Senior Center and authorize the City Manager to execute all documents related to this action on behalf of the city.
7. Confirm the appointment of Erica Eklov as City Clerk effective January 15, 2020.
8. Approve the recommendations regarding the Board of Review as follows:
 1. adopt the resolution setting the schedule for the 2020 March Board of Review;
 2. approve the use of two, three-member, Board of Review panels for the 2020 March Board of Review, and
 3. appoint six members to 2020 March Board of Review.
9. Minutes of Boards & Commissions:
 - a. Environmental Board of November 13 and December 11, 2019.
 - b. Senior Citizen Advisory Board of November 20, 2019.
 - c. Planning Commission of December 5, 2019.
10. Materials Transmitted of December 17, 2019 and January 6, 2020.

11. Calendar of Meetings.

- Senior Citizen Advisory Board, Wednesday, January 15, 2020 at 2:30 p.m. at Senior Center.
- Human Services Board, Thursday, January 16, 2020 at 6:30 p.m. in City Hall Room #1.
- Planning Commission, Thursday, January 23, 2020 at 7:00 p.m. in Council Chambers.

B. Petitions and Statements of Citizens:

C. Communications:

1. Receive and refer the communication from the Portage Environmental Board regarding the deer population in Portage to the City Administration for review and report.

D. Public Hearings:

1. Subsequent to the public hearing, 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.
2. Subsequent to the public hearing, approve 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.

E. Regular Business Agenda:

1. Appoint individuals to the Board of Review, Zoning Board of Appeals and Human Services Board.

F. Unfinished Business:

1. Approve the proposed amendment to Division 7, Section 82-196, Article 2 "Water System" in the City of Portage Code of Ordinances.

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM DECEMBER 17, 2019

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The following members were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Joe La Margo, City Attorney Randy Brown and Deputy City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in recognition of a safe and happy holiday season.

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

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Reid removed Items A.4, Personal Protective Equipment, and A.6, 2020 Fees Schedules, from the Consent Agenda. Councilmember Urban removed Item A.5, Cemetery Fencing, from the Consent Agenda. Motion by Reid, seconded by Burns, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Burns, to approve the Regular Meeting Minutes of December 3 and Pre-Council Meeting Minutes of December 16, 2019. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 17, 2019: Motion by Reid, seconded by Burns, to approve the Accounts Payable Register of December 17, 2019. Upon a roll call vote, motion carried 7 to 0.

CITY HALL HVAC REPLACEMENT: Motion by Reid, seconded by Burns, to authorize the purchase and installation of new City Hall HVAC equipment from the Carrier Corporation utilizing the Sourcewell Cooperative Purchasing Program at a total cost of \$98,000, and authorize the City Manager to execute all documents related to the purchases on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

AMENDMENT TO CODE OF ORDINANCES - UTILITIES: Motion by Reid, seconded by Burns, to accept the amendment to Division 7, Section 82-196, Article 2 "Water System" in the City of Portage Code of Ordinances for first reading and set a second reading with final adoption for January 14, 2020. Upon a roll call vote, motion carried 7 to 0.

CONFIRMATION OF INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT AND INTERIM CITY CLERK: Motion by Reid, seconded by Burns, to confirm the appointments of Christopher Forth as Interim Director of Community Development and Erica Eklov as Interim City Clerk. Upon a roll call vote, motion carried 7 to 0.

NONPROFIT ORGANIZATION RECOGNITION - ANGLING ROAD PARENT TEACHER ORGANIZATION: Motion by Reid, seconded by Burns, to adopt the Resolution for Charitable Gaming License recognizing the Angling Road Parent Teacher Organization as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Burns, to receive the minutes of the Portage Public Schools Board of Education Regular Business Meeting of November 25 and the Youth Advisory Committee of November 11, 2019. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Burns, to receive the Materials Transmitted of December 3, 2019. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: Jim Stephanak, 10725 Cora Drive and Sarah Baker, 5769 Stoney Brook Road, spoke on behalf of the Portage Community Senior Center "Engage. Empower. Enrich." Fundraising campaign. Mr. Stephanak and Ms. Baker thanked everyone for the continued support of the campaign, noting that \$3.96 million has been raised to date. They debuted a short video created for continued awareness of the fundraising campaign. Following the video, Mayor Randall thanked Mr. Stephanak and Ms. Baker for their volunteering efforts and noted the remaining funds to be raised. City Manager La Margo also thanked Mr. Stephanak and Ms. Baker for their efforts. City Manager La Margo further noted that the City Administration planned to receive RFPs for professional construction management services for the new Community Senior Center and hoped to have a recommendation to City Council by the end of January. He further stated that the hope is to break ground on the new Community Senior Center by late summer 2020. Mayor Randall further thanked Communications Manager Mary Beth Block, Senior Citizen Services Manager Kim Phillips and City Manager La Margo for their efforts with the fundraising campaign.

Chris Buckley, Executive Director for the Portage Community Center (PCC), provided an update on the status of the PCC holiday programs. To date, he noted that 129 Thanksgiving food baskets and 165 Christmas baskets had been provided, all 99 of the families that had applied for adoption in the Christmas giving program had been adopted and 46 children had attended the PCC holiday party. He thanked Councilmember Burns, City Manager La Margo, the Youth Advisory Committee, Deputy City Manager Adam Herringa, Deputy City Clerk Erica Eklov and City of Portage employees for their generosity, family adoptions and food donations. Mr. Buckley noted the upcoming bid opening for the PCC parking lot improvements and stated PCC is awaiting construction drawings for the planned interior and exterior improvements and modifications. Mr. Buckley highlighted that the funding received from the city's Human Service Grant program has allowed for these projects to advance. Finally, Mr. Buckley stated that PCC fundraising is ahead by 65 percent at this time in the year. Councilmember Reid asked Mr. Buckley what PCC had been doing differently to have such an increased fundraising amount. Mr. Buckley responded that PCC has increased awareness and social media presence. Mayor Randall asked Mr. Buckley regarding the percentage of Portage families served by the PCC. Mr. Buckley responded that the majority of the community center is solely for Portage residents, with the exception of the clothing donations and food pantry. He offered that approximately 5,400 families utilized the food pantry in 2018 with 40 percent being Kalamazoo residents. Mayor Randall thanked Mr. Buckley for his efforts and thanked Councilmember Burns for getting City Council more involved with PCC.

PUBLIC HEARINGS:

BROWNFIELD REDEVELOPMENT PLAN AMENDMENT NO. 8, CENTREPORT COMMONS:

Mayor Randall opened the public hearing and City Manager La Margo asked Community Development Deputy Director Chris Forth to review the proposed development. Deputy Director Forth explained the proposed Plan Amendment and the development history of the site. He highlighted the current Bronson FastCare development at the noted location at the corner of East Centre Avenue and Portage Road. Mr. Forth noted that the previous Brownfield Redevelopment Plan No. 6 had been terminated in September 2019 to allow the developer, Treystar Holdings, LLC, to begin capturing the \$147,000 approved in 2010 for eligible activities.

Mayor Randall inquired as to why the existing veterinary clinic parcel at 8037 Portage Road was excluded from the proposed Brownfield Plan. Deputy Director Forth deferred to the developer.

Mayor Pro Tem Pearson asked if the \$25,000 in noted gateway improvements was solely for the southeast corner of the intersection. Deputy Director Forth responded that the current proposal focuses only on the southeast corner.

Councilmember Reid requested clarification regarding the number of employees quoted for the new Bronson facility, whether they were transfers or new hires. Deputy Director Forth responded that the employees will be transfers from existing locations.

Applicant Fritz Brown of Treystar Holdings, LLC, introduced himself and responded to Mayor Randall's earlier question, noting that the existing veterinary clinic at 8037 Portage Road is included in the condominium association at the site but chose not to participate in the Brownfield Plan.

Councilmember Reid inquired whether Mr. Brown had any other planned tenants for the other parcels. Mr. Brown responded that there has been inquiries and discussions with potential retail vendors, as well as a drive-thru restaurant or pharmacy.

Mr. Brown introduced Joe Agostinelli of Southwest Michigan First as the liaison between Mr. Brown and the city. Mr. Agostinelli thanked City Council for their support.

Mayor Pro Tem Pearson inquired about the design parameters for the condominium association at the location. Mr. Brown responded that the plan is similar to the Woodbridge Shopping Village with similar building exteriors and shared snow plowing costs. Upon further inquiry, Mr. Brown noted that parameters will vary based on the particular retailers.

Mayor Randall closed the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Reid, to 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). Councilmember Ford thanked the developer for remediation efforts at the site. Mayor Pro Tem Pearson stated he was glad to finally see development on the parcel. Mayor Randall echoed Mayor Pro Tem Pearson, noting her excitement to see further improvement in the Portage Road corridor and Lake Center area. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

PERSONAL PROTECTIVE EQUIPMENT - COOPERATIVE PURCHASE RECOMMENDATION:

Councilmember Reid provided a summary of the agenda item and expressed concern that the item did not follow the general bid process. Mayor Randall highlighted the responses provided following the December 16th Pre-Council meeting that noted the recommended purchase was done through a purchasing consortium. City Manager La Margo deferred to Public Safety Director – Police/Fire Chief Nicholas Arnold to provide further background.

Chief Arnold summarized the personal protective equipment (PPE) replacement process and associated federal regulations. Following an inquiry from Mayor Pro Tem Pearson, Chief Arnold offered that every five years, the current PPE is rotated to a second-tier lineup while the new PPE serves in the first tier. Chief Arnold stated that the previous second-tier PPE that exceeds the federal 10-year functional life stipulation is donated to a college fire science program. Chief Arnold explained that the prior two calls for bid in 2010 and 2015 only received one bidder, that being the recommended vendor for the current agenda item. He also stated that the City of Grand Rapids had recently put out the same bid and awarded the purchase to that same bidder, who is also the state vendor.

Motion by Pearson, seconded by Ford, to approve the purchase of 30 sets of Personal Protective Equipment from Douglass Safety Systems at a cost of \$65,940, and authorize the City Manager to execute all documents related to the purchase on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CEMETERY FENCING AND TREE REMOVAL - BID TABULATION: Councilmember Urban briefly summarized the agenda item and asked that if any of the older cast iron fencing was still in place that it be saved for historical purposes. Motion by Urban, seconded by Burns, to award a contract in the amount of \$45,668 to Dewitt Fence Company, for the removal and replacement of existing fencing and removal of trees at South Cemetery, Indian Fields Cemetery and Dry Prairie Cemetery, 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.

2020 FEES SCHEDULES: Councilmember Reid provided a summary of the agenda item and expressed concern with the recommended fee increase for the softball teams with the inability to differentiate non-resident members in the team registration software and generically raising the fee for all teams. She also expressed concern with the city's softball league rates as compared to neighboring municipalities.

Councilmember Ford offered a response based on prior participation in the city softball leagues, noting the inconvenient locations of the fields outside Portage. He noted that the teams he has previously participated with would incorporate any non-resident fees into the overall team costs. Councilmember Ford stated he deferred to the recommendation of the Parks Department based on the staff's experience with the administration of the program.

City Attorney Brown stated that any user fee that a municipality charges in the State of Michigan has to be based on the actual cost to administer the program and a non-resident fee can be charged as long as it is a reasonable charge.

Councilmember Urban inquired regarding the status of the proposed Farmers' Market fee following discussion on the proposed fee increase at the Pre-Council Meeting. Following discussion, Deputy City Clerk Eklov clarified the fee remained as originally proposed.

Motion by Urban, seconded by Ford to adopt the: 2020 Freedom of Information Act fees, 2020 Recreation and Park Facility fees, 2020 Community Development and Building Permit fees, 2020 Right-of-Way Permit Fees, and 2020 Special Assessment Rates. Councilmember Reid motioned to divide the question to separate the 2020 Recreation and Park Facility fees item for an individual vote. Councilmember Urban obliged with an amendment to his motion. Amended motion by Urban, seconded by Ford, to adopt the: 2020 Freedom of Information Act fees, 2020 Community Development and Building Permit fees, 2020 Right-of-Way Permit Fees, and 2020 Special Assessment Rates. Upon a roll call vote, motion carried 7 to 0. Additional motion by Urban, seconded by Burns, to adopt the 2020 Recreation and Park Facility fees. Upon a roll call vote, motion carried 6 to 1 with Councilmember Reid voting no.

COUNCIL COMMITTEE REPORTS: Councilmember Urban shared an update regarding the activity of the Gourdneck Lake Governmental Lake Board. He stated the Board recently met to review financial status, weed treatment analysis and future planning. Mayor Pro Tem Pearson inquired how the weed reduction was proceeding. Councilmember Urban responded that treatment was going well and there had been no complaints. Motion by Pearson, seconded by Knapp, to receive the Council Committee Report as presented. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns wished everyone a happy holiday season and New Year.

Councilmember Ford thanked staff for attendance at the meeting and offered congratulations to the Parks Department for a well-attended Annual Tree Lighting event.

Councilmember Urban also wished everyone a happy holiday season and stressed the importance of safe winter driving.

Councilmember Reid echoed the prior holiday season wishes and noted recent issues in her neighborhood with package thefts. She highlighted the recent state law passage allowing law enforcement to better address stolen package matters and her hopes that this will help. She offered wishes for safe holiday travels.

Councilmember Knapp stated she was happy to see the new video for the Portage Community Senior Center fundraising campaign. She noted the confirmation of the interim appointments of Chris Forth and Erica Eklov, thanking each for their efforts and years of service. Councilmember Knapp also offered thanks to Councilmember Burns for his assistance and coordinating City Council adoption of a Portage Community Center family.

City Manager La Margo began by noting that the city was pre-treating streets for the night's expected snow. He then highlighted four recent awards the city had received for the new Celery Flats Pavilion, the Portage-Lakeview Safety Project, the Idaho Avenue Reconstruction Project and the West Milham/Oakland Drive Improvements. At City Manager La Margo's invitation, Directors Gwin and Russell came forward to speak regarding the awarded projects.

Mayor Pro Tem Pearson wished everyone a happy holiday season and also thanked Councilmember Burns for his efforts with the Portage Community Center. He closed by asking everyone to be safe in the winter weather.

Mayor Randall complimented the Office of the City Clerk on the excellent results of a recent election audit. Mayor Randall then thanked the Parks Department for the well-attended Annual Tree Lighting Ceremony, Holiday Market and Ice Rink opening. She noted the upcoming holiday closures of city offices. Mayor Randall closed by wishing everyone a happy holiday season.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:20 p.m.

Erica L. Eklov, Interim City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JANUARY 13, 2020**

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

With regard to Item A.5, Mayor Randall noted the questions previously e-mailed by Councilmember Reid. Councilmember Knapp stated she shared Councilmember Reid's questions, inquiring as to the answers. Mayor Randall deferred to City Manager La Margo to respond. City Manager La Margo noted that Councilmember Reid's main concern was whether the in-kind donation proposed by AVB was an opportunity available for all interested vendors. He stated that the in-kind donation from AVB entailed assistance with review and vendor selection for the architect and engineer portion of the project. At the request of the Mayor, City Manager La Margo noted that the amount of \$503,713 listed in the bid tabulation included the in-kind donation amount and that the bid would have been \$648,713 without the donation. Councilmember Knapp inquired whether all bidding vendors had the same opportunity and if the city was proceeding appropriately. City Manager La Margo stated that the RFP was written as such and it was included as part of the pre-bid meeting with vendors that an in-kind donation could be part of the bid structure. Councilmember Knapp inquired whether the other in-kind donation submitted was also factored into the bid totals shown. City Manager La Margo confirmed that it was part of the prices listed and noted the other vendor offered a flat discount in the amount of \$10,000.

Councilmember Burns inquired as to the city's contract obligation should the fundraising goal run short. Mayor Randall responded that the project will move forward regardless, but noted that less funds will ultimately result in building less and more modestly.

Mayor Randall inquired why the City Manager's report quoted a construction start date of fall 2020 when the goal was summer 2020. City Manager La Margo responded that the plan remains summer 2020, but the fall 2020 date is provided for caution. Mayor Randall further inquired whether the city has a complete timeline for the project. City Manager La Margo stated that he will research and respond.

With regard to Item A.6, Mayor Pro Tem Pearson noted that the amount of \$70,400 from Kalamazoo County seemed somewhat small. He asked that the City Administration provide responses to two questions regarding the senior millage before the next City Council Retreat. First, he inquired on the amount of funding the other jurisdictions included in the millage received. Second, he asked to know the identities of the top six entities that received the largest funding amounts. He noted his desire to ensure Portage receives equal distribution with future millages.

Councilmember Burns noted that some of the entities receiving County millage funding may not be governmental agencies, but non-profits. City Manager La Margo offered to ascertain the County's formula for funding distribution.

Mayor Randall inquired as to the dollar amount originally asked for by the city. Deputy City Manager Carroll responded that it was \$90,000.

Mayor Pro Tem Pearson asked whether responses to Councilmember Reid's e-mailed questions on this item had been provided. City Manager La Margo stated that he will research and respond.

With regard to Item C.1, City Manager La Margo noted Councilmember Reid had several questions listed in her e-mail regarding working with the DNR to determine deer population numbers and whether this was more of a regional issue. City Manager La Margo stated that he planned to research and respond.

Mayor Pro Tem Pearson asked staff to check with neighboring jurisdictions to inquire how they are approaching the deer population issue. Mayor Randall stated she would like an opinion regarding the relation of deer population numbers and automobile-deer accidents. Councilmember Burns noted the DNR might be able to provide guidance regarding deer count limits for comparison with any city count. Mayor Randall inquired whether there is a potential threat of Lyme Disease occurring locally.

Deputy City Manager Herringa requested clarification regarding the expected timing for deer population answers, citing the recommendation on the agenda to refer the item to the City Administration and report back at a later time. Councilmembers responded that answers can be provided in the comprehensive report. Mayor Randall asked Interim Clerk Eklov to contact the Environmental Board Chair to clarify whether a board representative would be present at the Council Meeting.

With regard to the Board and Commission Interview Session, Mayor Randall reminded City Council of the meeting start time and asked for clarification on receipt of the applicant packets. Interim Clerk Eklov responded that the Interview Session packet was uploaded to BoardView, but understood that the prior City Clerk would provide City Council the full packet via e-mail with the agenda the Friday before. She stated she would e-mail City Council with the full packet after conclusion of the Pre-Council Meeting.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:29 a.m.

