

Public Phone Line: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.)

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. Board & Commission Interviews of July 14, 2020.
 - b. Special Meeting of July 14, 2020.
 - c. Regular Meeting of July 14, 2020.
 - d. Special Meeting of July 21, 2020.
 - e. Special Meeting of July 23, 2020.
 - f. Pre-Council Meeting of July 27, 2020.
2. Approval of the Accounts Payable Register of July 28, 2020 as presented.
3. Approve the purchase of:
 1. 72 portable radios from Motorola Solutions, Inc. in the amount of \$200,000 in Fiscal Year 2020-2021 and \$257,932.96 in Fiscal Year 2021-2022 for a total purchase price of \$457,932.96;
 2. 24 in-car radios from State Systems Radio, Inc. in the amount of \$89,301.04;

and authorize the City Manager to execute all documents related to this purchase on behalf of the city.
4. Direct the City Administration to issue a Request for Proposals for Engineering Services on the Hampton Bog Stormwater Mitigation Project, to include the methodology for specially assessing the cost thereof.
5. Hold a closed session immediately following the regular City Council meeting of July 28, 2020 for the purposes of discussing the purchase or lease of real property .
6. Minutes of Boards & Commissions:
 - a. Planning Commission of June 4, 2020.
 - b. Zoning Board of Appeals of June 8, 2020.
 - c. Human Services Board of June 25, 2020.
7. Materials Transmitted of July 14, 2020.

8. Calendar of Meetings.

- Historic District Commission, Wednesday, August 5, 2020 at 8:15 a.m. - Virtual Meeting.
- Park Board, Wednesday, August 5, 2020 at 6:00 p.m. - West Lake Nature Preserve.
- Human Services Board, Thursday, August 6, 2020 at 6:30 p.m. - Virtual Meeting.
- Planning Commission, Thursday, August 6, 2020 at 7:00 p.m. - Virtual Meeting.
- Zoning Board of Appeals, Monday, August 10, 2020 at 7:00 p.m. - Virtual Meeting.
- Environmental Board, Wednesday, August 12, 2020 at 7:00 p.m. - Virtual Meeting.
- Youth Advisory Committee, Monday, August 17, 2020 at 3:00 p.m. - Virtual Meeting.
- Senior Citizen Advisory Board, Wednesday, August 19, 2020 at 2:30 p.m. - Virtual Meeting.
- **NOTE:** *All above meetings are subject to cancellation or transition to a "virtual meeting" due to the on-going health crisis. Please monitor the City of Portage website at www.portagemi.gov for additional information. The public phone line to comment during public meetings is: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.) Meetings may be viewed live on Charter channel 995 and AT&T channel 99. All meetings can be viewed via live streaming at portagemi.gov/205.*

B. Petitions and Statements of Citizens:

C. Communications:

D. Public Hearings:

E. Regular Business Agenda:

F. Unfinished Business:

1. Accept the proposed amendments to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections.

G. Council Committee Reports:

H. New Business:

1. Review and discuss candidates for the City Council Vacancy and potentially select a candidate to fill the term of former Councilmember Richard Ford, with the appointment to end November 2021.

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
FOR BOARD AND COMMISSION APPLICANTS
JULY 14, 2020**

Mayor Patricia Randall called the meeting to order at 5:36 p.m. The meeting was held virtually in accordance with the Governor's Executive Directive 2020-02 in light of COVID-19. The following members were present in Chambers: Councilmember Lori Knapp and Mayor Patricia Randall. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Claudette Reid, Terry Urban, and Mayor Pro Tem Jim Pearson. Also in attendance were City Manager Joe La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

* Due to precautions with COVID-19, interviews for the Youth Advisory Committee (YAC) were not performed.

* From 5:40 p.m. to 5:50 p.m., City Council interviewed Reed Youngs, Anthony Amarasinghe and Rick Frieman for the Planning Commission. Councilmember Knapp asked the City Clerk to review the Commission's meeting dates and times. Mayor Randall asked Mayor Pro Tem Pearson to review the purpose and obligations of the Planning Commission, as well as past projects. After doing so, Mayor Pro Tem Pearson asked each applicant if they were familiar with the Commission's recent meetings or meeting format. Councilmember Burns inquired whether the upcoming group of Planning Commissioners would be responsible for a Master Plan update. City Manager La Margo and Mayor Pro Tem Pearson confirmed they would be and elaborated on the process. Mayor Randall highlighted the proposed tree ordinance currently under review by the Planning Commission.

* Due to precautions with COVID-19 and positions only being reappointments, interviews for the Construction Board of Appeals were not performed.

City Council then deliberated as to which applicants should be appointed to the various boards and commissions. Noting his application highlighted an interest in both the Planning Commission and the Historic District Commission, Mayor Randall asked Mr. Amarasinghe if he would be willing to serve on the Historic District Commission to fill one of the two vacancies. Mr. Amarasinghe agreed.

ADJOURN: Mayor Randall adjourned the meeting at 5:55 p.m.

Erica L. Eklov, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
REGARDING CITY COUNCIL APPLICANTS
JULY 14, 2020**

Mayor Patricia Randall called the meeting to order at 6:00 p.m. The meeting was held virtually in accordance with the Governor's Executive Directive 2020-02 in light of COVID-19. The following members were present in Chambers: Councilmember Lori Knapp and Mayor Patricia Randall. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Claudette Reid, Terry Urban, and Mayor Pro Tem Jim Pearson. Also in attendance were City Manager Joe La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, City Attorney Randall Brown (WebEx), Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

Mayor Randall began the discussion by thanking everyone for attending and reminding Councilmembers to relay their preferred mode of attending the upcoming July 21 Candidate Interview Session to the City Clerk.

Mayor Randall then asked for the Council's preference regarding the format of the candidate interviews, suggesting 15-minute sessions for each applicant. Councilmember Reid inquired whether the other applicants can be requested to abstain from attending the interview sessions of another applicant. Mayor Randall and Deputy City Manager Carroll confirmed this could be requested. Mayor Pro Tem Pearson relayed that prior interviews for the director of the Kalamazoo Consolidated Dispatch Authority had the same provision. Attorney Brown opined that the meeting needed to adhere to the Open Meetings Act but confirmed that applicants could be asked to refrain from sitting in on other interviews. Councilmember Urban agreed and noted that if an applicant chose to disregard the Council's request then it could also serve to influence the Council's decision regarding the applicant. Councilmember Burns agreed but noted that 15 minutes could be too short for a full interview.

Mayor Randall then asked for Council's preference regarding the pool of candidates and whether to short-list. Mayor Pro Tem Pearson stated that all of the candidates were great and suggested that Council agree on one to two questions for the interviews ahead of time. Mayor Randall agreed, stating that she would like to interview all of the candidates who applied. Councilmember Knapp and Councilmember Urban also agreed regarding the interview of all applicants.

Mayor Randall next posed a question about the length of the interview sessions. Mayor Pro Tem Pearson noted that this was an important decision and suggested sessions be 20 minutes in length. Mayor Randall, Councilmembers Reid, and Urban agreed.

Mayor Randall then asked the City Administration and the City Attorney to outline ethical procedures for the handling of candidates. Deputy City Manager Carroll responded that when City Council performs the hiring it is more unique than city staff positions that Human Resources would oversee. He recommended that the Council designate either one person on Council or one staff person as the point of contact for candidates. Attorney Brown stated that appointment for a Council vacancy is a legislative decision, which provides for more flexibility in the hiring and due diligence process, however, he stressed the Council maintains propriety and full disclosure. City Council then engaged the City Attorney regarding due diligence measures during the selection process.

Mayor Randall next asked whether Council was comfortable appointing the new

candidate during the July 28th Regular Meeting. Councilmembers Knapp and Reid, as well as Mayor Pro Tem Pearson, expressed a preference to maintain flexibility for a second set of interviews if necessary.

Mayor Randall next inquired if the proposed start time of 6:00 p.m. for interviews on July 21st with sessions each lasting 20 minutes was still preferable. Councilmember Burns recommended between 5:00 and 6:00 p.m. and Mayor Pro Tem Pearson suggested 5:30 p.m.

Mayor Randall then posed the question about the order of interviewing candidates. Deputy City Manager Herringa responded and had City Clerk Eklov randomly pull each candidate's name out of a bag to set the interview order. The candidates were selected as follows: Tim Earl, Fernando Costas, Jonathon Peer, Victor Ledbetter, Michael Slancik, and Peter Strazdas. Mayor Randall asked the City Clerk to contact each candidate to confirm their interview time.

Mayor Randall continued the discussion by asking the Council to select the desired interview questions. City Council then deliberated as to which questions should be posed. Councilmember Burns asked City Attorney Brown regarding questions that should be avoided. Attorney Brown responded and Deputy City Manager Herringa relayed that the City Clerk would be relaying an interview "Do's and Don'ts" handout from the Human Resources Department

Mayor Randall closed the meeting by summarizing the outcomes of the discussion, including starting interviews at 5:30 p.m. with 20-minute sessions and five-minute breaks in between, selection of five basic questions for each candidate, and preference to interview all six applicants without short-listing.

Motion by Reid, seconded by Urban, to proceed with individual interviews of all six applicants for the City Council vacancy. Upon roll call vote, motion passed 6 to 0.

ADJOURN: Mayor Randall adjourned the meeting at 6:49 p.m.

Erica L. Eklov, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
REGARDING CITY COUNCIL APPLICANTS
JULY 14, 2020**

Mayor Patricia Randall called the meeting to order at 6:00 p.m. The meeting was held virtually in accordance with the Governor's Executive Directive 2020-02 in light of COVID-19. The following members were present in Chambers: Councilmember Lori Knapp and Mayor Patricia Randall. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Claudette Reid, Terry Urban, and Mayor Pro Tem Jim Pearson. Also in attendance were City Manager Joe La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, City Attorney Randall Brown (WebEx), Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

Mayor Randall began the discussion by thanking everyone for attending and reminding Councilmembers to relay their preferred mode of attending the upcoming July 21 Candidate Interview Session to the City Clerk.

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Mayor Randall next posed a question about the length of the interview sessions. Mayor Pro Tem Pearson noted that this was an important decision and suggested sessions be 20 minutes in length. Mayor Randall, Councilmembers Reid, and Urban agreed.

Mayor Randall then asked the City Administration and the City Attorney to outline ethical procedures for the handling of candidates. Deputy City Manager Carroll responded that when City Council performs the hiring it is more unique than city staff positions that Human Resources would oversee. He recommended that the Council designate either one person on Council or one staff person as the point of contact for candidates. Attorney Brown stated that appointment for a Council vacancy is a legislative decision, which provides for more flexibility in the hiring and due diligence process, however, he stressed the Council maintains propriety and full disclosure. City Council then engaged the City Attorney regarding due diligence measures during the selection process.

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Mayor Pro Tem Pearson, expressed a preference to maintain flexibility for a second set of interviews if necessary.

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Motion by Reid, seconded by Urban, to proceed with individual interviews of all six applicants for the City Council vacancy. Upon roll call vote, motion passed 6 to 0.

ADJOURN: Mayor Randall adjourned the meeting at 6:49 p.m.

Erica L. Eklov, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF JULY 21, 2020**

Mayor Patricia Randall called the meeting to order at 5:31 p.m. The meeting was held virtually in accordance with the Governor's Executive Directive 2020-02 in light of COVID-19. The following members were present in Chambers: Councilmember Lori Knapp and Mayor Patricia Randall. Councilmember Reid arrived at 5:49 p.m. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Terry Urban, and Mayor Pro Tem Jim Pearson. Also in attendance were City Manager Joe La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, City Attorney Randall Brown (WebEx), Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

Following the opening of the meeting and roll call, Mayor Randall explained the purpose and planned structure of the meeting. She noted that candidate Michael Slancik had since removed his application from consideration for the open City Council seat.

Each applicant was asked to briefly introduce themselves. Citing the partial virtual attendance, Mayor Randall then posed preset questions of each applicant. Following each candidate's response, Mayor Randall offered each of the Councilmembers an opportunity to ask a follow-up question.

- * 5:35 – 5:50 p.m., City Council questioned Tim Earl in person.
- * 5:55 – 6:11 p.m., City Council questioned Fernando Costas in person.
- * 6:18 – 6:40 p.m., City Council questioned Jonathan Peer via WebEx.
- * 6:45 – 7:05 p.m., City Council questioned Victor Ledbetter in person.
- * 7:10 – 7:30 p.m., City Council questioned Peter Strazdas in person.

Questions centered around candidates' attraction to filling the partial term on the Council, matters the City is handling well and potential enhancements, beneficial attributes for the Council, economic and retail development, awarding of contracts, attractions for families, city infrastructure for small business owners, handling of ordinances, bicycle and park amenities/improvements, technology improvements, collaboration with others, public safety oversight, community inclusion, and a general question regarding applicant opinion on countywide challenges for the city with its community partners.

Following the interview sessions, Mayor Randall inquired for each Councilmember's feedback on the candidates and potential next steps. Mayor Pro Tem Pearson stated all five candidates were of good quality with unique perspectives and he was not interested in narrowing the selection for a second interview.

Councilmembers Burns and Knapp echoed Mayor Pro Tem Pearson's statements. Councilmember Reid stated Mr. Earl's interview remained for her review albeit she was familiar with his work in the community. Ms. Reid further stated that she could not think of additional inquiries should a second interview be conducted. Councilmember Urban stated he was not ready to vote on any one candidate but was prepared to have a discussion and did not see a need for additional interviews. Mayor Randall concurred with the prior Councilmember statements. City Council then deliberated regarding candidate review prior to the Regular Meeting on July 28th.

At the request of Mayor Randall, Deputy City Manager Herringa clarified the voting process for the July 28th Regular Meeting and subsequent swearing-in procedure. Mayor Randall closed the meeting with a reminder to Council to relay the preferred method of attending the July 28th Meeting to the City Clerk.

ADJOURN: Mayor Randall adjourned the meeting at 7:53 p.m.

Erica L. Eklov, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF JULY 23, 2020**

City Manager Joseph La Margo welcomed those in attendance including members of City Council, staff and the public. Councilmembers Burns, Knapp, Reid and Urban were present in the audience. Mayor Pro Tem Pearson participated via telephone and Mayor Randall was unable to attend due to a prior commitment.

Deputy City Manager Michael Carroll provided an overview of the agenda for the evening. He explained that there will be many more opportunities for public input and that city staff is planning to ask City Council for permission to proceed with getting engineering proposals. He continued by stating that the process will take time and efforts will be made to keep the public informed of the progress and process.

Kendra Gwin, Director of Transportation and Utilities, reviewed the history of flooding of the Hampton Bog and efforts made to address the situation. She explained the involvement of State of Michigan regulatory agencies and studies that have been undertaken. Ms. Gwin informed the public that the firm "Fishbeck" had completed their work and reviewed the feasibility of the proposed solution.

