

*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. Regular Meeting of August 11, 2020.
 - b. Pre-Council Meeting of August 24, 2020.
2. Approval of the Accounts Payable Register of August 25, 2020 as presented.
3. Appoint Bauckham, Sparks, Thall, Seeber & Kaufman, P.C. as City Attorneys for General Municipal & Legal Prosecution Services, with Catherine P. Kaufman appointed as lead City Attorney; and to appoint Douglas A. Boodt, PLLC as conflict counsel and for use on special projects, as needed.
4. Resolve to support the grant application to the Michigan Council for Arts and Cultural Affairs (MCACA) in the amount of \$100,000 to support construction the performing arts space in the new Charles and Lynn Zhang Portage Community Senior Center.
5. Approve a one-year contract, with the option for two additional one-year renewals, with Blue Care Network for the Blue Care Network Advantage Plan for retiree health insurance and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city.
6. Adopt the Resolution to Designate the Freedom of Information Act Coordinator and designate the Public Information Officer.
7. To authorize the City Manager to sign a contract for, and purchase, 217 E. Centre Ave. with a purchase price of \$137,000 and closing costs and expenses not to exceed an additional \$3,000.
8. Adopt a Resolution of Necessity to acquire two fee simple interests for development of the Austin Lake Trail.
9. Recommend approval by the Michigan Liquor Control Commission (MLCC) of the Application for Transfer and Upgrade of Liquor License by Wine and Canvas for 7055 South Westnedge.
10. Minutes of Boards & Commissions:
 - a. Construction Board of Appeals of August 8, 2019.
 - b. Zoning Board of Appeals of July 13, 2020.
 - c. Planning Commission of July 23, 2020.
11. Materials Transmitted.

12. Calendar of Meetings:

- Historic District Commission, Wednesday, September 2, 2020 at 8:15 a.m. - Council Chambers.
- Park Board, Wednesday, September 2, 2020 at 6:00 p.m. - Central Park.
- Human Services Board, Thursday, September 3, 2020 at 6:30 p.m. - Conference Room #1.
- Planning Commission, Thursday, September 3, 2020 at 7:00 p.m. - Council Chambers.
- *NOTE: All above meetings are subject to cancellation or inclusion/transition of a "virtual" aspect 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:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM AUGUST 11, 2020

The Regular Meeting was called to order by Mayor Patricia Randall at 7:02 p.m. The meeting was held virtually in accordance with the Governor's Executive Order 2020-02 in light of COVID-19. The following members were present in Chambers: Councilmembers Vic Ledbetter and Mayor Patricia Randall. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Lori Knapp, 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 Randy Brown, Communications & Research Coordinator Sam Bowers, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect upon welcoming Vic Ledbetter and the anticipation of sharing talents and perspectives. Following the moment of silence, the City Council recited the Pledge of Allegiance.

SWEARING IN OF VIC LEDBETTER AS COUNCILMEMBER: City Clerk Eklov gave the Oath of Office to Vic Ledbetter as Councilmember and Councilmember Ledbetter signed the Oath of Office and *The City Council Code of Ethics and Values Policy*.

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

APPROVAL OF MINUTES: Motion by Knapp, seconded by Burns, to approve the minutes of the Regular Meeting of July 28, 2020, and Pre-Council Meeting of August 10, 2020. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF AUGUST 11, 2020: Motion by Knapp, seconded by Burns, to approve the Accounts Payable Register of August 11, 2020. Upon a roll call vote, motion carried 7 to 0.

VEHICLE PURCHASES - COOPERATIVE PURCHASING: Motion by Knapp, seconded by Burns, to approve Authorize the purchase of five 4-wheel drive sports utility vehicles through the State of Michigan MiDEAL and the Oakland County Cooperative Purchasing Program at a total cost of \$177,945 and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

PUBLIC WORKS BUILDING ROOF REPAIRS - BID TABULATION: Motion by Knapp, seconded by Burns, to approve a contract in the amount of \$146,176.23 to Division 7 Building Contractors, Inc. to replace two sections of roofing on the Department of Public Works building and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

POLICE HEADQUARTERS BUILDING ROOF - BID TABULATION: Motion by Knapp, seconded by Burns, to approve a contract in the amount of \$103,460 to Great Lakes Systems, Inc. to replace eight sections of roofing the Police Headquarters Building and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

WATER MAIN EASEMENT RELINQUISHMENT - 2700 EAST CENTRE AVENUE: Motion by Knapp, seconded by Burns, to adopt Resolution 20-2, Relinquish Portion of Water Main Easement at 2700 East Centre Avenue. Upon a roll call vote, motion carried 7 to 0.

MICHIGAN MUNICIPAL LEAGUE ANNUAL MEETING: Motion by Knapp, seconded by Burns, to designate the City Manager as the official City of Portage voting representative for the Michigan Municipal League Annual Meeting. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS & COMMISSIONS: Motion by Knapp, seconded by Burns, to accept the meeting minutes of the Historic District Commission of June 3, 2020, and Planning Commission of July 9, 2020. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: Patricia Rakoci, applicant and representative for Redwood Living noted she was on hand to speak regarding the rezoning application. Mayor Randall thanked Ms. Rakoci for calling in and stated that she would defer to Ms. Rakoci during the Regular Business portion of the meeting.

Dr. Monifa Jumanne (610 Mall Drive, Apt. 107) welcomed new Councilmember Ledbetter and expressed interest in his role going forward on the City Council.

REGULAR BUSINESS AGENDA:

REZONING APPLICATION #19/20-4, 7801 GARDEN LANE AND THE NORTH 660-FEET OF 1203 EAST CENTRE AVENUE: Mayor Randall deferred to Councilmember Reid for an explanation regarding removing the item from the Consent Agenda.

Councilmember Reid expressed concern with the proposed development exhibiting only one point of ingress and egress. She requested that the city strives for two points of ingress and egress, noting the secondary access point as presented currently is only for emergency access. Ms. Reid stated that she understood the action recommended was for setting the public hearing on the proposed development but hoped to start a discussion for increased access now.

City Manager La Margo stated that the Fire Marshal and International Fire Code did not require a second ingress/egress due to the single-story construction and fire suppression system constructed within each unit, which is beyond code requirements. However, he noted the Community Development Department had requested a paved secondary emergency exit that will function as a pedestrian and bicycle access. Mr. La Margo stated that the Community

Development Department did not pursue a secondary automobile access drive to Garden Lane due to negative feedback from the adjacent property owners.

Interim Community Development Director Forth explained that both the Public Safety and Traffic Engineer reviewed the project with neither requiring a second access point for the project. He further noted that the proposed emergency access drive will be owned and operated by the developer. Mr. Forth provided additional information regarding recent traffic patterns and the benefits of a Lover's Lane access point as compared to access on Garden Lane. Mr. Forth closed by stating City Council has three options with the first being approval of the development plan as presented with the primary access point and secondary emergency access, or approve the development without any secondary emergency access, or to approve the proposed development with full vehicular access for both Lovers Lane, as well as Garden Lane.

Councilmember Reid inquired whether Garden Lane was slated for any type of improvements or reconstruction in the near future. Interim Director Forth responded that it was not likely noting that Garden Lane had been recently re-paved. Councilmember Reid encouraged City Council to pursue a second ingress/egress point in light of the number of residential units each featuring a two-car garage.