Erica L. Eklov, Interim City Clerk

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 the Accounts Payable Register of January 14, 2020 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 December 8, 2019 through January 4, 2020 and notes \$827,739.96 in automated clearing house payments, \$2,239,226.98 in paper checks, and \$127,931.60 in auto-pay payments for a grand total of \$3,194,898.54.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of January 14, 2020

ACCOUNTS PAYABLE REGISTER
Check Dates From: 12/08/19 to 1/04/20

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
12/13/2019	12333(A)	ABONMARCHE CONSULTANTS, INC	ZYLMAN, WESTNEDGE, SENIOR CNTR PRKG	117,142.10
12/13/2019	12334(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,580.20
12/13/2019	12335(A)	ALRO STEEL CORPORATION	MAINTENANCE SUPPLIES	46.75
12/13/2019	12336(A)	AMERICAN SAFETY & FIRST AID	SAFETY VESTS	1,018.58
12/13/2019	12337(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	1,420.00
12/13/2019	12338(A)	B S & A SOFTWARE	BSA SOFTWARE RENEWAL	53,147.00
12/13/2019	12339(A)	BELL EQUIPMENT COMPANY	SWEEPER BROOMS	2,855.99
12/13/2019	12340(A)	C D W GOVERNMENT, INC.	PANASONIC TOUGHBOOKS	18,531.00
12/13/2019	12341(A)	C M P DISTRIBUTORS, INC.	MISC UNIFORMS	106.90
12/13/2019	12342(A)	C T S TELECOM, INC.	TELEPHONE SVC, MO FIBER SVC	3,673.48
12/13/2019	12343(A)	CAPITAL ADVANTAGE LEASING	MO LEASE LENOVO COMPUTERS	3,057.50
12/13/2019	12344(A)	CARLETON EQUIPMENT CO.	MAINTENANCE SUPPLIES	119.82
12/13/2019	12345(A)	CLEAN EARTH ENVIRONMENTAL SERV	SEPTIC TANK CLEANING	710.46
12/13/2019	12346(A)	CLEANIT CORP	CAR WASHES	726.99
12/13/2019	12347(A)	CONSUMERS CONCRETE CORP.	SIDEWALK REPAIRS	1,095.15
12/13/2019	12348(A)	D & D PRINTING CO.	MPIR PUNCH CARDS	230.92
12/13/2019	12349(A)	DEER CONTRACTING & LANDSCAPE	SIDEWALK REPAIR	7,540.00
12/13/2019	12350(A)	ELECTION SYSTEMS & SOFTWARE, INC.	EXPRESSVOTE PRINTERS	1,250.00
12/13/2019	12351(A)	ENGINEERED PROTECTION SYSTEMS, INC.	REPAIR WORK/FURNACE INSTALL	224.18
12/13/2019	12352(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	FABRICATION SERVICES	2,544.48
12/13/2019	12353(A)	EXTREME POWER EQUIPMENT, INC.	SMALL EQUIPMENT REPAIRS	124.95
12/13/2019	12354(A)	FARM N GARDEN	FENCE INSTALLATION	18,845.00
12/13/2019	12355(A)	FARO TECHNOLOGIES, INC.	ANNUAL ADVANCED MAINT	1,089.00
12/13/2019	12356(A)	FERGUSON WATERWORKS #3386	PROJECT SUPPLIES	164.71
12/13/2019	12357(A)	GORDON WATER SYSTEMS	WATER FOR CMO	253.90
12/13/2019	12358(A)	GRAINGER INC	LEAF PICKUP SUPPLIES	747.27
12/13/2019	12359(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL SERVICES	70.00
12/13/2019	12360(A)	INDUSCO SUPPLY CO., INC.	JANITORIAL SUPPLIES DPW	270.32
12/13/2019	12361(A)	INTERNATIONAL CODE COUNCIL, INC	MICHIGAN & INTL ENERGY CODE BK	819.79
12/13/2019	12362(A)	IP CONSULTING, INC.	VIDEO ISSUE TROUBLESHOOTING	450.00
12/13/2019	12363(A)	JONES & HENRY ENGINEERS, LTD	ENGINEERING, STATE STREETS WATER MAIN	26,639.08
12/13/2019	12364(A)	KLOSTERMAN DISTRIBUTING	MPIR CONCESSIONS	596.82

ACCOUNTS PAYABLE REGISTER
Check Dates From: 12/08/19 to 1/04/20

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Check Date	Check	Vendor Name	Description	Amount
12/13/2019	12365(A)	LAWSON PRODUCTS, INC	MAINTENANCE SUPPLIES	2,285.14
12/13/2019	12366(A)	MARTIN SPRING & DRIVE, INC.	HD SPRING INSTALL	2,188.52
12/13/2019	12367(A)	MATTAWAN YOGA LLC	CLASS INSTRUCTOR PMT	180.00
12/13/2019	12368(A)	MCNALLY ELEVATOR CO.	ELEVATOR MAINTENANCE	138.50
12/13/2019	12369(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRES AND MAINT	1,362.70
12/13/2019	12370(A)	MEJEUR ELECTRIC LLC	ELECTRICAL SERVICES	2,157.00
12/13/2019	12371(A)	MICROSYSTEMS, INC.	SCANNING APERTURE CARDS	2,080.69
12/13/2019	12372(A)	NYE UNIFORMS	FIRE UNIFORMS	849.49
12/13/2019	12373(A)	ONE WAY PRODUCTS	FIRE CLEANING SUPPLIES	694.58
12/13/2019	12374(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	7,871.34
12/13/2019	12375(A)	PARIS CLEANERS	LAUNDRY CONTRACT	1,769.33
12/13/2019	12376(A)	R W LAPINE INC.	FURNACE REPLACEMENT	4,110.00
12/13/2019	12377(A)	REFRIGERATION SERVICES	MPIR CHILLER START UP	1,025.00
12/13/2019	12378(A)	REYNHOUT, BRENT	LESS LETHAL ICP INSTRUCTOR	420.00
12/13/2019	12379(A)	RIDGE AUTO NAPA	REPAIR AND MAINTENANCE	4,427.98
12/13/2019	12380(A)	VOID		0.00
12/13/2019	12381(A)	VOID		0.00
12/13/2019	12382(A)	VOID		0.00
12/13/2019	12383(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	2,133.20
12/13/2019	12384(A)	S B F ENTERPRISES, INC.	PRINTING,PROCESSING WINTER 19 TAX	2,520.87
12/13/2019	12385(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	264.00
12/13/2019	12386(A)	UNIFIRST CORPORATION	HALLWAY CARPET RENTAL	87.18
12/13/2019	12387(A)	WEST MICHIGAN TOOL & INDUSTRIAL INC	EQUIPMENT REPAIR	565.00
12/13/2019	12388(A)	WINDER POLICE EQUIPMENT, INC.	FUSES	2,487.32
12/13/2019	12389(A)	WOLVERINE POWER SYSTEMS	ANNEX MAINT	630.00
12/20/2019	12390(A)	A NEW LEAF	PLANT CARE @ CITY HALL	85.00
12/20/2019	12391(A)	ABONMARCHE CONSULTANTS, INC	ELIASON RESERVE DEV	3,894.25
12/20/2019	12392(A)	AMERICAN SAFETY & FIRST AID	MPIR FIRST ADI SUPPLIES	107.05
12/20/2019	12393(A)	APPROVED PROTECTION SYSTEMS	SEMI ANNUAL INSPECTION/CITY HALL	259.60
12/20/2019	12394(A)	AUTOMATIC MICROFILM CO.	RECORDS FILMING/DESTRUCTION	353.70
12/20/2019	12395(A)	B L HARROUN & SON INC.	FIRE SYSTEM INSPECTION	457.00
12/20/2019	12396(A)	BELL EQUIPMENT COMPANY	SWEEPER RENTAL	28,900.00
12/20/2019	12397(A)	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING PROGRAM	51,569.56

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12/20/2019	12398(A)	BLUE CARE NETWORK-GREAT LAKES	BCN INSURANCE	137,619.38
12/20/2019	12399(A)	C M P DISTRIBUTORS, INC.	FIRE OPS SUPPLIES	19,911.73
12/20/2019	12400(A)	CARRIER & GABLE	WESTNEDGE/GARDEN CAMERA	3,950.00
12/20/2019	12401(A)	CHARTER COMMUNICATIONS	CABLE TV	634.05
12/20/2019	12402(A)	CLEAN EARTH ENVIRONMENTAL SERV	FIRE FACILITY MAINT	803.50
12/20/2019	12403(A)	CONTINENTAL LINEN SERVICES	SPECIAL EVENT LINENS	233.73
12/20/2019	12404(A)	CROWN TROPHY	3RD PL YOUTH PLAQUE-RECYCLED ART	65.00
12/20/2019	12405(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SERVICES	97.95
12/20/2019	12406(A)	DEER CONTRACTING & LANDSCAPE	SIDEWALK REPAIRS	6,815.00
12/20/2019	12407(A)	ENGINEERED PROTECTION SYSTEMS, INC.	FS1 VIDEO SERVICE AGREEMENT	14,841.00
12/20/2019	12408(A)	EVERETT, CHIP	FIRE OPS TRAINING	298.01
12/20/2019	12409(A)	EXTREME POWER EQUIPMENT, INC.	PLOW INSTALLATION	3,656.49
12/20/2019	12410(A)	FERGUSON WATERWORKS #3386	PROJECT SUPPLIES	54.72
12/20/2019	12411(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING	3,040.02
12/20/2019	12412(A)	FISHBECK THOMPSON CARR & HUBER, INC	PROFESSIONAL SERVICES	158.45
12/20/2019	12413(A)	GOODYEAR TIRE & RUBBER COMPANY	FIRE APPARATUS MAINT	4,507.37
12/20/2019	12414(A)	GRAINGER INC	LEAF PICKUP SUPPLIES	40.86
12/20/2019	12415(A)	GREAT LAKES CHLORIDE, INC.	LIQUID DEICER	12,248.95
12/20/2019	12416(A)	GREATER KALAMAZOO UNITED WAY	CONTRIBUTIONS FOR DEC 2019	350.00
12/20/2019	12417(A)	GRIFFIN PEST SOLUTIONS, INC.	ANNUAL PEST CONTROL	130.00
12/20/2019	12418(A)	INDUSCO SUPPLY CO., INC.	MISC PAPER/CLEANING SUPPLIES	527.49
12/20/2019	12419(A)	INTERNATIONAL CODE COUNCIL, INC	CODE COUNCIL MEMBERSHIP	135.00
12/20/2019	12420(A)	IRISH AYRES ENTERPRISES, LLC	LANDSCAPE SERVICES	700.00
12/20/2019	12421(A)	J-AD GRAPHICS, INC	DEC/JAN NEWSLETTER PRODUCTION	2,023.00
12/20/2019	12422(A)	KAHN, WILMA	CLASS INSTRUCTOR PAYMENT	312.00
12/20/2019	12423(A)	KEHOE, EDWARD J	CLASS INSTRUCTOR PAYMENT	460.00
12/20/2019	12424(A)	KENDALL ELECTRIC, INC.	LIGHT BULBS/CITY HALL	16.18
12/20/2019	12425(A)	KLOSTERMAN DISTRIBUTING	MPIR CONCESSIONS	120.81
12/20/2019	12426(A)	LIBRA INDUSTRIES, INC. OF MICHIGAN	FIRE OPERATING SUPPLIES	2,570.88
12/20/2019	12427(A)	NYE UNIFORMS	FIRE ADMIN UNIFORMS	2,186.70
12/20/2019	12428(A)	O'BOYLE-COLWELL-BLALOCK & AS.	LAKEVIEW PARK CONCEPT PLAN	105.00
12/20/2019	12429(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	11,778.36
12/20/2019	12430(A)	PETERS CONSTRUCTION CO.	GATE VALVE REPAIR	3,741.00

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12/20/2019	12431(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES/DEC 2019	1,740.00
12/20/2019	12432(A)	PORTAGE ON-CALL FIREFIGHTERS	OCFF UNION DUES/DEC 2019	28.94
12/20/2019	12433(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA UNION DUES/DEC 2019	637.00
12/20/2019	12434(A)	PREMIER SAFETY	FIRE SCBA MAINT	79.00
12/20/2019	12435(A)	PRINTING SERVICES INC	MPIR POSTERS	3,695.03
12/20/2019	12436(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE	24,966.75
12/20/2019	12437(A)	ROTO-ROOTER SEWER & DRAIN SERV	WORK IN CITY HALL /SEWER PUMP	213.95
12/20/2019	12438(A)	S B F ENTERPRISES, INC.	PRINTING,PROCESSING QTRLY WATER	738.18
12/20/2019	12439(A)	STEELE, DANA	FIRE ADMIN TRAINING/ACCRED	193.08
12/20/2019	12440(A)	SYNERGISTIC ONLINE SOLUTIONS	TS - QRTLY MAINTENANCE	3,950.00
12/20/2019	12441(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES/DEC 2019	497.74
12/20/2019	12442(A)	WOLVERINE LAWN SERVICE, INC.	SNOW REMOVAL SERVICES	3,833.00
12/20/2019	12443(A)	WOLVERINE POWER SYSTEMS	FIRE FACILITY MAINT	1,399.88
12/20/2019	12444(A)	XEROX CORPORATION	XEROX MONTHLY FEE	230.24
12/27/2019	12445(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	2,486.25
12/27/2019	12446(A)	AUTOMATIC MICROFILM CO.	2007/2008 INCIDENT REPTS-MICROFILM	695.25
12/27/2019	12447(A)	GORDON WATER SYSTEMS	GORDON WATER	27.00
12/27/2019	12448(A)	HUDSON, MAURICE	EMPL REIMB-FIBER TRANSCEIVER	19.98
12/27/2019	12449(A)	MEJEUR ELECTRIC LLC	ELECTRICAL SERVICES	815.00
12/27/2019	12450(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	9,519.81
12/27/2019	12451(A)	PCM SALES, INC.	VEEAM RENEWAL	6,064.00
12/27/2019	12452(A)	PHILLIPS, KIMBERLY	REIMBURSEMENT FOR EXPENSES	149.89
12/27/2019	12453(A)	PORTAGE POLICE OFFICERS ASSOC	CHALLENGE COINS	965.00
12/27/2019	12454(A)	TRELLIS PARTNERS LLC	CASTERS	16.20
12/27/2019	12455(A)	WARNER NORCROSS & JUDD LLP	LEGAL FEES & RETAINER FEES	4,281.67
01/03/2020	12456(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES, ZYLMAN & OTHER	46,369.85
01/03/2020	12457(A)	AIRGAS USA LLC	MAINTENANCE SUPPLIES	108.36
01/03/2020	12458(A)	ALL-TRONICS, INC.	FIRE ALARM MONITORING	81.00
01/03/2020	12459(A)	DELTA DENTAL PLAN OF MICHIGAN	DELTA DENTAL INSURANCE	18,711.11
01/03/2020	12460(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,259.04
01/03/2020	12461(A)	GORDON WATER SYSTEMS	WATER SERVICE	200.40
01/03/2020	12462(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL - DPW	75.00
01/03/2020	12463(A)	INTERNATIONAL CODE COUNCIL, INC	MICHIGAN CODE BOOK	33.45

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01/03/2020	12464(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOM RENTAL	225.00
01/03/2020	12465(A)	LAND MATTERS LLC	LAND ACQUISITION SERVICES	254.05
01/03/2020	12466(A)	LOEBIG, ELIZABETH	REIMB SHRM/KHRMA/TRAVEL	330.68
01/03/2020	12467(A)	MARANA GROUP	METER SERVICE	273.00
01/03/2020	12468(A)	MATTAWAN YOGA LLC	CLASS INSTRUCTOR PAYMENT	180.00
01/03/2020	12469(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	585.34
01/03/2020	12470(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	8,315.66
01/03/2020	12471(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	1,202.50
01/03/2020	12472(A)	SNELL, DEBRA	INSTRUCTOR PAYMENT	432.00
01/03/2020	12473(A)	SUEZ WATER ENVIRONMENTAL SERVICES	WATER TREATMENT CHEMICALS	47,483.64
01/03/2020	12474(A)	TOO CLEAN JANITORIAL	JANITORIAL SERVICES	1,120.00
01/03/2020	12475(A)	TRUCK & TRAILER SPECIALTIES	MAINTENANCE SUPPLIES	1,407.65
01/03/2020	12476(A)	WIGHTMAN	ENGINEERING SERVICES	2,750.42
Total ACH Transactions:				827,739.96

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12/13/2019	311984	3SI SECURITY SYSTEMS, INC.	ANNUAL USAGE TRACKING	216.00
12/13/2019	311985	A T & T	ELECTRONIC COMMUNICATIONS	12,287.20
12/13/2019	311986	ADVANCE II LLC	NOV 2019 ELEC TEMP SVC	380.38
12/13/2019	311987	ALLEGRA PRINT & IMAGING	MISC PRINTING SERVICES	226.00
12/13/2019	311988	ALLIED MECHANICAL SERVICE	BASEMENT SUMP PUMP/CITY HALL	2,200.00
12/13/2019	311989	ALTA EQUIPMENT CO.	MAINTENANCE SUPPLIES	157.97
12/13/2019	311990	AMERICAN ARBOR LLC	CONSULTANT FORESTRY SVCS	11,160.00
12/13/2019	311991	AMROCK INC - CHASE SIZ	OP WINTER TAX	117.81
12/13/2019	311992	ARROWHEAD SCIENTIFIC, INC.	MISC LAB SUPPLIES	174.93
12/13/2019	311993	ASCENSION MICH OCCUPATIONAL HEALTH	DOT PHYSICALS	582.00
12/13/2019	311994	ATLANTIC DIVING SUPPLY INC.	PLATE CARRIERS	3,025.00
12/13/2019	311995	BAY AREA TOUCHLESS CARWASH LLC	CAR WASHES	264.00
12/13/2019	311996	BERGER CHEVROLET	POLICE FLEET VEHICLE	24,966.00
12/13/2019	311997	BLUE CROSS/BLUE SHIELD OF MICH	BCBSM INSURANCE	67,692.01
12/13/2019	311998	CANTEEN SERVICES	MPPIR CONCESSIONS	415.30
12/13/2019	311999	CARTRIDGE WORLD	PRINTER INK	111.27
12/13/2019	312000	CEDAM	2020 DUES/MEMBERSHIP	250.00

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12/13/2019	312001	CHRISTMAN SCREENPRINT	CITY SEAL DECALS	758.47
12/13/2019	312002	CITY OF KALAMAZOO TREASURER	WATER SERVICES	47.60
12/13/2019	312003	DELOOF BUILDERS LLC	BD BOND REFUND	435.00
12/13/2019	312004	DIXON ENGINEERING, INC	PROFESSIONAL SERVICES	3,000.00
12/13/2019	312005	DRAAYER, SHERRIE	NOV PAINTING IN THE PARK REF	40.00
12/13/2019	312006	FLETCHER ENTERPRISES	PAINTING	350.00
12/13/2019	312007	FORMULA K EQUIPMENT LLC	MAINTENANCE 262	43.84
12/13/2019	312008	FREIGHTLINER OF GRAND RAPIDS, INC.	VACTOR REPAIRS	147.07
12/13/2019	312009	GALE, ELSIE	TRIP REF CHRISTMAS CABERET	110.00
12/13/2019	312010	GORDON FOOD SERVICE	MPPIR CONCESSIONS	207.93
12/13/2019	312011	GROSSMAN LAW, PC	FRIENDS/PARK 501C FORMATION LEGAL FEES	200.00
12/13/2019	312012	HALL BUILDERS LLC	FIRE STATION #2	394,068.34
12/13/2019	312013	HARRISON, JOHN	SCHRIER BUILDING DEPOSIT REF	150.00
12/13/2019	312014	HD SUPPLY FACILITIES MAINT., LTD	HYDRANT MARKERS	165.66
12/13/2019	312015	HOME DEPOT	MISC BUILDING SUPPLIES	562.66
12/13/2019	312016	VOID		0.00
12/13/2019	312017	INT'L ASSOC OF ASSESSING OFFICERS	M ROSE IAAO MEMBERSHIP DUES	200.00
12/13/2019	312018	INT'L FOUNDATION EMP BENEFIT PLANS	MEMBERSHIP DUES	325.00
12/13/2019	312019	INT'L PUBLIC MGT ASSOC FOR HR	PUB SAFETY CANDIDATE TESTING	699.77
12/13/2019	312020	KALAMAZOO COUNTY HEALTH & COMM	2019 HHW PROGRAM	6,630.55
12/13/2019	312021	KALAMAZOO FLAG COMPANY, LLC	FLAGS	355.00
12/13/2019	312022	KIESLER POLICE SUPPLY	REPLACE HANDGUNS/HOLSTERS	5,683.00
12/13/2019	312023	Landmark Development	BD BOND REFUND	21,962.00
12/13/2019	312024	LYNWELL CORP.	COFFEE FOR CITY HALL	140.00
12/13/2019	312025	M.M.A.A.O.	MMAAO 2020 MEMBERSHIP	100.00
12/13/2019	312026	MACALLISTER MACHINERY CO., INC.	DOZER RENTAL	1,369.00
12/13/2019	312027	METRO DENVER TITLE LLC	OP WTAX19 4603 FRONTIER AVE	55.10
12/13/2019	312028	METTY, KIM	NOV PAINTING IN THE PARK REF	40.00
12/13/2019	312029	MICHIGAN ASSESSOR ASSOCIATION	MICHIGAN ASSESSORS ASSOC MEMB	450.00
12/13/2019	312030	MICHIGAN ELECTION RESOURCES, LLC	PRECINCT SPLIT NOTICE MAILING	1,058.15
12/13/2019	312031	MICHIGAN MUNICIPAL EXECUTIVES	MEMBERSHIP DUES FOR MME	140.00
12/13/2019	312032	MILLENNIUM EVENTS	GINGERBREAD HOUSE	330.00
12/13/2019	312033	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL LEGAL SVC	330.00

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12/13/2019	312034	MOORE, LARRY	TUITION REIMBURSEMENT	425.25
12/13/2019	312035	MORRIS ROSE AUTO PARTS, INC.	REPAIRS - UNIT 82	450.00
12/13/2019	312036	NAPIER, PEGGY	EVENT SUPPLY REIM	972.89
12/13/2019	312037	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,312.91
12/13/2019	312038	VOID		0.00
12/13/2019	312039	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	557.33
12/13/2019	312040	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	370.01
12/13/2019	312041	PROJECT ENHANCE SOUND GENERATIONS	PROJECT ENHANCE LICENSE FEE	50.00
12/13/2019	312042	ROBERT BAILEY CONTRACTORS, INC.	REF 2019 SUMMER TAX/MTT DOC	21,595.83
12/13/2019	312043	ROSE STREET ADVISORS, LLC	COMPENSATION ANALYSIS PROJECT	1,800.00
12/13/2019	312044	SAFEBUILT MICHIGAN, LLC	FILL IN INSPECTIONS FOR BLDG SVC	3,787.50
12/13/2019	312045	SHI INTERNATIONAL CORP.	NEW PRINTER FOR CM -TS	325.30
12/13/2019	312046	SOIL & MATERIALS ENGINEERS, INC	NEW FIRE ST 2	6,075.00
12/13/2019	312047	STALKER RADAR	RADAR REPAIR	691.94
12/13/2019	312048	STATE OF MICHIGAN	RECERT FOR VANDERVRIES	175.00
12/13/2019	312049	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS	14.50
12/13/2019	312050	STEENSMA LAWN & POWER EQUIPMENT	REPAIR AND MAINTENANCE	699.72
12/13/2019	312051	TIMID RABBIT MAGIC & MAS. SHOP	SANTA SKATE COSTUMES	163.45
12/13/2019	312052	TODD ARBANAS ENTERPRISES INC.	HAZ TREE REMOVAL/ PCBP TRAIL	1,800.00
12/13/2019	312053	UNION STREET HYDRAULICS	TINK CYLINDER REPAIRS	451.22
12/13/2019	312054	UNITED PARCEL SERVICE	UPS WEEKLY	31.37
12/13/2019	312055	USA TODAY	USA TODAY FOR LOBBY PATRONS	29.00
12/13/2019	312056	USPS	JAN/FEB PORTAGER POSTAGE	8,000.00
12/13/2019	312057	VANGUARD FIRE & SUPPLY CO., INC.	VANGUARD FIRE SUPPLY	450.00
12/13/2019	312058	VARTEC, LLC	USER LICENSE INSTALL&TRNG	1,439.00
12/13/2019	312059	VERIZON WIRELESS	WIRELESS SERVICE	48.12
12/13/2019	312060	WASHCO, LLC	POWER WASHING SERVICES	850.00
12/13/2019	312061	WATKINS, ROSS & CO.	ACTUARIAL/DB PENSION & OPEB PLANS	8,325.00
12/13/2019	312062	YEO & YEO	2018-2019 AUDIT & CAFR PREP	2,500.00
12/13/2019	312063	ZABLOCKI, ROBIN	NOV PAINTING IN THE PARK REF	40.00
12/13/2019	312064	PETTY CASH-ALYSSA MILBECK	REPLENISHMENT CHECK	648.84
12/13/2019	312065	POLDERMAN'S FLOWER SHOP	FLOWERS FROM CMO	57.95
12/13/2019	312066	MICHIGAN PAVING & MATERIALS CO.	2019 SUMMER MILL & FILL	650,474.35