Deputy City Manager Carroll next reviewed the estimated project cost and likely funding scenario. He explained that those properties benefitting from the project would be most likely to be assessed but that exact amounts would be based on a variety of factors such as lot size, amount of permeable surface, etc. He pointed out that the current project cost estimate is \$1 million but that, with over 600 potential parcels involved, the average assessment would be \$1,667 and this would likely have a payback period of 10 to 20 years. Mr. Carroll explained that everything being discussed is not finalized and emphasized that there will be several more opportunities for public input. City Manager La Margo shared that the city paid \$125,000 over the past year on the temporary pumping and explained that this option is not sustainable.

Ms. Debby Freiman, 3218 Bennington Court, asked several questions. She inquired as to how water levels in the bog responded to a recent heavy rain. Ms. Gwin responded that the bog level rose slightly and Mr. La Margo reminded those in attendance that the pumping permit from the Department of Environment, Great Lakes and Energy dictated when the pump can be activated. Ms. Freiman inquired if any homes in Texas Township discharged into the Hampton Bog. Ms. Gwin and Mr. Carroll explained that this was extensively studied and that all homes discharging into the Hampton Bog are located in Portage. Ms. Freiman inquired if developments at Greenspire were contributing to higher water levels at the Hampton Bog. Mr. Carroll reviewed the process utilized to permit construction in the bog environment and that it is not believed developments at Greenspire Apartments adjacent to Greenspire Bog are contributing to water levels at the Hampton Bog. Mr. Carroll concluded his response by stating that this matter is subject to further study. Next, Ms. Freiman inquired if the proposed solution will take into account changing weather patterns and Mr. Carroll spoke in the affirmative. Finally, Ms. Freiman inquired as to the impact of development on Hampton Bog water levels. Mr. Carroll responded that there is no

doubt that past development and the resulting decrease in permeable surfaces have contributed to higher water levels. However, changing weather patterns are also contributing factor.

Mr. Daniel Farrell, 7646 West St. Andrews Circle, commented that he sees Ms. Gwin checking water levels near his home almost daily. He then inquired as to a possible project timeline. Ms. Gwin commented that it may be the end of 2021 before the project is complete. She pointed out that engineering designs must be solicited, permits obtained, easements obtained, etc. She expressed optimism that recent studies on flora and fauna would not need to be repeated as these can take at least a year. Mr. La Margo reiterated the complexity of the process.

Mr. Jim Biba, 7688 West St. Andrews Circle, thanked city staff for bringing the project forward and commented that staff are further along than he anticipated. He inquired if the solution would be automatic or manual in nature. Ms. Gwin shared that it would be manual and explained how it might function. Mr. La Margo commented that the plan is to renew the existing pumping permit until the project is complete.

Councilmember Burns referenced a project in Oshtemo that is generating significant discussion. He inquired how what Portage is proposing is different than what is occurring in Oshtemo. Deputy City Manager Carroll reviewed the assessment process and stated that the City of Portage would pay for construction and would recoup these costs from property owners over a period of 10 to 20 years. He also reviewed the notification requirements of the special assessment process. Councilmember Burns next inquired as to disclosure requirements for those looking to buy or sell property in the project area. Mr. Carroll explained that the proposed project is a matter of public record. However, he continued, disclosure requirements for buyers and sellers are required once the special assessment process is initiated.

Mayor Pro Tem Pearson pointed out that properties on the west side of 12th Street are in Texas Township and not included in the project area. He asked if staff had confirmed that none of these properties contribute water to the Hampton Bog. Mr. Carroll stated that this topic had been examined multiple times. He stated that had these properties contributed to bog water levels, jurisdiction over the flooding situation would be elevated to the County level.

There being no further questions, Mr. La Margo summarized the conversation. He reiterated that this is not the only opportunity for public comment and shared that the city website will be updated with pertinent documents and information.

The meeting concluded at 6:56 p.m.

Adam Herringa, Deputy City Manager

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JULY 27, 2020**

Mayor Patricia Randall, via the WebEx meeting platform, called the meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp, Claudette Reid and Mayor Pro Tem Jim Pearson also joined via the WebEx meeting platform. Councilmember Terry Urban was absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Mike Carroll, Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

With regard to Item A.2, Mayor Pro Tem Pearson inquired about Check #314000 to McDonald's Towing and Rescue for a vehicle storage fee. Deputy City Manager Carroll responded that this arrangement was part of the prior towing contract per instruction from the City Attorney for serious accidents or instances of potential litigation. He elaborated that vehicles would be stored until the expiration of the statute of limitations, which was the case for this vehicle. Mayor Pro Tem Pearson asked for clarification if the city was responsible for the fee and Deputy City Manager Carroll confirmed, noting that the city could recoup part or all of the cost if the vehicle went to auction. Councilmember Reid and Mayor Randall asked for the storage duration of the vehicle in question. Deputy City Manager Carroll stated he would research and respond.

With regard to Item A.3, Councilmember Reid inquired whether the Kalamazoo Consolidated Dispatch millage proposal scheduled for the following week's election would affect the purchase of the proposed radios. City Manager La Margo responded that the city operated on a different radio frequency, which was highlighted during a recent joint response with the City of Kalamazoo, and the radios would be needed whether the millage passed.

With regard to Item A.4, Councilmember Reid asked for the total expense on the Hampton Bog project and whether the costs would be reimbursed by the potential special assessment. City Manager La Margo responded that he would research the total costs and respond. With regard to the reimbursement, Mr. La Margo stated that would be a policy decision for City Council. Mayor Randall noted the prior pumping efforts by the city in the Black Forest neighborhood and asked the City Manager to ensure equitable treatment. City Manager La Margo stated he would review the Black Forrest situation for comparison and would provide follow-up.

With regard to Item A.5, Mayor Randall asked if there was any insight that the City Administration was able to provide on the proposed closed session without disclosing the purpose. Deputy City Manager Carroll responded that the session was proposed as a follow-up to City Council regarding two parcels of interest to the Council. He further noted that the Action Recommended would be revised to remove "pending litigation," as well as a mention of the vote required by Council to enter a closed session in the communication per the recommendation of the City Attorney.

With regard to Item F.1, Councilmember Reid asked how the city planned to monitor the temperature of water run-off into Portage Creek during the hottest months of the year, citing continued concerns with the trout population. Deputy City Manager Carroll responded that staff had reached out to representatives from Trout Unlimited, as well as other

organizations since early July, and were informed the provisions noted in the proposed ordinance should adequately address the concern.

With regard to Item H.1, Mayor Randall asked for a review of the voting process for the Council Vacancy nominations. City Clerk Eklov responded, citing the Governor's Executive Order on virtual meetings instructed to perform votes via Roll Call. Councilmember Burns asked if there could be time for public comment. Mayor Randall responded that she would open the meeting to public comment prior to any votes on nominated candidates. Mayor Randall asked the City Clerk whether any candidates planned to attend the Regular Meeting. City Clerk Eklov responded that she would be contacting each candidate following the Pre-Council to confirm.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:32 a.m.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Interim Finance Director

ACTION RECOMMENDED: Approval of the Accounts Payable Register of July 28, 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 June 28, 2020 through July 18, 2020 and notes \$253,259.06 in automated clearing house payments, \$2,159,705.91 in paper checks, and \$133,627.46 in auto-pay payments for a grand total of \$2,546,592.43.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of July 28, 2020

ACCOUNTS PAYABLE REGISTER
Check Dates From: 6/28/2020 to 7/18/2020

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
07/03/2020	13388(A)	CHARTER COMMUNICATIONS	CABLE TV	149.98
07/03/2020	13389(A)	FURRY, WILLIAM	FINANCE CONSULTANT SERVICES	2,900.50
07/10/2020	13390(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	8,022.05
07/10/2020	13391(A)	AIRGAS USA LLC	JERSEY GLOVES	357.76
07/10/2020	13392(A)	AMERICAN HYDROGEOLOGY CORP.	GROUNDWATER SAMPLING FOR PFAS	36,500.00
07/10/2020	13393(A)	AMERICAN SAFETY & FIRST AID	SAFETY VESTS	455.52
07/10/2020	13394(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	3,760.00
07/10/2020	13395(A)	APOLLO FIRE APPARATUS REPAIR	FIRE OPS TOOLS MAINT	2,698.93
07/10/2020	13396(A)	AUMACK, MICHAEL	UMPIRE PAYROLL 2020	325.00
07/10/2020	13397(A)	BEEBE, RONALD E.	UMPIRE PAYROLL 2020	325.00
07/10/2020	13398(A)	BELL EQUIPMENT COMPANY	SWEEPER REPAIRS	2,851.20
07/10/2020	13399(A)	C C I SOUTH, INC.	INSTALLATION OF EMERGENCY PHONE	210.00
07/10/2020	13400(A)	C M P DISTRIBUTORS, INC.	EXTERNAL VESTS & POUCHES	671.95
07/10/2020	13401(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	3,436.52
07/10/2020	13402(A)	CARLETON EQUIPMENT CO.	EQUIPMENT MAINTENANCE	2,343.73
07/10/2020	13403(A)	CARRIER & GABLE	TRAFFIC SIGNAL MAST ARMS & POLES	2,520.00
07/10/2020	13404(A)	CLEAN EARTH ENVIRONMENTAL SERV	SUGAR LOAF DRAIN CLEAN	2,850.00
07/10/2020	13405(A)	COMPLETE LANDSCAPING SOLUTIONS	CONTRACT MOWING	503.33
07/10/2020	13406(A)	CUSTOMIZED CLEANING SERVICES, INC.	EVERGLAZE TILE FLOORS	410.00
07/10/2020	13407(A)	DEER CONTRACTING & LANDSCAPE	BLOCK WALL REPAIR	380.00
07/10/2020	13408(A)	DEPATIE FLUID POWER CO., INC.	REPAIR AND MAINTENANCE	85.35
07/10/2020	13409(A)	ENGINEERED PROTECTION SYSTEMS, INC.	SECURITY SERVICES	298.96
07/10/2020	13410(A)	ETNA SUPPLY, INC.	SUPPLIES - PARKS DIVISION	206.00
07/10/2020	13411(A)	EXTREME POWER EQUIPMENT, INC.	BOSS FRONT PLOW	7,390.74
07/10/2020	13412(A)	FIDELITY SECURITY LIFE INSURANCE CO	EYEMED VISION INSURANCE	1,256.22
07/10/2020	13413(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING	176.20
07/10/2020	13414(A)	FORSHEE, MARK	UMPIRE PAYROLL 2020	300.00
07/10/2020	13415(A)	GLEESING, KEVIN	STAFF & COMMAND SCHOOL	225.00
07/10/2020	13416(A)	GRAINGER INC	HI VIS T-SHIRTS	58.50
07/10/2020	13417(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL - DPW	837.00
07/10/2020	13418(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	9,587.76
07/10/2020	13419(A)	HARTMAN, CHARLES	UMPIRE PAYROLL 2020	96.00
07/10/2020	13420(A)	HOJNACKI, DAVID	UMPIRE PAYROLL 2020	138.00
07/10/2020	13421(A)	HURLEY & STEWART, LLC	ENGINEERING SVCS-WETHERBEE AVE	34,660.01

ACCOUNTS PAYABLE REGISTER
Check Dates From: 6/28/2020 to 7/18/2020

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07/10/2020	13422(A)	HURST MECHANICAL, INC.	EMERG REPLACEMENT OF WATER HEATER	10,989.00
07/10/2020	13423(A)	INDUSCO SUPPLY CO., INC.	JANITORIAL SUPPLIES	1,498.34
07/10/2020	13424(A)	J. ALLEN & CO. INC.	COURT RESURFACING/REPAIR	11,245.00
07/10/2020	13425(A)	KENDALL ELECTRIC, INC.	RAMONA PARK- ELECTRIC INSTALL	407.46
07/10/2020	13426(A)	KLOSTERMAN DISTRIBUTING	RAMONA CONCESSION SUPPLIES	1,413.90
07/10/2020	13427(A)	KUSHNER & COMPANY, INC.	COBRA & FSA ADMINISTRATION	373.92
07/10/2020	13428(A)	LAWSON PRODUCTS, INC	MAINTENANCE SUPPLIES	1,153.23
07/10/2020	13429(A)	LOUTHAN, WILLIAM F	UMPIRE PAYROLL 2020	288.00
07/10/2020	13430(A)	MATERIALS RESOURCES	LATEX GLOVES/SUPPLIES	612.36
07/10/2020	13431(A)	MCCULLIN, LARRY W.	UMPIRE PAYROLL 2020	144.00
07/10/2020	13432(A)	MCNALLY ELEVATOR CO.	ELEVATOR MAINTENANCE	140.45
07/10/2020	13433(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRES AND MAINTENANCE	726.40
07/10/2020	13434(A)	MEJEUR ELECTRIC LLC	AC UNIT SET UP - CITY HALL	3,273.00
07/10/2020	13435(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	1,130.04
07/10/2020	13436(A)	NYE UNIFORMS	FIRE UNIFORMS/PATCHES	1,619.91
07/10/2020	13437(A)	OBERHILL, KYLE JOSEPH	RAMONA LIFE GUARD TRAINING	1,233.00
07/10/2020	13438(A)	ONE WAY PRODUCTS	JANITORIAL SUPPLIES	993.12
07/10/2020	13439(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEES PARKS	11,494.33
07/10/2020	13440(A)	PATESEL, TERRY	UMPIRE PAYROLL 2020	50.00
07/10/2020	13441(A)	PEOPLEFACTS, LLC	EMPLOYEE BACKGROUND CHECKS	33.34
07/10/2020	13442(A)	PHILLIPS, KIMBERLY	REIMBURSEMENT EXPENSES	153.97
07/10/2020	13443(A)	PLM LAKE & LAND MANAGEMENT	WEST LAKE WEED MGT PROGRAM	2,670.00
07/10/2020	13444(A)	PRINTING SERVICES INC	FARMERS MARKET BANNERS	568.36
07/10/2020	13445(A)	QUADIENT LEASING USA, INC	LEASE PAYMENT	733.77
07/10/2020	13446(A)	R W LAPINE INC.	FIRE FACILITY MAINT	425.00
07/10/2020	13447(A)	RHODES, KEVIN	UMPIRE PAYROLL 2020	325.00
07/10/2020	13448(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE AND DIESEL	11,845.16
07/10/2020	13449(A)	RIDGE AUTO NAPA	OPERATING SUPPLIES	2,576.77
07/10/2020	13450(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	377.85
07/10/2020	13451(A)	ROE-COMM, INC.	FIRE COMM EQUIPMENT	3,487.50
07/10/2020	13452(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL MAINTENANCE	6,246.00
07/10/2020	13453(A)	SIMPLIFILE LLC	RECORDING OF DOCUMENTS	264.00
07/10/2020	13454(A)	SUEZ WATER ENVIRONMENTAL SERVICES	MCAP RECONCILLATION-FEBRUARY 2020	28,333.18
07/10/2020	13455(A)	TERMINAL SUPPLY CO.	SAFETY LIGHTS	4,179.09
07/10/2020	13456(A)	THE WRIGHT FENCE	RAMONA PARK FENCE PROJECT	4,480.00
07/10/2020	13457(A)	VANCE OUTDOORS, INC.	POLICE FIREARMS	4,240.00