Councilmember Burns inquired whether the city currently had similar residential developments featuring single ingress and egress access. Interim Director Forth confirmed citing several examples. Councilmember Burns then asked whether staff had responded to the residents opposing the development during the Planning Commission process. Interim Director Forth stated that staff was able to review and allay concerns with the residents prior to the Planning Commission's public hearing.

Following additional inquiries from City Council, Mr. Forth introduced Patricia Rakoci, the representative for the Redwood Living development. Ms. Rakoci relayed similar communities constructed by the developer in Michigan and summarized the proposed project for the City of Portage.

Councilmember Reid asked the City Attorney to clarify whether to recommend a revision to the proposed development at the current meeting or wait for the September 8th public hearing. City Attorney Brown responded that such a modification should be pursued during the public hearing.

Councilmember Urban asked whether Ms. Rakoci's firm was amenable to a secondary vehicular access point, noting that he simply desired to have the alternative option available at the public hearing in an effort to maintain an interconnected community. Ms. Rakoci confirmed a secondary access point was possible.

Mayor Randall asked City Manager La Margo to notify the adjacent Garden Lane property owners that secondary access was under Council consideration for the September 8th public hearing.

Motion by Reid, seconded by Burns, to accept Rezoning Application #19/20-4, Redwood Living PD, 7801 Garden Lane and the north 660-feet of 1203 East Centre Avenue, for first reading and set a public hearing for September 8, 2020; and subsequent to the public hearing, consider approving Rezoning Application #19/20-4, Redwood Living PD and changing the zoning designation of 7801 Garden Lane and the north 660-feet of 1203 East Centre Avenue

from R-1B, one family residential to PD, planned development. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding the Central County Transportation Authority (CCTA). He stated the CCTA continues to review its Youth Mobility Program operated in conjunction with Kalamazoo Public Schools (KPS). Mr. Burns relayed the Metro Transit continues to board passengers from the rear entrance without charging fares until such a time when riders can board in the front safely. He noted that the KPS demand for rides will be down in light of upcoming school year learning taking place remotely. Finally, he highlighted a September 16th Public Hearing on the upcoming fiscal year CCTA budgets, which are in good shape as a result of CARES Act funding assistance.

Councilmember Reid provided an update regarding the Kalamazoo County Environmental Health Advisory Council (KCEHAC). She noted that the KCEHAC has not met since March in light of COVID-19, but she had an informational update from the County Health and Human Services Department projects. Ms. Reid relayed County efforts regarding the tracking of mosquito-related Eastern Equine Encephalitis and Zika, PFAS monitoring, and mitigation in partnership with the Michigan Department of Health and Human Services for Portage, Cooper and Richland communities, as well as the provision of personal protective equipment to vulnerable populations for COVID-19. Councilmember Reid also relayed that Kalamazoo County Health and Human Services Department is monitoring local restaurants for COVID-19 precautions and pursuing violations of the Governor's Executive Orders.

Motion by Reid, seconded by Knapp, to accept the Council Committee Reports as presented. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid welcomed Councilmember Ledbetter, noting she looked forward to working with him in person soon.

Councilmember Urban also welcomed Councilmember Ledbetter, relaying that they had been able to have an informal conversation while out in their neighborhood as they learned they live in the same subdivision.

Councilmember Knapp welcomed Councilmember Ledbetter noting she looked forward to working with him.

Councilmember Burns also welcomed Councilmember Ledbetter. Mr. Burns then asked the City Clerk for an update regarding the August 4th Primary Election, which City Clerk Eklov provided.

Councilmember Ledbetter thanked everyone for the welcoming words, noting that his life experiences have both prepared him for this role, as well as to assist in improving the city. Mr. Ledbetter expressed his love for Portage and noted he looks forward to his new position.

City Manager La Margo welcomed Councilmember Ledbetter as well, noting there are several upcoming projects in which he will be involved. Mr. La Margo then thanked the Office of the City Clerk staff for their efforts with the August 4th Election. Mr. La Margo closed by noting the well-attended 3-day charrette from the week prior regarding the Lake Center District Area and provided an update on that program.

Mayor Pro Tem Pearson welcomed Councilmember Ledbetter, stating it was an exciting time to be a part of the City Council.

Mayor Randall also welcomed Councilmember Ledbetter, stating she looks forward to adding his perspective to the City Council. She then congratulated the Office of the City Clerk on the August 4th Election and stressed the importance of voting, noting that Portage had the highest voter participation in Kalamazoo County. Mayor Randall highlighted the recent protest by Portage Public School teachers, parents, and bus drivers regarding the Return to Learn plan. She stated that the City Council will support Portage Public Schools in any way while stressing that the city does not have authority over the school district. Mayor Randall closed by stating she hopes a consensus regarding the upcoming school year can be safely achieved.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:06 p.m.

Erica L. Eklov, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF AUGUST 24, 2020**

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

With regard to Item A.2, Councilmember Knapp inquired about Check #314335 regarding a \$1,050 payment to Margaret Smith for an inconvenience fee relating to a retention basin. City Manager La Margo stated he would research and respond.

With regard to Item A.3, Mayor Pro Tem Pearson inquired whether a lead counsel would be present at each meeting. City Manager La Margo responded that one would be present and after review of the new firm the anticipated primary attorney would be Catherin Kaufman. Mayor Pro Tem Pearson further inquired whether this included Planning Commission meetings in addition to City Council meetings, stressing consistency. City Manager La Margo and Deputy City Manager Carroll confirmed and noted the Zoning Board of Appeals would also be included.

With regard to Item A.4, Mayor Randall asked the City Manager to provide City Council with the list of pending grant applications, as well as notify the Council when the City Administration receives decisions regarding the outcomes for the new Community Senior Center project. City Manager La Margo affirmed he would provide to Council. Mayor Randall further requested the City Manager to advise City Council regarding the date of the groundbreaking.

With regard to Item A.6, Councilmember Ledbetter inquired how Freedom of Information Act (FOIA) requests were handled specifically for the Police Division. Mayor Randall responded that the Police Division handles its FOIA requests. City Manager La Margo confirmed and noted the proposed FOIA Coordinator reassignment pertained to general city requests.

With regard to Item A.7, Mayor Randall inquired about the status of the property adjacent to 217 East Centre Avenue. City Manager La Margo responded that 217 East Centre is currently before Council for a decision while the City Administration continues to actively pursue the second, adjacent property. Deputy City Manager Carroll confirmed the pending status of the second property will not delay the groundbreaking for the new Community Senior Center.

With regard to Item A.8, Mayor Pro Tem Pearson asked for clarification regarding the potential for Eminent Domain. Deputy City Manager Herringa responded that the Resolution solely pertained to easements for 10711 and 10313 East Shore Drive. He further stated that the City Administration would need to come back before City Council regarding any additional adjacent properties. Mayor Pro Tem Pearson further inquired whether there had been any

rebuff from the property owners. Deputy City Manager Herringa responded that both property owners on East Shore Drive were willing to approve the proposed easements.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:13 a.m.