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12/13/2019	312067	HOLSTERCO LLC	9 RIGHT/1 LEFT HANDED HOLSTERS	629.00
12/20/2019	312068	A T & T	ELECTRONIC COMMUNICATIONS	3,761.84
12/20/2019	312069	ADP, INC.	PAYROLL/ETIME SVC JULY-DEC	4,735.94
12/20/2019	312070	ALLEGRA PRINT & IMAGING	BUSINESS CARDS/A. HERRINGA	39.00
12/20/2019	312071	AMERICAN SCREEN PRINTING	SHIRTS FOR TS DEPARTMENT	365.80
12/20/2019	312072	AMERICAN WATER WORKS ASSOC.	MEMBERSHIP GWIN/GRAHAM	448.00
12/20/2019	312073	AR ENGINEERING LLC	ENGINEERING SERVICES	10,331.82
12/20/2019	312074	ATA NATIONAL TITLE GROUP LTD	DEC BOARD OF REVIEW REFUND	20.73
12/20/2019	312075	BACHMAN, TERRY	DEC BOARD OF REVIEW REFUND	1,371.98
12/20/2019	312076	BAIRD, ANNE	TRIP REFUND ARMORY ARTS	112.00
12/20/2019	312077	BHATT, PADMANABH & INDIR	DEC BOARD OF REVIEW REFUND	812.47
12/20/2019	312078	BLUE LAKES CHARTER & TOURS	CHARTER BUS/BRAZEAL DENNARD MLK2020	255.00
12/20/2019	312079	BOTT, BARBARA	MUSIC FOR PSC CHOIR	90.65
12/20/2019	312080	BOYD, BRUCE	DEC BOARD OF REVIEW REFUND	1,585.18
12/20/2019	312081	BRANT, HAROLD	TRIP REFUND ARMORY ARTS	117.00
12/20/2019	312082	BROADCAST MUSIC, INC.	BMI MUSIC LICENSE	358.00
12/20/2019	312083	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	181.90
12/20/2019	312084	CAMPBELL, BRANDA	SCHRIER DEPOSIT REFUND	150.00
12/20/2019	312085	CHAPMAN, MARY	TRIP REFUND ARIZONA SHORELINE	100.00
12/20/2019	312086	CHICAGO TITLE	OP WATER/SEWER FINAL BILL	47.56
12/20/2019	312087	CHRISTIAN ASSEMBLY OF GOD	BD BOND REFUND	1,415.00
12/20/2019	312088	COCHRAN GLASS AND DOOR, LLC	HAYLOFT DOOR REPAIRS	469.00
12/20/2019	312089	CORELOGIC CENTRALIZED REFUNDS	DEC BOARD OF REVIEW REFUND	15,494.10
12/20/2019	312090	COURTNEY, KIMBERLY & GREGORY	DEC BOARD OF REVIEW REFUND	1,769.87
12/20/2019	312091	CUMMINS INC.	GENERATOR PARTS	3,428.47
12/20/2019	312092	D C PLUMBING	MISCELLANEOUS PLUMBING WORK	4,237.64
12/20/2019	312093	DETROIT PUMP & MFG CO	PASMA AVE PUMP REPLACE	7,525.75
12/20/2019	312094	EASTERN MICHIGAN UNIVERSITY	STAFF & COMMAND SCHOOL	3,250.00
12/20/2019	312095	EASTERN MICHIGAN UNIVERSITY	STAFF & COMMAND SCHOOL	3,250.00
12/20/2019	312096	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT	689.00
12/20/2019	312097	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	1,938.41
12/20/2019	312098	ERVIN, MATTHEW	NYE SKATE DJ SERVICES	350.00
12/20/2019	312099	FNC TITLE SERVICES, LLC	DEC BOARD OF REVIEW REFUND	1,822.44

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12/20/2019	312100	GORDON FOOD SERVICE	MPiR CONCESSIONS	86.44
12/20/2019	312101	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION-PPOA UNION DUES/DEC	3,048.06
12/20/2019	312102	GROVE, ROBERT & PATRICIA	DEC BOARD OF REVIEW REFUND	121.95
12/20/2019	312103	HAVENGA, JOAN	TRIP REFUND ARMORY ARTS	117.00
12/20/2019	312104	HONOR CREDIT UNION	OP LEXINGTON DRAIN ASSMT/WTAX19	67.49
12/20/2019	312105	JAC'S CEKOLA'S PIZZA	TRIP COMMITTEE VOL APPRECIATION	254.15
12/20/2019	312106	KAL COUNTY FIRE CHIEFS ASSOC.	OCCF TRAINING	800.00
12/20/2019	312107	KALAMAZOO BATTLE CREEK INTL AIRPORT	PROFESSIONAL SERVICES	180.50
12/20/2019	312108	KALAMAZOO COUNTY TREASURER	COLONIAL ACRES NOV 19 MOBILE HM TX	477.50
12/20/2019	312109	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER /COMMUNICATION SERVICES	364.00
12/20/2019	312110	LAKELAND ASPHALT CORP.	LOVERS LANE CONSTRUCTION	96,009.67
12/20/2019	312111	LANDSCAPE FORMS	BENCH REPAIR PARTS	1,560.00
12/20/2019	312112	LANGUAGE LINE, INC	LANGUAGE SERVICES	35.00
12/20/2019	312113	LAWLER, DON & FAY	TRIP REFUND ARMORY ARTS	234.00
12/20/2019	312114	LERETA LLC	DEC BOARD OF REVIEW REFUND	9,672.82
12/20/2019	312115	LOANCARE	DEC BOARD OF REVIEW REFUND	1,707.29
12/20/2019	312116	MCDA	WINTER CONFERENCE	100.00
12/20/2019	312117	MERCANTILE BANK OF MICHIGAN	DEC BOARD OF REVIEW REFUND	2,905.10
12/20/2019	312118	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR & MAINT	720.34
12/20/2019	312119	MICHIGAN ASSOCIATION OF FIRE CHIEFS	FIRE ADMIN TRAINING	250.00
12/20/2019	312120	MICHIGAN SECURITY & LOCK	MISC LOCK AND KEY SERVICES	23.85
12/20/2019	312121	MILLER, GRACE	DEC BOARD OF REVIEW REFUND	2,262.69
12/20/2019	312122	MOHNEY, DIANE	TRIP REFUND CHRISTMAS CABARET	110.00
12/20/2019	312123	MORRIS ROSE AUTO PARTS, INC.	REPAIRS - UNIT 82	350.00
12/20/2019	312124	MOSES FIRE EQUIPMENT, INC.	FIRE APPARATUS MAINT	2,134.20
12/20/2019	312125	NORTHERN CONSTRUCTION SERVICES CORP	2019 LOCAL STREETS RECONST	147,159.34
12/20/2019	312126	OCKERMAN, JOAN	TRIP REFUND ARIZONA SHORELINE	100.00
12/20/2019	312127	OFFICE DEPOT, INC.	OFFICE SUPPLIES	412.42
12/20/2019	312128	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	332.14
12/20/2019	312129	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	385.34
12/20/2019	312130	PIPETEK INFRASTRUCTURE SERVICES	STORM SEWER CLEANING/INSPECT	23,857.11
12/20/2019	312131	PLUMMER'S ENVIRONMENTAL SERVICES	STORM STRUCTURE CLEANING	10,855.00
12/20/2019	312132	PNC BANK	DEC BOARD OF REVIEW REFUND	2,474.13

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Check Date	Check	Vendor Name	Description	Amount
12/20/2019	312133	PROFESSIONAL PAVEMENT PRODUCTS, INC	REFLECTIVE MEDIAN DEVICES	415.56
12/20/2019	312134	RADCLIFF, ELAINE	DEC BOARD OF REVIEW REFUND	1,002.52
12/20/2019	312135	RENEWED EARTH, INC.	LEAF AND BRUSH REMOVAL	9,083.33
12/20/2019	312136	ROBERT & MARGARET STICKEL TRUST	DEC BOARD OF REVIEW REFUND	287.79
12/20/2019	312137	ROOTEAD ENRICHMENT CENTER	PROGRAM PRESENTATIONS	650.00
12/20/2019	312138	ROWE, MICHAEL & ALISHA	DEC BOARD OF REVIEW REFUND	3,886.56
12/20/2019	312139	SEAMLESSDOCS	SEAMLESSDOCS SOFTWARE RENEWAL	15,125.00
12/20/2019	312140	SHORELINE TOURS & TRAVEL	TRIP VENDOR PMT ARIZONA	5,326.12
12/20/2019	312141	SNEDEKER, GERALD	DEC BOARD OF REVIEW REFUND	2,144.67
12/20/2019	312142	SOMSEL, CAROLYN	TRIP REFUND ARMORY ARTS	112.00
12/20/2019	312143	STATE SYSTEMS RADIO, INC	RADIO SERVICES	2,101.67
12/20/2019	312144	SUPERIOR BUSINESS SOLUTIONS	UNIFORMS	413.40
12/20/2019	312145	SUZANNE GERNAAT	INSTRUCTOR PMT/HEALTHY BRAIN CLUB	285.00
12/20/2019	312146	TEMPLE, LOIS	TRIP REFUND ARMORY ARTS	112.00
12/20/2019	312147	THIRD COAST TECH, LLC	CRESTRON AV BACK UP CONTROLLER	700.00
12/20/2019	312148	TL NEWS	SUBSCRIPTION FOR THE LOBBY	507.00
12/20/2019	312149	TODD ARBANAS ENTERPRISES INC.	TREE REMOVAL SERVICES	3,570.00
12/20/2019	312150	TRACELYNN VAN & BENNY DOAN	DEC BOARD OF REVIEW REFUND	136.09
12/20/2019	312151	URFER, WILLIAM & JANET	TRIP REFUND ARMORY ARTS	224.00
12/20/2019	312152	VANDERWOUDE, JOAN	TRIP REFUND ARMORY ARTS	117.00
12/20/2019	312153	VARNUM, RIDDERING, SCHMIDT & H	LEGAL SERVICES RENDERED	1,317.50
12/20/2019	312154	VERIZON CONNECT NWF, INC.	FLEET GPS SERVICES	834.20
12/20/2019	312155	VERIZON WIRELESS	WIRELESS CARDS	2,186.84
12/20/2019	312156	VICKSBURG HARDWARE	CHAINSAW SUPPLIES	275.12
12/20/2019	312157	WEESSIES, GREGORY	DEC BOARD OF REVIEW REFUND	112.62
12/20/2019	312158	WEINER, ADAM	DEC BOARD OF REVIEW REFUND	4,801.89
12/20/2019	312159	WELLS FARGO REAL ESTATE TAX SERVICE	DEC BOARD OF REVIEW REFUND	6,920.35
12/20/2019	312160	WILLIAMS DIST/KENNETH L POLL	BD PAYMENT REFUND	85.00
12/20/2019	312161	WINTHER, ELIZABETH	TRIP REFUND ARMORY ARTS	117.00
12/20/2019	312162	ZACK, ELLEN	TRIP REFUND ARMORY ARTS	117.00
12/20/2019	312163	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	332.14
12/27/2019	312164	A T & T LONG DISTANCE	LONG DISTANCE SERVICE	68.98
12/27/2019	312165	AMERICAN CANCER SOCIETY	LEE NATL DENIM DAY DONATIONS	320.00

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Check Date	Check	Vendor Name	Description	Amount
12/27/2019	312166	ASCENSION MICH OCCUPATIONAL HEALTH	POST OFFER PHYSICALS	627.00
12/27/2019	312167	BUTLER, SHIRLEY	DAMAGED MAILBOX REIMB	44.00
12/27/2019	312168	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	245,466.01
12/27/2019	312169	CLIMER, CARL D	BD BOND REFUND	240.00
12/27/2019	312170	CRAMER TRACY	FINAL WATER BILL REFUND	58.23
12/27/2019	312171	EMERGENCY VEHICLE PRODUCTS	7 SETINIA PUSH BUMPERS W/LIGHTS	7,633.00
12/27/2019	312172	ENVIROLOGIC TECHNOLOGIES INC	INS PREMIUM RE: SPEEDWAY PURCH	3,075.00
12/27/2019	312173	HAWLEY, BRIAN	VIDEO REIMB/ROOTS & SEWER LN	331.00
12/27/2019	312174	HD SUPPLY FACILITIES MAINT., LTD.	METER	2,445.30
12/27/2019	312175	INT'L INSTITUTE OF MUNICIPAL CLERKS	IIMC MEMBERSHIP RENEWAL	110.00
12/27/2019	312176	KALAMAZOO AREA TRANSPORTATION STUDY	TRAFFIC TECH SERVICES	1,239.00
12/27/2019	312177	KALAMAZOO OIL COMPANY	LPU MIXED FUEL	488.49
12/27/2019	312178	LEMMER, MARY	DAMAGED MAILBOX REIMB	44.00
12/27/2019	312179	MWEA	2020 OPERATOR DAY TRAINING	115.00
12/27/2019	312180	RATHCO SAFETY SUPPLY, INC.	SIGNS AND SIGN MATERIALS	1,271.40
12/27/2019	312181	STATE OF MICHIGAN (MGT & BUDGE	MEMBERSHIP FEE FOR MIDEAL	230.00
12/27/2019	312182	T J M SERVICES	ELIASON NATURE RES PH II CONST	203,996.34
12/27/2019	312183	USPS	REFILL POSTAGE METER	5,000.00
12/27/2019	312184	WEST MICHIGAN OFFICE INTERIORS	OFFICE FURNITURE	1,903.44
12/27/2019	312185	WILLIAMS DIST/KENNETH L POLL	BD PAYMENT REFUND	85.00
12/27/2019	312186	WMACP	WMACP MEMBERSHIP	50.00
01/03/2020	312187	A T & T	ELECTRONIC COMMUNICATIONS	426.16
01/03/2020	312188	A T & T	RADIO CIRCUITS	2,661.48
01/03/2020	312189	ALS ASSOCIATION MICHIGAN CHAPTER	GRAIN ELEVATOR DEPOSIT REF	150.00
01/03/2020	312190	BEACON ATHLETICS	MAINTENANCE SUPPLIES	998.00
01/03/2020	312191	CCI SOUTH, INC.	CMO RENOVATIONS	673.20
01/03/2020	312192	ENVIRONMENTAL RESOURCES GROUP, LLC	STORM WATER MONITORING PROG	10,684.15
01/03/2020	312193	EPICURE CATERING	TRIP VENDOR PAYMENT	1,035.00
01/03/2020	312194	HOME DEPOT	RETURNED SUPPLIES	242.07
01/03/2020	312195	VOID		0.00
01/03/2020	312196	HOYLE, KATHLEEN	2019 VOLUNTEER DINNER (PK BD FUNDS)	245.90
01/03/2020	312197	KALAMAZOO COUNTY HEALTH & COMMUNITY	HAZARDOUS WASTE DISPOSAL	131.79
01/03/2020	312198	LUDERER, JOHN R	REFUND OP OF FINAL BILL	281.23

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Check Date	Check	Vendor Name	Description	Amount
01/03/2020	312199	MEDILODGE OF PORTAGE	EVENT LUNCHES	480.00
01/03/2020	312200	OFFICE DEPOT, INC.	OFFICE SUPPLIES	580.45
01/03/2020	312201	SEMARK, CINDY	CLASS INSTRUCTOR PMT	70.00
01/03/2020	312202	SESAC INC	SESAC MUSIC LICENSE	919.00
01/03/2020	312203	SMART HOMES, INC.	MPIR AUDIO EQUIPMENT SVC	230.80
01/03/2020	312204	SOIL & MATERIALS ENGINEERS, INC	SOIL SAMPLING & TESTING	3,250.00
01/03/2020	312205	STATE OF MICHIGAN	2 SOR REGISTRATION FEES	60.00
01/03/2020	312206	TRUGREEN PROCESSING	LANDSCAPE SERVICES	1,037.76
01/03/2020	312207	UNITED PARCEL SERVICE	UPS WEEKLY	152.76
01/03/2020	312208	WEBQA INCORPORATED DBA GOVQA	FOIA MANAGEMENT SOFTWARE	16,200.00
01/03/2020	312209	WILLIAMS & WORKS	ENGINEERING SERVICES	1,264.10
Total Paper Checks:				2,239,226.98
Check Type: Auto-Pay Payment				
12/05/2019		CONSUMERS ENERGY	GAS-ELECTRIC	43,436.78
12/06/2019		CONSUMERS ENERGY	GAS-ELECTRIC	12,685.39
12/16/2019		RANDALL BROWN & ASSOC	ATTORNEY RETAINER	18,810.00
12/09/2019		CONSUMERS ENERGY	GAS-ELECTRIC	57.82
12/10/2019		CONSUMERS ENERGY	GAS-ELECTRIC	1,379.86
12/11/2019		CONSUMERS ENERGY	GAS-ELECTRIC	34,288.72
12/12/2019		CONSUMERS ENERGY	GAS-ELECTRIC	1,114.34
12/13/2019		CONSUMERS ENERGY	GAS-ELECTRIC	4,407.42
12/16/2019		CONSUMERS ENERGY	GAS-ELECTRIC	6,511.25
12/17/2019		CONSUMERS ENERGY	GAS-ELECTRIC	507.00
12/18/2019		CONSUMERS ENERGY	GAS-ELECTRIC	4,642.45
12/20/2019		CONSUMERS ENERGY	GAS-ELECTRIC	90.57
Total Auto-Pay Payments:				127,931.60
Grand Total:				3,194,898.54

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: MDOT Contract #19-5569 (East Centre Avenue Reconstruction – Portage Road to South Sprinkle Road)

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve Contract #19-5569 between the Michigan Department of Transportation and the City of Portage for reconstruction of East Centre Avenue from Portage Road to South Sprinkle Road and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.

The FY 2019-2020 Capital Improvement Program (CIP) budget contains a project for the reconstruction of East Centre Avenue from Portage Road to South Sprinkle Road, including upgrade of concrete sidewalk ramps to meet the Americans with Disabilities Act, curb and gutter repairs, hot mix asphalt, and lengthening of the left-turn pocket at the main entrance to the Stryker Medical facility. Major street reconstruction projects are selected based on pavement condition, average daily traffic, federal aid eligibility, as well as potential development activities.

On March 12, 2018, Williams & Works, Incorporated, was awarded an engineering service contract for design and construction engineering for this project. Because the project is partially funded by Federal Surface Transportation funding, the Michigan Department of Transportation (MDOT) is involved as a facilitator. The bid opening by MDOT for the construction was held on January 10, 2020. MDOT requires that an agreement with the local government agency be executed prior to construction award. The estimated total cost of the project is \$993,300 with \$433,947 in Federal Surface Transportation funds. The balance of \$559,353 is being funded by the FY 2019-2020 Major Streets Capital Improvement Program budget. Following the contract award by MDOT, construction will likely commence in spring 2020 with completion in summer 2020.

It is recommended that City Council approve Contract #19-5569 between the Michigan Department of Transportation and the City of Portage for reconstruction of East Centre Avenue (Portage Road to South Sprinkle Road), adopt a Resolution authorizing the City Manager to sign Contract #19-5569 and authorize the City Manager to sign all documents related to the project on behalf of the city.

FUNDING: The estimated total cost of the project is \$993,300 with \$433,947 in Federal Surface Transportation funds. The balance of \$559,353 will be funded by the 2019-2020 Major Street Capital Improvement Program budget.

Attachments: 1. MDOT Resolution 19-5569

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 _____, 2020 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. 19-5569 between the City of Portage and the Michigan Department of Transportation. This contract is for the construction improvements on East Centre Avenue from Portage Road to South Sprinkle Road.