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07/10/2020	13458(A)	VANDENBRINK, BRIAN	STAFF & COMMAND SCHOOL	225.00
07/10/2020	13459(A)	VERPLANK TRUCKING CO.	DURAPATCHER STONE	1,590.73
07/10/2020	13460(A)	WARNER NORCROSS & JUDD LLP	LEGAL & RETAINER FEES	4,281.67
07/10/2020	13461(A)	WEST MICHIGAN STAMP & SEAL, INC	STAMPS FOR ELECTION MATERIALS	125.00
07/17/2020	13462(A)	C T S TELECOM, INC.	DEDICATED FIBER OPTIC CIRCUIT	325.00
Total ACH:				253,259.06

Check Type: Paper

06/29/2020	313900	MICHIGAN DEPARTMENT OF TREASURY	UNCLAIMED PROPERTY FILING 2019	983.04
07/02/2020	313901	ADVANCE II LLC	MARCH ELECTION-TEMP ASSISTANCE	561.93
07/02/2020	313902	AT&T	ELECTRONIC COMMUNICATIONS	719.63
07/02/2020	313903	DUNIGAN BROTHERS, INC.	LIFT STATION RENOVATION-EMILY DR	63,695.52
07/02/2020	313904	KAMMINGA & ROODVOETS, INC.	IDAHO AVE RECONSTRUCTION	30,654.95
07/02/2020	313905	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER - COMMUNICATION SERVICES	728.00
07/02/2020	313906	USPS	PORTAGER POSTAGE	8,000.00
07/10/2020	313907	7900 MOORSBRIDGE LLC	INCONVENIENCE FEE - HAMPTON BOG	2,730.00
07/10/2020	313908	A. RIFKIN CO.	ELECTION BALLOT BAGS	1,270.26
07/10/2020	313909	A.D. SUTTON & SONS, INC.	PIG OUT BACKPACKS	6,134.40
07/10/2020	313910	ABNET, CHEYENNE	SWP SOFTBALL TOURNAMENT REF	20.00
07/10/2020	313911	AILSTOCK, LISA	JULY SWIM LESSONS REFUND	45.00
07/10/2020	313912	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	1,420.00
07/10/2020	313913	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	1,557.86
07/10/2020	313914	ALTA EQUIPMENT CO.	CRACK SEALER PARTS	2,414.43
07/10/2020	313915	AMALGAM LLC	ANNUAL WEB GIS SERVICE	4,500.00
07/10/2020	313916	ARROWHEAD SCIENTIFIC, INC.	MISC LAB SUPPLIES	1,079.99
07/10/2020	313917	BAILEY TERRA NOVA FARMS	SNAP REIMBURSEMENT	56.00
07/10/2020	313918	BAKER, STACEY	SHRM ANNUAL MEMBERSHIP	219.00
07/10/2020	313919	BART'S BANNERS AND SIGNS	LOGO MAGNETS/RANGER SIGNS	204.00
07/10/2020	313920	BAUMGARTNER, PEG	TRIP REFUND 201006 NIAGARA	200.00
07/10/2020	313921	BAY AREA TOUCHLESS CARWASH LLC	CAR WASHES	444.00
07/10/2020	313922	BEAVER RESEARCH COMPANY	CLEANING SUPPLIES	275.68
07/10/2020	313923	BELSON OUTDOORS, LLC	REPAIR/MAINTENANCE SUPPLIES	3,577.87
07/10/2020	313924	BLAIN SUPPLY, INC.	MAINTENANCE SUPPLIES	178.13
07/10/2020	313925	BLOCK, KELLY	GRAIN ELEV/TENT DEPOSIT REF	300.00
07/10/2020	313926	BONAMEGO, LOUIS	SNAP/DOUBLE UP REIMBURSEMENT	49.00
07/10/2020	313927	BOROBIA, DWIJA	JULY SWIM LESSONS REFUND	135.00

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07/10/2020	313928	BRANDON, LATASHA	RAMONA PARK VOUCHER REFUND	20.00
07/10/2020	313929	BRUCE'S TRUCK & AUTO ACCESSORIES	TRUCK BEDLINER	3,195.00
07/10/2020	313930	BUDENIEKS, SHARON	TRIP REFUND 201006 NIAGARA	920.00
07/10/2020	313931	C. STODDARD & SONS INC.	WASTE OIL REMOVAL	250.00
07/10/2020	313932	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	105.36
07/10/2020	313933	CERTIFIED LABORATORIES	GREASE AND PENETRANT	942.00
07/10/2020	313934	CHEESE PEOPLE OF GRAND RAPIDS	SNAP REIMBURSEMENT	64.00
07/10/2020	313935	CHO CONSULTING, INC./NOVINZIO	DIGITAL SIGNATURE SUBSCRIPTION	1,085.50
07/10/2020	313936	CINTAS CORP.	UNIFORM RENTAL FOR INSPECTORS	7.95
07/10/2020	313937	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	257,262.30
07/10/2020	313938	CONVERSE MANAGEMENT CO	OP 2110 WOODBINE UTILITY BILL	47.50
07/10/2020	313939	COPIN, CHERIE	JULY SWIM LESSONS REFUND	90.00
07/10/2020	313940	CUGLIOTTA, KATIE	RAMONA PARK PAV REFUND	110.00
07/10/2020	313941	CURTISS, STEVE	SUMMER ADULT SOFTBALL REFUND	600.00
07/10/2020	313942	D L GALLIVAN INC.	COPY MACHINE USAGE CHARGES	110.16
07/10/2020	313943	DAVE'S CONCRETE PRODUCTS, INC.	OPERATING SUPPLIES	1,936.75
07/10/2020	313944	DEAF INC.	ASL INTERPRETER-VIRTUAL CITY COUNCIL	552.50
07/10/2020	313945	DIXON ENGINEERING, INC	INSPECTION SERVICES	14,350.00
07/10/2020	313946	DUNIPHIN, JESSIE	KIDS TRY-IT ARTS REFUND	25.00
07/10/2020	313947	DUNLOP, JOHN W	FISH CAMP INSTRUCTION	140.00
07/10/2020	313948	EDWARDS INDUSTRIAL SALES, INC.	REPAIR AND MAINTENANCE	169.38
07/10/2020	313949	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE REPAIR	1,938.33
07/10/2020	313950	FABRICATED FLEX & HOSE	WATER HOSE CONNECT	138.93
07/10/2020	313951	FAWLEY OVERHEAD DOOR, INC.	FIRE FACILITY MAINT	2,195.00
07/10/2020	313952	FISH WINDOW CLEANING	WINDOW CLEANING	234.00
07/10/2020	313953	FLETCHER ENTERPRISES	BUILDING MAINTENANCE	7,625.00
07/10/2020	313954	FULL CIRCLE FARM	SNAP/DU REIMBURSEMENT	42.00
07/10/2020	313955	GAMETIME	WEAR MATS	1,146.22
07/10/2020	313956	GHERARDI, PATRICIA	TRIP REFUND 201006 NIAGARA	200.00
07/10/2020	313957	GOFF, SUE	RAMONA PARK VOUCHER REFUND	90.00
07/10/2020	313958	GORDON FOOD SERVICE	SURVIVAL SUNDAYS SUPPLIES	406.00
07/10/2020	313959	GOURDNECK LAKE GOV'T LAKE BOARD	CITY SHARE OF INVASIVE PLANT CONTROL	3,544.00
07/10/2020	313960	GREAT LAKES CHEMICAL SERVICES INC	VEHICLE MAINTENANCE	450.00
07/10/2020	313961	GREENWAI LLC	REF CREDIT BAL FINAL BILL-6338 LOVE	11.84
07/10/2020	313962	GRINWIS, JESSIE	JULY SWIM LESSONS REFUND	90.00
07/10/2020	313963	GUTH ILLUSTRATION & DESIGN	RAMONA PARK LOGO DESIGN	650.83

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07/10/2020	313964	HALT FIRE, INC.	FIRE APPARATUS MAINT	8,360.73
07/10/2020	313965	HASTINGS AIR ENERGY CONTROL	FIRE APPARATUS MAINT	752.35
07/10/2020	313966	HEMKER, BRIAN	SOFTBALL SPONSOR PAYMENT REFUND	150.00
07/10/2020	313967	HENDERSON, DEANNE	TRIP REFUND 201006 NIAGARA	200.00
07/10/2020	313968	HOME DEPOT	EVENT & BUILDING SUPPLIES	1,398.19
07/10/2020	313969	VOID		0.00
07/10/2020	313970	HOOVER, GAIL	TRIP REFUND 201006 NIAGARA	200.00
07/10/2020	313971	HORNEV, ALLISON	JULY SWIM LESSONS REFUND	45.00
07/10/2020	313972	HOYLE, KATHLEEN	SEA SERPENT ART CONTEST SUPPLIES	418.41
07/10/2020	313973	HUFFSTUTTER, TRACEY	JULY SWIM LESSONS REFUND	45.00
07/10/2020	313974	IMAGETREND, INC.	FIRE TECHNOLOGY	3,995.00
07/10/2020	313975	INCREDIBLE KETTLE	SEASONAL VENDOR REFUND	52.00
07/10/2020	313976	INT'L PUBLIC MGT ASSOC FOR HR	PUBLIC SAFETY CANDIDATE TESTING	92.15
07/10/2020	313977	J & J PAINT AND GLASS	FIRE FACILITY MAINT	2,250.00
07/10/2020	313978	JUHRS, JAMES	TRIP REFUND 200801 CUBS/BREWERS	160.00
07/10/2020	313979	KAL COUNTY CONSOLIDATED DISPATCH	2ND AMEN/KCCDA INTERLOCAL AGREEMENT	378,397.00
07/10/2020	313980	KALAMAZOO COUNTY TREASURER	JULY 2020 MOBILE HOME TAXES	322.50
07/10/2020	313981	KALAMAZOO COUNTY TREASURER	WATER MAIN EASEMENT	8,750.00
07/10/2020	313982	KEANE, MARY ANN	TRIP REFUND 201006 NIAGARA	300.00
07/10/2020	313983	KENT COUNTY DPW	WASTE DISPOSAL RED MED/DRUG	90.00
07/10/2020	313984	KETVIRTIS, MICHELLE	JULY SWIM LESSONS REFUND	90.00
07/10/2020	313985	KIESLER POLICE SUPPLY	MISC TRAINING SUPPLIES	2,769.00
07/10/2020	313986	KIEWIET, BILL	LAKEVIEW PARK PAV RENTAL REF	110.00
07/10/2020	313987	KREITNER, JAMES	SEASONAL VENDOR REFUND	52.00
07/10/2020	313988	KRUSE, BARBARA	TRIP REFUND 201006 NIAGARA	200.00
07/10/2020	313989	KSS ENTERPRISES	REPAIR SERVICES	634.30
07/10/2020	313990	KUHSE, ERIN	RAMONA PARK PAV #1 REFUND	110.00
07/10/2020	313991	KZOO TIRE COMPANY	POLICE VEHICLE MAINT	439.00
07/10/2020	313992	LASER SHOT, INC.	LASERSHOT REFRESHER TRAINING	2,245.00
07/10/2020	313993	LEDLOW, NATE	SWP SOFTBALL RENTAL REFUND	580.00
07/10/2020	313994	LEXISNEXIS RISK DATA MANAGEMENT INC	MONTHLY ACCURINT	1,800.00
07/10/2020	313995	LOCEY SWIM POOL CO.	FOUNTAIN SUPPLIES FOR CITY HALL	14.91
07/10/2020	313996	LONGTIN, DAVID & CHRISTA	TRIP REFUND 200801 CUBS/BREWERS	320.00
07/10/2020	313997	LUNDBERG, KATHLEEN	TRIP REFUND 200805 MAG MANSIONS	100.00
07/10/2020	313998	MATTRESS MART	FIRE FACILITY MAINT	3,764.25
07/10/2020	313999	MCCRUMB, LINDA	ACTIVITY REFUND CASINO OUTING	60.00

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07/10/2020	314000	MCDONALD'S TOWING & RESCUE, INC.	STORAGE FEES-2 VEHICLES	6,419.50
07/10/2020	314001	MENARDS	COVID RELATED SUPPLIES	359.40
07/10/2020	314002	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR/MAINT	1,473.03
07/10/2020	314003	MICHIGAN ELECTION RESOURCES, LLC	DUAL AV APPS, PROCESSING, POSTAGE	3,645.86
07/10/2020	314004	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL LEGAL SERVICES	715.00
07/10/2020	314005	MILLER, DEBRA	RAMONA PARK PAV #2 REFUND	110.00
07/10/2020	314006	MILLER, MARY	TRIP REFUND 201006 NIAGARA	200.00
07/10/2020	314007	MML UNEMPLOYMENT FUND	UNEMPLOYMENT GROUP-2ND QTR 2020	263.94
07/10/2020	314008	MODERNISTIC CARPET CLEANING CO	CARPET CLEANING	160.00
07/10/2020	314009	O'REILLY AUTO PARTS	FIRE APPARATUS MAINT	43.95
07/10/2020	314010	OFFICE DEPOT, INC.	OFFICE SUPPLIES	2,344.26
07/10/2020	314011	VOID		0.00
07/10/2020	314012	PACKER, ADAM	JULY SWIM LESSONS REFUND	90.00
07/10/2020	314013	PAW PAW VETERINARY CLINIC, P.C.	CANINE PET CARE	496.79
07/10/2020	314014	PEERLESS, INC.	WATER SOFTENER SALT	522.50
07/10/2020	314015	PETTY CASH-ALYSSA MILBECK	REPLENISHMENT CHECK	1,940.15
07/10/2020	314016	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	872.49
07/10/2020	314017	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	367.37
07/10/2020	314018	POTRUDE, GEORGIA	TRIP REFUND 201006 NIAGARA	400.00
07/10/2020	314019	RAY ALLEN MANUFACTURING, LLC	CANINE EQUIPMENT	173.97
07/10/2020	314020	RENEWED EARTH, INC.	LEAF AND BRUSH REMOVAL	9,083.33
07/10/2020	314021	RESTORATIVE LAKE SCIENCES, LLC	WEST LAKE MANAGEMENT	1,625.00
07/10/2020	314022	ROAD COMMISSION OF KALAMAZOO COUNTY	TRAFFIC SIG ENERGY/MAINTENANCE	19,542.07
07/10/2020	314023	ROCKROHR, BEVERLY	TRIP REFUND 201006 NIAGARA	915.00
07/10/2020	314024	ROOFING TECHNOLOGY ASSOCIATES, LTD.	ROOFING CONSULTATION	4,100.00
07/10/2020	314025	ROWLEY BROTHERS, INC.	MOTOR AND HYD OIL	1,920.24
07/10/2020	314026	SANDRA CARDONA	SNAP REIMBURSEMENT	18.00
07/10/2020	314027	SCHULTZ, ERIN	SEASONAL VENDOR REFUND	52.00
07/10/2020	314028	SCHULTZ, KYLIE	JULY ARCHERY CAMP REFUND	60.00
07/10/2020	314029	SEVEN BROTHERS PAINTING INC.	PINE VIEW WATER TOWER RECOATING	297,800.00
07/10/2020	314030	SHI INTERNATIONAL CORP.	LENOVO THINKPAD/THINKCENTRE	3,052.80
07/10/2020	314031	SIGN SHOP OF WESTERN MICHIGAN	SIGNS AT CITY HALL	65.00
07/10/2020	314032	SIMPSON, KARA	REF CR BAL FINAL BILL/3138 MUIRFIELD	17.24
07/10/2020	314033	SITEONE LANDSCAPE SUPPLY LLC	IRRIGATION REPAIR SUPPLIES	187.48
07/10/2020	314034	SLY, LAUREL	LAKEVIEW PARK PAV #2 REFUND	110.00
07/10/2020	314035	STATE INDUSTRIAL PRODUCTS CORP	PARTS CLEANER SERVICE	1,180.90