Erica L. Eklov, City Clerk

DRAFT

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 August 25, 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 August 2, 2020 through August 15, 2020 and notes \$709,335.85 in automated clearing house payments, \$459,065.50 in paper checks, \$112,406.27 in auto-pay payments, \$9,094,136.67 in electronic payments and (\$751.78) in credit card payments for a grand total of \$10,374,192.51.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of August 25, 2020

ACCOUNTS PAYABLE REGISTER
Check Dates From: 8/02/2020 to 8/15/2020

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
08/07/2020	13557(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SVC/S WESTNEDGE-SHAVER	51,459.65
08/07/2020	13558(A)	AKERS WOOD PRODUCTS	RAMONA PARK STUMP REMOVAL	112.50
08/07/2020	13559(A)	AMERICAN SAFETY & FIRST AID	RANGER OFFICE FIRST AID	68.18
08/07/2020	13560(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	1,430.00
08/07/2020	13561(A)	AUMACK, MICHAEL	UMPIRE PAYROLL 2020	225.00
08/07/2020	13562(A)	BEEBE, RONALD E.	UMPIRE PAYROLL 2020	200.00
08/07/2020	13563(A)	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING PROGRAM	56,581.90
08/07/2020	13564(A)	COMPLETE LANDSCAPING SOLUTIONS	CONTRACT MOWING	1,416.64
08/07/2020	13565(A)	ETNA SUPPLY, INC.	TOUCHLESS TOILET FLUSH	1,788.00
08/07/2020	13566(A)	F D LAKE COMPANY	ANNUAL CHAIN INSPECTION	2,436.85
08/07/2020	13567(A)	FORSHEE, MARK	UMPIRE PAYROLL 2020	200.00
08/07/2020	13568(A)	FURRY, WILLIAM	FINANCE CONSULTANT SERVICES	2,012.50
08/07/2020	13569(A)	HOJNACKI, DAVID	UMPIRE PAYROLL 2020	138.00
08/07/2020	13570(A)	IP CONSULTING, INC.	CISCO SMARTNET RENEWAL	1,444.64
08/07/2020	13571(A)	IRISH AYRES ENTERPRISES, LLC	MOWING SERVICES	15,275.00
08/07/2020	13572(A)	KLOSTERMAN DISTRIBUTING	RAMONA CONCESSIONS	725.75
08/07/2020	13573(A)	LOUTHAN, WILLIAM F	UMPIRE PAYROLL 2020	168.00
08/07/2020	13574(A)	MAPLE HILL SPRINKLING, INC.	IRRIGATION START UP & REPAIRS	1,072.00
08/07/2020	13575(A)	MARANA GROUP	METER SERVICE	273.00
08/07/2020	13576(A)	MATERIALS RESOURCES	JANITORIAL SUPPLIES	150.30
08/07/2020	13577(A)	MCCULLIN, LARRY W.	UMPIRE PAYROLL 2020	48.00
08/07/2020	13578(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRES AND SERVICES	516.00
08/07/2020	13579(A)	MICHIGAN PAVING & MATERIALS CO.	ANGLING RD & MEREDITH ST RECONST	90,799.95
08/07/2020	13580(A)	ONSTAFF USA INC	TEMP EMPLOYEE - STREETS	6,654.08
08/07/2020	13581(A)	PECKELS, CHRISTINE	CLASS INSTRUCTOR YOGA 5 SESSIONS	300.00
08/07/2020	13582(A)	PHILLIPS, KIMBERLY	PROGRAM SUPPLIES REIMBURSEMENT	89.53
08/07/2020	13583(A)	PRINTING SERVICES INC	PORTAGER PRODUCTION	3,608.98
08/07/2020	13584(A)	R W LAPINE INC.	FIRE FACILITY MAINT	852.42
08/07/2020	13585(A)	RHODES, KEVIN	UMPIRE PAYROLL 2020	200.00
08/07/2020	13586(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE AND DIESEL	12,217.75
08/07/2020	13587(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	614.99
08/07/2020	13588(A)	ROBINSON, JASON	UMPIRE PAYROLL 2020	94.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 8/02/2020 to 8/15/2020

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Check Date	Check	Vendor Name	Description	Amount
08/07/2020	13589(A)	SCHUMACHER, MICHAEL	LEADERSHIP SKILLS DEV SEMINAR	100.00
08/07/2020	13590(A)	SUEZ WATER ENVIRONMENTAL SERVICES	HYDRANT REPAIR REIMBURSEMENT	3,646.62
08/07/2020	13591(A)	VERPLANK TRUCKING CO.	LIMESTONE DELIVERY	1,569.96
08/14/2020	13592(A)	C T S TELECOM, INC.	DEDICATED FIBER OPTIC CIRCUIT	3,418.75
08/14/2020	13593(A)	CARRIER CORPORATION	CITY HALL/AIR CONDENSING & COILS	96,000.00
08/14/2020	13594(A)	EKLOV, ERICA	ELECTION SUPPLIES REIMBURSEMENT	292.90
08/14/2020	13595(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	9,478.23
08/14/2020	13596(A)	KUSHNER & COMPANY, INC.	KUSHNER & CO. FSA & COBRA ADMIN	284.48
08/14/2020	13597(A)	MICROSYSTEMS, INC.	PAPERVISION LICENSES	997.50
08/14/2020	13598(A)	MIH MICHIGAN LLC	DISASTER RECOVERY SVC MO CHARGE	1,757.70
08/14/2020	13599(A)	ONSTAFF USA INC	ELECTIONS TEMP EMPLOYEE	6,283.17
08/14/2020	13600(A)	PORTAGE COMMUNITY CENTER	HUD - PARKING LOT PROJECT	150,000.00
08/14/2020	13601(A)	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE SERVICES	1,172.33
08/14/2020	13602(A)	SEVERANCE ELECTRIC COMPANY, INC	INSTALL SERVICE PEDESTAL	3,116.00
08/14/2020	13603(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION	178,044.60
Total ACH:				709,335.85

Check Type: Paper

08/07/2020	314259	19 PROPS	REFUND CREDIT BAL AT 525 ROMENCE	738.60
08/07/2020	314260	4 SEASONS TREE SERVICES, LLC	TREE REMOVAL	2,800.00
08/07/2020	314261	ALDER, SANDRA	INSTRUCTOR FEE	1,050.00
08/07/2020	314262	BAILEY TERRA NOVA FARMS	SNAP REIMBURSEMENT	45.00
08/07/2020	314263	BALKEMA EXCAVATING, INC.	WETHERBEE IMPROVEMENTS/SAN SEWER	105,912.31
08/07/2020	314264	BESTEMAN, CARL	TRIP REFUND 200414 CELTIC WOMAN	100.00
08/07/2020	314265	BEYONDTRUST CORPORATION	BOMGAR RENEWAL	2,421.05
08/07/2020	314266	BUEHRLE, RICHARD C JR & BROOKE	BD BOND REFUND	400.00
08/07/2020	314267	BURKE, ROBYN	SWIM LESSONS REFUND	45.00
08/07/2020	314268	CARTWRIGHT, PAUL	SURVIVAL SUNDAY FAMILY CAMP REF	90.00
08/07/2020	314269	CENTERS, NANCY	STUART MANOR RENTAL REFUND	300.00
08/07/2020	314270	CHEESE PEOPLE OF GRAND RAPIDS	SNAP REIMBURSEMENT	60.00
08/07/2020	314271	CHICAGO TITLE OF MICHIGAN	OP SUMMER 2020 TAXES 4302 E CENTRE	641.72
08/07/2020	314272	CINTAS CORP.	UNIFORM RENTAL FOR INSPECTORS	17.39
08/07/2020	314273	CLEAR CHANNEL AIRPORTS	AIRPORT ADVERTISING	2,852.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 8/02/2020 to 8/15/2020