ADOPTED: YEAS:

NAYS:

ABSENT:

Erica L. Eklov, Interim City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2020 that the foregoing is a true and complete copy of the original on file in my office.

Erica L. Eklov, Interim City Clerk

APPROVED AS TO FORM
DATE 1/3/2020
[Signature]
CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: MDOT Contract #19-5601 (South Westnedge Avenue Reconstruction – Kilgore Road to Highway I-94)

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve Contract #19-5601 between the Michigan Department of Transportation and the City of Portage for reconstruction of South Westnedge Avenue from Kilgore Road to Highway I-94 and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.

The FY 2019-2020 Capital Improvement Program (CIP) budget contains a project for the reconstruction of South Westnedge Avenue from Kilgore Road to Highway I-94, including upgrade of concrete sidewalk ramps to meet the Americans with Disabilities Act, safety improvements, curb and gutter repairs and hot mix asphalt. Major street reconstruction projects are selected based on pavement condition, average daily traffic, federal aid eligibility, as well as potential development activities adjacent to the project area.

On March 12, 2018, Williams & Works, Incorporated, was awarded an engineering service contract for design and construction engineering for this project. Because the project is partially funded by Federal Surface Transportation funding, the Michigan Department of Transportation (MDOT) is involved as a facilitator. The bid opening by MDOT for the construction will be held on February 7, 2020. MDOT requires that an agreement with the local government agency be executed prior to construction award. In addition to federal funding through the Kalamazoo Area Transportation Study in the amount of \$168,053, the project was also awarded 1 of 10 grants from MDOT for the 2020 Transportation Economic Development Fund (TEDF) Category F program in the amount of \$375,000. The balance of \$200,447 will be funded by the FY 2019-2020 Major Streets Capital Improvement Program budget. Following the contract award by MDOT, construction will likely commence in spring 2020 with completion in summer 2020.

It is recommended that City Council approve Contract #19-5601 between the Michigan Department of Transportation and the City of Portage for reconstruction of South Westnedge Avenue (Kilgore Road to Highway I-94), adopt a Resolution authorizing the City Manager to sign Contract #19-5601 and authorize the City Manager to sign all documents related to the project on behalf of the city.

FUNDING: The estimated total cost of the project is \$743,500 with \$168,053 in Federal Surface Transportation funds and \$375,000 in 2020 Transportation Economic Development Funds. The balance of \$200,447 will be funded by the 2019-2020 Major Street Capital Improvement Program budget.

Attachments: 1. MDOT Resolution 19-5601

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 _____, 2020 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. 19-5601 between the City of Portage and the Michigan Department of Transportation. This contract is for the construction improvements on South Westnedge Avenue from Kilgore Road to Highway I-94.

ADOPTED: YEAS:

NAYS:

ABSENT:

Erica L. Eklov, Interim City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2020 that the foregoing is a true and complete copy of the original on file in my office.

Erica L. Eklov, Interim City Clerk

APPROVED AS TO FORM
DATE 1/3/2020
[Signature]
CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Construction Management Services - Portage Community Senior Center

SUPPORTING PERSONNEL: Mary Beth Block, Communications Manager
Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services

ACTION RECOMMENDED: Award a contract to AVB Construction, LLC, of Portage, Michigan in the amount of \$503,713 to perform construction management services for the construction of the Charles & Lynn Zhang Portage Community Senior Center and authorize the City Manager to execute all documents related to this contract on behalf of the city.

Engage. Empower. Enrich. A Campaign for the Portage Community Senior Center has raised more than \$3.98 million in philanthropic donations, pledges and in-kind services. Coupled with the City Council matching pledge of \$5.5 million, the campaign is drawing closer to its \$11 million goal.

At a cost of approximately \$9.25 million, construction of the new Charles & Lynn Zhang Portage Community Senior Center is expected to begin in the fall of 2020. As this project is being made possible by the generous donations of so many community members, the City of Portage is committed to building the most high-performing, modern and innovative space possible to serve the older adults in our community. To this end, the City Administration has opted to construct this marquee building with the assistance of a "Construction Manager as Constructor."

A Construction Manager as Constructor (CMc) acts as advisor to the Owner (the City of Portage in this case) during the preconstruction phase and provides design review, value-engineering recommendations, documentation and, most importantly, construction and oversight of the project with a guaranteed maximum price. To clarify, under the Construction Manager as Constructor approach, the functions of contractor and construction manager are merged and assigned to one entity which assumes control over the construction work by direct contracts with the subcontractors. Upon acceptance, the CMc becomes contractually bound to provide labor and materials for the Project and to complete the construction at or below the guaranteed maximum price. Included in the Request for Proposals was a stipulation that the Construction Manager assist the City of Portage in review of architectural design proposals. A recommendation of an architect is anticipated at the Regular City Council Meeting of

January 28, 2020. A CMc is sometimes also known as "Construction Manager at Risk."

The City of Portage advertised for Construction Manager as Constructor services for the Portage Community Senior Center and invited interested parties to submit proposals. Firms were required to attend a pre-proposal meeting; nine firms attended. On January 2, 2020, five proposals were received and opened. In the Request for Proposals, prospective vendors were advised that "favorable pricing will be one element of the selection process, but the experience of the firm, qualifications, experience and ability of assigned staff, resources, ingenuity, creativity, completeness of the level of service proposed and timeliness of service proposed by the Firm will be significant factors in award of this contract." Through a qualification-based selection process performed by a team of eight staff members from multiple city departments, it was determined that AVB Construction, LLC (AVB) of Portage, Michigan, submitted the most complete and responsive proposal, in the amount of \$503,713.

The lowest proposal was submitted by CD Barnes, of Grand Rapids, Michigan, in the amount of \$497,925. The CD Barnes proposal included only examples of residential projects. CD Barnes did not display a clear understanding of the project and submitted a proposal that did not meet the city's requirements, omitting Leadership in Energy and Environmental Design (LEED) components. In addition, CD Barnes submitted significant contract modifications, which would be difficult to overcome in a timely manner.

While not the lowest proposal, AVB displayed a clear understanding of the project and the city's requirements. AVB provided several examples of community/civic projects, such as the YMCA of Greater Kalamazoo, Consumers Credit Union Headquarters and Gull Road Justice Complex. The firm's proposal met all the city's requirements. As the Council is aware, AVB is currently providing CM services for the city as part of the Fire Station No. 2 construction project and is performing exceptionally on the city's behalf with the project currently on time and on budget.

It is recommended that City Council award a contract to AVB Construction, LLC, of Portage, Michigan, in the amount of \$503,713 to perform construction management services for the construction of the Charles & Lynn Zhang Portage Community Senior Center and authorize the City Manager to execute all documents related to this contract.

FUNDING: The fiscal Year 2019-2020 Capital Improvement Program budget contains \$915,000 for this project. The draft 2020-2030 Ten-Year Capital Improvement Program currently includes an additional \$10.1 million.

Attachments: 1. Construction Management Services Proposal Tabulation

**Construction Management Services for
Portage Community Senior Center**

<u>Firm</u>	<u>Total Proposal</u>
1. CD Barnes Construction	\$ 497,925.00
2. AVB Construction LLC	\$ 503,713.00
3. Cornerstone Construction	\$ 638,000.00
4. Miller - Davis Company	\$ 606,723.00
5. Glas Associates	\$ 710,000.00

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Intergovernmental Agreement between the County of Kalamazoo and the City of Portage

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

ACTION RECOMMENDED: Approve an Intergovernmental Agreement between the County of Kalamazoo and the City of Portage for disbursement of Senior Millage funds of \$70,400 to support the Portage Senior Center and authorize the City Manager to execute all documents related to this action on behalf of the city.

In August 2018, Kalamazoo County voters passed the Senior Millage, a 0.35-mill property tax for a period of six years beginning December 1, 2018 through 2023, which is expected to raise an estimated \$2.8 million. The purpose of this millage is to support essential services for residents aged 60 years and older with home-delivered meals, domestic cleaning services, elder abuse prevention and healthy living programs.

The County of Kalamazoo has entered into a contract with the Michigan Adult and Aging Services Agency (AASA) for the planning and development of regional services to those aged 60 and older within the County of Kalamazoo, pursuant to the Older Americans Act of 1965 as amended. The County of Kalamazoo's Health and Community Services Department is the designated Area Agency on Aging for Region IIIA and receives funding through the Senior Millage to fund these services.

A portion of the millage funding was allocated for "senior center support." In October 2019, the Portage Senior Center was notified that the Center would receive a millage disbursement award in the amount of \$70,400. These funds are restricted to support Senior Center staffing and programs for the period of October 2019 through September 2020. Funds will be used to develop and implement free or low-cost programs, staffing, and program delivery training.

It is recommended that City Council approve the Intergovernmental Agreement between the County of Kalamazoo and the City of Portage, and accept disbursement of Senior Millage funds for support of the Portage Senior Center for programs and staffing and authorize the City Manager to execute all documents related to these actions on behalf of the city.

FUNDING: None

Attachments:

1. Intergovernmental Agreement PSC
2. Senior Millage Funding Notice of Recommendation

**INTERGOVERNMENTAL
AGREEMENT BETWEEN**

**THE COUNTY OF KALAMAZOO
BY AND THROUGH ITS HEALTH AND COMMUNITY SERVICES DEPARTMENT
AND ITS AREA AGENCY ON AGING IIIA**

AND

**City of Portage by and through its Portage Senior Center
7900 S. Westnedge Ave., Portage, MI 49002
Federal ID# 38-6006266**

This Intergovernmental Agreement is made pursuant to MCL 124.1 et seq., between the County of Kalamazoo, a municipal corporation, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, by and through its Health and Community Services Department and its Area Agency on Aging IIIA, hereinafter referred to as the "County", and the City of Portage, a municipal corporation, 7900 S. Westnedge Ave., Portage, Michigan, by and through its Portage Senior Center, hereinafter referred to as the CONTRACTOR.

WHEREAS, the County of Kalamazoo has entered into a contract with the Michigan Adult & Aging Services Agency (AASA) for funding for the planning and development of regional services to the aging within the County of Kalamazoo, pursuant to the Older Americans Act of 1965, as amended; and the County of Kalamazoo receives funding through the Senior Millage for services to the aging within the County of Kalamazoo; and

WHEREAS, the County of Kalamazoo's Health and Community Services Department has been designated as the Area Agency on Aging for Region IIIA; and

WHEREAS, the County of Kalamazoo has accepted an application for program support from CONTRACTOR, to provide services to the aged in the Area Agency on Aging Region IIIA target area of Kalamazoo County;

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter made, the parties hereto agree as follows:

A. CONTRACTOR RESPONSIBILITIES

1. Scope of Service: The CONTRACTOR shall perform services set forth in the Funding Application submitted in compliance with the Request for Proposal. The Funding Application is made part of, and incorporated into this Agreement. Said services shall be provided to eligible persons who are 60 years of age and over (18 years of age and over for Tobacco Settlement Funding programs). For Title III E Funds, said services shall be provided to eligible adults who are caregivers of persons 60 years of age and over or who are relative caregivers of children under 19, and shall be subject to the

following:

- a. Residents of Kalamazoo County, or occupants of facilities, either permanent, temporary or transitional, located within Kalamazoo County, with priority given to meeting the needs of persons with the greatest economic or social needs, including those who are eligible or those who participate in the care management program, with particular attention to low-income minority individuals.
 - b. The CONTRACTOR will use the Michigan Aging and Adult Services Agency's service definitions, unit definitions, and minimum program standards as the guideline for each contracted service in order to be eligible for reimbursement of allowable expenses. The CONTRACTOR will carry out the programs in accordance with the policies and procedures established by the County. If the CONTRACTOR cannot meet a minimum program standard, the CONTRACTOR will submit the issue in writing to the County for further action. The CONTRACTOR assures that the persons involved in implementing the program have read the minimum standards for each service funded by the County.
 - c. The CONTRACTOR shall maintain maximum service delivery capability as indicated on the Funding Application throughout the contract period, unless written authorization to the contrary is obtained from the County.
 - d. The CONTRACTOR agrees to serve all persons eligible for services under this Agreement regardless of other criteria for services usually applied by the CONTRACTOR. Further, the CONTRACTOR agrees not to refuse services to any person determined to be eligible for services and referred to the CONTRACTOR for that service identified under this Agreement, if funding for that service has not already been exhausted. The CONTRACTOR also agrees to maintain sufficient staff, facilities, equipment, etc., in order to deliver the agreed upon services. The CONTRACTOR agrees to notify the County if it does not provide the required quality and/or quantity of services.
2. Program Reports: The CONTRACTOR shall provide the County all necessary information for evaluating programs in various forms which the County may require for this purpose. The County may require monthly, quarterly, or semi-annual reports from the CONTRACTOR which shall utilize standard reporting forms (such as NAPIS forms) and which shall include, but not be limited to: units of service provided, number of clients served, age, race, sex, estimated income level, if disabled, if socially isolated, and progress toward achieving the outcomes contained in the Funding Application. Said reports are due at the County no later than 10

calendar days after the reporting period ends. Failure to submit timely and accurate reports shall be considered grounds for invoking the termination procedures set forth in Section X herein.

3. Client Related

a. Client Intake: The CONTRACTOR shall establish and maintain standard client intake procedures for each service provided under this Agreement sufficient to enable the County to report required information to AASA.

b. Confidentiality: The use or disclosure of information concerning service, applicants or recipients obtained in connection with the performance of this Agreement shall be restricted to purposes directly connected with the program implemented by this Agreement as required by the Federal Privacy Act of 1974. The CONTRACTOR shall report client information to the County and the County shall have access to the files, as necessary, to administer programs so long as access is in conformity with the Federal Privacy Act of 1974. Information about or obtained from an individual and in possession of the CONTRACTOR providing services to such an individual shall not be disclosed without the individual's informed written consent. Referrals to other agencies providing services must also have the individual's informed written consent.

c. Contribution for Services: When providing services funded through State Tobacco Settlement funds, the CONTRACTOR shall implement the County's Cost Sharing Policy. This Policy establishes a mandatory client contribution based on income levels and unit costs. When providing services funded through non-Tobacco Settlement funds, the CONTRACTOR shall afford older persons the free and voluntary opportunity to contribute to all or part of the costs of the services provided.

For all services, the CONTRACTOR shall: (1) protect the privacy of each older person with respect to his/her contribution; (2) establish procedures to safeguard and account for all contributions; and (3) use program income for each respective service to expand those services. The CONTRACTOR shall receive contributions in such a manner so as not to differentiate among individual's contributions publicly.

d. Means Tests: A means test shall not be used to determine the eligibility of an older person for any service. The CONTRACTOR shall not use a means test to deny or limit a service to older persons unless specifically required by state law or federal regulation.

- e. Feedback from Participants: Procedures shall be established and followed for obtaining the views of service recipients about the operation of services.
 - f. Client Grievance/Appeal Procedure: The CONTRACTOR shall create and establish a grievance/appeal procedure for dispute/complaint resolution for: (1) individual program recipients/participants who are unsatisfied with program services; (2) individual program recipients/ participants who are satisfied with program services but who have been terminated from the program and/or services; and (3) individuals who have been denied or determined to be ineligible for program services. This shall be a procedure which provides the individual participant or potential participant the opportunity for a hearing before the CONTRACTOR's governing board, or a committee of the CONTRACTOR's governing board composed of a minimum of three (3) persons, if the participant or potential participant so desires, or if the matter has not been resolved at another stage of the grievance/appeal procedure.
 - g. Referral Agencies: The CONTRACTOR shall provide referral agencies with minimum client eligibility criteria, per service, for the satisfactory referral of clients.
 - h. Disaster Planning: CONTRACTORs providing home delivered meals, care management, homemaking, personal care, home care, in-home respite and adult day services must have a written plan for continuing services in emergencies, such as short-term natural disasters (snow, ice, loss of power, etc.). The plan should include a procedure to determine at-risk clients to contact when a disaster occurs.
4. Publicity of Contract Services:
- a. Services must be publicized to the population the CONTRACTOR is to reach by utilizing means of publicity most effective in reaching the target population - those in greatest economic or social need, with particular attention to low-income minority individuals. The CONTRACTOR shall publicize the services provided in a manner calculated to establish linkages with other service providers in the area for continuity of service.
 - b. Any promotional materials, including films, slides, books, reports, pamphlets, papers or articles based on activities receiving support under this Agreement shall contain acknowledgment of AASA, the County and funding through state appropriations or the Older Americans Act and a statement that it complies with Title VI of the Civil Rights Act of 1964.

- c. Where activities under this Agreement result in a book or other copyrighted material, the author is free to obtain a copyright, but the U.S. Department of Health and Human Services (HHS), AASA and the County reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all such material.
 - d. The County, AASA and HHS reserve the option of receiving free of charge up to three (3) copies of any publication published as a part of this Agreement.
- 5. Elderly Members of Native American Tribes: Assurance must be provided that elderly members of Native American tribes and organizations, as well as individual Native Americans, in greatest economic or social need within the CONTRACTOR's service area will receive funded services equivalent to the services to be received by non-Native American elderly residents.
- 6. Bilingual Personnel: Bilingual personnel must be available in areas where non-English or limited-English speaking persons constitute five percent (5%) of the senior population or number 250 seniors, whichever is less.
- 7. Disclosure of Information: The CONTRACTOR shall submit to the County all information requested by the County that discloses names of persons with an ownership or controlling interest in the CONTRACTOR, past business transactions and certain other disclosing entities. Further, the CONTRACTOR shall disclose whether any persons with an ownership or controlling interest in the CONTRACTOR have been convicted of a criminal offense related to their involvement in any programs under Title III, XVIII, XIX, or XX of the Social Security Act since the inception of these programs. The County may, at its option, immediately terminate this Agreement if the CONTRACTOR does not comply with these requirements.
- 8. Program Assessment and Evaluation: The County and the CONTRACTOR understand and agree that the County may exercise the right to evaluate the CONTRACTOR's attainment of program outcomes described in the Funding Application, or assess program services to individual program participants, independently of the CONTRACTOR and without notice to the CONTRACTOR, using any mechanism for said evaluation or assessment the County so chooses. The CONTRACTOR shall participate in said evaluation by providing requested information and responding to County requests within the County specified time frames. The CONTRACTOR shall also cooperate and assist in evaluation efforts undertaken by AASA, the Administration on Aging or any other agency or organization authorized by the County to conduct an evaluation of the CONTRACTOR's program(s).

9. Applicable Licensing Standards: The CONTRACTOR agrees to comply with all State, County and Local licensing standards, applicable accrediting standards, and any other standards or criteria established by AASA, the U.S. Department of Health and Human Services and/or the County to assure quality of services.
10. Other Funding: The CONTRACTOR agrees to seek other sources of funding for the services provided herein and which can be utilized by the aging network and to make such resources known to the County and thus all of Region IIIA.
11. Coordination of Services: The CONTRACTOR agrees to cooperate with the County in its efforts toward developing a comprehensive and coordinated system of services for the elderly by participating in joint planning efforts and other activities mutually agreed upon to meet this goal.
12. Employees: The CONTRACTOR agrees to inform the County of any changes to key personnel responsible for the implementation of programs funded through this Agreement. The CONTRACTOR also agrees to actively seek qualified older persons for paid and volunteer positions in their program.
13. Project Employee Training: The CONTRACTOR agrees to provide training appropriate and necessary to carry out job functions for all of its employees hired under this Agreement, and provide for participation by its staff in any and all training programs offered by the County or AASA.
14. Job Descriptions: The CONTRACTOR shall have job descriptions for all personnel assigned by the CONTRACTOR to perform the services set forth herein and said job descriptions shall be available to the County upon request, with the requirements of said job descriptions incorporated as a condition of this Agreement.
15. Volunteers: The CONTRACTOR shall have written procedures governing the recruiting, training and supervising of volunteers. Volunteers shall receive a written position description, orientation training and a yearly performance evaluation, if appropriate.
16. The CONTRACTOR assures that no sectarian religious activities will be promoted in whole or in part through the use of funding provided by the County through this Agreement.

B. COUNTY RESPONSIBILITIES

The County shall:

1. Provide payment in accordance with the terms and conditions of this Agreement, based upon appropriate reports, records, and documentation

maintained by the CONTRACTOR.

2. Provide payment within 45 business days, after approval of CONTRACTOR'S invoice.
2. Provide any report forms and reporting formats required by the County at the effective date of this Agreement, and provide the CONTRACTOR with any new report forms and reporting formats as implemented.
3. Provide the necessary administrative, professional, and technical assistance to the CONTRACTOR necessary to aid in accomplishing the stated purpose and objectives of this Agreement.
4. Notify the CONTRACTOR in writing of modifications to federal or state laws, rules and regulations affecting this Agreement.
5. Monitor the activities of the CONTRACTOR to ensure that awards are used for authorized purposes in compliance with laws, regulations and the provisions this Agreement, and that the CONTRACTOR is meeting its responsibilities under the terms of this Agreement.
6. Provide, as need indicates, technical assistance to the CONTRACTOR for the development and maintenance of quality services to be provided hereunder, the identification of other sources of funds, and the coordination of the services provided hereunder with other services and service providers.
7. Conduct a program and fiscal assessment of the CONTRACTOR at least annually. This federally required monitoring shall include compliance with contract objectives, fiscal procedures and quality of services. The County and the CONTRACTOR agree that on-site monitoring activities may be initiated at any time during the Agreement period and/or following termination of the Agreement.