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07/10/2020	314036	STATE OF MICHIGAN (TREASURY)	2019 PILOT-STATE OF MICH DISTRIBUTION	167,405.70
07/10/2020	314037	STATE SYSTEMS RADIO, INC	DUAL BAND RADIOS	20,606.90
07/10/2020	314038	STEENSMA LAWN & POWER EQUIPMENT	SMALL EQUIPMENT REPAIRS	597.47
07/10/2020	314039	STURGEON, CRAIG	SCHRIER PARK BUILDING REFUND	400.00
07/10/2020	314040	SWANK MOTION PICTURES, INC.	JUL/AUG MOVIE LICENSE	1,260.00
07/10/2020	314041	THE RIGHT STUFF ENTERTAINMENT INC.	MOTOWN FINAL PAYMENT	2,000.00
07/10/2020	314042	THORNTON, GROVER	RAMONA PARK PAV #1 REFUND	110.00
07/10/2020	314043	TIMKO, JOE & LYNN	TRIP REFUND 200830 TIGERS/REDSOX	276.00
07/10/2020	314044	TRUGREEN PROCESSING	HERBICIDE APPLICATIONS	5,718.49
07/10/2020	314045	U.S. MAIL SUPPLY	BALLOT MANAGEMENT BOXES	88.50
07/10/2020	314046	UNITED PARCEL SERVICE	UPS WEEKLY	28.61
07/10/2020	314047	UNITED PARTY & EVENT SERVICES	HAIR BAND CONCERT STAGE	2,300.00
07/10/2020	314048	UNITED PARTY & EVENT SERVICES	DET PIKACHU MOVIE RENTAL	750.00
07/10/2020	314049	UNITED PARTY & EVENT SERVICES	JUMANJI MOVIE RENTAL	750.00
07/10/2020	314050	UNIVERSAL LAUNDRY MACHINERY	NEW FIRE ST 2	16,939.00
07/10/2020	314051	US DIGITAL DESIGNS, INC.	FIRE STATION ALERTING	170,184.76
07/10/2020	314052	USPS	REFILL POSTAGE METER	5,000.00
07/10/2020	314053	VAN WAGNER, MARY	JULY SWIM LESSONS REFUND	45.00
07/10/2020	314054	VANGUARD FIRE & SUPPLY CO., INC.	FIRE EXTIGUISHER INSPECTION	285.95
07/10/2020	314055	VERICOM LLC	TRAINING MATERIALS	1,185.00
07/10/2020	314056	VERIZON CONNECT NWF, INC.	FLEET GPS SERVICES	751.69
07/10/2020	314057	VERIZON WIRELESS	CELLULAR TELEPHONES	3,063.32
07/10/2020	314058	VICKSBURG HARDWARE	OPERATING SUPPLIES	589.94
07/10/2020	314059	WASTE MANAGEMENT	CONTAINER SVC CHARGE/DISPOSAL	525.91
07/10/2020	314060	WESTER, SARAH	JULY SWIM LESSONS REFUND	45.00
07/10/2020	314061	WILLIAMS, ROBIN	TRIP REFUND 201006 NIAGARA	200.00
07/10/2020	314062	WISE, JOHN	TRIP REFUND 200801,200830 CUBS/BREWERS	308.00
07/10/2020	314063	WOLVERTON, KRISTINE	SCHRIER PARK PAV RENTAL REFUND	110.00
07/10/2020	314064	CENTER MASS, INC.	BASIC SNIPER SCHOOL	799.00
07/10/2020	314065	CONTROLLED F.O.R.C.E., INC.	CONTROLLED FORCE/TRAINING	2,280.00
07/10/2020	314066	HOTSY EQUIPMENT COMPANY	VITAL OXIDE DISINFECTANT	716.00
07/10/2020	314067	INT'L ASSOC OF ARSON INVESTIGATORS	ARSON INVESTIGATORS MEMBERSHIPS	600.00
07/10/2020	314068	INT'L ASSOC OF FIRE CHIEFS	IAFC MEMBERSHIP	315.00
07/10/2020	314069	KALAMAZOO COUNTY HEALTH & COMMUNITY	HOUSEHOLD HAZARDOUS WASTE PROG	19,178.00
07/10/2020	314070	MICHIGAN ASSOC. OF PLANNING	MICHIGAN ASSOC OF PLANNING MEMBERS	675.00
07/10/2020	314071	PLANNING & ZONING CENTER, INC.	PLANNING & ZONING NEWS	350.00

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07/10/2020	314072	SMEMSIC	FIRE ADMIN MEMBERSHIP	75.00
07/10/2020	314073	STINSON, JANET	REFUND-CANCELED CEMETERY FEES	450.00
07/17/2020	314074	ADP, INC.	MONTHLY ETIME AND IDI	4,584.76
07/17/2020	314075	AT&T	ELECTRONIC COMMUNICATIONS	10,534.58
07/17/2020	314076	BAKER, STACEY	SHRM E-LEARNING SYSTEM	239.00
07/17/2020	314077	BLUE CROSS/BLUE SHIELD OF MICH	BCBSM INSURANCE	45,085.20
07/17/2020	314078	CONSUMERS ENERGY	ENERGY CHARGES 10616 CORA DRIVE	27.35
07/17/2020	314079	DENOYER, RACHEL	DAMAGED MAILBOX REIMBURSEMENT	44.00
07/17/2020	314080	HALL BUILDERS LLC	NEW FIRE ST 2	457,365.48
07/17/2020	314081	HERTZ, SHANNON	SHRM E-LEARNING SYSTEMS	239.00
07/17/2020	314082	THOMAS, MONTORA	TUITION ASST-INTERDISCIPLINARY STUDIES	960.00
07/16/2020	314083	HOUSTON, BRITTNEY	HAYLOFT THEATRE RENTAL REFUND	1,020.00
07/17/2020	314084	STATE OF MICHIGAN (LARA)	LARA REGISTRATION FOR ELECTRICAL INSPECT	150.00
Total Paper Checks:				2,159,705.91

Check Type: Auto-pay payment

07/01/2020	CONSUMERS ENERGY	GAS-ELECTRIC	104.45
07/07/2020	CONSUMERS ENERGY	GAS-ELECTRIC	58,750.16
07/08/2020	CONSUMERS ENERGY	GAS-ELECTRIC	1,180.76
07/09/2020	CONSUMERS ENERGY	GAS-ELECTRIC	10,631.21
07/10/2020	CONSUMERS ENERGY	GAS-ELECTRIC	24,178.21
07/13/2020	CONSUMERS ENERGY	GAS-ELECTRIC	839.26
07/14/2020	CONSUMERS ENERGY	GAS-ELECTRIC	474.86
07/15/2020	CONSUMERS ENERGY	GAS-ELECTRIC	13,118.50
07/15/2020	RANDALL BROWN & ASSOC	ATTORNEY RETAINER	18,810.00
07/16/2020	CONSUMERS ENERGY	GAS-ELECTRIC	444.35
07/17/2020	CONSUMERS ENERGY	GAS-ELECTRIC	5,095.70
Total Auto-pay Payments:			133,627.46

Grand Total: 2,546,592.43

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Police Radio Replacement - Cooperative Purchase

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

ACTION RECOMMENDED: Approve the purchase of:

1. 72 portable radios from Motorola Solutions, Inc. in the amount of \$200,000 in Fiscal Year 2020-2021 and \$257,932.96 in Fiscal Year 2021-2022, for a total purchase price of \$457,932.96;
2. 24 in-car radios from State Systems Radio, Inc. in the amount of \$89,301.04;

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

Interoperability of radio communications are imperative for efficient and safe police radio operations when mutual aid is requested. The interoperability of radio communications in the Department of Public Safety - Police Division has for several years been a challenge with aging hand-held and in-car radio equipment. While the Portage Police Division continues to use a VHF system, all other police agencies in the county utilize an 800 MHz system. During the COVID-19 crisis, interoperability was tested, and often failed, using the current technology of older model 800 MHz radios and VHF frequency patching. It has become imperative to upgrade and create a more reliable system that works reliably with other agency systems.

The Police Division seeks approval to replace 72 handheld single-frequency radios with dual-band APX 8000 series radios from Motorola Solutions, Inc. The new technology will allow for both VHF and 800 MHz to be utilized, using one handheld radio. By utilizing dual-band radios, Portage Police personnel can continue to operate on a VHF signal, while also having the ability to switch to the 800 MHz system when working in mutual aid situations. The existing Kenwood VHF radios, which are approximately 15-years old, are not capable of interoperability, and are at the end of serviceable life. Motorola Solutions, Inc. provided the city a quote to replace the portable radios in the amount of \$457,932.96. The Motorola quote is through the MiDEAL cooperative state purchasing program which ensures that the city receives the lowest price possible. To assist with the total expenditure, Motorola Solutions Inc.

has agreed to a \$200,000 payment in FY 2020-2021 and the balance of \$257,932.96 in FY 2021-2022. Motorola Solutions, Inc. is the preferred vendor for the 800 MHz system.

The Police Division also requests replacement of the existing VHF in-car radios with dual-band mobile radios. The existing vehicle radios, which are 10-years-old, are near end of serviceable life. The recommended solution is to replace the 24 in-car radios with dual-band Kenwood radios. Having both handheld and permanently mounted in-car radios with dual-band capabilities will improve overall communication in emergency and non-emergency situations, in turn providing a more secure and safe way for officers to communicate in the field. State Systems Radio, Inc. provided the city a quote of \$89,301.04 for replacement of the in-car radios. The State Systems Kenwood Radio quote to the city is also through the MiDEAL cooperative state purchasing program, resulting in a savings of \$8,495.56.

It is recommended that City Council approve the purchase of 72 handheld radios from Motorola Solutions, Inc. in the amount of \$200,000 in FY 2020-2021 and \$257,932.96 in FY 2021-2022, for a total purchase of \$457,932.96; and the purchase of 24 in-car radios from State Systems Radio, Inc. in the amount of \$89,301.04; and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

FUNDING: Sufficient funding is available in the 2020-2021 Capital Improvement Program budget for this program.

- Attachments:**
1. Motorola Quote
 2. Motorola Ref Letter Quote 1305998
 3. PPD DUAL BAND 24 units 2020 R1 07.22.20
 4. City of Portage MI State Contract Letter 06.23.20



Billing Address:
 PORTAGE POLICE DEPT, CITY
 OF
 7810 SHAVER RD
 PORTAGE, MI 49024
 US

Quote Date:06/22/2020
 Expiration Date:09/20/2020
 Quote Created By:
 Rick Hochstedler
 rhochstedler@roecomm.com

End Customer:
 PORTAGE POLICE DEPT, CITY OF
 Payment Terms:30 NET

Line #	Item Number	Description	Qty	List Price	Contract Price	Sale Price	Ext. Sale Price
	APX™ 8000 Series	APX8000					
1	H91TGD9PW6AN	APX 8000 ALL BAND PORTABLE MODEL 2.5	72	\$5,983.00	\$3,888.95	\$3,888.95	\$280,004.40
1a	H869BW	ENH: MULTIKEY	72	\$330.00	\$214.50	\$214.50	\$15,444.00
1b	Q806CB	ADD: ASTRO DIGITAL CAI OPERATION	72	\$515.00	\$334.75	\$334.75	\$24,102.00
1c	Q361AN	ADD: P25 9600 BAUD TRUNKING	72	\$300.00	\$195.00	\$195.00	\$14,040.00
1d	QA00580AA	ADD: TDMA OPERATION	72	\$450.00	\$292.50	\$292.50	\$21,060.00
1e	Q15AJ	ADD: AES/DES-XL/DES- OFB ENCRYPTION AND ADP	72	\$799.00	\$519.35	\$519.35	\$37,393.20
1f	QA05509AA	DEL: DELETE UHF BAND	72	-\$800.00	-\$520.00	-\$520.00	-\$37,440.00
1g	QA05100AA	ENH: STD 1 YR WARRANTY APPLIES NO SFS	72	\$0.00	\$0.00	\$0.00	\$0.00
1h	H38BS	ADD: SMARTZONE OPERATION	72	\$1,500.00	\$975.00	\$975.00	\$70,200.00
2	LSV00Q00202A	DEVICE PROGRAMMING	72	\$60.00	\$60.00	\$60.00	\$4,320.00
3	NNTN8860A	CHARGER, SINGLE-UNIT, IMPRES 2, 3A, 115VAC, US/NA	72	\$165.00	\$123.75	\$123.75	\$8,910.00



Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of use and Purchase Terms and Conditions govern the purchase of the Products.

Line #	Item Number	Description	Qty	List Price	Contract Price	Sale Price	Ext. Sale Price
4	NMN6274B	IMPRES XP RSM FOR APX W/ DUAL MIC NOISE SUPPRESSION, 3.5MM THRD JACK	72	\$368.50	\$276.38	\$276.38	\$19,899.36

Grand Total**\$457,932.96(USD)**

Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of use and Purchase Terms and Conditions govern the purchase of the Products.



Date: July 8, 2020

Financing proposal for: City of Portage, MI

Motorola Customer Financing recognizes that each opportunity presents unique issues and characteristics. Therefore, our approach involves understanding our customer's operational goals and financial objectives. **Should you feel another financing structure is required, Motorola Customer Financing would welcome the opportunity to work with you.**

Transaction Type: Municipal Lease-Purchase Agreement / Tax Exempt Financing

Lessor: Motorola Solutions, Inc. (or its Assignee)

Lessee: City of Portage, MI

Amount: \$457,932.96

Down Payment: \$200,000.00

Balance to Finance: \$257,932.96

Equipment: As per the Motorola Solutions equipment proposal.