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Check Date	Check	Vendor Name	Description	Amount
08/07/2020	314274	COBLE, KENDI	SWIM LESSONS REFUND	45.00
08/07/2020	314275	CUBIC, THOMAS	OP 4823 BRIARHILL DR FINAL WATER	140.38
08/07/2020	314276	CULVER, BARB	REFUND FOR FINAL BILL-205 RUTH ST	104.48
08/07/2020	314277	DAVE'S CONCRETE PRODUCTS, INC.	AVON/DEVON SIDEWALKS	530.00
08/07/2020	314278	DEVON TITLE AGENCY	OP 5327 WISTERIA ST FINAL WATER	7.57
08/07/2020	314279	DUMONT, SONYA	RAMONA PARK RENTAL & VOUCHERS REF	240.00
08/07/2020	314280	DUNLOP, JOHN W	FISH CAMP INSTRUCTION	210.00
08/07/2020	314281	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	2,480.00
08/07/2020	314282	FABRICATED FLEX & HOSE	VACTOR HOSES	372.82
08/07/2020	314283	FOYZUNNESSA, YASMIN	RAMONA PARK RENTAL REFUND	110.00
08/07/2020	314284	FREIGHTLINER OF GRAND RAPIDS, INC.	TRUCK MAINTENANCE	253.79
08/07/2020	314285	FULTON & SONS INC., JAMES E	SPRING CLEANUP 2020	3,729.00
08/07/2020	314286	FUTURE PRO, INC.	BASKETBALL HOOPS-OAKLAND DR PK	3,855.00
08/07/2020	314287	GARCIA, EDUARDO	SCHRIER PARK DEPOSIT REFUND	150.00
08/07/2020	314288	GILBERTSON, SAM	SWP TOURNAMENT FIELD RENTAL REF	140.00
08/07/2020	314289	GORDON FOOD SERVICE	RAMONA CONCESSIONS	286.01
08/07/2020	314290	HAMMOND, LEA	SCHRIER DEPOSIT & RENTAL REFUND	350.00
08/07/2020	314291	HAWKINS, JESSICA	SWIM LESSONS REFUND	45.00
08/07/2020	314292	HAYWARD BAKER INC.	FIRE ST #2 AGGREGATE PIERS	11,586.79
08/07/2020	314293	HENICKY, ROBERT	OP WATER BILLS FOR VALLEYWOOD LN	2,837.16
08/07/2020	314294	HIMEBAUGH, NICOLE	RAMONA PARK RENTAL REFUND	110.00
08/07/2020	314295	HOME DEPOT	MISC BUILDING SUPPLIES	219.89
08/07/2020	314296	HOOGENBOOM, CATHLEEN	SWIM LESSONS REFUND	45.00
08/07/2020	314297	HOPPS, BARBARA	PICKLEBALL SESSION 2 REFUND	25.00
08/07/2020	314298	HORNEV, ALLISON	SWIM LESSONS REFUND	45.00
08/07/2020	314299	INCREDIBLE KETTLE	SNAP REIMBURSEMENT	56.00
08/07/2020	314300	INSIGHT PUBLIC SECTOR, INC.	WEBCAMS FOR PCS	555.61
08/07/2020	314301	JACKSON, LYSSA	SWIM LESSONS REFUND	90.00
08/07/2020	314302	JEFFRIES, TERESA	LAKEVIEW PAVILION REFUND	220.00
08/07/2020	314303	KALAMAZOO COUNTY TREASURER	2019 PRE REFUND-PARCEL 08531-007-A	14.02
08/07/2020	314304	KALAMAZOO COUNTY TREASURER	2019 PRE REFUND-PARCEL 01640-025-O	25.10
08/07/2020	314305	KALAMAZOO COUNTY TREASURER	REIMB RETIREE PAYOUT PER 1997 AGREEM	5,629.37
08/07/2020	314306	KALAMAZOO COUNTY TREASURER	OAKBROOK AUG 2020 MOBILE HM TAXES	322.50

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Check Date	Check	Vendor Name	Description	Amount
08/07/2020	314307	KALSEE CREDIT UNION	OP SUMMER 2020 TAX PARCEL # 055	2,755.41
08/07/2020	314308	KEENAN, CHRIS	RAMONA SOCCER DEPOSIT REFUND	100.00
08/07/2020	314309	KRAGT, POLLY	SWIM LESSONS REFUND	45.00
08/07/2020	314310	KZOO TIRE COMPANY	POLICE VEHICLE MAINTENANCE	784.50
08/07/2020	314311	LAMORANDIER, SANDY	HAYLOFT THEATRE RENTAL REFUND	1,140.00
08/07/2020	314312	LECHOTA, SUZANNE	RAMONA PARK RENTAL REFUND	110.00
08/07/2020	314313	LUBRATICH, BRANDT	AMPHITHEATRE RENTAL REFUND	240.00
08/07/2020	314314	MACHIELA, JORI	SWIM LESSONS REFUND	45.00
08/07/2020	314315	MAGEE, MEGAN	SCHRIER PARK RENTAL REFUND	450.00
08/07/2020	314316	MAIN STREET PORTRAITS INC	PHOTOGRAPHY SERVICES	437.00
08/07/2020	314317	MATUREN, NICOLE	SWIM LESSONS REFUND	90.00
08/07/2020	314318	MICHIGAN PAVEMENT MARKINGS LLC	MAJOR/LOCAL STREETS SPECIALTY MARKING	107,300.80
08/07/2020	314319	MOSQUITO CONTROL OF SW MICHIGAN	DET. PIKACHU MOVIE	2,214.00
08/07/2020	314320	PACKER, ADAM	SWIM LESSONS REFUND	90.00
08/07/2020	314321	PEREZ, ABDON	HAYLOFT DEPOSIT & RENTAL REFUND	360.00
08/07/2020	314322	PETERMAN CONCRETE CO.	PICKLEBALL COVER-RAMONA PK	146.23
08/07/2020	314323	POPP, ROBERT	LAKEVIEW SOFTBALL DEP REFUND	140.00
08/07/2020	314324	QUINN, LEANDRA	SWIM LESSONS REFUND	90.00
08/07/2020	314325	REVERSKI, MICKEY	SCHRIER PARK PAV RENTAL REFUND	110.00
08/07/2020	314326	RICKSTAD, CHLOE	OP FINAL WATER BILL 4213 CEDARCREST	102.20
08/07/2020	314327	ROSEBOOM, AMY	RAMONA PARK RENTAL REFUND	110.00
08/07/2020	314328	SANDERS, SAMANTHA	SWIM LESSONS REFUND	45.00
08/07/2020	314329	SARKOZY BAKERY LLC	SNAP REIMBURSEMENT	33.00
08/07/2020	314330	SCHARBONEAU, SAMANTHA	GRAIN ELEVATOR DEP & RENTAL REF	257.50
08/07/2020	314331	SCHUPAN & SONS, INC.	PROTECTIVE TABLETOP SNEEZE GUARDS	2,277.60
08/07/2020	314332	SEMELBAUER, MICHELLE	GRAIN ELEVATOR DEP & RENTAL REF	280.00
08/07/2020	314333	SERVICELINK, LLC	OP STAX20 & UB ACCT-6576 PLEASANT	162.26
08/07/2020	314334	SIGN SHOP OF WESTERN MICHIGAN	COVID REGULATIONS SIGN	75.00
08/07/2020	314335	SMITH, MARGARET	INCONVENIENCE FEE/RETENTION BASIN	1,050.00
08/07/2020	314336	STAR TITLE AGENCY	OP FINAL WATER BILL 7227 PROVENCE	56.86
08/07/2020	314337	SUPERIOR BUSINESS SOLUTIONS	CERTIFICATE HOLDERS	1,000.30
08/07/2020	314338	THOMAS, TINA	RAMONA PARK RENTAL REFUND	110.00
08/07/2020	314339	TITLE SOURCE AGENCY	OP 5347 PLATEAU UTILITY ACCOUNT	96.97