The County shall give the CONTRACTOR 10 days' written notice prior to conducting said on-site activities. Written feedback will be given to the CONTRACTOR in a timely manner. If necessary, corrective action plans shall be submitted in accordance with County policy.

C. FINANCIAL REQUIREMENTS

1. For services provided under this Agreement, the County will reimburse the CONTRACTOR under two reimbursement methods:
 - a) The County will reimburse the CONTRACTOR under an Expenditure Reimbursement method for service provided under this Agreement in the following service categories: Senior Center

Staffing/Operations, Home Injury Control, Legal Assistance, Caregiver Education, Support and Training, Transportation. Funding for each service listed above must be supported by a completed Budget Summary hereby made part of this Agreement through reference to the Funding Application. The required match and units of service for each service category are also specified. Kalamazoo County Senior Millage funds do not require a match.

- b) The County will reimburse the CONTRACTOR under a Fixed Unit Rate method for actual units of service provided under this Agreement in the following service categories: Adult Day Services, Caregiver Counseling, Congregate Meals, and Home Delivered Meals. A Fixed Unit Rate Reimbursement method is a reimbursement mechanism by which agencies are reimbursed a specific amount for each unit of service actually delivered and reported. The Fixed Unit rate and maximum amount available under this Agreement are listed below for each service category. Funding for each service listed above must be supported by a completed Fixed Unit Rate Contract Budget hereby made part of this Agreement through reference to the Funding Application. Actual units performed by the CONTRACTOR will only be reimbursed at the agreed upon rate detailed above. During the agreement period, this rate may only be revised at the mid-year point following negotiation with the County.

All providers receiving State Respite Funds must use the current AAA Cost Sharing Schedule.

- 1) For non-Tobacco Settlement Funding, the contracted rate below includes the match the CONTRACTOR is required to provide for each service category. The County will reimburse the CONTRACTOR at 90% of the contracted rate, with the remaining 10% to be supported by the CONTRACTOR as their required local match.
- 2) For Tobacco Settlement Funding, no local match is required for services performed in the Tobacco Settlement Respite Program. The CONTRACTOR will be reimbursed 100% of the Fixed Unit Rate for services performed up to the maximum listed below.
- 3) For Kalamazoo County Millage Funding no local match is required for services. The CONTRACTOR will be reimbursed 100% of the Fixed Unit Rate for services performed, up to the maximum listed below in (c).

- c) The Funding Period will be from October 1, 2019 to September 30, 2020.

Service	Cost/Unit	Capacity/ Units
Senior Center Support	\$70,400.00	2,080 hours/year

- d) If this Agreement is funded in part with federal dollars, the Catalog of Federal Domestic Assistance number (CFDA #) for each federal program as well as the percentage of Federal Financial Participation (FFP) are indicated as well.
2. Expenditures under this Agreement shall be payable subject to and contingent upon the availability of funds. If funds become unavailable for any reason, the CONTRACTOR will be notified and performance of services hereunder shall no longer be required of the CONTRACTOR.
3. Budget Transfers and Adjustments
 - a. Transfers between categories within any program budget supported in whole or in part by funding provided through this Agreement under an Expenditure Reimbursement method shall be limited to increases in an expenditure budget category by \$2,000 or fifteen percent (15%), whichever is greater. This transfer authority does not authorize establishment of new budget categories, purchase of additional equipment items or new subcontracts without prior written approval of the County.
 - b. Any transfers or adjustments, other than those covered by the above provisions, including any related adjustment to the total amount of the budget, must be made in writing through a formal amendment executed by all parties to this Agreement in accordance with Section R of this Agreement.
4. For non-Tobacco Settlement funded services, pursuant to Section 21.8f (1) and (2) of the Older Americans Act of 1965, the CONTRACTOR assures that:
 - a. Non-federal resources used to match other Federal grants or contracts may not be used to match Title III funds.
 - b. Federal cash or in-kind resources acquired during current or prior years may not be used to match funds provided under Title III unless otherwise specifically authorized by federal statute.

Furthermore, Section 22.6c(2)(f) indicates that non-federal resources shall

be accepted as part of the CONTRACTOR's match or cost sharing only when they are not borne by the Federal Government directly or indirectly under any other program. Federal funds, as described above, may not be used as match for the purposes of obtaining or retaining any and all funds under the Older Americans Act.

5. The CONTRACTOR will prepare and submit a detailed Financial Invoice to the Area Agency on Aging, Health and Community Services Department, 311 E. Alcott St., Kalamazoo, MI 49001. Invoices will be submitted quarterly and are due no later than ten (10) days after the close of each quarter. For Fixed Unit Rate reimbursement agreements, the FSR must reflect the number of units of service actually performed times the fixed unit rate authorized under this Agreement.
6. The County and the CONTRACTOR shall be responsible for fiscal planning to detect overspending or underspending. If any service category is underspent or overspent by **10%** or more per quarter, the County reserves the right to require planning or modification, to recapture the underspent portion or to take other appropriate action.
7. The CONTRACTOR understands and agrees that contract activities shall be approved for a period of one (1) year(s) at a time. Duration of support for activities is dependent upon the needs of older persons, how well the project is meeting its stated objectives, assessment results, and is also subject to the availability of funds.
8. The County may, at its option, provide an operating advance to the CONTRACTOR to assist in initiating the program. The advance amount requested must be reasonable in relationship to the CONTRACTOR's projected expenses for the first month. Subsequent payments based on the monthly FSRs shall be made on a reimbursement basis to replenish the advance. Requests for advances must be submitted to the County with supporting documentation for review and disposition by the County.

The advance will be applied towards payment of the final monthly FSR, and reconciled against the CONTRACTOR's final expenditures for the Agreement period.

9. Any equipment purchases supported in whole or in part by County funding must be approved in advance by the County. Equipment means tangible, non-expendable, personal property having a useful life of more than one (1) year and an acquisition cost of \$5,000 or more per unit. Title to equipment having a unit acquisition cost of less than \$5,000 shall vest with the CONTRACTOR upon acquisition. The County reserves the right to retain or transfer the title to all items of equipment having a unit acquisition cost of \$5,000 or more, to the extent that the County's proportionate interest in such

equipment supports such retention or transfer of title.

10. Program Income is income, which is dependent upon the availability of funds from the County. Income which is earned independent of the availability of funds from the County is considered to be other resources. The CONTRACTOR shall account for Program Income using the additive alternative. Under this alternative, the income is to be used for allowable costs under the program through which it was generated to increase or expand the services offered.

For Fixed Unit Rate agreements, program income collected must be used to either reduce the amount of reimbursement or increase the number of units of service called for in this Agreement. If anticipated Program Income is a component of the established unit rate, any amount received above the contracted rate must be used to either reduce the amount of reimbursement, or to increase the number of contracted units of service. If anticipated Program Income is not a component of the unit rate, all Program Income received must be used to either reduce the amount of reimbursement or increase the number of contracted units of service.

If the CONTRACTOR is also a non-profit organization, all funds received in excess of expenditures must be used to expand the number of units of service to be provided or to enhance their ability to operate under this Agreement. Such excess funds must be re-budgeted with prior written approval from the County. Final reimbursement for the agreement period may be reduced to ensure compliance with this requirement.

11. The CONTRACTOR shall comply with the requirements of the Single Audit Act Amendments of 1996, Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as applicable. The County shall be provided with one (1) copy of the CONTRACTOR's annual audit reporting package. The audit reporting package and management letter are required to be filed with the County even if there are no findings reported in the audit pertaining to County programs.

The federal OMB Circular A-133 requires either a single audit or program-specific audit (when administering one federal program) of agencies that expend \$750,000 or more of federal grant funding during the CONTRACTOR's fiscal year. CONTRACTORS that fall below the single audit threshold are exempt from the single audit requirements; however, for CONTRACTORS receiving \$100,000 or more of total County funding, a copy of the financial audit prepared in accordance with generally accepted accounting standards must be submitted as a minimum requirement of the County.

The CONTRACTOR must also assure that each of its subcontractors comply with the above audit requirements, as applicable, and provide for other sub-recipient monitoring procedures, as deemed necessary.

A copy of the audit-reporting package and management letter, or financial audit, must be submitted to Kalamazoo County Administration, Finance Department, 201 W. Kalamazoo St., Kalamazoo, MI 49007 within 180 days after the CONTRACTOR's fiscal year end.

12. The CONTRACTOR assures that all purchase transactions, whether negotiated or advertised, shall be conducted openly and competitively in accordance with the principles and requirements of OMB Circular A-102 "Grants and Cooperative Agreements with State and Local Governments" (as revised), implemented through applicable portions of the associated "Common Rule" as promulgated by the responsible federal agency(ies), or A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations", as applicable. Records sufficient to document the significant history of all purchases shall be maintained for a minimum of three (3) years after the end of the Agreement period.
13. The CONTRACTOR shall comply with the OMB 2 CFR Chapters I and II, Parts 200, 215, 220, 225 and 230 of December 26, 2013, commonly known as the super Circular. Applicable sections include: OMB Circular A-122(2 CFR, Part 230), Cost Principles for Non-Profit Organizations or Circular A-87(2 CFR, Part 225), Cost Principles for State, Local and Indian Tribal Governments and Circular A-110(2 CFR, Part 215), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations or the Common Rule, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, as applicable.
14. The CONTRACTOR may request reimbursement only against the fiscal year in which the costs are incurred. The County shall not be liable for any costs incurred by the CONTRACTOR outside the specified agreement period.
15. Any disallowed expenditures under this Agreement, whether uncovered through the CONTRACTOR's annual audit, County monitoring activities or other means, shall be the liability of the CONTRACTOR and must be repaid from non-County funding sources.
16. Any unobligated balance of funds held by the CONTRACTOR at the end of the Agreement period will be returned to the County or treated in accordance with instructions provided by the County.

D. INDEPENDENT CONTRACTOR

It is understood and agreed by both parties hereto that the CONTRACTOR is an independent contractor. The County is not responsible for the CONTRACTOR's federal, state or local income tax deductions, or any other responsibilities of state or federal laws concerning employment status.

E. COMPLIANCE WITH APPLICABLE LAW(S)

Each party hereto, during the term of this Agreement, shall as it pertains to that portion of the Agreement for which each is responsible, at its own cost and expense, promptly observe and comply with all present and future laws, ordinances, requirements, orders, directions, rules and regulations of the Federal, State, County, and City governments, all their respective departments, bureaus, officials, or similar organizations, and of all other governmental authorities affecting this Agreement, whether such laws, ordinances, requirements, orders, directions, rules or regulations are in force at this time or may in the future be passed, enacted or directed. Each party shall pay all costs, expenses, liabilities, losses, damages, fines, penalties, claims and demands, including reasonable counsel fees that may in any manner arise out of or be imposed because of the failure of that party to comply with the covenants of this Section.

F. INSURANCE

The CONTRACTOR shall provide to the County of Kalamazoo a Certificate of Insurance for a commercial general liability insurance policy on an occurrence basis with policy limits of at least One Million Dollars (\$1,000,000) to include, but not be limited to, personal injury, bodily injury, property damage and contractual liability. This Certificate of Insurance shall specifically provide that the County of Kalamazoo and its officers, agents, employees, and representatives are named as additional insureds. In addition, the CONTRACTOR shall provide to the County a Certificate of Insurance covering Worker's Compensation for the CONTRACTOR's employees. The CONTRACTOR does not have to provide this Certificate if the CONTRACTOR is not required to provide Worker's Compensation for its employees. The CONTRACTOR shall also provide to the County a Certificate of Insurance providing for automobile bodily injury and property damage liability of at least Five Hundred Thousand Dollars (\$500,000). All of these Certificates of Insurance shall provide that the respective insurance policy cannot be canceled or coverage materially altered without providing a thirty-day written notice to the County. The usual words in the cancellation clause of the Insurance Certificate which state endeavor to and failure to mail such notice shall impose no obligation or liability of any kind upon the company shall be stricken. Failure of the CONTRACTOR to provide the Certificates of Insurance or receipt by the County of a notice of cancellation of the insurance policy(ies) by the CONTRACTOR's insurance company shall constitute a material breach of contract and this Agreement may be terminated immediately.

G. INDEMNIFICATION

The CONTRACTOR agrees to indemnify and hold harmless the County, its agents,

employees, officers and representatives and AASA, from all fines, costs, lawsuits, claims, demands and actions of any kind or nature, including reasonable attorney fees, which occur by reason of any act, negligence or omission on the part of the CONTRACTOR, its agents, employees, officers, or representatives, in performing this Agreement.

H. CONFIDENTIALITY

Both the County and the CONTRACTOR shall assure that services to and information contained in records of persons served under this Agreement, or other such recorded information required to be held confidential by federal or state law, rule or regulation, in connection with the provision of services or other activity under this Agreement, shall be privileged communication, shall be held confidential, and shall not be divulged without the written consent of either the client or person responsible for the client, except as may otherwise be required by applicable law or regulation. Such information may be disclosed in a summary statement, statistical, or other form which does not directly or indirectly identify particular individuals.

The CONTRACTOR assures the COUNTY that the CONTRACTOR will comply with the Federal HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT of 1996 (HIPAA) and as amended. Breach of this provision shall constitute a material breach of the contract and authorizes the COUNTY to, in its sole discretion, immediately terminate this Agreement.

I. PUBLICATION RIGHTS

Where activities supported by this Agreement produce books, films, or other such copyrightable materials issued by the CONTRACTOR, the CONTRACTOR may copyright such but shall acknowledge that the County reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish and use such materials, and to authorize others to reproduce and use such materials. This cannot include service recipient information or personal identification data. Any copyrighted materials or modifications bearing the County's name must be approved by the County prior to reproduction and use of such materials.

The CONTRACTOR shall give recognition to the County (and the state or federal funding source if applicable) in any and all publication papers and presentations arising from the program and service contract herein; the County will do likewise.

J. RECORD MAINTENANCE/RETENTION

The CONTRACTOR shall maintain adequate program and fiscal records and files including source documentation to support program activities and all expenditures made under the terms of this Agreement.

The CONTRACTOR assures that all terms of the Agreement will be appropriately adhered to and that records and detailed documentation for the project or program identified in this Agreement will be maintained for a period of not less than three

(3) years from the date of termination, the date of submission of the final expenditure report, or until audit findings have been resolved, whichever is later.

K. AUTHORIZED ACCESS

The CONTRACTOR shall permit, upon reasonable notification and at reasonable times, access by authorized representatives of the County, State, Federal Grantor Contractor, Comptroller General of the United States and State Auditor General, or any of their duly authorized representatives, to the extent authorized by applicable state or federal law, rule or regulation, to records, files and documentation related to this Agreement so long as such is in conformity with the Privacy Act of 1974. Access shall also be granted to the facilities being utilized at any reasonable time to observe the operation of the program.

L. NOTIFICATION OF MODIFICATIONS

The CONTRACTOR shall provide timely notification to the County, in writing, of any action by its governing board or any other funding source, which would require or result in significant modification in the provision of services or funding or compliance with operational procedures.

M. ASSURANCES

1. The CONTRACTOR assures that, in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (20 U.S.C. 794), Title IX of the Education Amendment of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), Section 223 of Title II, Public Law 93-113, the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), the regulations issued thereunder by the U.S. Department of Health and Human Services (45 CFR Parts 80, 84, 86 and 91), the Michigan Persons with Disabilities Civil Rights Act, as amended (Act 220 of the Public Acts of 1976), the Americans with Disabilities Act of 1990 (Public Law 101-336) and the Michigan Elliot-Larson Civil Rights Act, as amended (Act 453 of the Public Acts of 1976), no person shall, on the grounds of race, creed, color, age, gender, national origin or ancestry, religion, marital status, height, weight, or disability, be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity provided by the CONTRACTOR.

Further, the CONTRACTOR shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment because of race, creed, color, religion, national origin or ancestry, gender, age, marital status, height, weight, sexual orientation or disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Breach of this provision shall constitute a material breach of contract and authorizes the County to, in its sole discretion, immediately terminate this Agreement.

Additionally, assurance is given to the County that appropriate efforts will be made to identify and encourage the participation of minority-, women-, and handicapper-owned businesses in contract solicitations. The CONTRACTOR shall incorporate language in all contracts awarded: (1) prohibiting discrimination against minority-, women-, and handicapper-owned businesses in subcontracting; and (2) making discrimination a material breach of contract.

2. Assurance is hereby given to the County that the CONTRACTOR will comply with the Anti-Lobbying Act, Title 31 U.S.C. Section 1352 (added under Section 319 of Public Law 101-121) as revised by the Lobbying Disclosure Act of 1995 (Public Law 104-65) and Section 503 of the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act (Public Law 104-208). Further, the CONTRACTOR shall require that the language of this assurance be included in the award of all documents of all sub-awards and all tiers and that all sub-recipients shall certify and disclose accordingly.
3. Assurance is hereby given to the County that the CONTRACTOR will comply with Public Law 103-227, also known as the Pro-Children Act of 1994, which requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residence; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds is Medicare or Medicaid; or facilities where Women, Infants, and Children (WIC) coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity. The CONTRACTOR also assures that this language will be included in any sub awards which contain provisions for children's services.

The CONTRACTOR also assures, in addition to compliance with Public Law 103-227, any service or activity funded in whole or in part through this Agreement will be delivered in a smoke-free facility or environment. Smoking shall not be permitted anywhere in the facility, or those parts of the facility under the control of the CONTRACTOR. If activities or services are delivered in facilities or areas that are not under the control of the

CONTRACTOR (e.g., a mall, restaurant or private work site), the activities or services shall be smoke-free.

4. The CONTRACTOR will comply with the Hatch Act (5 U.S.C. 1501-1508) and Intergovernmental Personnel Act of 1970, as amended by Title VI of the Civil Service Reform Act (Public Law 95-454, Section 4728). Federal funds cannot be used for partisan political purposes of any kind by any person or organization involved in the administration of federally-assisted programs.
5. The CONTRACTOR, for programs or elements utilizing funds provided by the County, the State of Michigan or the federal government of amounts in excess of \$100,000, shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act of 1970 (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR Part 15).
6. The CONTRACTOR assures that it is not listed in the register compiled pursuant to Section 2 of P.A. 278 of 1980. The CONTRACTOR is prohibited from subcontracting with any employer whose name is included on this list. This Act prohibits the State of Michigan and its subcontractors (the County) from entering into contracts with certain employers who engage in unfair labor practices. Breach of this provision shall constitute a material breach of the contract and authorizes the County to, in its sole discretion, immediately terminate this Agreement.
7. The CONTRACTOR, for programs or elements utilizing funds provided by the County, the State of Michigan or the federal government in excess of \$2,000 for construction or repair, shall:
 - a. Comply with the Copeland Anti-Kickback Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3).
 - b. Comply with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5) (if required by Federal Program Legislation).
 - c. Comply with Section 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). This provision also applies to all other contracts in excess of \$2,500 that involve the employment of mechanics or laborers.
8. The CONTRACTOR assures the COUNTY that the CONTRACTOR will comply with the Federal HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT of 1996 (HIPAA). Breach of this provision shall constitute a material breach of the contract and authorizes the COUNTY to,

in its sole discretion, immediately terminate this Agreement.

N. DEBARMENT AND SUSPENSION

The CONTRACTOR states that it will comply with Federal Regulations 45 CFR Part 76 to the extent that such regulations apply to the CONTRACTOR and the CONTRACTOR certifies, to the best of its knowledge and belief, that:

1. The CONTRACTOR is not currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Agency or Department; and
2. The CONTRACTOR has not, within the three year period preceding this Agreement, been convicted of or had a civil judgment rendered against it for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or agreement under a public commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and
3. The CONTRACTOR is not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state or local) with commission of any of the offenses enumerated in section 2 above; and
4. The CONTRACTOR has not, within the three year period preceding this Agreement, had one or more public transactions (federal, state or local) terminated for cause or default.

O. ASSIGNMENT

The CONTRACTOR may not assign its interest in this Agreement, or employ subcontractors, without the express, written, consent of the County. The CONTRACTOR assures for any subcontracted service, activity or product that:

1. A written subcontract is executed by all affected parties prior to the initiation of any new subcontract activity. Exceptions to this policy may be granted by the County upon written request.
2. Any executed subcontract becomes part of this Agreement and shall require the subcontractor to comply with all applicable terms and conditions of this Agreement. In the event of a conflict between this Agreement and the provisions of the subcontract, the provisions of this Agreement shall prevail. A conflict between this Agreement and a subcontract, however, shall not be deemed to exist where the subcontract:
 - a. Contains additional non-conflicting provisions not set forth in this Agreement;
 - b. Restates provisions of this Agreement to afford the CONTRACTOR the same or substantially the same rights and

- c. privileges as the County;
Requires the subcontractor to perform duties and/or services in less time than that afforded the CONTRACTOR in this Agreement.
- 3. Any subcontract does not affect the CONTRACTOR's accountability to the County for the subcontracted activity.
- 4. Any billing or request for reimbursement is supported by a valid contract or subcontract and adequate source documentation on costs and services.
- 5. Copies of each subcontract shall be available for review by authorized County representatives or, upon request by the County, the CONTRACTOR shall forward copies of requested subcontracts for review.
- 6. Subcontractors are not required to purchase goods or services from the CONTRACTOR as a condition of their contractual agreement. Any goods or services purchased with state-administered dollars received through this Agreement must be supported by a selection process which includes a documented procurement process consistent with federal guidelines.