Title, Insurance, & Maintenance: Title to the equipment will vest with the Lessee, and the Lessee will be responsible to insure & maintain the equipment as outlined in the lease contract.

Taxes: Personal property, sales, leasing, use, stamp, or other taxes are for the account of the Lessee.

Lease Term: One Lease Pmt

Payment Frequency: Annual

Lease Rate: *** 0.00%

*** Please note this special financing offer is being subsidized by Motorola Corporate to the bank and such subsidy is limited, subject to change, including elimination, and is only available for financed transactions.

Lease Payment: \$257,932.96

Payment Structure: Arrears

Payment Commencement: Payment due ~ 15 months after contract execution

Please be advised the rates and payment streams above are valid for lease purchase contracts executed and returned NO LATER than: **8/15/2020**

Program Highlights: Lease Payments are subject to annual appropriation, so the Lessee **DOES NOT** pledge its full faith and credit.

Low, tax exempt financing interest rates...the most **cost effective & convenient** way for State & Locals to raise cash.

No pre-payment penalties provided payment is made in-full on a regularly scheduled lease payment date.

Eliminate miscellaneous financing costs associated with bonding...**NO** special counsel fees, underwriter's fees, origination costs, or reserve fund requirements.

Every dollar you borrow gets allocated towards your project.

Qualifications: Receipt of a properly executed documentation package.

The interest portion of the Lease Payments shall be excludable from the Lessor's gross income pursuant to Section 103 of the Internal Revenue Code.

Receipt of a copy of the last 2 year's audited financial statements and current year's budget from the Lessee.

This proposal should not be construed as a commitment to finance. It is subject to final credit approval.

For questions concerning this quote, please contact: Paul Mecaskey
Motorola Solutions Credit Company LLC
847-538-3707
pjm@motorolasolutions.com

Purchase Order Checklist

Marked as PO/ Contract/ Notice to Proceed on Company Letterhead
(PO will not be processed without this)

PO Number/ Contract Number

PO Date

Vendor = Motorola Solutions, Inc.

Payment (Billing) Terms/ State Contract Number

Bill-To Name on PO must be equal to the *Legal* Bill-To Name

Bill-To Address

Ship-To Address (If we are shipping to a MR location, it must be documented on PO)

Ultimate Address (If the Ship-To address is the MR location then the Ultimate Destination address must be documented on PO)

PO Amount must be equal to or greater than Order Total

Non-Editable Format (Word/ Excel templates cannot be accepted)

Bill To Contact Name & Phone # and EMAIL for customer accounts payable dept

Ship To Contact Name & Phone #

Tax Exemption Status

Signatures (As required)

July 9th, 2020

Valerie Ann Hiltz
Category Specialist
State of Michigan

Subject: Quote #1305998

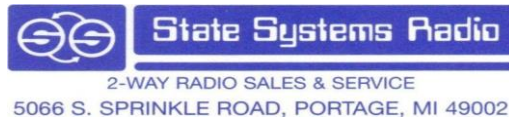
Dear Ms. Hiltz:

Motorola Solutions, Inc. has provided a quote to the City of Portage, Quote #1305998. This quote was created by our local Manufacturer Representative, Roe-Communications, using our internal quote system. The quote reflects the MiDeal Pricing previously negotiated under contract # 190000001544.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Muskovin', is displayed on a light beige rectangular background.

Mike Muskovin
Area Sales Manager
Motorola Solutions, Inc.
(616)638-1252
mike.muskovin@motorolasolutions.com



City of Portage Police Dept.
7810 Shaver Rd
 Lt. Clark

6-22-2020
Rev.1 7-22-2020

Kenwood Radios

800MHz P25 and VHF Dual Band Mobile Radios

True dual band with dual speakers, full featured and handheld remote control heads, AES/DES multi-key encryption, and 3-year warranty.

Price includes custom programming, installation of encryption modules and key loading, wire up control cables and heads, and Pre. Installation.

MSRP

NX-5900BK 700/800MHz P25 with AES/DES Encryption	\$2,635.00/ea.
NX-5700BK VHF	\$ 720.00/ea.
5AFMM-MR Full Featured Control Head Remote Mount Kit	\$1,213.50/ea.
L-5032 Remote Mount Kit Factory Assembly	\$ 150.00/ea.
L-5001(x2), L-5006, L-5008 Factory Programming/Tuning	\$ 352.50/ea.
Full Featured Control Head Package	\$5,071.00/ea.

NX-5900BK 700/800MHz P25 with AES/DES Encryption	\$2,635.00/ea.
NX-5700BK VHF	\$ 720.00/ea.
5AHMM-MR Hand-Held Control Head Remote Mount Kit	\$1,669.30/ea.
L-5032 Remote Mount Kit Factory Assembly & Packing	\$ 150.00/ea.
L-5001 (x2), L-5006, L-5008 Factory Programming/Tuning	\$ 352.50/ea.
Hand Held Control Head Package	\$ 5,526.80/ea.

NET

20/ea. Full Featured Control Head Package @ \$3,549.70/ea.	\$ 70,994.00
4/ea. Hand Held (covert) Control Head Package @ \$3,868.76/ea.	\$ 15,475.04
Kenwood Total	\$86,469.04
24/ea. 800MHz Antenna Kit @\$83.00/ea.	\$ 1,992.00
24/ea. VHF Antenna Kit @ \$35.00/ea.	\$ 840.00
Total Delivered	\$89,301.04

Contact Charles Agosti Cell: 269-217-4188

Our 31st YEAR!



06/23/20

City of Portage, MI
Public Safety Department
7810 Shaver Ave.
Portage, MI 49024

To Whom It May Concern,

Kenwood has had a procurement contract with the State of Michigan since March 1, 2010, and there have been 1 - 2 year annual renewals in January or February of every year thereafter. We were informed in 2019 that the contract was not going to be renewed in 2020, but instead, was going to be re-bid via an RFP. Kenwood inquired with State of MI Procurement (the State) throughout 2019 about an anticipated RFP release date, but we were never provided with one.

In early January 2020, Kenwood was informed by the State that the contract was in fact going to expire on January 18, 2020, but that they anticipated having an RFP published this spring, with a contract start date of July 2020. Of course, all of this occurred before COVID-19 completely disrupted governmental and most other operations, and we were informed today by the State that the contract rebid/RFP has been postponed to later this summer for that reason.

In the spirit of good customer relations, Kenwood immediately decided in January to continue to honor the State Contract pricing of 30% off list price until further notice. A copy of our June 2019 price list is attached and has served as the basis of the contract pricing. The NX-5000 series mobile radios under consideration are shown on pages 44 thru 53.

Please don't hesitate to contact me if you have any questions, and thank you for your interest and confidence in Kenwood.

John Bradley
Territory Manager



Manufacturers Rep for

KENWOOD

VIKING OTTO

43422 W. Oaks Dr. PMB 425

Novi, MI 48377-3300

248.212.2102 Cell

800.443.6262 Toll Free

john@greatlakescomm.com

www.greatlakescomm.com

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Hampton Bog Engineering - RFP

SUPPORTING PERSONNEL: Michael Carroll, Deputy City Manager

ACTION RECOMMENDED: Direct the City Administration to issue a Request for Proposals for Engineering Services on the Hampton Bog Stormwater Mitigation Project, to include the methodology for specially assessing the cost thereof.

On July 23, the City of Portage hosted a public informational meeting with the community to discuss the ongoing issues of flooding at the Hampton Bog. Attendees were briefed on the progress made since the last informational meeting held in the fall of 2019 and were also informed as to the chronology of the RFP process and the assessing methodology, should the Council go forward with this project. The next steps to be taken, should this project be approved by the City Council, were identified and explained.

It is requested that the City Council direct the City Administration to issue a RFP for Engineering Services for the Hampton Creek Wetland Area Flooding Mitigation Project, using the proposed feasible route identified by Fishbeck and recommended by staff (as attached), and including the methodology to determine the appropriate assessing of affected properties.

FUNDING: N/A

Attachments: 1. Feasible Route Map

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Closed Session

SUPPORTING PERSONNEL: Michael Carroll, Deputy City Manager

ACTION RECOMMENDED: Hold a closed session immediately following the regular City Council meeting of July 28, 2020 for the purposes of discussing the purchase or lease of real property.

A closed session is requested immediately following the regularly scheduled City Council meeting of Tuesday, July 28, 2020. The purpose of this closed session is to discuss the purchase or lease of real property.

According to the State of Michigan Open Meetings Act (OMA), a majority vote is sufficient for going into closed session for this purpose. Immediately following Closed Session, City Council must reconvene in Open Session and the open meeting minutes "should state the time the public body reconvened in open session." Additionally, any votes on matters discussed in the closed session must occur in an open meeting.

FUNDING: N/A

Attachments: None

Minutes of Boards & Commissions

PLANNING COMMISSION

June 4, 2020

The City of Portage Planning Commission meeting of June 4, 2020 was called to order by Chairman Corradini at 7:00 p.m. Pursuant to the “Remote Attendance Rules for Meetings” and Michigan Governor Whitmer’s Executive Order 2020-21, this meeting was held remotely with Commissioners, staff, applicants and the general public participating via telephone call-in.

IN ATTENDANCE

Christopher Forth, Interim Director; Michael West, Senior City Planner and Randy Brown, City Attorney.

ROLL CALL

Mr. West called the roll: Meyer (yes); Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); and Patterson (yes). All Commissioners present.

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the May 7, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Baldwin, seconded by Commissioner Schimmel, to approve the minutes as submitted. Upon a roll call vote: Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Harrell-Page (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

PUBLIC HEARING

1. Preliminary Condominium Subdivision: Pennridge Trail (Phase 2), 1800 West Osterhout Avenue. Mr. West summarized the staff report dated May 28, 2020 regarding a request by Westview Capital, LLC to construct Phase 2 of the Pennridge Trail Subdivision. Mr. West provided a brief history of the 2018 PD rezoning and tentative plan/narrative approval for the overall 46.54 acre property, along with the previous approval and acceptance of Phase 1 of the Pennridge Trail Subdivision. Mr. West indicated that Phase 2 of the Pennridge Trail Subdivision proposes 23 single family residential lots/units and construction of two new public streets (Schrier Lane and Alder Avenue). Mr. West discussed various aspects of the development including a previous modification approved by City Council regarding vehicular access and the number of lots on public cul-de-sac street, sidewalk installation and screening/buffering along West Osterhout Avenue and the Penn-Central Railroad tracks. Mr. West stated the preliminary condominium subdivision for Pennridge Trail (Phase 2) has been designed in substantial compliance with the approved tentative plan/narrative and was recommended for approval subject to the three conditions outlined in the May 28, 2020 Department of Community Development report.

Brian Wood of Westview Capital, LLC called-in to support the application. The public hearing was then convened by Chairman Corradini. No citizens called-in to speak regarding the preliminary condominium subdivision. A motion was then made by Commissioner Baldwin, seconded by Commissioner Fries, to close the public hearing. Upon a roll call vote: Myer (yes); Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); and Patterson (yes), 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 the Preliminary Condominium Subdivision for Pennridge Trail (Phase 2), 1800 West Osterhout Avenue, be approved subject to the three conditions outlined in the May 28, 2020 Department of Community Development report. Upon a roll call vote: Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); Patterson (yes); Harrell-Page (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

SITE/FINAL PLANS

None.

NEW BUSINESS:

1. Ordinance Amendment #19/20-C, Tree Preservation and Replacement Ordinance – Introduction. Mr. Forth summarized the staff report dated May 28, 2020 regarding a draft ordinance prepared by city staff and the Office of the City Attorney that would establish standards for the protection, preservation and conservation of existing natural wooded areas. Mr. Forth stated the goal of tonight's meeting was to introduce the item and review the draft ordinance section-by-section to obtain Planning Commission preliminary comments prior to a more formal review during the public hearing. Mr. Forth discussed the flexibility contained within the draft ordinance to develop a reasonable approach and balance between reviewing/approving development projects and preserving "protected trees" throughout the city.

Mr. Forth next reviewed the various sections of the draft ordinance beginning with the *Purpose & Intent* and *Definitions* sections. Mr. Forth focused on a few of the specific definitions including "protected tree", "Heritage Tree", "building envelope" and "public infrastructure envelope". Commissioner Patterson discussed the definition of "building envelope" and the allowance for trees to be removed within 15-feet from the building foundation without a permit. Commissioner Patterson indicated that 15-feet around the building does not provide sufficient room in order for contractors to maneuver large equipment and construction materials such as roof trusses. Commissioner Patterson also stated that a 15-foot clearance around the building also doesn't provide any room to establish a yard, conduct site grading or to open up the tree canopy above the house to prevent mildew and mold formation on the roof and siding of the house. Mr. Forth indicated that 15-feet around the building could be modified up to 30-feet total (20-feet on one side/10-feet on the other side). Commissioner Fries asked what other cities were researched for development of the ordinance, how a 6-inch diameter tree was determined for protection, whether a driveway to a house will be subject to the ordinance provisions and whether an existing house where a tear-down and re-build was proposed would be subject to the ordinance requirements. Mr. Forth responded stating that several other community ordinances were reviewed and two ordinances in particular faced legal challenges and court decisions involving those ordinances were incorporated into proposed ordinance language. Mr. Forth stated a protected tree with a 6-inch diameter was a standard used in the majority of the other community ordinances, a few used a 4-inch diameter standard. Mr. Forth stated the draft ordinance allows for consideration of driveway and private utility locations that would allow for removal of protected trees, without a permit, where other practical alternatives were not available. Mr. Forth indicated that an existing parcel that was 2 acres or less with a building could remove trees without a permit. Commissioner Joshi asked what constituted a "Heritage Tree"? Mr. Forth responded and referred the Commission to the listing of trees and sizes in the later section of the draft ordinance.

Mr. Forth continued reviewing the draft ordinance discussing the *Jurisdiction, Fees, Tree Removal Permit & Standards of Review* sections with emphasis on the provisions that discuss when a tree removal permit is required, activities within and outside of a "building envelope" and "public infrastructure envelope", and exceptions when a tree removal permit is not required. Commissioner Patterson asked what the fee would be for a tree removal permit? Mr. Forth indicated that was not specifically known at this time until a final ordinance was adopted and staff had a better understanding of the amount of time involved with the reviews. Commissioner Patterson asked about different development scenarios and what type of "tree survey" would be required. Mr. Forth indicated that nonresidential projects involving a site plan and a plat/site condominium project would require a tree survey prepared by a State of Michigan registered forester, arborist or landscape architect, while a single family home project would only be required to submit a scaled drawing with protected trees identified. Commissioner Patterson stated the draft ordinance would add a substantial cost to development projects, as well as time delays to go through the review process. Commissioner Patterson believes that additional input from the development community is needed before considering adoption of any ordinance. Commissioner Fries stated that he agrees with Commissioner Patterson's comments and has had conversations with other builders who have

expressed concerns with the draft ordinance. Commissioner Fries also stated some of the listed Heritage Trees are not quality trees. Attorney Brown stated that although the ordinance was modeled after other Michigan ordinances, many modifications were made to the proposed ordinance to provide flexibility and reasonableness in its application.