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Check Date	Check	Vendor Name	Description	Amount
08/07/2020	314340	TITLE SOURCE AGENCY	OP 7453 JAMAICA LANE WATER BILL	126.66
08/07/2020	314341	TRUGREEN PROCESSING	LANDSCAPE SERVICES	943.57
08/07/2020	314342	USPS	PORTAGER POSTAGE	8,600.00
08/07/2020	314343	USPS	REFILL POSTAGE METER	5,000.00
08/07/2020	314344	VALLEY CITY SIGN	VETERAN'S MEMORIAL	2,590.00
08/07/2020	314345	VANGUARD FIRE & SUPPLY CO., INC.	ABC EXTINGUISHERS & MAINT	679.49
08/07/2020	314346	VERIZON WIRELESS	CELLULAR TELEPHONES	4,840.48
08/07/2020	314347	VERSALIFT MIDWEST, LLC	BUCKET AND CRANE SVC	845.00
08/07/2020	314348	WHALEY, DANIELLE	SCHRIER DEPOSIT & RENTAL REFUND	275.00
08/07/2020	314349	WIGHTMAN	ENGINEERING SERVICES	4,148.75
08/07/2020	314350	WILKE, TRISTAN	SCHRIER DEPOSIT & RENTAL REFUND	350.00
08/07/2020	314351	WOODBURN, JAMIE	SWIM LESSONS REFUND	90.00
08/07/2020	314352	WYOMING ASPHALT PAVING CO. INC	RAMONA PARK LOT PAVING	123,900.00
08/14/2020	314353	ADVANCE II LLC	ELECTION TEMP EMPLOYEE	2,913.54
08/14/2020	314354	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	986.00
08/14/2020	314355	ARTWEAR APPAREL GRAPHICS, INC.	DRI-FIT GRAPHITE LONG SLEEVE/RANGERS	102.00
08/14/2020	314356	AT&T	ELECTRONIC COMMUNICATIONS	6,572.42
08/14/2020	314357	BECK, EMILY	LAKEVIEW SOFTBALL DEPOSIT REFUND	100.00
08/14/2020	314358	CFP HOLDING COMPANY, LLC	FIRE ALARM ROUTINE INSPECTIONS	1,072.70
08/14/2020	314359	CITY OF KALAMAZOO TREASURER	WATER SERVICE	389.08
08/14/2020	314360	DURIAN, TAMMY	REIMB FOR PRECINCT TACKLE BOXES	174.79
08/14/2020	314361	FOUTS, ANNA	MAILBOX REIMBURSEMENT	44.00
08/14/2020	314362	JOHNSTON LEWIS ASSOCIATES INC.	INSURANCE ON STORAGE TANKS	4,975.35
08/14/2020	314363	KEENAN, CHRIS	RAMONA SOCCER NORTH DEPOSIT REF	100.00
08/14/2020	314364	KNOX CO.	FIRE FACILITY MAINT	176.00
08/14/2020	314365	NATIONS TITLE AGENCY OF MICHIGAN	OP FINAL SEWER BILL-5124 BRONSON	48.52
08/14/2020	314366	SEECCLICKFIX, INC.	SEE CLICK FIX ANNUAL LICENSE	10,185.00
08/14/2020	314367	THOMPSON, LISA	HAYLOFT THEATRE RENTAL REFUND	1,040.00
08/14/2020	314368	UNITED PARTY & EVENT SERVICES	HAMPTON BOG MEETING EQUIPMENT	953.00
08/14/2020	314369	VERIZON WIRELESS	WIRELESS SERVICE	48.12
08/14/2020	314370	ZERO WASTE USA, INC.	PET WASTE BAGS	2,187.84
Total Paper Checks:				459,065.50

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Check Date	Check	Vendor Name	Description	Amount
Check Type: Auto-pay Payment				
08/03/2020		CONSUMERS ENERGY	GAS-ELECTRIC	124.42
08/05/2020		CONSUMERS ENERGY	GAS-ELECTRIC	18,754.87
08/06/2020		CONSUMERS ENERGY	GAS-ELECTRIC	45,345.98
08/07/2020		CONSUMERS ENERGY	GAS-ELECTRIC	1,482.11
08/10/2020		CONSUMERS ENERGY	GAS-ELECTRIC	9,579.57
08/11/2020		CONSUMERS ENERGY	GAS-ELECTRIC	24,561.20
08/12/2020		CONSUMERS ENERGY	GAS-ELECTRIC	886.65
08/13/2020		CONSUMERS ENERGY	GAS-ELECTRIC	582.60
08/14/2020		CONSUMERS ENERGY	GAS-ELECTRIC	11,088.87
Total Auto-pay Payments:				112,406.27
Check Type: Electronic Payment				
08/07/2020		MULTIPLE	WEEKLY TAX DISBURSEMENT	1,991,155.10
08/14/2020		MULTIPLE	WEEKLY TAX DISBURSEMENT	7,065,135.00
08/14/2020		ICMA	PENSION WITHHOLDINGS	37,846.57
Total Electronic Payments:				9,094,136.67
Check Type: Credit Card Transactions				
07/01/2020		BUZZSPROUT.COM PODCAST	MONTHLY PODCAST HOSTING SERVICE	24.00
07/01/2020		OPERA GRAND RAPIDS	SENIOR CENTER TRIP CREDIT	(588.00)
07/02/2020		MICHIGAN CPA	ANNUAL MICHIGAN CPA MEMBERSHIP	315.00
07/03/2020		VECMAR COMPUTER SOLUTIONS	TREASURY CHECK SCANNER	929.69
07/07/2020		AMAZON.COM	ELECTION SUPPLIES STORAGE BOXES	127.89
07/09/2020		CHICAGO CUBS	SENIOR CENTER TRIP CREDIT	(2,486.40)
07/09/2020		CHICAGO CUBS	SENIOR CENTER TRIP CREDIT	(30.00)
07/09/2020		NAUTICA QUEEN	SENIOR CENTER TRIP CREDIT	(485.00)
07/14/2020		SHAW FESTIVAL	SENIOR CENTER TRIP CREDIT	(311.47)
07/14/2020		SPL MIFMA	MI FARMERS MARKET ASSOC MEM	250.00
07/15/2020		AMZN MKTP	SUPPLIES-LANTERN EVENT AT RAMONA	9.41
07/16/2020		SOCIETYFORHUMANRESOURCE	ANNUAL SOCIETY FOR HR MEM	219.00
07/20/2020		AMAZON.COM	RET ELECTION SUP STORAGE BOXES	(36.54)
07/20/2020		AMAZON.COM	RET ELECTION SUP STORAGE BOXES	(54.81)