P. DISPUTE RESOLUTION

In the event a dispute arises between the County and the CONTRACTOR concerning the performance of this Agreement, the parties agree to meet, and negotiate in good faith, in order to attempt to resolve the dispute. Said meeting shall take place within thirty (30) days after one party sends the other party written notice identifying the cause or reason for the dispute and requesting a meeting. The County and the CONTRACTOR agree that neither party will file any lawsuits for the purpose of resolving a dispute until sixty (60) days after the date on which the parties held their final meeting to resolve the dispute. **THIS SECTION DOES NOT APPLY TO DISPUTES INVOLVING ACTS, CONDUCT, ERRORS, NEGLIGENCE OR OMISSIONS BY THE CONTRACTOR, WHICH ARE IDENTIFIED IN THIS AGREEMENT AS CONSTITUTING A MATERIAL BREACH OF THIS AGREEMENT.**

Q. STATE OF MICHIGAN AGREEMENT

This is a State of Michigan Agreement and is governed by the laws of Michigan. Any disputes arising as a result of this Agreement shall be resolved in the State of Michigan.

R. AMENDMENTS

The County or CONTRACTOR may from time to time request changes in the services to be performed as defined herein.

- 1. Whenever a material change in the content or administration of this Agreement or in the operations of the CONTRACTOR is necessary or

required, this Agreement document shall be appropriately revised. The COUNTY may elect to amend changes that occur in the funding chart through one final Amendment. Letter(s) of Notification will be sent to the CONTRACTOR regarding said changes and funds will be available upon signing of said Letter of Notification.

2. Revisions may be either a substantive amendment or an administrative revision.
 - a. Substantive Amendment: Any alteration in the agreement which substantially affects the character of the agreement such that it is essentially different from what was originally approved by the County shall be a substantive amendment. Amendments covering substantive changes shall be subject to the same process of approval which governs the original approval of the agreement, including final action by the County's policy board. Substantive amendments shall include the following:
 1. Significant changes in the project, including projections of clients or units;
 2. Any addition of a new service category, or deletion of a service category;
 3. A budget transfer of more than fifteen percent (15%) or \$2,000, whichever is greater, between approved line items within any service category;
 4. A change in the cost-sharing ratio;
 5. A change in the project period and budget year dates;
 6. A change in the rate per unit of reimbursement;
 7. Supplemental awards;
 8. Any alteration or changes in the rules, regulations, laws or policies to which the County must comply, or any termination or reduction in the allocation or allotment of funds provided to the County which require a change to this Agreement; and
 9. Other changes specified by County policy.
 - b. Administrative Revisions: Changes in the agreement which are made for the purpose of facilitating implementation of the project, but are minor in nature and do not change the essence of the project shall be considered administrative revisions. Administrative changes do not require approval of the County; however, the County shall be notified of any change together with the necessary documentation or justification. The County shall review the proposed revision and determine whether it is an administrative revision or a substantive amendment and shall respond to the CONTRACTOR in writing within ten (10) days of the receipt of the CONTRACTOR's request for revision.
3. All requests for amendments must be received by the County prior to July

15th of the fiscal year.

S. SEVERABILITY

If a court of competent jurisdiction declares any part, portion or provision of this Agreement invalid, unconstitutional or unenforceable, the remaining parts, portions and provisions of the Agreement shall remain in full force and effect.

T. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the Parties with respect to the subject matter identified in the Agreement, and no modification or revision to the Agreement shall have any force and effect unless it complies with the provisions of Paragraph heading Amendments of this Agreement. The failure of any Party to insist on the strict performance of any condition, promise, agreement, or undertaking set forth herein shall not be construed as a waiver or relinquishment of the right to insist upon strict performance of the same condition, promise, agreement or undertaking at a future time.

U. HEADINGS

The Headings or Titles of the SECTIONS and Paragraphs of this Agreement are provided for reference purposes only. If any discrepancy or disagreement exists between a Heading or Title and the text of the section or paragraph, the text shall control.

V. NOTICE

Any Notice/Communication required, or permitted, under this Agreement from one party to another, shall be deemed effective if the party sending the Notice/Communication hand delivers the Notice/Communication to the other party or if the party sends the Notice/Communication through first class mail to the other party. The parties agree that Notices and Communications should be sent to the parties at the following addresses:

COUNTY

Director

Area Agency on Aging Region IIIA

Kalamazoo County Health & Community Services Dept.

311 E. Alcott St., Kalamazoo MI 49001

Phone Number: (269) 373-5187

CONTRACTOR

Manager

Portage Senior Center

320 Library Ln., Portage, MI 49002

Phone Number: (269)-329-4555

W. PERIOD OF AGREEMENT

The term of this Agreement shall be from October 1, 2019 through September 30, 2020 unless terminated earlier as provided.

X. TERMINATION

1. Probation

- a. If through any cause the CONTRACTOR has failed to comply with the terms of this Agreement, the County may place the CONTRACTOR on probation, in whole or in part. The written notice of probation shall contain the reasons for the probation, any corrective action required of the CONTRACTOR, the effective date of the probation, and indicate that the CONTRACTOR has a right to appeal the decision following the appeal procedure included in the current AAA Appeal Procedure. Said notice of probation shall also be sent to the Director of AASA.
- b. During the probationary period, the CONTRACTOR will receive reimbursement for expenses incurred as part of this Agreement.
- c. If the CONTRACTOR fails to comply with the corrective actions, the County may initiate the suspension or termination of this Agreement.

2. Suspension

- a. If through any cause the CONTRACTOR has failed to comply with the terms of this Agreement, the County may suspend support for the CONTRACTOR's operations, in whole or in part.
- b. The written notice of suspension shall contain the reasons for the suspension, the effective date of the suspension, and indicate that the CONTRACTOR has a right to appeal the decision following the appeals procedure included in the Request for Proposal. The notice will be issued at least ten (10) days prior to the effective date of the suspension; however, under extreme conditions (danger to older persons or improper use of funds, for example) immediate notice of suspension may be given. Said notice of suspension shall also be sent to the Director of AASA. New obligations incurred by the CONTRACTOR during the suspension period will not be allowed unless the County expressly authorizes them in the notice of suspension or an amendment to it. Necessary and otherwise allowable costs which the CONTRACTOR could not reasonably avoid during the suspension period will be allowed if they result from obligations properly incurred by the CONTRACTOR before the effective date of the suspension and not in anticipation of suspension or termination.
- c. Upon suspension, the County shall determine whether the

CONTRACTOR shall be required to return any fund balance on hand.

- d. Reinstatement of operations shall be determined by the County if conditions warrant such action.

3. Termination

- a. This Agreement may be terminated prior to the end of the Agreement period for adequate cause. Examples of cause include, but are not limited to, the following:
 - 1. Availability of funds;
 - 2. CONTRACTOR violates the conditions under which this Agreement was approved;
 - 3. Program performance is inadequate as documented through monitoring visits;
 - 4. Other resources are unavailable;
 - 5. Assessment findings are inadequate for two (2) semi-annual assessments; and
 - 6. Suspension for more than three (3) consecutive months.
 - b. Notification of termination shall be issued to the CONTRACTOR in writing at least thirty (30) days prior to the effective date of termination and shall include the reasons for termination. This notice shall include any reports that must be completed, the CONTRACTOR's right to appeal following the appeals procedure included in the Request for Proposal. Said notice of termination shall also be sent to the Director of AASA.
 - c. Under extreme conditions, immediate termination procedures may be initiated.
 - d. This Agreement may be terminated by either party heretofore at will by providing a sixty (60) day written notice to the other party.
4. When this Agreement is terminated or completed, equipment and supplies purchased with contract funds must be disposed of in accordance with procedures prescribed by 45 CFR Part 74, Sub-part O (74.139) or 45 CFR Part 92, as applicable. Any funds realized from the sale of such equipment or supplies are an adjustment to the project cost.
5. When this Agreement is terminated or completed, the CONTRACTOR shall provide the County, within forty (40) days after conclusion or termination, all reports required as a condition of this Agreement. The County shall make payments to the CONTRACTOR for allowable reimbursable costs not covered by previous payments. The CONTRACTOR shall immediately refund to the County any payments or funds advanced to the CONTRACTOR in excess of allowable reimbursable expenditures.

Y. CONTINUATION

In the event that a new Agreement is not signed prior to the expiration of this Agreement, CONTRACTOR shall continue to provide the same programs and services specified in this Agreement for up to ninety (90) days if the County sends a written statement to the CONTRACTOR which states that the County wants the CONTRACTOR to continue to provide the same programs and/or services. During the continuation period the County shall, subject to the availability of funding, compensate CONTRACTOR at the rate(s) set forth in this Agreement. If the parties enter into a new Agreement after the end of the continuation period, the new Agreement may, but is not required to, consider providing the CONTRACTOR with additional compensation for the programs and/or services CONTRACTOR provided during the continuation period.

Contract # HCS2019012

Z. SIGNATURES

The individual or officer signing this Agreement certifies by his or her signature that he or she is authorized to sign this Agreement on behalf of the responsible governing board, official or agency.

FOR THE CONTRACTOR

APPROVED AS TO FORM

DATE 12/12/2019


CITY ATTORNEY

Signature: (Owner)

Date

FOR THE COUNTY OF KALAMAZOO

Julie Rogers, Chairperson

Date

Timothy A. Snow, County Clerk/Register,

Date

Z. SIGNATURES

The individual or officer signing this Agreement certifies by his or her signature that he or she is authorized to sign this Agreement on behalf of the responsible governing board, official or agency.

FOR THE CONTRACTOR

Signature: (Owner) _____ Date _____

FOR THE COUNTY OF KALAMAZOO

Julie Rogers, Chairperson _____ Date _____

Timothy A. Snow, County Clerk/Register, _____ Date _____

Z. SIGNATURES

The individual or officer signing this Agreement certifies by his or her signature that he or she is authorized to sign this Agreement on behalf of the responsible governing board, official or agency.

FOR THE CONTRACTOR

Signature: (Owner)

Date

FOR THE COUNTY OF KALAMAZOO

Julie Rogers, Chairperson

Date

Timothy A. Snow, County Clerk/Register,

Date



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

October 17, 2019

City of Portage
Portage Senior Center
Kim, Phillips,
320 Library Lane
Portage, MI 49002

SUBJECT: Notice of Recommendation

Dear Ms. Phillips:

This letter is in regard to the Request for Proposal (RFP), issued by Kalamazoo County Government Purchasing Department for the Senior Millage Phase II. After careful deliberation, the County's evaluation team has determined that it will recommend that the City of Portage is awarded the amount of \$70,400.00. The awarded funds are to be used for seniors ages sixty and above.

If the recommendation is approved, I will be sending you a fully signed contract. This Notice does NOT constitute the formation of a contract between the County and the City of Portage. The City of Portage shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions is acceptable to the County and the City of Portage is executed.

Thank you for your interest in doing business with Kalamazoo County.

Sincerely,

Georgia Bryant
Purchasing Manager

PURCHASING

201 West Kalamazoo Avenue | Kalamazoo, MI 49007

Phone: 269.383.8967 Fax: (269) 383-6448 | www.kalcounty.com

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Confirmation of City Clerk

SUPPORTING PERSONNEL: Adam Herringa, Deputy City Manager

ACTION RECOMMENDED: Confirm the appointment of Erica Eklov as City Clerk effective January 15, 2020.

Erica Eklov began her service with the City of Portage in November 2009 as a contract employee assisting the Office of the City Assessor with updating records and enhancing customer service. In July 2010 she was hired as the Administrative Assistant in the Office of the City Manager. Following many years of exemplary service she was promoted to Deputy City Clerk on November 20, 2017. To meet City Charter requirements, she was named interim City Clerk on December 17, 2019. Ms. Eklov has a Bachelor of Arts degree in Public History/Communications from Western Michigan University and a Masters of Science in Historic Preservation Planning from Eastern Michigan University. Her performance as Deputy City Clerk has been excellent and she is fully capable of performing the duties and responsibilities of the position. She has my full support to serve as City Clerk.

It is recommended that City Council confirm the appointment of Erica Eklov as City Clerk with an effective date of January 15, 2020.

FUNDING: Funds are available in the Department of Community Development and Office of the City Clerk FY 2019-2020 General Fund budgets.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: 2020 March Board of Review

SUPPORTING PERSONNEL: Meshia Rose, Deputy City Assessor

ACTION RECOMMENDED: Approve the recommendations regarding the Board of Review as follows:

1. adopt the resolution setting the schedule for the 2020 March Board of Review;
2. approve the use of two, three-member, Board of Review panels for the March Board of Review; and
3. appoint six members to 2020 March Board of Review.

The Board of Review meets annually in March for the purpose of hearing current-year property assessment appeals. The attached resolution has been prepared to set the meeting dates for the first and second sessions of the Board of Review in accordance with the City Charter. It is anticipated that the 2020 residential assessment change notices will be mailed to property owners the week of February 10, 2020, allowing property owners sufficient notification of the Board of Review dates.

Under the provisions of the City Charter, the City Council may appoint three, six or nine Board of Review members divided into one, two or three panels. Training for Board of Review members will consist of two seminars which will include a session hosted by David Rice, of Edward Rose & Sons. The date and time of this training is yet to be determined. The second session is to be held by the State Tax Commission on February 7, 2020, from 9:00 AM to 12:00 PM at the Kalamazoo County Expo Center.

Based on the above information and the outcome of the Board and Commission interviews on Tuesday, January 14, 2020, it is recommended that City Council adopt the resolution setting the schedule for the 2020 March Board of Review, approve the use of two, three-member, Board of Review panels for the 2020 March Board of Review and appoint six members to the 2020 Board of Review.

FUNDING: N/A

Attachments: 1. 2020 MBOR Resolution

CITY OF PORTAGE

2020 BOARD OF REVIEW RESOLUTION

Moved by Council Member

Supported by Council Member

WHEREAS, the City Charter of the City of Portage, Section 8.6, requires that the City Council set the date, time of day, and place for the meeting of the first and second sessions of the Board of Review.

NOW, THEREFORE, BE IT RESOLVED that the Board of Review shall convene in its first session on Monday, March 9, 2020, at 9:00 AM for the organizational meeting in Conference Room 1 located at City Hall, Portage, Michigan and shall continue for appointments on Tuesday, March 10, 2020, in Conference Room 2 at the same location, commencing at 12:00 PM to 5:00 PM and from 6:00 PM to 7:30 PM and shall continue in session on Wednesday, March 11, 2020, from 12:00 PM to 5:00 PM and 6:00 PM to 7:30 PM and shall continue in session on Thursday, March 12, 2020, from 9:00 AM to 12:00 PM and 1:00 PM to 4:00 PM, and on such additional days as may be required to hear all persons who have given notice of a desire to be heard.

BE IT FURTHER RESOLVED that the Board of Review shall convene in its second session on Tuesday, March 24, 2020, in Conference Room 1 from 9:00 AM until all interested parties have been heard, but not less than 6 hours.

BE IT FURTHER RESOLVED that members of the Board of Review shall be compensated each at the rate of \$100.00 per day for each day or portion thereof as they may be legally in session pursuant to the discharge of their duties.

BE IT FURTHER RESOLVED that notice of the times and place of the sessions of the Board of Review shall be published in a newspaper of general circulation in the City no less than ten (10) days prior to the first meeting of the Board of Review in three (3) successive issues of the newspaper.

Appointments are available by calling the City Assessor's Office.

ADOPTED: YEAS:

NAYS:

ABSENT:

Erica Eklov, Interim City Clerk

CERTIFICATE

I certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan held on the 14th day of January 2020, the original of which resolution is on file in my office.

APPROVED AS TO FORM
DATE 1/3/2020
RE
CITY ATTORNEY

Erica Eklov, Interim City Clerk

Minutes of Boards & Commissions

Environmental Board Meeting Minutes

11.13.19 Meeting

Call to Order:

-Meeting called to order at 7:00pm.

-Members Present: Chair Roger Lonoza, Vice Chair Deirdre Nieves, Jerry Kroehn, Chelsea Huber, Loren Kimeldorf, Kevin Park, Thomas Shaffer, Lauren McMullan, Joe Chamberlin, Assistant City Engineer Jamie Harmon, Grace Freed (Youth Advisory Committee)

-Excused Members: N/A

-Unexcused Members: N/A

-Guests: City Manager Joe La Margo and Councilman Chris Burns

-Prior meeting minutes approved.

Deer Population Recommendations Finalization:

-Board members made a few minor changes to letter

-Discussed drones again

-Roger will add language to the letter referencing drones

-Lengthy discussion about the need for a survey, as one Board member had concerns about the necessity.

-City Manager affirms the need for a survey and baseline

-Board voted to send out letter, all in favor, one opposed.

Mosquito Eradication Update:

-Discussed the bacteria BTE used to control larvae as a preferred method: it has no affects to animals or organisms.

-Another option is to plant plants that attract predators

-Education for at-home remedies will also be important

-Formulated a Mosquito Team: Thomas and Joseph

-Recommendation to be presented by next meeting in order to be on track to include in the next budget proposal.

Climate Emergency/Climate Action Plan Update:

-Councilman Burns discussion:

-Burns handed out info on C-PACE program (Commercial Property Assessed Clean Energy); a tool that can finance energy efficiency and renewable energy improvements on properties.

-He again reiterated what Larry Shaffer said prior to his retirement, which is that the City is not interested in doing a resolution, so a full Climate Action Plan should be our goal.

-Burns also discussed doing Clean Energy Audits which measures

emissions/pollutants and recommends improvements as updates and maintenance is done on buildings.

- Burns stressed the importance of programming and education as another important piece to obtaining an environmentally friendly community.

- Burns assured the Board he would work with us and our ideas to develop a culture of encouragement and way of thinking to be environmentally mindful.

- Climate Subcommittee update:

- Subcommittee met once as a whole and then a few members met with Dr. Clements. More meetings anticipated.

- Four areas of concentration: 1) Operational; 2) Budget; 3) Timeline; 4) Goals

- Emissions studies will be an important piece: may need to find a city with similar make-up and use as a baseline.

- Subcommittee completed a skeletal outline, will send out a more substantive outline to Board.

Miscellaneous Topics:

- Discussed expanding meetings to 2 hours

- Voted to have meetings from 7:00 – 8:30pm, with extra time from 8:30-9:00 for subcommittee meetings.

Guests Next Month:

- Kathleen Hoyle for invasive species control plan??

Motion to dismiss; approved:

- Meeting ended at approximately 8:30pm.

/s/ Portage Environmental Board

Environmental Board Meeting Minutes

12.11.19 Meeting

Call to Order:

-Meeting called to order at 7:00pm.

-Members Present: Chair Roger Lonoza, Vice Chair Deirdre Nieves, Jerry Kroehn, Chelsea Huber, Loren Kimeldorf, Kevin Park (remotely via teleconference), Thomas Shaffer, Lauren McMullan, Joe Chamberlin, Assistant City Engineer Jamie Harmon

--Excused Members: N/A

--Unexcused Members: N/A

--Guests: Kathleen Hoyle, Director of Parks & Rec
Joe Whilhelme, Parks & Rec

-Prior meeting minutes approved.

Kathleen Hoyle Invasive Species/Land Management Plan Discussion

--Discussed how Parks & Recs is getting ready for the implementation of the plan for land management and to combat invasive species.

--Hoyle provided the Board with a written scope of the project that will be made available for bids as well as a list of priority parks that most efforts will be focused on.

--Contract to be awarded 2/26, in April work will begin, and evaluations will be conducted every 3 years to see if the company used and the plan executed are effective.

--An annual picture-monitoring program will be set up to document progress

--Board raised concerns with herbicides and their effect on other non-invasive species.

--Hoyle reassured that the preference will always be for environmentally-friendly products, but effectiveness is a priority.

--She gave the example of the Glossy Buckthorn which has totally taken over Bishop's Bog....the process will be eradication and then restoration (particularly of the shoreline).

--Native plants and gardening education program for the community is just getting started and will be another piece to plan.

--Hoyle was appreciative of the Board's efforts during the invasive species pulls and wants those to continue in conjunction with the plan.

--She suggested using those who have adopted the parks to assist in these pulls.

--The Board and Hoyle decided on the following dates and locations for the 2020 invasive pulls:

-April 25: Ramona

-May 2: Lexington

-May 9: S Westnedge

-May 16: West Lake

-May 30: Schrier

-June 6: Bicentennial

-Board discussed enhancing the invasive pulls by providing refreshments to volunteers and continuing to use high-school seniors who need hours for graduation.