Commissioner Fries discussed the *Exceptions* section of the draft ordinance asked why the parcels with two acre exemption only applied to those that contained a building? Commissioner Fries stated he did not believe there was a problem with excessive tree removal across the city and asked why the ordinance couldn't be limited to larger development where the perceived problem is occurring? Mr. Forth stated that trees add value to development projects and the overall community and the intent of the ordinance was to prevent unnecessary removal of protected trees through pre-planning and discussion between the developer/builder and the city. Commissioner Fries stated that he believes the ordinance should be focused on larger development projects and not smaller residential property owners. Commissioner Fries also stated that he was concerned about the added cost and time associated with the ordinance and that a public input forum was needed with local builders and developers before any recommendation should be provided by the Planning Commission. Mr. Forth stated the initial draft ordinance attempts to strike a balance with the needs and desires of the overall community.

Commissioner Patterson stated that every development site is unique and it's difficult to develop an ordinance that can address all the various development scenarios. Commissioner Patterson indicated that developers and builders usually need to cut trees outside of "envelopes" in order to address grade issues, storm water, balancing of site for utilities and to establish desired yard areas. Commissioner Patterson also expressed concerns about the cost of replacement trees or contributions to a Tree Fund. Attorney Brown stated the draft ordinance contains a lot of flexibility and consideration of specific site conditions to address various development scenarios. Commissioner Patterson agreed with Commissioner Fries regarding the need to obtain input from area builders and developers before moving forward. Commissioner Fries asked if city staff was open to delaying further discussion of the draft ordinance until an in-person forum (not virtual meeting) could be held at City Hall with the various stakeholders that would be impacted by the ordinance. Mr. Forth stated that the Commission needs to collectively discuss and agree upon a desired course of action for the draft ordinance.

Mr. Forth continued reviewing the remaining portions of the draft ordinance including the *Application for Tree Removal Permit, Application Review Procedure, Application Review Standards, Tree Relocation or Replacement, Prohibited Acts, Appeals and Violation* sections. Commissioners Fries and Patterson again expressed concerns about the ratio of tree replacement and the associated cost of replacement trees that could be extremely expensive or even cost prohibited for some development scenarios. Commissioner Joshi stated that this is a great initial conversation and thanked staff for all the hard work that went into researching and drafting the ordinance. Commissioner Joshi discussed the value that trees have on the overall environment and understands the need to balance the interest of all parties. Chairman Corradini also thanked staff for all the hard work that went into the draft ordinance, and also thanked Commissioners Fries and Patterson for their comments and perspective.

Chairman Corradini asked if there were any citizens that called-in and were holding to speak regarding the draft ordinance. Three citizens called-in to comments on the draft ordinance: 1) Pat Flanagan (Ingersoll, Watson & McMachen, 1209 East Centre Avenue, Portage, MI); 2) Shannon Orr (Meyer C. Weiner Company, 700 Mall Drive, Portage, MI) and 3) Jeff Tafel (7469 Jamaica Lane, Portage, MI). Mr. Flanagan stated the draft ordinance has many unreasonable requirements that will be very costly and time consuming for developers and builders, and he was opposed to such an ordinance. Ms. Orr also stated that she was opposed to the ordinance and agrees with the comments made by Commissioners Patterson and Fries, and Mr. Flanagan. Ms. Orr also recommended that the ordinance consideration be tabled to a future date to allow more input from the development community. Mr. Tafel stated that he was the CEO of the Home Builders Association and would appreciate the opportunity to further engage staff and the Planning Commission in discussions regarding the proposed ordinance.

After additional discussion, a motion was made by Commissioner Fries, seconded by Commissioner Patterson, to cancel the June 11, 2020 public hearing regarding Ordinance Amendment #19/20-C, Tree Preservation and Replacement Ordinance, and set a future public hearing to a date to be determined by the Planning Commission after a public input forum. Upon a roll call vote: Myer (yes); Pezzoli (yes); Baldwin (yes);

Joshi (yes); Corradini (yes); Patterson (yes); Fries (yes); Harrell-Page (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

2. Planning Commission – July Meeting Dates. Mr. West and the Commission discussed the July Planning Commission meeting schedule with meetings currently scheduled for July 2nd and July 16th. Given the 4th of July holiday, the Commission concurred the meetings should be changed to the second and fourth Thursdays of the month. A motion was then made by Commissioner Joshi, seconded by Commissioner Baldwin, to change the July Planning Commission meetings from July 2nd and July 16th, to July 9th and July 23rd. Upon a roll call vote: Myer (yes); Pezzoli (yes); Baldwin (yes); Joshi (yes); Corradini (yes); Patterson (yes); Fries (yes); Harrell-Page (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Fries thanked Chairman Corradini for his leadership with the Planning Commission and also thanked the other Commissioners for allowing him and Commissioner Patterson the time to speak and expressed their opinions regarding the proposed Tree Preservation and Replacement Ordinance.

Chairman Corradini thanked everyone for their participation and comments during the meeting. Chairman Corradini stated that he wasn't a fan of virtual meetings and was looking forward to getting back to more traditional face-to-face Planning Commission meetings.

Commissioner Joshi regretted the comments voiced during the meeting regarding the city attempting to rush the Tree Preservation and Mitigation Ordinance through the process. Commissioner Joshi stated that the Planning Commission will not rush the ordinance through the process and that public input is needed.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Michael West, AICP
Senior City Planner

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – June 8, 2020

The City of Portage Zoning Board of Appeals virtual meeting was called to order by acting Chair Eichstaedt at 7:00 p.m. online.

MEMBERS PRESENT: Alexander Philipp, Linda Fry, Randall Schau, Lena Jomaa, Jeff Wettig, Jay Eichstaedt, and Dan Thornton (due to audio and video difficulties Dan Thornton could not participate).

MEMBERS EXCUSED: Linda Finch

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

APPROVAL OF THE MINUTES: Jomaa moved and Philipp seconded a motion to approve the May 11, 2020 minutes as submitted. The motion was approved 6-0.

NEW BUSINESS:

ZBA #19-16; 10901 Portage Road: Mais summarized the request for a variance to construct a new two-story dwelling with 1,176 square feet of living area where a minimum 1,440 square feet is required. Stephanie Myers stated the practical difficulties were the small size and narrowness of the lot and the usable lot width was further reduced by the presence of her neighbor's driveway which encroached onto her property several feet. Ms. Myers noted that while the adjacent properties had smaller bungalow style homes there were other two story dwellings in the vicinity, notably a house across the street and a dwelling north of the subject property about a half block. Eichstaedt noted there is a wide variety of modular homes available, some of which would likely conform. The applicant stated nearly all of the other models looked at had the main entrance on the long side of the dwelling, whereas the proposed dwelling had the entrance on the short side and would therefore work on this narrow lot. Schau inquired what specific dimensions of dwelling was staff considering when it suggested constructing a conforming dwelling. Mais responded there was no specific dimensions, but based on the building envelope concluded there was adequate space to construct dwellings that could meet living area requirements and setbacks. Schau inquired how long the driveway encroaching on the north side of the property had been in its current location. Mais responded the driveway predated the City. The applicant stated she did not know if the neighbor at 10845 Portage Road could relocate their driveway but if they moved it to the north side of the property it might cause several other adjacent narrow lots to have to relocate their driveways too and there is now a retaining wall along this portion of Portage Road. Schau inquired of Attorney Bear in regard to the neighbor's encroaching driveway whether a prescriptive easement or adverse possession situation affecting a neighbor could be considered by the Board in granting a variance. Attorney Bear responded it could.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

After additional discussion, a motion was made by Schau, seconded by Fry, to grant a variance to construct a new two-story dwelling with 1,176 square feet of living area where a minimum 1,440 square feet is required for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the small size and narrowness of the lot, and the presence of the neighbor's driveway; the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by others in the same zoning district in the vicinity, the ability to construct a new dwelling; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussions and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of

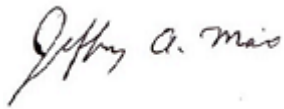
the Board be final and effective immediately. Upon roll call vote: Wettig-Yes, Schau-Yes, h-Yes, Philipp-Yes, Jomaa-Yes, Eichstaedt-Yes. Motion passed 6-0.

OTHER BUSINESS: Eichstaedt reminded the Board officer elections would take place next meeting.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:11 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeff Mais".

Jeff Mais
Zoning & Codes Administrator

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CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of the Virtual Meeting – June 25, 2020

CALL TO ORDER: The City of Portage Human Services Board meeting of June 25, 2020 was called to order by Chairperson Spalvieri at 6:05 p.m. Pursuant to the “Remote Attendance Rules for Meetings” and Michigan Governor Whitmer’s Executive Order 2020-42, this meeting was held remotely with board members, staff, and the general public participating via video/telephone call-in.

MEMBERS PRESENT: Alice Mwanda, Fi Spalvieri, Effie Kokkinos, Tim Henson, Kathryn Hanfland, Brooke Kolodzieczyk, Nadeem Mirza, Stephanie Upshaw

MEMBERS EXCUSED:

MEMBERS ABSENT: Diane Durian

STAFF PRESENT: Chris Forth, Interim Director Community Development, Tom McCoy, Neighborhood Program Specialist

APPROVAL OF MINUTES: Mirza moved and Henson supported a motion to approve the April 30, 2020 minutes. Motion passed 8-0.

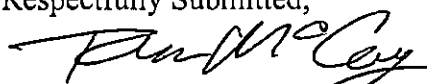
NEW BUSINESS:

1. **Discussion of CDBG-CV Funding Recommendation:** McCoy opened the discussion with a summary of the staff memo to the HSB regarding potential disposition of the \$130,474 awarded to the city as part of the CARES act to assist individuals who have been adversely affected by the COVID -19 pandemic. The Board concluded that the funds would be best utilized by directing a majority toward housing needs and the remainder toward emergency assistance through area agency partners. Housing Resources and Portage Community Center were identified as those agencies best equipped to administer the funds. Board members inquired of Portage Community Center Executive Director Chris Buckley, who was in attendance, whether the agency could increase the amount of emergency assistance for utilities as well as any other emergency expenses and Mr. Buckley stated that PCC would be able to adjust limits and increase assistance if necessary based on individual circumstances. Mwanda inquired about the existence of other programs that are designed to assist individuals. Kolodzieczyk also questioned staff whether reimbursement or payment of direct medical expenses would be an allowable activity and staff agreed to research and report back at the next meeting. Spalvieri suggested that up to \$70,000 could be allocated to HRI with the balance to PCC as an option. Forth commented that there was a two-year time period in which the funds were expected to be utilized. The Board agreed to continue the discussion at the July 16th meeting.

STATEMENTS OF CITIZENS: None Received

ADJOURNMENT: There being no further discussion to come before the Board, a motion was made by Kolodzieczyk and seconded by Kokkinos to adjourn the meeting at 7:00 p.m. Motion was approved 8-0.

Respectfully Submitted,



Tom McCoy, Neighborhood Program Specialist

MATERIALS TRANSMITTED

Tuesday, July 14, 2020

1. TO BE ADDED AS FINAL AGENDA OF THE JULY 14, 2020 BOARD AND COMMISSION INTERVIEW SESSION.
2. TO BE REPLACED IN AGENDA ITEM A.5. OF THE JULY 14, 2020 CITY COUNCIL AGENDA: Updated communication from the City Manager regarding the Water Main Easement Relinquishment, 2700 East Centre Avenue.
3. TO BE REPLACED IN AGENDA ITEM A.7 OF THE JULY 14, 2020 CITY COUNCIL AGENDA: Updated communication from the City Manager regarding the Hampton Bog High Water Levels – Special Meeting.



Joseph S. La Margo, City Manager

cc Adam Herringa, Deputy City Manager
Michael Carroll, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Joseph S. La Margo, City Manager



SUBJECT: Final Agenda for July 14, 2020 Board and Commission Interview Session

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

TO BE ADDED AS FINAL AGENDA OF THE JULY 14, 2020 BOARD AND COMMISSION
INTERVIEW SESSION.

Attachments: Board & Commission Interview Session Final Agenda

Board and Commission Interview Session.

5:30 p.m. Call to Order.

Roll Call.

Boards/Commissions Vacancy Summary.

1. Vacancy Summary

5:30 p.m. - Youth Advisory Committee (16 Expiring Terms, 14 Vacancies)

1. Expiring Terms and Vacancies
2. Interviews of Applicants

5:40 p.m. - Planning Commission (3 Expiring Terms)

1. Expiring Terms and Vacancies.
2. Interviews of Applicants
3. Attendance Summary

5:50 p.m. - Construction Board of Appeals (2 Expiring Terms)

1. Expiring Terms and Vacancies
2. Interviews of Applicants
3. Attendance Summary

6:00 p.m. - Historic District Commission (2 Vacancies)

1. Expiring Terms and Vacancies
2. Interviews of Applicants

Public Comment.

Finalizing of Appointments.

Adjournment.

TO: Honorable Mayor and City Council

FROM: Joseph S. La Margo, City Manager



SUBJECT: Water Main Easement Relinquishment, 2700 East Centre Avenue - UPDATED

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

TO BE REPLACED IN AGENDA ITEM A.5. OF THE JULY 14, 2020 CITY COUNCIL

AGENDA: Updated communication from the City Manager regarding the Water Main Easement Relinquishment, 2700 East Centre Avenue.

The “action recommended” has been modified to state that City Council “consider taking final action” whereas the original communication recommended that City Council “take final action.”

Attachments: Water Main Easement Relinquishment, 2700 East Centre Avenue Memo

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Water Main Easement Relinquishment, 2700 East Centre Avenue

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Adopt Resolution of Intent to Relinquish Portion of Water Main Easement 20-1 at 2700 East Centre Avenue, place the resolution on file with the City Clerk for 28 days and **consider taking final action** on August 11, 2020.

A 12,600-square-foot Bronson Primary Care medical office building, valued at approximately \$6 million, is nearing completion at 2610/2700 East Centre Avenue. Redevelopment of this property had been contemplated since 2006. In 2010 infrastructure improvements (storm water treatment and sanitary sewer and water main) were completed. However, the subsequent economic downturn halted development of the property, until recently.

To construct the Bronson Primary Care medical office building at 2610/2700 East Centre Avenue, approximately 242 feet of existing water main needed to be relocated. The existing water main was located in an easement that ran along the property line between 2610 East Centre Avenue and 2700 East Centre Avenue. The water main was relocated in a new water main easement east of the new building. Therefore, a portion of the original water main easement that contained the relocated water main needs to be relinquished by the city.