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Check Date	Check	Vendor Name	Description	Amount
07/20/2020		AMAZON.COM	RET ELECTION SUP STORAGE BOXES	(36.54)
07/20/2020		EPSON AMERICA	TREASURY CHECK SCANNER REPAIR	194.00
07/21/2020		AMZN MKTP	SUPPLIES-LANTERN EVENT AT RAMONA	20.13
07/21/2020		DRAYTON ENTERTAINMENT	SENIOR CENTER TRIP CREDIT	(73.51)
07/22/2020		CLEVELANDINDIANS TIX	SENIOR CENTER TRIP CREDIT	(186.00)
07/27/2020		AMAZON.COM	WATER FILTRATION SYS-CHAMBERS	297.40
07/27/2020		BIRANDO	SUPPLIES-LANTERN EVENT AT RAMONA	14.97
07/27/2020		SMK SURVEYMONKEY.COM	ANNUAL FEE FOR SERVICE	288.00
07/28/2020		WEB SECURE POSITIVESS	SSL CERTIFICATE - WEBSITE	75.00
07/29/2020		WEB SECURE POSITIVESS	SSL CERTIFICATE - WEBSITE/DOMAINS	209.00
07/29/2020		WEB SECURE POSITIVESS	SSL CERTIFICATE - WEBSITE	75.00
07/29/2020		WEB SECURE POSITIVESS	SSL CERTIFICATE - WEBSITE	75.00
07/30/2020		NATIONAL INSTITUTE OF GOVE	INSTITUTE OF PUBLIC PROCUREMENT MEM	190.00
07/31/2020		BUZZSPROUT.COM PODCAST	MONTHLY PODCAST HOSTING SERVICE	24.00
07/31/2020		PAYPAL REALTYRATES	COMM/INDUSTRIAL SURVEY-ASSESSORS	199.00
Total Credit Card Payments:				(751.78)
Grand Total:				10,374,192.51

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Appointment of City Attorneys

SUPPORTING PERSONNEL: Michael Carroll, Deputy City Manager

ACTION RECOMMENDED: Appoint Bauckham, Sparks, Thall, Seeber & Kaufman, P.C. as City Attorneys for General Municipal & Legal Prosecution Services, with Catherine P. Kaufman appointed as lead City Attorney; and to appoint Douglas A. Boodt, PLLC as conflict counsel and for use on special projects, as needed.

The five-year contract between the City of Portage and Randall L. Brown and Associates, PLC of Portage, Michigan, for city legal services expires on August 31, 2020. The City Council, at the regular meeting of June 9, 2020, authorized the City Manager to seek informal proposals from local legal firms for general municipal city attorney services and separately for municipal prosecuting services. Below is a summary of those activities.

First, the Charter of the City of Portage addresses the issue in how a City Attorney is appointed. Section 6.2(a) states “the Council shall appoint the City Manager and the City Attorney who shall each serve at the pleasure of the Council.” As a result of that Charter requirement, the City Attorney is appointed directly by the City Council in a manner similar to that of the City Manager. The City Attorney’s duties are also outlined by the City Charter; Section 6.6 states in part that the City Attorney “shall act as the legal advisor of and be responsible to the Council in all respects concerning the performance of its official duties.” The City Attorney also serves as an advisor to the City Manager concerning legal issues affecting the City Administration. The City Attorney prosecutes all ordinance violations, as well as prepares and reviews all ordinances, regulations, contracts and bonds. The City Attorney attends and advises for all City Council meetings. The City Attorney also serves the various boards and commissions of the city. The City Attorney performs other duties as prescribed by the Charter and the Council as needed.

The Request for Proposal (RFP) allowed applicants to submit a proposal for: a) General Municipal City Attorney Services solely; b) Prosecution Legal Services solely; or c) General Municipal City Attorney Services and Prosecution Legal Services.

Current City Attorney Randall Brown merged his law practice with that of Bauckham, Sparks, Thall,

Seeber & Kaufman, P.C. on July 1st. Attorney Brown's contract with the City was assigned to his new firm that same date.

The Bauckham law firm was the only submittal for all three categories of services listed above. One other attorney (Douglas A. Boodt, PLLC) submitted a proposal for Prosecution Legal Services solely. Both proposals are attached to this report. Bauckham's proposal was on an annual & cost per month basis, whereas Boodt's proposal was hourly. In light of the fact that Bauckham's first two years of their proposal (for a 9 member law firm) are less than the City is currently paying (for a two member law firm), Administration feels that financially, their proposal is entirely reasonable. Boodt's proposal is also well within the price per hour for municipal prosecution as previously discussed in the Committee of the Whole on City Attorney Services. As for Bauckham's submittal being presented in all three categories, it is noted that the difference between their General Municipal & their General Municipal with Prosecution submittals is only approximately \$25,000 per year.

City Administration has met with 3 of the partners of the Bauckham firm, and one of their associates. Further, City Administration has also had the opportunity over the last 7 weeks to observe the results of the Bauckham firm with regards to Municipal Prosecutions. City Administration has also been contacted by staff members within Community Development. One indicated that their experience of the new prosecutor – Roxanne Seeber – has been very positive. The other indicated that a judge or magistrate complimented the City for entering into a relationship with Roxanne Seeber. It is Administration's view that the bench at Bauckham is fairly deep – over several practice areas – and that they are very competent attorneys.

City Administration also checked references on Attorney Douglas A. Boodt and received very favorable feedback.

Therefore, it is recommended that City Council, consistent with Section 6.2 of the City Charter, appoint Bauckham, Sparks, Thall, Seeber & Kaufman, P.C. as the City Attorney, for General Municipal and Prosecution Legal Services, with Catherine P. Kaufman as the City's lead contact. Also, the Administration recommends that Council appoint Douglas A. Boodt, as conflict counsel and for use in special projects as needed.

FUNDING: The FY 2020-2021 City Council approved budget allocates sufficient funds for city legal services.

Attachments:

1. Baukham Proposal
2. Boodt Proposal
3. City Attorney Services RFP Tabulation

BAUCKHAM, SPARKS, THALL, SEEGER & KAUFMAN, P.C.
ATTORNEYS AT LAW

470 W. CENTRE, SUITE A
PORTAGE, MICHIGAN 49024-5362

TELEPHONE (269) 382-4500
FAX (269) 382-2040

ROBERT E. THALL
ROXANNE C. SEEGER
CATHERINE P. KAUFMAN
RANDALL L. BROWN
T. SETH KOCHES
LORI COATES HAY
AMANDA K. TOMICH
BRIEN WINFIELD HECKMAN
JACOB G. ECCLESTON

JOHN H. BAUCKHAM
1923 - 2015

HARRY F. SMITH
1906 - 1972

OF COUNSEL
KENNETH C. SPARKS
MICHAEL D. SCHLACK

July 22, 2020

Via hand delivery

City of Portage Purchasing Division
c/o Tom O'Brien
7900 S. Westnedge
Portage MI 49002

RE: Request for Proposal – City Attorney Services

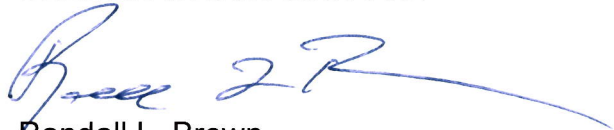
Dear Mr. O'Brien:

Attached please find our firm's proposal in response to the City of Portage's RFP for legal services. Bauckham Sparks appreciates the opportunity to submit this proposal to the City of Portage.

Should have any questions, please feel free to contact Randall Brown.

Sincerely,

**BAUCKHAM, SPARKS, THALL,
SEEGER & KAUFMAN P.C.**



Randall L. Brown
City Attorney
attorneybrown@att.net

RLB/slb

Enclosures: City of Portage Project Information Sheet
Attachment 1 – Proposal Summary
Attachment 2 – Additional Professional Services
Revised City of Portage Request for Proposals

4 CITY OF PORTAGE PROJECT INFORMATION SHEET

If adequate space is not provided for complete response, please attach additional pages as necessary and identify by number. Proposals will not be considered responsive unless all requests for information are provided. Please use such terms as none, not applicable, unknown, etc., if requested information does not pertain or cannot be provided.