Mosquito Eradication Update (with Kathleen Hoyle and Joe Whilhelme contributing):

- Discussed implementing a working group with other city departments prior to taking recommendations to the City Manager for consideration.
- Discussed dragonflies and dragonfly plants and that they are not only good for bees, but are predators to mosquitos
- Hoyle indicated that MSU put traps in the bogs to trap and test mosquitos and that this will continue.
- A guest from the community mentioned her concerns regarding the effect of mosquito sprays on pollinators and the obvious concerns of individual citizens (many of whom opted out of the EEE spraying).
- Target goal set for January for a meeting and then written recommendations by the Board by February meeting.

Portager Contribution Discussion/Plan of Action:

- Board discussed using the Portager as an avenue with which to get out our message and events.
- Board to plan out a submission each month educating on things like the mosquito plan, climate change, invasive species, and reading recommendations.

Climate Action Plan Update:

- Subcommittee members passed around the Executive Summary to the Board.
- Reiterated that our job is to lay the foundation or framework for the City to adopt and then hire a company for an emissions audit and a Climate Action Plan.
- Discussed having any comments about the Executive Summary from Board members within the next couple weeks for revisions.

Motion to dismiss; approved:

- Meeting ended at 8:40pm.

/s/ Portage Environmental Board

Portage Senior Citizens Advisory Board

Minutes: November 2019

ATTENDANCE:

Bill Wieringa, Joe Magalski, Sharon White, Larry Smith, Trudy Riker, Doug Gilchrist, Linda Zoeller, Mary Lou Petrulio, John Lobo, Tony Lorentz

Absent Excused: Art Roberts

Absent Un-excused:

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

Staff: Kim Phillips

Call to order time: 2:30 PM

Introduction of Joe Magalski, round-table introductions.

The minutes for October were approved with the correction of the next meeting being in November 20.

Special Events:

A list of upcoming events was distributed to board members.

Travel Program, Trudy Riker:

There were a number of recent trips that went out, all successful with waiting lists. Awesome Autumn, Detroit, and Honoring our Veterans. Tanger Outlet mall was cancelled due to lack of interest. The trip committee is doing well.

Friends of PSC Board Update, Trudy Riker:

The Donor Appreciation event was enjoyed by 40-50 participants. Their retreat will take place January 21st at city hall. Board member's election of officers will take place next month. The fall appeal was mailed and is getting a good response. Tax exempt request and fundraising license requests were submitted on time. Congratulations to Kim who just became a board member for Michigan Association of Senior Centers (MASC).

Legislative Update, Art Roberts:

Art is traveling, there was no legislative update.

Youth Advisory Board update, Megan Chow:

The youth board officer elections took place at the October meeting. The group will be helping with the Portage Community food basket packing for distribution and volunteering in December for the annual Adopt-

a-Family coming up. This group is also talking about doing something to advocate for climate change awareness. Megan is the chair-person of the youth advisory board.

Managers Report, Kim Phillips:

The report was distributed to board members. PSC membership is up 15% from last year at this time. The MASC conference was a lot of fun, Kim returned to Portage a board member. The total for the bake sale event was almost \$3,000. A collection for children's gloves is being taken currently for the PSC Needlers to put with their scarves and hats to distribute to the area's kids in need. We are also collecting food for Thanksgiving baskets, after which the center will adopt a family and have our annual *tree of giving* set up in the lobby.

Kim just finished a webinar about the link between exercise and physical & mental health which was very good and she will share the power point or links with the board as they are available.

Old Business:

The election of officers resulted in the following:

Chair person, Doug Gilchrist
Vice Chair, Larry Smith
Secretary, Joe Magalski

New Business:

The Advisory Board Member Agreement document was distributed for review by the board. Please review the document and note any changes you would like made for the December meeting. Part of PSC Accreditation requires that we have statements signed by the members of both boards. This document outlines responsibilities and commitments. Kim will email the form for the board members to sign.

Report to the City Council once a year. The report consists of progress toward goals. December 3rd at 7:00 PM. Board members are encouraged to come as a show of support.

Activity Reminders:

Thanksgiving lunch is tomorrow at noon, we have 96 participants with 36 on a wait list.

December's lunch will be a trial of using the long tables and new configuration to increase attendance.

Movie screening of the movie Book Club with Jane Fonda

Rooted is a Kalamazoo based organization specializing in African American dance, which will be performing on Tuesday, December 10 at 4:00 and again on Thursday, December 12 at 1:30. They will also be performing for Kwanzaa on December 17 at 4:00. These presentations are free and open to the public.

Advisory Board Comments:

Sharon White asked about the pledges for the building fund donor wall.

Megan offered to volunteer for any needs of the Advisory Board. Kim suggested they might offer cell phone help to seniors which has been done in the past and was very popular.

Citizen comments:

Kathleen Hoyle commented that the board is always cutting edge and commended the board as a whole.

Time Adjourned: 3:08 PM

Next meeting: Wednesday, December 18, 2:30 PM

PLANNING COMMISSION

December 5, 2019

The City of Portage Planning Commission meeting of December 5, 2019 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No 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; Randy Brown, City Attorney; Kyle Mucha, Zoning & Codes Administrator.

ROLL CALL

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

APPROVAL OF MINUTES

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

SITE/FINAL PLANS

None.

PUBLIC HEARING

None.

NEW BUSINESS

1. Historic District Modifications and Ordinance Amendments. Mr. Mucha summarized the November 27, 2019 Department of Community Development staff report regarding staff initiated amendments to the historic district ordinance. Mr. Mucha indicated the proposed amendments constituted clean-up amendment to address parcel references and legal description inconsistencies within the current ordinances. Mr. Mucha provided a brief history of the five properties involved in the proposed amendments. Mr. Mucha stated that three properties (214 Brown Avenue, 309 East Centre Avenue and 1324 West Milham Avenue) are proposed to be removed from the district since the historic structures were either demolished or removed back in 2002, 2000 and 1993, respectively. Mr. Mucha stated the other two properties (3821 West Milham Avenue and 10234 East Shore Drive) had recent historic district modifications approved in 2015, however, the legal descriptions were not properly removed/updated in the ordinance.

After a brief discussion, a motion was made by Commissioner Myer, seconded by Commissioner Baldwin, to recommend that the Historic District Modifications and Ordinance Amendments be approved. The motion was unanimously approved 7-0.

2. Farmland and Open Space Preservation Application: Robert and Charlene DeBoer, 5904 East O Avenue (Pavilion Township). Mr. West summarized the November 27, 2019 Department of Community Development staff report regarding a Farmland and Open Space Preservation Application received from Robert and Charlene DeBoer at 5904 East O Avenue in Pavilion Township. Mr. West stated that Michigan Public Act 116 affords adjacent communities located within three (3) miles of the subject property the opportunity to comment on the application. Mr. West indicated that staff has reviewed and supports the application as a mechanism to encourage farmland and open space preservation within rural areas and to discourage urban sprawl.

A motion was made by Commissioner Myer, seconded by Commissioner Pezzoli, to accept the Farmland and Open Space Preservation application for Robert and Charlene DeBoer, 5904 East O Avenue (Pavilion Township). The motion was unanimously approved 7-0.

3. January 2020 Planning Commission Meeting Schedule Change. Mr. West discussed the current Planning Commission meeting schedule for January 2020 being January 2nd and 16th (1st and 3rd Thursday) and suggested a change to January 9th and 23rd given the New Year holiday and the fact that there are five Thursdays in the month of January.

After a brief discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Baldwin, to change the January 2020 Planning Commission meeting schedule from January 2nd and 16th, to January 9th and 23rd, 2020. The motion was unanimously approved 7-0.

STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Joshi encouraged area residents and citizens to consider serving as an election worker for the 2020 campaign cycle. Commissioner Joshi indicated they are paid positions and Kalamazoo County is seeking 250 area residents to assist as election workers, due to the anticipated high voter turnout for the 2020 election.

Chairman Corradini thanked city staff for the continued hard work as it relates to leaf pickup, and expressed gratitude that the workers are tackling leaf pickup in all weather conditions.

Chairman Corradini stated it is an honor, regardless of political affiliation, to have national leaders visit the City of Portage.

OLD BUSINESS

None.

7:17 p.m. – The Commission adjourned to City Hall Conference Room No. 1

7:21 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

NEW BUSINESS

1. 2019-2020 Neighborhood & Community Enhancement Program Applications. Mr. West summarized the November 27, 2019 Department of Community Development staff report regarding the Neighborhood & Community Enhancement Program. Mr. West provided a brief summary of the origins of the Neighborhood & Community Enhancement Program, the criteria for project eligibility (physical improvement on public property or on private property with an appropriate easement having a minimum project cost of \$10,000), the project evaluation criteria, and the role of the Planning Commission in reviewing the submitted applications. Mr. West stated a total of \$25,000 has been allocated in the FY 2019-2020 Capital Improvement Program (CIP). Mr. West then provided an overview of the five applications received for FY2019-2020: 1) Portage District Library Outdoor Drinking Water Fountain; 2) Woodlawn Drive Sanitary Sewer Lift Station Enhancements; 3) South Westnedge/Dawnlee Avenue Traffic Light and Signage; 4) Tattersall Road Traffic Calming; and 5) Operating Funds for the Environmental Board.

Regarding the Portage District Library Outdoor Drinking Water Fountain application, Mr. West summarized the proposed project that involved installation of an outdoor water fountain along the north side of the library near the multi-purpose trail. The Commission and staff next discussed and concurred that the project meets the eligibility requirements for consideration. Chairman Corradini expressed some concern about the proposed location for the fountain and the availability of water. Mr. West indicated that further engineering review would be necessary to confirm the most appropriate location for the proposed drinking fountain.

Mr. West next summarized the Woodlawn Drive Sanitary Sewer Lift Station Enhancements application. The Commission and staff next discussed and concurred that the project meets the eligibility requirements for consideration. Chairman Corradini provided background information on the design and feasibility of proposed enhancements, and the impact such enhancements would have on the contract staff whom service the lift stations. Chairman Corradini also indicated such proposed enhancements would need long term maintenance/general upkeep from area residents, and inquired if area residents are willing to maintain the enhancements. Mr. West stated that further internal staff discussion would be necessary to determine what enhancements would be possible without interfering with access to the lift stations.

Mr. West next summarized the South Westnedge Avenue/Dawnlee Avenue Traffic Light and Signage application and indicated the "No-Left Turn" sign into the Pep Boys site will be replaced by the city. The Commission and staff next discussed and concurred that the proposed traffic light was beyond the scope of the Neighborhood & Community Enhancement Program. Chairman Corradini stated that adjustments to the existing traffic signal timing may be possible to address the concerns regarding difficulties making a left-turn from Dawnlee onto southbound South Westnedge Avenue.

Mr. West next summarized the Tattersall Road Traffic Calming application and stated that sidewalk installation along Tattersall and intersection streets was scheduled for FY 2020-2021 as part of the Local Street Reconstruction program. Mr. West also indicated that \$25,000 annually was allocated in the CIP for Local Street Calming projects. The Commission and staff next discussed and concurred that the project meets the eligibility requirements for consideration, if it will not be included in the upcoming Local Street Calming.

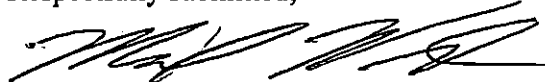
Mr. West next discussed the Environmental Board Operating Funds application. The Commission and staff briefly discussed and concurred that the project did not meet the eligibility requirements for the Neighborhood and Community Enhancement Program since it did not propose a physical improvement on public property.

Mr. West distributed Program Evaluation Criteria Scoring sheets and requested that the Planning Commission continue to review the eligible applications over the next few weeks and score each project proposal. Mr. West indicated that a follow-up meeting would be scheduled in January to conclude the application reviews, tabulate the Commission scoring for each eligible application and to formulate a formal recommendation for project funding.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:07 p.m.

Respectfully submitted,



Michael West, AICP
Senior City Planner

MATERIALS TRANSMITTED

Tuesday, December 17, 2019

1. Communication from the City Manager regarding the Proposed Water System Ordinance Amendment, **Agenda Item A.7.** – Information Only



Joseph S. La Margo, City Manager

cc Adam Herringa, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Joseph S. La Margo, City Manager



SUBJECT: Amendment to Code of Ordinances - Utilities

SUPPORTING PERSONNEL: William Furry, Director of Finance
Kendra Gwin, Director of Transportation & Utilities

Attached is a Communication from the Director of Finance William Furry and Director of Transportation & Utilities Kendra Gwin regarding the revised proposed Water System Ordinance Amendment.

Attachments: Proposed Water System Ordinance Amendment – revised redline/strikeout

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 2, WATER SYSTEM, OF CHAPTER 82, UTILITIES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 82 shall be amended as follows:

ARTICLE 2 – WATER SYSTEM

Sec. 82-196. - Delinquency.

- (a) Payment for water service received or post-marked by the U.S. Postmaster after the due date shown on the bill is delinquent and shall include an additional ten percent of the amount due on such date. However, council may, by resolution, permit the finance director to waive the above-stated ten percent delinquency under conditions which assure the city that the customer's payment will be made on time.
- (b) Water to any premises shall be shut off if the bill and/or penalties greater than an amount to be set by council resolution are not paid in full on or before the 24th day of the third month of the cyclical quarter.
- (c) The city may discontinue water service to the premises against which the lien created under section 82-197 has accrued the same as other premises to which water is served, and such service shall not be resumed until such lien has been removed by the payment of delinquent water charges.
- (d) In all cases where water service has been discontinued to any premises or property because of nonpayment of water charges, the city shall charge and collect a turn-on fee set by council resolution before the water is turned on.
- (e) Unpaid water charges may also be collected by suit brought in the name of the city against the owner or occupant of the premises, or both.
- (f) Notwithstanding the right of the City to discontinue water service for nonpayment of a bill, as provided above, the Director of Finance and Purchasing may delay shut off of water service for up to three (3) months from the time of shut off if (i) the user indicates that a governmental or social agency will be paying the City directly for the water service. In such case the Director may waive late fees and turn on fees as well as delay shut off until such time as payment is received from such agency; (ii) the Director of Finance and Purchasing, in consultation with the Director of Transportation and Utilities, determines that cold weather or other winter weather conditions may prevent safe disconnection of service ~~during the months of December, January and February.~~
- (g) Nothing in this section shall affect the city's right to place a lien for delinquent charges on the premises to which water service is supplied pursuant to Public Act No. 178 of 1939 (MCL 123.161 et seq.). Further, if delay in shutoff of the water service is granted by the finance director, the unpaid water rates and charges, including late fees and interest, may be included if such amounts are, in fact, transferred to the city tax roll and assessed against the property pursuant to section 82-197(d).

Dated: _____, 20____

Patricia Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and Deputy City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 20____.

Erika Eklov, Deputy City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

MATERIALS TRANSMITTED

Thursday, January 9, 2020

1. Communication from the City Manager regarding the FY 2020-21 Human/Public Service Grant Applications – Information Only



Joseph S. La Margo, City Manager

cc Adam Herringa, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Communication from Environmental Board regarding Deer Population

SUPPORTING PERSONNEL: Erica Eklov, Interim City Clerk

ACTION RECOMMENDED: Receive and refer the communication from the Portage Environmental Board regarding the deer population in Portage to the City Administration for review and report.

A communication from the Portage Environmental Board to the City Council dated November 13, 2019 recommending that the city begin addressing citizen concerns regarding the deer population in the City of Portage is attached.

It is recommended that City Council receive the communication from the Environmental Board, and refer it to the City Administration for further review and response.

FUNDING: N/A

Attachments: 1. Deer Control Recommendation Letter To City Council

City of Portage Environmental Board
7900 S. Westnedge Ave.
Portage, MI. 49002
November 13, 2019

City of Portage City Council
7900 S. Westnedge Ave.
Portage, MI. 49002
November 13, 2019

Dear City of Portage City Council:

This document is respectfully submitted as a recommendation to begin addressing citizen concerns regarding the deer population within the city. This information is presented as the opinion of the City of Portage Environmental Board for first steps to begin ascertaining whether there is a deer population issue within city limits, and to present tentative options for addressing it if a problem is found to exist.

If there are any additional questions or concerns regarding the information presented, or if further information is requested, please contact Roger Lonoza (ralonoza@gmail.com) and Jamie Harmon (harmonj@portagemi.gov).

Sincerely,



City of Portage Environmental Board
Roger Lonoza, Chairperson
Deirdre Courtney, Vice-Chairperson
Chelsea Huber, Secretary
Thomas Shaffer, Board Member
Kevin Park, Board Member
Loren Kimeldorf, Board Member
Lauren McMullan, Board Member
Joe Chamberlin, Board Member

Deer Control in Portage, Michigan

City of Portage Environmental Board

Executive Summary

While numerous citizen complaints and anecdotal evidence suggests there is a deer population issue within the city limits, there is currently no data other than total quantity of deer-driven automobile collisions that accurately describes the scope or magnitude of the issue. This limitation makes it difficult to ascertain what steps, if any, are needed to reduce human-deer interactions. The Portage Environmental Board recommends conducting an aerial survey to determine the extent of the problem, the data from which would then be utilized to prepare a recommendation regarding the most appropriate follow-on actions.

Introduction

The residents and government of Portage have been grappling with, and debating, the issue of deer control for many years. This issue has proponents on each side arguing the merits of their views, but it can be safely assumed that all parties would support a solution that reduces human-deer interactions, protects property, and ensures the deer population is healthy and sustainable. A data-driven approach to the problem is the most appropriate method of determining what potential solutions the city should consider if a problem exists. The first step towards determining a solution will be to define the problem. Determining deer population density will be the initial step towards addressing resident concerns about the issue. This can be done through numerous methods (spotlight surveys, stand counts, camera surveys, and aerial surveys) of varying efficacy available to perform this task.

Available Data and Interpretation

There currently exists a dearth of quantifiable data regarding the deer population within the city. Most of the information that exists is tangential and developing a strategy predicated on this incomplete information does little to benefit the city. A ten-year analysis of deer-driven automobile collisions shows an approximate 8% reduction in accidents over the period in question (2008-2018), but the cause of the reduction over time cannot be ascertained (data provided by City of Portage). The 2017 Portage Community Survey finds that approximately 48% of Portage residents feel that there is a deer problem within the city limits, with the preponderance of participants citing automobile collisions and damage to private property as their primary concerns. Further, numerous complaints have been submitted to City Hall regarding the perceived abundance of deer and their interactions with residents and private property. The perception exists that there is a deer overpopulation issue within the city, but current data does not fully support or deny this assumption.

Potential Courses of Action (COA's)

Due to the limited data that currently exists, a recommendation on a corrective action cannot be provided at this time. Potential courses of action can include the following:

- If survey indicates action should be taken:
 - a. Lethal – After determination of the quantity of animals to be removed, options such as snipers, bow hunting, and net and bolt destruction of animals are available. Of the lethal options that are commonly used, a controlled cull utilizing snipers or bow hunters is the most cost-effective population management method. The net and bolt process is expensive, and offers no benefit above the other choices.
 - b. Non-lethal – These methods include relocation, contraceptives, and physical barriers to reduce and remove the desired number of animals. The non-lethal population control methods are prohibitively expensive, and often ineffective as a means of creating a sustainable downward pressure on the deer population.
- If survey indicates no action necessary at this time:
 - a. Continue to monitor deer population growth over time, while ensuring a robust plan is in adopted to address population issues as population trends dictate. This COA would require an annual investment by the City to ensure that population is tracked in order to allow preventative/corrective measures to be taken in a timely manner.
 - b. Maintain current status quo and address if/when the citizen sentiment or outside observations create a necessity. This COA would conserve funds but creates a certain level of risk that the deer population could rise to unacceptable levels that would require immediate intervention.

Alternative Courses of Action

If the only goal is to reduce deer/human interaction and prevent property damage (and the underlying deer population does not warrant more severe measures), there are options available for the city to consider. An educational outreach effort to inform citizens of proper responses to deer when the situation arises can prevent and reduce the severity of automobile collisions. Providing educational literature on methods property owners can utilize to reduce damage to their property can potentially reduce the annual damage caused by deer.

Additional Considerations

As this is a highly divisive issue, resident buy-in is crucial to ensuring the success of any plans to control the deer population. Ann Arbor has seen numerous lawsuits related to their annual deer culling program, and the same could be reasonably anticipated in other municipalities. A focused and energetic community education, outreach, and feedback program would need to be developed and socialized amongst the residents to achieve a high level of buy-in prior to engaging in population control measures (namely lethal means of reducing deer population). This consideration cannot be taken lightly, as the potential cost to the city if faced with litigation could be significant.

Conclusions

Numerous well-established methods exist for controlling an over-sized deer population. Deciding on which, if any, is best for the city will rely heavily on the extent of the problem and the amount of resident support that can be garnered for the proposed solution. After ascertaining

the scope and magnitude of the deer population within the city, a cost-benefit analysis should be conducted to ensure that the most appropriate solution is selected. Resident outreach and education can increase support for the proposed solution. The mechanics of controlling the deer population are relatively simple, but determining what controls are necessary and achieving a majority of resident support will be the key factors that will determine success.