It is recommended that City Council adopt the Resolution of Intent to Relinquish Portion of Water Main Easement 20-1 at 2700 East Centre Avenue, place the resolution on file with the City Clerk for 28 days and consider taking final action on August 11, 2020.

FUNDING: N/A

Attachments:

1. Notice of Intention to Relinquish Water Main Easement
2. Resolution of Intent to Relinquish Portion of Water Main Easement
3. Exhibit A - Amended and Restated Water Main Easement and ROW Grant
4. Exhibit B - Easement Map
5. Exhibit C - Water Main Easement and ROW Grant

TO: Honorable Mayor and City Council

FROM: Joseph S. La Margo, City Manager



SUBJECT: Hampton Bog High Water Levels – Special Meeting UPDATED

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

TO BE REPLACED IN AGENDA ITEM A.7. OF THE JULY 14, 2020 CITY COUNCIL
AGENDA: Updated communication from the City Manager regarding the Hampton Bog High
Water Levels – Special Meeting.

The “action recommended” has been modified to indicate that the meeting will be held “weather
permitting.”

Attachments: Hampton Bog High Water Levels – Special Meeting Memo

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Hampton Bog High Water Levels - Special Meeting

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities
Michael Carroll, Deputy City Manager

ACTION RECOMMENDED: Set a Special Meeting to review and discuss plans to address flooding of the Hampton Bog on Thursday, July 23, 2020 at 6:00 p.m. at the Overlander Bandshell, 7810 Shaver Road, weather permitting.

Groundwater levels and flooding in Southwest Michigan have increased significantly over the past several years. Flooding of the Hampton Bog in 2019 reached historic levels and the City of Portage, with permission from the Department of Environment, Great Lakes and Energy, implemented a temporary solution. The temporary solution has been successful and is affording the City of Portage the time necessary to develop and implement a permanent solution. The City Administration wishes to brief City Council and the public on the status of finding and implementing a permanent solution. An outdoor meeting is recommended to ensure that social distancing guidelines can be met.

It is recommended that City Council set a Special Meeting to review and discuss plans to address the flooding of the Hampton Bog on Thursday, July 23, 2020 at 6:00 p.m. at the Overlander Bandshell.

FUNDING: N/A

Attachments: None

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Ordinance Amendment - Storm Water - Illicit Discharges & Connections

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Accept the proposed amendments to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections.

On September 20, 2019, the city was issued a new National Pollution Discharge Elimination System (NPDES) storm water permit through the Michigan Department of Environment, Great Lakes and Energy (EGLE) effective October 1, 2019 through October 1, 2022. Pursuant to the NPDES permit, the city is required to update the Code of Ordinances to meet current NPDES requirements. The existing Storm Water, Illicit Discharges and Connections ordinance has been updated to reflect current standards. Principally, the changes include:

- Increased authority to inspect, investigate, and monitor suspected illicit discharges.
- Enhanced performance standards to protect water quality and prevent adverse flooding by listing certain requirements and referring to the Storm Water Design Criteria Manual.
- Improved assurance of long-term operation and maintenance of private storm water systems by requiring storm water management plans, and a storm water best management practices, operations and maintenance agreement prior to issuance of any permit for development.

It is recommended that City Council accept the proposed amendment to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections.

FUNDING: N/A

Attachments:

1. Chapter 64 Storm Water Illicit Discharges and Connections - highlight and strike
2. Chapter 64 Storm Water Illicit Discharges and Connections - clean2

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING CHAPTER 64, STORM WATER,
ILLICIT DISCHARGES AND CONNECTIONS THE CITY OF PORTAGE ORDAINS:**

That Chapter 64 shall be amended as follows:

ARTICLE 1. - IN GENERAL

Sec. 64-1. - Statutory authority and title.

This chapter is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The City shall administer, implement and enforce the provisions of this part. Any powers granted or duties imposed upon the City may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

Sec. 64-2. - Findings.

The city finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the water bodies and water resources of the city.
- (2) Illicit discharges enter the MS4 and water bodies through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this chapter and implementing the same will address many of the deleterious effects of illicit discharges.

Sec. 64-3. - Purpose.

It is the purpose of this chapter to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the MS4 and water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connection to the MS4 and water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

Sec. 64-4. - Applicability, exemptions, and general provisions.

This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted.

Sec. 64-5. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized enforcement agency: Employees or designees of the director of the department of transportation and utilities designated to enforce this chapter.

Best management practices (BMPs): A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the city engineer.

Chapter: The ~~five~~ **six** articles of storm water.

City: The City of Portage.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Director: The director of the department of transportation and utilities.

Discharger: Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this chapter.

Drain: Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq., other than an established county or intercounty drain.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainageway: MS4, drain, water body, or floodplain.

EGLE: Michigan Department of Environment, Great Lakes and Energy

EPA: The United States Environmental Protection Agency.

Exempted discharges: Discharges other than storm water as specified in section 64-7 of this chapter.

Floodplain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, which has been or may be covered by floodwater.

Hazardous materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connection: Any method or means for conveying an illicit discharge into water bodies or the storm water system of the city.

Illicit discharge: Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this chapter.

~~MDEQ: Michigan Department of Environmental Quality.~~

MS4: Municipal separate storm sewer system, as defined by federal and state laws.

National pollutant discharge elimination system (NPDES) storm water discharge permit: A permit issued by the U.S. Environmental Protection Agency (EPA) (or a state under authority delegated pursuant to 33 USC section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstorm water discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant: A substance discharged which includes, but is not limited to, the following: Any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

Premises: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property owner: Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

State of Michigan Water Quality Standards: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of section 3106 of part 31 of 1994 PA 451, as amended.

Storm drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm water pollution prevention plan: A document, which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Storm water runoff: The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Water body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE 2. - PROHIBITIONS AND EXEMPTIONS

Sec. 64-6. - Prohibited discharges.

- (a) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (b) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the storm water drainage system of the city.

- (c) Prohibition of illicit discharges: No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited, to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for discharges specified in writing by the city as being necessary to protect public health, safety and welfare.
- (d) Prohibition of illicit connections:
 - (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this chapter if the person connects a conduit conveying wastewater to the MS4, or allows such a connection to continue.
- (e) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Sec. 64-7. - Exempted discharges.

The following nonstorm water discharges shall be permissible, ~~provided they do not result in a violation of State of Michigan water quality standards:~~ provided they are not significant contributors to violations of Water Quality Standards.

- (1) Water supply line flushing.
- (2) Landscape irrigation.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Individual residential car washing.
- (11) Dechlorinated swimming pool water.
- (12) Street wash water.
- (13) Discharges or flows from emergency firefighting activities.
- (14) Discharges for which a specific federal or state permit has been issued.
- (15) Lawn watering runoff

- (16) Dye testing using EGLE approved dyes, so long as authorized by a EGLE Rule 97 Certificate of Approval, and preceded by a written notification to and approval from the Director of Transportation and Utilities.

Sec. 64-8. - Storage of hazardous or toxic materials in drainageway.

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a MS4, drain, or water body.

ARTICLE 3. - INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

Sec. 64-9. - Inspection and sampling.

To assure compliance with the standards in this regulated area, the city may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the properly identified representative of the city to enter the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city shall provide the discharger reasonable advance notice of such inspection and/or sampling, or monitoring including, but not limited to, smoke/dye testing, televising pipes, examination and/or copying of records that are required by this chapter to be maintained, sampling and excavation. The city or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a facility is a violation of this chapter.

Sec. 64-10. - Storm water monitoring facilities.

A discharger of storm water runoff suspected of violating this chapter shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the city. The city may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances, and regulations.

Sec. 64-11. - Accidental discharges.

- (a) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the city concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city within five days. The written report shall specify the following:
- (1) The composition of the discharge and the cause thereof.
 - (2) The exact date, time, and estimated volume of the discharge.
 - (3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
 - (4) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (b) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a legal action brought to obtain an injunction,

to obtain recovery of costs or to obtain other relief as a result of, or arising out of, the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of section 64-11(a).

Sec. 64-12. - Record keeping requirement.

Any person violating any part of this chapter or subject to monitoring under the chapter shall retain and preserve for no less than ~~three~~ **ten (10)** years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property.

Sec. 64-13 – Right of Entry & Furnishing Information

Representatives of the City, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Transportation (MDOT) and Kalamazoo County Drain Commission (KCDC) shall have the right to enter at any reasonable time any property served by a storm water drainage facility for inspections, investigations, or monitoring. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the drainage system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presents of unlawful discharge.

ARTICLE 4. - ENFORCEMENT

Sec. 64-~~13~~ 14. - Sanctions for violation.

- (a) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and subject to the penalties in section 1-7(e) of this Code. Each day such violation occurs or continues shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.
- (b) A notification of a violation shall be sent to any person violating any provision of this chapter. Notification of violation shall include a notice to cease the violation and corrective action which must be taken and a deadline for completion of such action. Failure to comply with the corrective action within the deadline or after an appeal pursuant to section 64-~~19~~ 20 may be a basis to take enforcement action pursuant to section 64-~~14~~ 15 or suspension of MS4 access as defined in section 64-~~18~~ 19.
- (c) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

Sec. 64-~~14~~ 15. - Failure to comply; completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the city may, after the giving of reasonable notice and opportunity for compliance as provided in section 64-~~13~~ 14 (b), have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of such work.

Sec. 64-~~15~~ 16. - Emergency measures.

When emergency measures are necessary to moderate a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the city is

authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this chapter, and shall promptly reimburse the city for all of such costs.

Sec. 64-~~16~~ 17. - Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this chapter. Costs include, but are not limited to, those penalties levied by the EPA or ~~MDEQ~~ EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

Sec. 64-~~17~~ 18. - Collection of costs; lien.

Costs incurred by the city pursuant to sections ~~64-14~~, 64-15, ~~and~~ 64-16, ~~and~~ 64-17 shall be a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the finance director, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the city shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Sec. 64-~~18~~ 19. - Suspension of MS4 access.

- (a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated, if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city.

Sec. 64-~~19~~ 20. - Appeals.

A written appeal may be taken to the city manager or his designated representative by any person affected by a decision or action of the director or the enforcing agency taken under this article not later than 30 days after said action or decision. Such appeal shall identify the matter being appealed and the basis for the appeal. An appeal shall stay all proceedings in furtherance of the action appealed unless the director certifies to the city manager that by reason of the facts a stay would cause imminent peril to life or property. The city manager shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the city manager may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the city manager may grant a variance from the terms of this chapter so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the chapter provisions being appealed will present or cause practical difficulties for a facility; provided, however, that practical difficulties shall not include the need for the property owner to incur additional reasonable expenses in order to comply with the chapter; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this chapter, nor result in less effective management of storm water runoff.

ARTICLE 5. - PERFORMANCE AND DESIGN STANDARDS

Sec. 64-20 21. - Responsibility to implement BMPs.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

Sec. 64-22. Performance Standards.

1. Storm water management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. In order to be approved, all storm water management plans must meet the following performance standards:
 - (a) Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
 - (b) Capture and treatment of runoff.
 - (c) Channel Protection Criteria.
 - (d) Flood Control.
2. Storm water storage facilities which protect water quality and prevent adverse flooding on-site and off-site shall be required for all sites. In order to improve the quality of storm water runoff and reduce the discharge of sediment into wetlands, watercourses, roadways, structures and other property within, and downstream of the City of Portage techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" or as approved by the Director of Transportation and Utilities shall be used.
3. Pipes, conduits, ditches, drains, or other conveyance facilities shall not discharge directly to the following receiving waters without providing the minimum treatment volume and channel protection criteria:
 - (a) Any natural watercourses, including lakes, ponds, rivers and streams.
 - (b) Wetlands with unique or natural wildlife or habitat characteristics as defined by a profession wetlands delineation specialist, biologist or ecologists.
 - (c) Wetlands which are within a 500 foot distance of any natural lake or pond.

- (d) Wetlands which are within a 100 foot distance of any river or stream.
4. Operation and Maintenance. All structural and vegetative best management practices installed as a performance standard for storm water management shall include a plan for maintaining maximum performance through the long-term operation and maintenance (O&M). The plan shall include a schedule for O&M procedures and recordkeeping provisions such as periodic inspections.
 5. Records Retention. Inspection and other records pertaining to the O&M of best management practices for storm water quality protection shall be maintained by the property owner and retained for a minimum of ten (10) years.
 6. No storm water management plan shall be approved if the Director of Transportation & Utilities finds that the action will or is likely to pollute, impair or destroy air, water or other natural resources or the public trust therein, provided that there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

Sec. 64-23. Design Standards.

The City shall maintain design standards are referred to as “Storm Water Design Criteria Manual - City of Portage, Michigan” or as approved by the Director of Transportation and Utilities.

Sec. 64-24. “Hot Spots” Properties.

If the subject property is a potential “Hot Spot” area with the potential for significant pollutant loading or with the potential for contaminating public water supply (wells), additionally site-specific requirements may apply to address the contaminate(s) of concern. Example of typical “hot spots” areas included, but not limited to gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards. See City design standards related to address these properties in the “Storm Water Design Criteria Manual – City of Portage, Michigan” or as approved by the Director of Transportation and Utilities.

Sec. 64-25 Contaminated Properties.

If the subject property contains soil and/or groundwater contamination, site-specific requirements may apply. See EGLE Post-Construction Storm Water Runoff Controls Program Compliance Assistance Document (MDEQ, 2014) for specifics regarding storm water. In addition, see Appendix 13 Soil and Groundwater Contamination in the “Storm Water Design Criteria Manual – City of Portage, Michigan” or as approved by the Director of Transportation & Utilities.

Sec. 64-26 – 64-39. Reserved

ARTICLES 6. STORM WATER MANAGEMENT PLAN AND POST CONSTRUCTION

Sec. 64-40. Storm water Management Plan.

No building, grading, or sediment control permit shall be issued until a satisfactory storm water management plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the storm water management plan, and modifications to that plan as deemed necessary by City, a storm water management final plan must be submitted to the City for approval. Information required for the storm water management plan is provided in the “Storm Water Design Criteria Manual – City of Portage, Michigan”.

Sec. 64-41. Maintenance and Repair of Storm water BMPs.

- (a) Storm water Best Management Practices Operations & Maintenance Agreement: Prior to the issuance of any permit for development involving any storm water BMP, the applicant or owner of the site must execute a Storm water Best Management Practices Operations & Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for inspection by City or City's designee, as determined by the City and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City storm water requirements. The agreement shall be recorded by City at the expense of the permit holder or property owners.
- (b) Maintenance Covenants: Maintenance of all storm water BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the storm water management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts. Developer or entity responsible shall have the inspections performed by qualified persons or entities.
- (c) Requirements for Maintenance Covenants: All storm water BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. Developer or entity responsible shall have the inspections performed by qualified persons or entities. These needs may include (but are not limited to) removal of silt, litter, and other debris from all storm water treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement within 30 days, or as determined by City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water BMPs.
- (d) Inspection of Storm water BMPs: Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water BMPs, and evaluating the condition of storm water BMPs.
- (e) Records of Installation and Maintenance and Repair Activities: Parties responsible for the operation and maintenance of storm water BMPs shall be required to prepare an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. The responsible parties shall retain the

report and records for at least ten (10) years or longer if the City Inspector deems it necessary. These report and records shall be made available to City during inspection of the facility and at other reasonable times upon request.