4.1 Please indicate the response that best describes your business:

____ Sole Proprietor ____ Partnership ____ X Corporation

____ Other (please explain) _____

4.2 Firm Name: Bauckham, Sparks, Thall, Seeber & Kaufman, PC

Address: 470 W. Centre Ave., Portage, MI 49002

Telephone Number: (269) 382-4500 Fax: (269) 382-2040

First Date in Business: 1949

4.3 Is your Firm involved in any proceedings that may affect the ability of the Firm to continue under the current Firm name for the duration of the project?

____ Yes ____ X No If yes, please explain (use additional Page)

4.4 Is your Firm up for sale? ____ Yes ____ X No

If yes, please explain (use additional page).

4.5 Primary staff to be assigned to the project (see Attachment 1, Proposal Summary, for areas of municipal practice for all attorneys listed in this section):

Owner/Partner: Attorney Randall L. Brown, City Attorney

Principal Professional(s):

Attorney Rob Thall

Attorney Roxanne Seeber

Attorney Catherine Kaufman

Other Significant Employees to be Assigned:

Attorney Seth Koches

Attorney Jacob Eccleston

Please provide resume for Project Supervisor and principal professionals to be assigned at time of proposal submission for personnel listed above.

4.6 Experience: Please indicate below the experience of the individuals listed in Item 4.5 from your Firm pertaining to the specific type of work listed. Under the Self-Evaluation Section, please rate how you believe the contact person in charge of the work would rate services if they were contacted by the City of Portage and asked to rate overall satisfaction with the services provided by your Firm. Please restrict your Self-Evaluation responses to the terms Excellent, Good, Satisfactory, and Unsatisfactory.

A. Please list professional service similar to work requested where staff identified in Section 4.5 have provided professional services.

<u>Name of Unit/ Organization</u>	<u>Contact Person</u>	<u>Phone</u>	<u>Self Evaluation</u>
A. Kalamazoo Twp.	Bryan Ergang, Chief	(269) 567-7523	Excellent
	Dexter Mitchell, Manager	(269) 381-8085	Excellent
B. Comstock Twp.	Scott Hess, Superintendent	(269) 381-2360	Excellent
C. MTA	Neil Sheridan, Executive Director	(517) 321-6467	Excellent

Other references available upon request including Sewer/Water Authorities and Villages.

(If more than three assignments have been performed, please list the top three that you feel are most comparable to the scope of work being requested. Do not list projects over 10 years old.)

<u>B.</u>	<u>Contact Person</u>	<u>Phone</u>	<u>Self Evaluation</u>
<u>A.</u>			
<u>B.</u>			

G. _____

(If more than three assignments have been performed, please list the top three that you feel are most comparable to the scope of work being requested. Do not list projects over 10 years old.)

C. List any other professional services that you feel may indicate the ability of your firm to perform the work requested {use additional page(s) if necessary}. **See attachment 2, Additional Professional Services.**

4.7 A project Information Sheet (3 copies) and ~~Project Concept Statement (3 copies)~~ a Request for Proposal Cost Page (3 copies) are required for submission as a part of these specifications. Have all items been included with your proposal?

 X Yes No If answer is no, please explain.

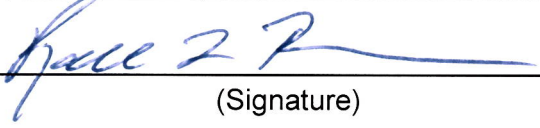
4.8 The award of the contract for professional services is based upon the draft contract form attached. Is this document, as proposed, acceptable to you if you were to be awarded the bid? X Yes No.

If no, please explain in detail any provisions that would need to be changed, added, or deleted. (Use additional page(s) if necessary.)

I certify that all information provided above is complete, accurate, and to the best of my knowledge, true. I further certify that I am fully authorized by the Firm identified in Question 4.2 above to execute this information sheet on behalf of that Firm.

I hereby state that I have read, understand, and agree to be bound by all terms of this Request for Proposal Document.

FIRM: Bauckham, Sparks, Thall, Seeber & Kaufman, PC

BY: 
(Signature)

NAME: Randall L. Brown
(Please Print)

POSITION: Partner

TELEPHONE: (269) 382-4500

EMAIL: attorneybrown@att.net

Attachment 1 – Proposal Summary

1. Municipal law experience:

Bauckham Sparks law practice is devoted to municipal law. Our practice is more than 95% dedicated to serving municipal entities. We have been legal counsel to the Michigan Townships Association ("MTA") since its formation in 1953 and represent over 60 townships throughout the state in addition to several cities, villages and sewer/water authorities. For over 100 years, Bauckham Sparks (and its predecessors) have practiced law in the Kalamazoo County area. Many of our municipal clients have been with our firm for over 30 years (or longer). The legal opinions we provide to the MTA are recognized and followed by municipalities throughout the state.

The breadth and depth of our municipal experience sets Bauckham Sparks apart. The recent merger of Randall L. Brown Associates, PLC and Bauckham Sparks now provides the City with the continuity of Mr. Brown's 35 years of experience with the City of Portage as well as a wealth of expertise and diversity in municipal law. Our four partners have developed specialties in municipal law practice, such as tax work, planning & zoning and building/zoning/code enforcement. Two of our attorneys have served as county prosecutors for several years before joining our firm. As a whole, our attorneys work as a team on issues or assign the task to an attorney best able to address the particular issue. Further, our firm has already dedicated three attorneys, Randall L. Brown as City Attorney and two experienced Assistant City Attorneys, all who give the City first priority and are available on a 24/7 basis for City work.

Our longevity serving our clients, even in the light of elective body and administration changes, speaks to our firm's consistent and continued high level of municipal legal service.

2. History, Qualifications and Staff:

Our demonstrated longevity in serving its municipal clients is testament to our firm's service to our clients. Bauckham Sparks' consistent, straightforward legal counsel is as valuable to its municipal clients now as it was over 30 years ago. Our six full time attorneys devote their practices to municipal law and although three attorneys are now assigned for City of Portage work, all attorneys are available to perform services for the City. Below are summaries of our attorneys and staff.

A. Attorneys

- (1) Attorney Randall L. Brown has been representing the City of Portage continuously since 1984, starting as Assistant City Attorney and being awarded the contract as City Attorney in 1993. His exemplary service to the City is evidenced by all City Councils since 1993 choosing to renew his contract. His understanding of context and history of the City's growth and development provides continuity and stability moving forward, especially in these unpredictable times. Surveys conducted by City administration through the years show that the City is receiving superior legal services at a cost substantially below what other similar municipalities are paying. Over these years he has had an ongoing working relationship with City Councils, City Administrations, Department Directors, Boards and Commissions. Randy and his wife are 30 year Portage residents and their two children attended Portage Public Schools.

Has also rented or owned his office in the City of Portage during that time as well.

Randy is a graduate of Michigan State University and Cooley Law School receiving the Most Distinguished Graduate Award. Mr. Brown has been a Director and past President of the Michigan Association of Municipal Attorneys and the Michigan Municipal League's Legal Defense Fund as well a member of various committees including the Legislative Concerns Committee. Randy is an avid tennis player, and enjoys road bicycling, running and long distance swimming.