Recommendations

The initial recommendation from the Environmental Board would be to conduct an infrared aerial survey (est. \$8-12k) to determine the overall scope of the deer population within the city. This can be done via helicopter or, potentially, aerial drones. In conjunction with the Michigan Department of Natural Resources, an appropriate deer population density for the city could be developed from the overall population data. At that point, if the data supports a need to reduce the deer population the Board would recommend the use of lethal population control techniques (recommend solicitation of private companies using a desired end-state as opposed to a specific technique to reduce costs). The Environmental Board would volunteer to assist with efforts to inform and engage with residents to increase support for the plan, to include the development of a Wildlife Control Plan that would establish a framework for how the city plans to address the problem over time. If the data from the survey does not support a population control effort, the Board would volunteer to assist in alternative courses of action to help reduce the quantity and severity of negative deer-human interactions.

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 of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, 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.

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.

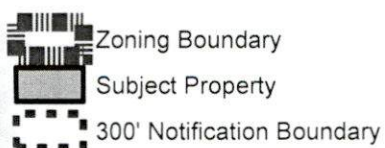
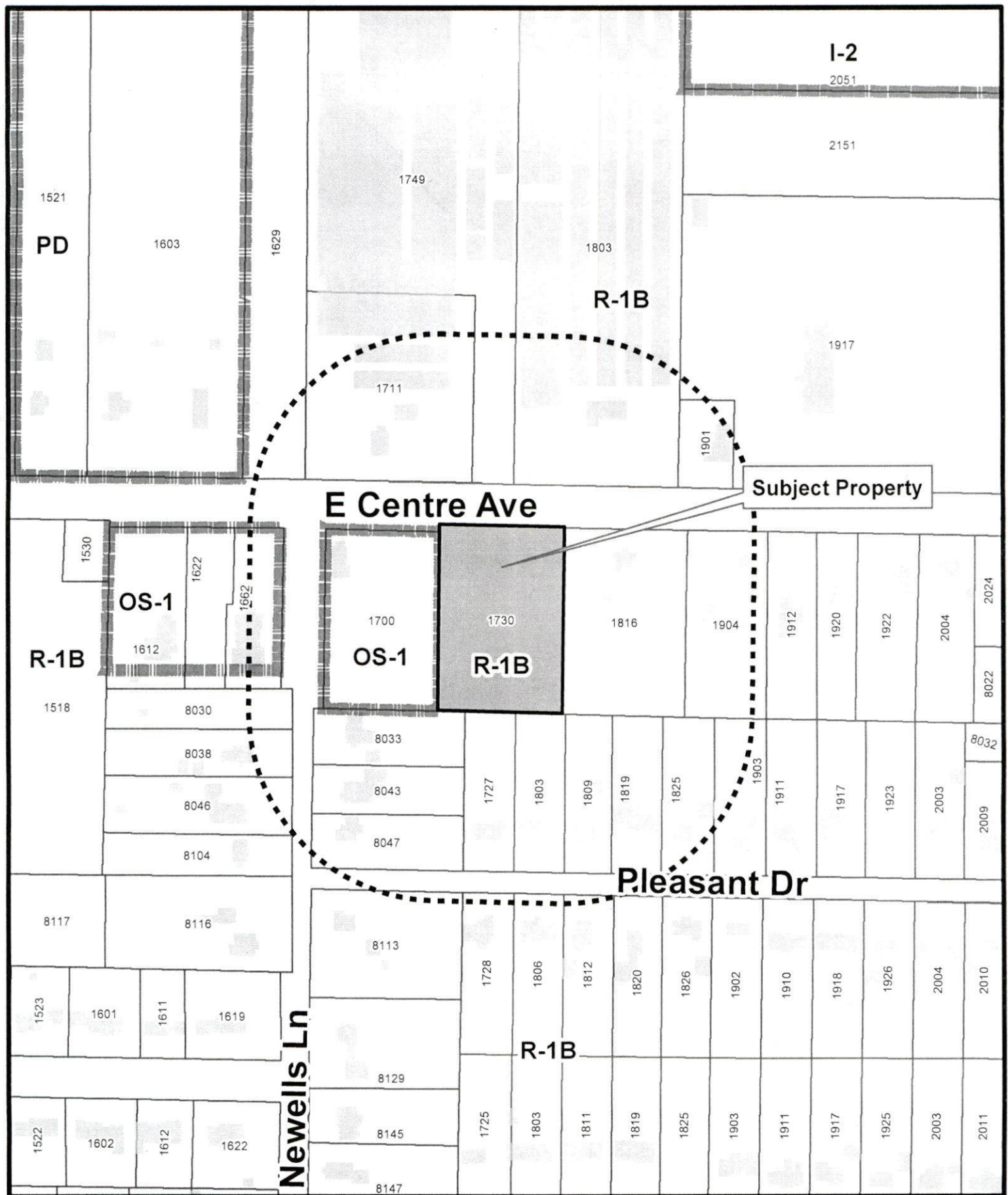
Traffic Considerations. Rezoning the subject properties from R-1B to OS-1 would result in an increase in traffic generation dependent upon the type of office use that would be established at the site. However, this additional traffic generation can be accommodated by the adjacent roadway network. Specific 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

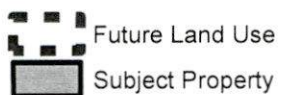
E Centre Ave

Newells Ln

Low Density Residential

Pleasant Dr

Applecroft Ave



Future Land Use Map

1700 East Centre Avenue



1 inch = 200 feet



Aerial Photography
1730 East Centre Avenue

 Subject Property



1 inch = 100 feet
(99)

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 _____, 2020.

Erica Eklov, City Clerk

(App #19/20-2)

Approved as to Form:

Date: 1-10-20

By: MA

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 of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, approve 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.

Subsequent to the public hearing, it is recommended that City Council approve 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.

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 roll: 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 roll 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.

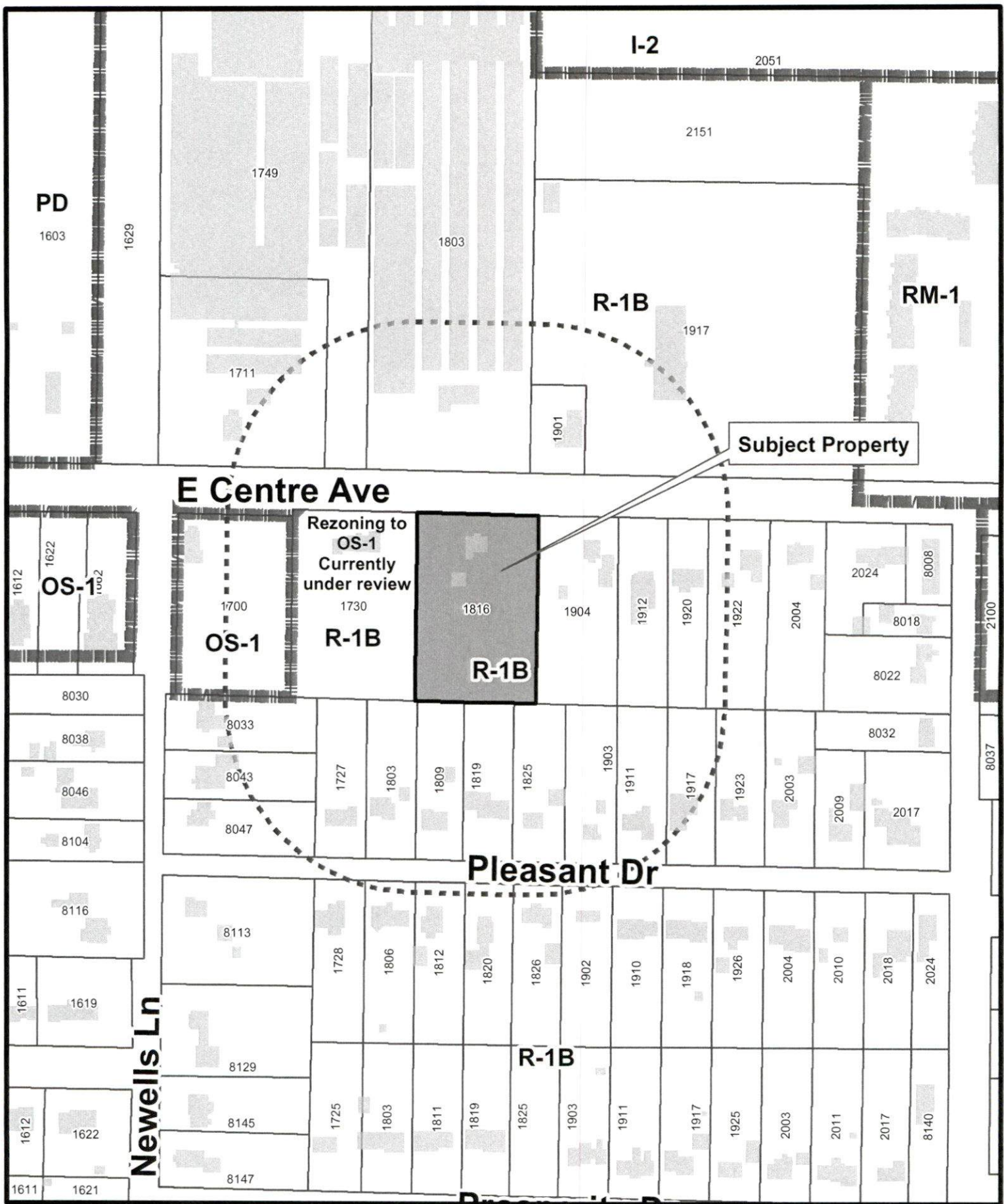
Traffic Considerations. Rezoning the subject properties from R-1B to OS-1 would result in an increase in traffic generation dependent upon the type of office use that would be established at the site. However, this additional traffic generation can be accommodated by the adjacent roadway network. Specific 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

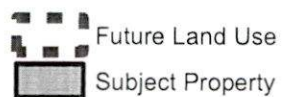
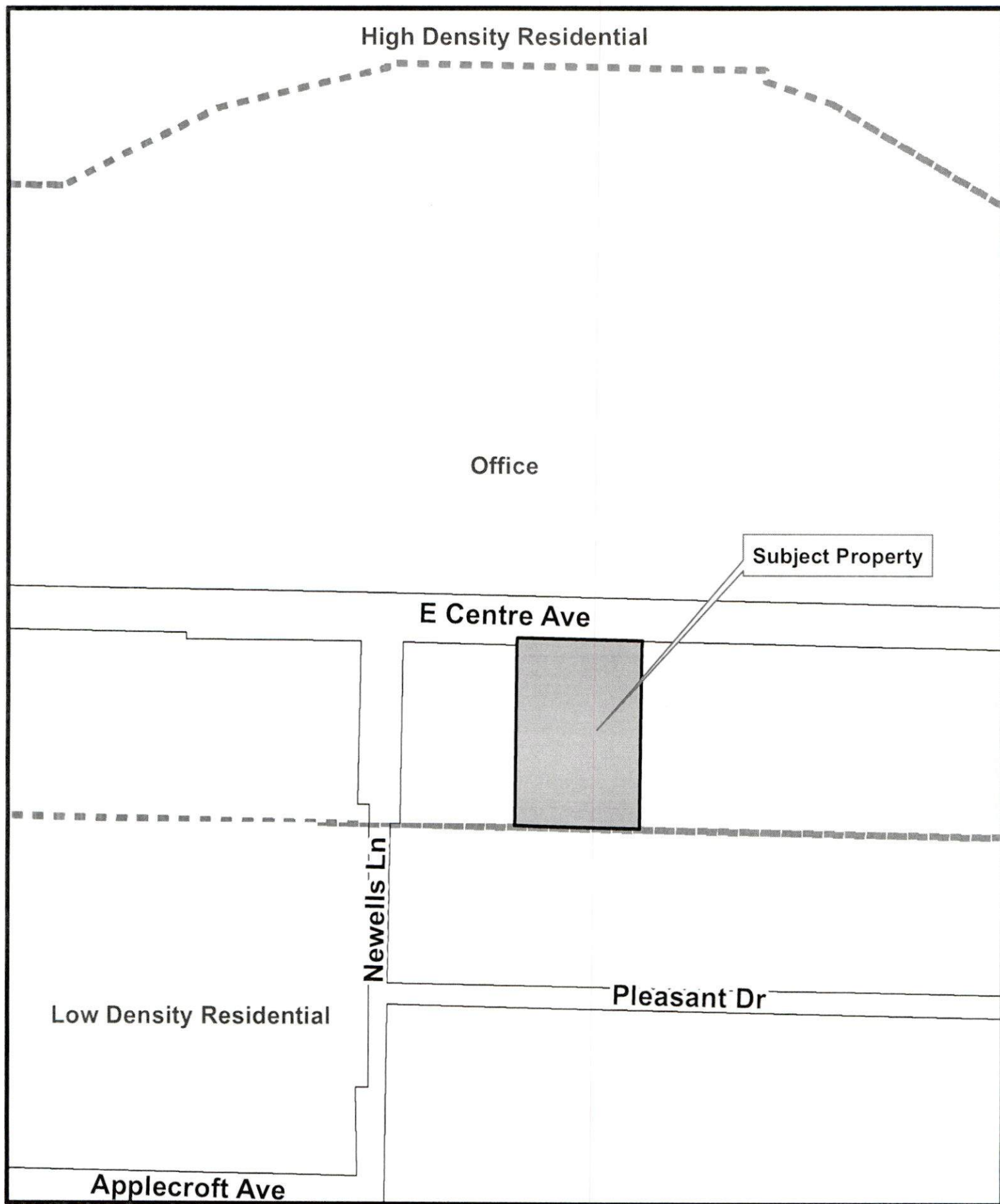


-  Zoning Boundary
-  Subject Property
-  300' Notification Boundary

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



1 inch = 200 feet
 (115)



Future Land Use Map 1700 East Centre Avenue



1 inch = 200 feet



 Subject Property

Aerial Photography 1816 East Centre Avenue



1 inch = 100 feet
(117)

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

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Move

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7900 S Westnedge Avenue Portage, MI 49002

Phone: [269-329-4400](#)

Government Websites by [CivicPlus®](#)

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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 _____, 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)

**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

1816 East Centre Avenue

Parcel ID Numbers

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 _____, 2020.

Erica Eklov, City Clerk

(App #19/20-3)

Approved as to Form:

Date: 1-10-20

By: 

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 _____, 2020, and will become effective _____, 2020.

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: _____

Erica Eklov, City Clerk

(App #19/20-3)

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Appointments to Boards and Commissions

SUPPORTING PERSONNEL: Erica Eklov, Interim City Clerk

ACTION RECOMMENDED: Appoint individuals to the Board of Review, Zoning Board of Appeals and Human Services Board.

This evening (January 14) the Portage City Council interviewed applicants for the Board of Review, Zoning Board of Appeals and Human Services Board. Based on the results of the interview session it is recommended that City Council make appointments to fill vacancies on the identified Boards and Commissions as follows:

To reappoint Pat Buckley, Carol Eddy, Justin Gish, Keith Hearit, Leonard Lamberson and Lyndsay Vainner as members of the **Board of Review** with terms ending January 31, 2021, and designation to the panels to be determined by the City Assessor.

To reappoint James (Jay) Eichstaedt to a term ending February 28, 2023; appoint _____ and _____ to terms ending February 28, 2023; and, appoint _____ as Alternate with a term ending February 28, 2023; to the **Zoning Board of Appeals**.

To appoint _____ to an unfulfilled term ending October 1, 2022, to the **Human Services Board**.

FUNDING: N/A

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Amendment to Code of Ordinances - Utilities

SUPPORTING PERSONNEL: William Furry, Director of Finance
Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve the proposed amendment to Division 7, Section 82-196, Article 2 “Water System” in the City of Portage Code of Ordinances.

A review of the City of Portage Code of Ordinances pertaining to Water Services is periodically performed to ensure processes and procedures are appropriate. Specifically, Article 2, Division 7, Section 82-196 requires the discontinuance of water to any property where the water bill and/or penalties are not paid in full on or before the 24th day of the third month of the cyclical quarter. This requirement has been problematic during winter weather months where frost permeates ground levels at or below the level of water supply lines. In certain cases, without water flowing through the lines even at a minimal rate to prevent freezing of the lines, the water supply lines have a tendency to burst. Furthermore, the curb box and shut off valves are more difficult to access during times of deep snow and sub-freezing temperatures.

If approved by Council, the recommended amendments to the Code of Ordinances pertaining to water services would allow for delaying water shut off during winter cycles until the weather allows for the safe discontinuance of service and prevent the freezing/damage issues noted above. A redline/strikeout version of the proposed ordinance amendments is attached for reference.

The proposed amendment as presented by the Director of Finance and prepared by the City Attorney, was first reviewed by Council at the regular meeting of December 17, 2019. It is recommended that City Council approve the amendment to Division 7, Section 82-196; Article 2 “Water System” in the City of Portage Code of Ordinances.

FUNDING: N/A

Attachments:

1. Proposed Water System Ordinance amendment (revised)
2. Proposed Water System Ordinance amendment - redline/strikeout version

3. Proposed Water System Ordinance amendment - redline/strikeout (revised)

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 2, WATER SYSTEM, OF CHAPTER 82, UTILITIES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 82 shall be amended as follows:

ARTICLE 2 – WATER SYSTEM

Sec. 82-196. - Delinquency.

- (a) Payment for water service received or post-marked by the U.S. Postmaster after the due date shown on the bill is delinquent and shall include an additional ten percent of the amount due on such date. However, council may, by resolution, permit the finance director to waive the above-stated ten percent delinquency under conditions which assure the city that the customer's payment will be made on time.
- (b) Water to any premises shall be shut off if the bill and/or penalties greater than an amount to be set by council resolution are not paid in full on or before the 24th day of the third month of the cyclical quarter.
- (c) The city may discontinue water service to the premises against which the lien created under section 82-197 has accrued the same as other premises to which water is served, and such service shall not be resumed until such lien has been removed by the payment of delinquent water charges.
- (d) In all cases where water service has been discontinued to any premises or property because of nonpayment of water charges, the city shall charge and collect a turn-on fee set by council resolution before the water is turned on.
- (e) Unpaid water charges may also be collected by suit brought in the name of the city against the owner or occupant of the premises, or both.
- (f) Notwithstanding the right of the City to discontinue water service for nonpayment of a bill, as provided above, the Director of Finance and Purchasing may delay shut off of water service for up to three (3) months from the time of shut off if (i) the user indicates that a governmental or social agency will be paying the City directly for the water service. In such case the Director may waive late fees and turn on fees as well as delay shut off until such time as payment is received from such agency; (ii) the Director of Finance and Purchasing, in consultation with the Director of Transportation and Utilities, determines that cold weather or other winter weather conditions may prevent safe disconnection of service.
- (g) Nothing in this section shall affect the city's right to place a lien for delinquent charges on the premises to which water service is supplied pursuant to Public Act No. 178 of 1939 (MCL 123.161 et seq.). Further, if delay in shutoff of the water service is granted by the finance director, the unpaid water rates and charges, including late fees and interest, may be included if such amounts are, in fact, transferred to the city tax roll and assessed against the property pursuant to section 82-197(d).

Dated: _____, 20____

Patricia Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and Deputy City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 20____.

Erika Eklov, Deputy City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date 12/17/2019

City Attorney

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
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- (e) Unpaid water charges may also be collected by suit brought in the name of the city against the owner or occupant of the premises, or both.
- (f) ~~Notwithstanding the right of the city to discontinue water service for nonpayment of a bill, the city may delay shutoff of water service for up to three months from the time of shutoff if the user indicates that a governmental or social agency will be paying the city directly for the water service. The finance director may waive late fees and turn-on fees as well as delay shutoff until such time as payment is received from such agency.~~ Notwithstanding the right of the City to discontinue water service for nonpayment of a bill, as provided above, the Director of Finance and Purchasing may delay shut off of water service for up to three (3) months from the time of shut off if (i) the user indicates that a governmental or social agency will be paying the City directly for the water service. In such case the Director may waive late fees and turn on fees as well as delay shut off until such time as payment is received from such agency; (ii) the Director of Finance and Purchasing, in consultation with the Director of Transportation and Utilities, determines that cold weather or other winter weather conditions may prevent safe disconnection of service during the months of December, January and February.
- (g) Nothing in this section shall affect the city's right to place a lien for delinquent charges on the premises to which water service is supplied pursuant to Public Act No. 178 of 1939 (MCL 123.161 et seq.). Further, if delay in shutoff of the water service is granted by the finance director, the unpaid water rates and charges, including late fees and interest,

may be included if such amounts are, in fact, transferred to the city tax roll and assessed against the property pursuant to section 82-197(d).

Dated: _____, 20____

Patricia Randall, Mayor

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SECOND READING:

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EFFECTIVE DATE:

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Erika Eklov, Deputy City Clerk

PREPARED BY:

Randall L. Brown (P34116)

Portage City Attorney

1662 East Centre Avenue

Portage, MI 49002

(269) 323-8812

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Erika Eklov, Deputy City Clerk

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