- (f) Failure to Maintain Storm water BMPs: If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the storm water BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the storm water BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the storm water BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the storm water BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

Sec. 64-42. Effective date.

This Ordinance shall not become effective until 15 days after its adoption and publication.

Sec. 64-43 – 64.50. Reserved.

Dated: _____

Patricia M. Randall, Mayor

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

CERTIFICATION

I, Erica Eklov, 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

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

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING CHAPTER 64, STORM WATER,
ILLCIT DISCHARGES AND CONNECTIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 64 shall be amended as follows:

ARTICLE 1. - IN GENERAL

Sec. 64-1. - Statutory authority and title.

This chapter is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The City shall administer, implement and enforce the provisions of this part. Any powers granted or duties imposed upon the City may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

Sec. 64-2. - Findings.

The city finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the water bodies and water resources of the city.
- (2) Illicit discharges enter the MS4 and water bodies through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this chapter and implementing the same will address many of the deleterious effects of illicit discharges.

Sec. 64-3. - Purpose.

It is the purpose of this chapter to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the MS4 and water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connection to the MS4 and water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

Sec. 64-4. - Applicability, exemptions, and general provisions.

This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted.

Sec. 64-5. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized enforcement agency: Employees or designees of the director of the department of transportation and utilities designated to enforce this chapter.

Best management practices (BMPs): A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the city engineer.

Chapter: The six articles of storm water.

City: The City of Portage.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Director: The director of the department of transportation and utilities.

Discharger: Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this chapter.

Drain: Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq., other than an established county or intercounty drain.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainageway: MS4, drain, water body, or floodplain.

EGLE: Michigan Department of Environment, Great Lakes and Energy

EPA: The United States Environmental Protection Agency.

Exempted discharges: Discharges other than storm water as specified in section 64-7 of this chapter.

Floodplain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, which has been or may be covered by floodwater.

Hazardous materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connection: Any method or means for conveying an illicit discharge into water bodies or the storm water system of the city.

Illicit discharge: Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this chapter.

MS4: Municipal separate storm sewer system, as defined by federal and state laws.

National pollutant discharge elimination system (NPDES) storm water discharge permit: A permit issued by the U.S. Environmental Protection Agency (EPA) (or a state under authority delegated pursuant to 33 USC section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstorm water discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant: A substance discharged which includes, but is not limited to, the following: Any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

Premises: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property owner: Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

State of Michigan Water Quality Standards: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of section 3106 of part 31 of 1994 PA 451, as amended.

Storm drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm water pollution prevention plan: A document, which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Storm water runoff: The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Water body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE 2. - PROHIBITIONS AND EXEMPTIONS

Sec. 64-6. - Prohibited discharges.

- (a) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (b) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the storm water drainage system of the city.

- (c) Prohibition of illicit discharges: No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited, to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for discharges specified in writing by the city as being necessary to protect public health, safety and welfare.
- (d) Prohibition of illicit connections:
 - (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this chapter if the person connects a conduit conveying wastewater to the MS4, or allows such a connection to continue.
- (e) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Sec. 64-7. - Exempted discharges.

The following nonstorm water discharges shall be permissible, provided they are not significant contributors to violations of Water Quality Standards.

- (1) Water supply line flushing.
- (2) Landscape irrigation.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Individual residential car washing.
- (11) Dechlorinated swimming pool water.
- (12) Street wash water.
- (13) Discharges or flows from emergency firefighting activities.
- (14) Discharges for which a specific federal or state permit has been issued.
- (15) Lawn watering runoff

- (16) Dye testing using EGLE approved dyes, so long as authorized by an EGLE Rule 97 Certificate of Approval, and preceded by a written notification to and approval from the Director of Transportation and Utilities.

Sec. 64-8. - Storage of hazardous or toxic materials in drainageway.

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a MS4, drain, or water body.

ARTICLE 3. - INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

Sec. 64-9. - Inspection and sampling.

To assure compliance with the standards in this regulated area, the city may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the properly identified representative of the city to enter the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city shall provide the discharger reasonable advance notice of such inspection and/or sampling or monitoring including, but not limited to, smoke/dye testing, televising pipes, examination and/or copying of records that are required by this chapter to be maintained, sampling and excavation. The city or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a facility is a violation of this chapter.

Sec. 64-10. - Storm water monitoring facilities.

A discharger of storm water runoff suspected of violating this chapter shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the city. The city may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances, and regulations.

Sec. 64-11. - Accidental discharges.

- (a) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the city concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city within five days. The written report shall specify the following:
- (1) The composition of the discharge and the cause thereof.
 - (2) The exact date, time, and estimated volume of the discharge.
 - (3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
 - (4) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (b) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a legal action brought to obtain an injunction,

to obtain recovery of costs or to obtain other relief as a result of, or arising out of, the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of section 64-11(a).

Sec. 64-12. - Record keeping requirement.

Any person violating any part of this chapter or subject to monitoring under the chapter shall retain and preserve for no less than ten (10) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property.

Sec. 64-13 – Right of Entry & Furnishing Information

Representatives of the City, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Transportation (MDOT) and Kalamazoo County Drain Commission (KCDC) shall have the right to enter at any reasonable time any property served by a storm water drainage facility for inspections, investigations, or monitoring. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the drainage system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of unlawful discharge.

ARTICLE 4. - ENFORCEMENT

Sec. 64-14. - Sanctions for violation.

- (a) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and subject to the penalties in section 1-7(e) of this Code. Each day such violation occurs or continues shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.
- (b) A notification of a violation shall be sent to any person violating any provision of this chapter. Notification of violation shall include a notice to cease the violation and corrective action which must be taken and a deadline for completion of such action. Failure to comply with the corrective action within the deadline or after an appeal pursuant to section 64-20 may be a basis to take enforcement action pursuant to section 64-15 or suspension of MS4 access as defined in section 64-19.
- (c) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

Sec. 64-15. - Failure to comply; completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the city may, after the giving of reasonable notice and opportunity for compliance as provided in section 64-14 (b), have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of such work.

Sec. 64-16. - Emergency measures.

When emergency measures are necessary to moderate a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the city is

authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this chapter, and shall promptly reimburse the city for all of such costs.

Sec. 64-17. - Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this chapter. Costs include, but are not limited to, those penalties levied by the EPA or EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

Sec. 64-18. - Collection of costs; lien.

Costs incurred by the city pursuant to sections 64-15, 64-16, and 64-17 shall be a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the finance director, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the city shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Sec. 64-19. - Suspension of MS4 access.

- (a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated, if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city.

Sec. 64-20. - Appeals.

A written appeal may be taken to the city manager or his designated representative by any person affected by a decision or action of the director or the enforcing agency taken under this article not later than 30 days after said action or decision. Such appeal shall identify the matter being appealed and the basis for the appeal. An appeal shall stay all proceedings in furtherance of the action appealed unless the director certifies to the city manager that by reason of the facts a stay would cause imminent peril to life or property. The city manager shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the city manager may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the city manager may grant a variance from the terms of this chapter so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the chapter provisions being appealed will present or cause practical difficulties for a facility; provided, however, that practical difficulties shall not include the need for the property owner to incur additional reasonable expenses in order to comply with the chapter; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this chapter, nor result in less effective management of storm water runoff.

ARTICLE 5. - PERFORMANCE AND DESIGN STANDARDS

Sec. 64-21. - Responsibility to implement BMPs.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

Sec. 64-22. Performance Standards.

1. Storm water management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. In order to be approved, all storm water management plans must meet the following performance standards:
 - (a) Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
 - (b) Capture and treatment of runoff.
 - (c) Channel Protection Criteria.
 - (d) Flood Control.
2. Storm water storage facilities which protect water quality and prevent adverse flooding on-site and off-site shall be required for all sites. In order to improve the quality of storm water runoff and reduce the discharge of sediment into wetlands, watercourses, roadways, structures and other property within, and downstream of the City of Portage techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" or as approved by the Director of Transportation and Utilities shall be used.
3. Pipes, conduits, ditches, drains, or other conveyance facilities shall not discharge directly to the following receiving waters without providing the minimum treatment volume and channel protection criteria:
 - (a) Any natural watercourses, including lakes, ponds, rivers and streams.
 - (b) Wetlands with unique or natural wildlife or habitat characteristics as defined by a professional wetlands delineation specialist, biologist or ecologist.
 - (c) Wetlands which are within a 500 foot distance of any natural lake or pond.

- (d) Wetlands which are within a 100 foot distance of any river or stream.
4. Operation and Maintenance. All structural and vegetative best management practices installed as a performance standard for storm water management shall include a plan for maintaining maximum performance through the long-term operation and maintenance (O&M). The plan shall include a schedule for O&M procedures and recordkeeping provisions such as periodic inspections.
 5. Records Retention. Inspection and other records pertaining to the O&M of best management practices for storm water quality protection shall be maintained by the property owner and retained for a minimum of ten (10) years.
 6. No storm water management plan shall be approved if the Director of Transportation & Utilities finds that the action will or is likely to pollute, impair or destroy air, water or other natural resources or the public trust therein, provided that there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

Sec. 64-23. Design Standards.

The City shall maintain design standards referred to as “Storm Water Design Criteria Manual - City of Portage, Michigan” or as approved by the Director of Transportation and Utilities.

Sec. 64-24. “Hot Spots” Properties.

If the subject property is a potential “Hot Spot” area with the potential for significant pollutant loading or with the potential for contaminating public water supply (wells), additionally site-specific requirements may apply to address the contaminant(s) of concern. Example of typical “hot spots” areas included, but not limited to gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards. See City design standards related to address these properties in the “Storm Water Design Criteria Manual – City of Portage, Michigan” or as approved by the Director of Transportation and Utilities.

Sec. 64-25 Contaminated Properties.

If the subject property contains soil and/or groundwater contamination, site-specific requirements may apply. See EGLE Post-Construction Storm Water Runoff Controls Program Compliance Assistance Document (MDEQ, 2014) for specifics regarding storm water. In addition, see Appendix 13 Soil and Groundwater Contamination in the “Storm Water Design Criteria Manual – City of Portage, Michigan” or as approved by the Director of Transportation & Utilities.

Sec. 64-26 – 64-39. Reserved

ARTICLES 6. STORM WATER MANAGEMENT PLAN AND POST CONSTRUCTION

Sec. 64-40. Storm water Management Plan.

No building, grading, or sediment control permit shall be issued until a satisfactory storm water management plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the storm water management plan, and modifications to that plan as deemed necessary by the City, a storm water management final plan must be submitted to the City for approval. Information required for the storm water management plan is provided in the “Storm Water Design Criteria Manual – City of Portage, Michigan”.

Sec. 64-41. Maintenance and Repair of Storm water BMPs.

- (a) Storm water Best Management Practices Operations & Maintenance Agreement: Prior to the issuance of any permit for development involving any storm water BMP, the applicant or owner of the site must execute a Storm water Best Management Practices Operations & Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for inspection by the City or City's designee, as determined by the City and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City storm water requirements. The agreement shall be recorded by the City at the expense of the permit holder or property owners.
- (b) Maintenance Covenants: Maintenance of all storm water BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the storm water management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts. Developer or entity responsible shall have the inspections performed by qualified persons or entities.
- (c) Requirements for Maintenance Covenants: All storm water BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. Developer or entity responsible shall have the inspections performed by qualified persons or entities. These needs may include (but are not limited to) removal of silt, litter, and other debris from all storm water treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement within 30 days, or as determined by the City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water BMPs.
- (d) Inspection of Storm water BMPs: Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water BMPs, and evaluating the condition of storm water BMPs.
- (e) Records of Installation and Maintenance and Repair Activities: Parties responsible for the operation and maintenance of storm water BMPs shall be required to prepare an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. The responsible parties shall retain the

report and records for at least ten (10) years or longer if the City Inspector deems it necessary. These reports and records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

- (f) Failure to Maintain Storm water BMPs: If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the storm water BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the storm water BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the storm water BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the storm water BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

Sec. 64-42. - Effective date.

This Ordinance shall not become effective until 15 days after its adoption and publication.

Sec. 64-43 – 64.50. Reserved.

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, 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

PREPARED BY:

Randall L. Brown (P34116)

Portage City Attorney

1662 East Centre Avenue

Portage, MI 49002

(269) 323-8812

Approved as to Form:

Date: 6/12/2020

City Attorney

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TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: City Council Vacancy - Selection of Candidate

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Review and discuss candidates for the City Council Vacancy and potentially select a candidate to fill the term of former Councilmember Richard Ford, with the appointment to end November 2021.

With the resignation of Councilmember Richard Ford effective June 30, 2020, a vacancy on the City Council for a term ending November 2021 exists. The City Charter (Chapter 3 Section 13) provides that the City Council must fill a vacancy in an elective office by appointment within sixty (60) days of acceptance of a resignation. The City Charter further provides that the appointment term will end on the first Monday following a regular city election. As such, City Council must make an appointment to fill the vacancy on or before August 29, 2020, which is sixty days from the official acceptance of the resignation. The appointment will expire in November 2021.

On Tuesday, July 21, 2020, City Council interviewed five qualified candidates to fill the vacancy. At the conclusion of the interviews, City Council expressed a desire to review, discuss and potentially select a new Councilmember at the July 28, 2020 Regular Meeting. Should a candidate be selected, the City Clerk will contact the selected candidate to arrange a time for an initial swearing-in with a ceremonial swearing-in and seating to take place at the August 11, 2020 Regular Meeting.

Regarding voting for the candidate, an affirmative vote of a majority of City Council is needed. City Council can determine the voting procedure. For reference, the process by which the Mayor Pro Tem is selected is outlined in the City Council Rules of Order and Procedure:

"Nominations for Mayor Pro Tem shall be entertained by the presiding officer and after all nominations desired are made, the nominations shall be closed by motion. Voting by the Council shall be by a signed ballot. The City Clerk shall announce and record in the record each Councilmember's vote. A majority of Councilmembers present shall be required to elect the Mayor Pro Tem. If the first vote does not result in a majority, voting shall continue until a majority is achieved."

However, virtual meetings make the above process more complicated. With regard to the manner in which to conduct the vote, under Governor Whitmer's Executive Order 2020-129 "during a meeting of a public body held electronically, members of the public body are urged to take all votes by roll call to avoid any questions about how each member of the public body votes." As such, it is recommended that any votes for appointing a candidate be handled via nomination and selection verbally via roll call.

FUNDING: N/A

Attachments: None