- (2) Attorney Robert Thall has been with the firm since 1991. Rob is lead counsel for the MTA, and also serves as general or special counsel to many municipalities including cities, villages, townships, and sewer/water authorities throughout the state. He is a Michigan State University alumni and a graduate of Thomas M. Cooley Law School.

His practice includes all areas of municipal law. He is the firm's lead attorney for water/sewer issues and tax issues. He also advises the firm's clients on issues such as franchise agreements, the METRO Act, installment purchase agreements, real estate matters, bankruptcy collections, road funding and right-of-way related matters, assessing, tax tribunal, and other municipal finance matters. Rob offers invaluable insight into new legislation and trends impacting local governments and municipal law. He is regularly involved with the MTA on proposed legislation.

Rob has extensive experience representing municipal issues before the Michigan Court of Appeals and Michigan Supreme Court, and is sought out for his knowledge in municipal matters. He has authored numerous amicus briefs on behalf of the Michigan Municipal League and the MTA. He has even filed as an amicus representing local governments in the United States Supreme Court. Currently, he has pending on behalf of MML and MTA amicus briefs or has amicus briefs to be filed in Federal 6th Circuit Court of Appeals litigation regarding a tree preservation ordinance and Michigan Court of Appeals cases regarding a tax exemption claim for hockey arena; constitutionality of drone searches; and taxation of a power plant.

Rob teaches classes for MTA and other municipal groups and was a contributing author to the recent published book entitled "Authorities and Responsibilities of Michigan Townships".

- (3) Attorney Roxanne Seeber has been with the firm since 1997, and has been practicing municipal law in Michigan since she was admitted to the bar in 1994. Roxanne is a 40+ year resident of the City of Portage, a graduate of Portage Northern High School, Western Michigan University and is a cum laude graduate of the University of Toledo College of Law. Her areas of expertise are ordinance enforcement and drafting. Together with Kalamazoo County clients, Roxanne and the judges of the 8th District Court developed Kalamazoo County's Municipal

Civil Infraction Ordinance Enforcement System. She has an excellent rapport with the judges and magistrates of the 8th District Court. Roxanne teaches on this subject (and many others) throughout the state. Roxanne also advises the firm's clients on dangerous buildings, ordinance violations, zoning and planning issues and the myriad of general issues that come up on a daily and weekly basis.

- (4) Attorney Catherine Kaufman has been a practicing attorney for 25 years. She has practiced with the firm for 11 years. Attorney Kaufman handles all aspects of municipal law, with a concentration in planning and zoning matters. She practiced as a city planner before attending law school. Attorney Kaufman is a member of the American Institute of Certified Planners (AICP) and the Michigan Association of Planning. She is active in statewide planning and municipal law organizations and is a frequent instructor on municipal issues for the MTA, Michigan Association of Planning, Michigan State University Extension, Michigan Association of Municipal Attorneys, ICLE and the Government Law and Marijuana Sections of the Michigan Bar. Catherine is the lead counsel for several area municipalities and is one of the leading attorneys in the state on the municipal regulation of marijuana and the Right to Farm Act. Catherine served on the State of Michigan's Medical Marijuana Advisory panel. She is a member of the Government Law, Marijuana and Real Property Sections of the Bar. Catherine and her husband were 15 year residents of Portage and her son attended and graduated from Portage Public Schools.

- (5) Senior Associate Seth Koches joined Bauckham Sparks in 2015 after serving as an attorney in the prosecutor's offices for Kalamazoo and Oakland Counties. He has extensive experience in Michigan's district, circuit and probate courts.

Seth's practice focuses on a wide range of municipal matters including prosecution and ordinance enforcement, general zoning and land use. Seth has extensive experience in civil litigation, contract review, conditional transfer of property agreements, annexation and installment purchase agreements. Seth also defends municipalities against civil rights complaints. His broad range of municipal work also includes reviewing contracts, ordinance drafting, attending municipal Board meetings, Planning Commission and ZBA meetings.

Seth has lectured for the MTA as well as at our municipal client conferences. He is a contributor to the publication *Planning & Zoning News*. In addition to his law degree from Cooley Law, Seth attended Misericordia University and earned an MBA from Wilkes University. He lives in Kalamazoo with his wife, Aubrey and their one year old son. Seth is also a long-time skier and runner, with over half a dozen marathons under his belt.

- (6) Jacob Eccleston joined Bauckham Sparks as an Associate Attorney after graduating from law school. He works with both urban and rural townships on a variety of municipal law issues and is a member of the

Young Lawyers Section of the State of Michigan and Kalamazoo County Bar Associations.

Jacob has a broad range within the municipal practice and does everything from contract review and drafting, to employment related matters, and ordinance review and drafting. He provides advice to many clients with Open Meetings Act and Freedom of Information Act concerns and questions. He also assists with large research projects, as well as prosecuting ordinance enforcement cases.

Jacob contributes to publications, including the *Planning and Zoning News*. In addition to his law degree from Michigan State University College of Law, Jacob attended Aquinas College in Grand Rapids. He and his wife Anna live in Kalamazoo County and are expecting their first child. They are avid travelers and enjoy skiing, hiking, and canoeing in their free time.

B. Staff

Bauckham Sparks has three legal assistants and associated other support staff. Sandi Bosse, who recently came to the firm with Randy will continue to assist City Attorney Brown and the Assistant City Attorneys for the City of Portage. Other legal assistants will become familiar with City work to provide support in Sandi's absence.

C. Other key parameters

Bauckham Sparks is an acknowledged leader in the practice of Michigan municipal law. We view ourselves as public servants/public officials as opposed to private attorneys simply representing a "client"; our style of representation exemplifies that attitude. Given the dynamics and importance of the City of Portage, coupled with the addition of Randy and the relocation of our offices from Kalamazoo to across the street from the Portage City Hall, Bauckham Sparks is excited to submit this proposal for legal services and to continue its legal representation of the City of Portage. Additionally, we offer long term succession planning for our legal services to the City, guaranteeing stable and seamless transitions.

Our firm has the experience and expertise to handle each line item in the listed scope of services in Section 2.3¹ of the RFP and through Randy's past representation, has been providing high quality and dependable legal services to the City for the past 35 years. Our firm clearly has done everything from soup to nuts in the field of municipal law and we look forward to continuing to provide this level and depth of service to the City of Portage.

¹ Attached to this Proposal is a chart, City Attorney's Office Statistics, indicating the services provided to the City by Randall L. Brown & Associates in 2018/2019, which is similar to the chart provided the City for the 2014/2015 informal bid process. Although the present RFP contains some general data, our bid is based on the specific statistics contained in the attached chart.

We understand from the RFP that labor counsel, union negotiations, and Michigan Tax Tribunal representation are not included in this requested scope of services. Our firm's attached bid price does not include these services, but we are qualified and experienced to provide tax tribunal services under separate agreement.

D. Conflict of interest statement

Bauckham Sparks stands apart from other law firms in regards to its singular commitment to municipal representation above all. Our firm will never represent the City while another of the firm's attorney represents a defendant or developer against the City. With our firm's almost exclusive representation of municipal clients, no conflicts will arise from our representation of private entities or individuals against the City. If a municipal conflict of interest arises through our firm's representation of another municipality, we will work to resolve such conflict through the City Manager's office or through City Council, as needed. We are not aware of any current conflicts.

2018-2019
CITY ATTORNEY'S OFFICE STATISTICS

<u>CATEGORY</u>	<u>2018</u> <u>(1/1/18 Thru</u> <u>12/31/18)</u>	<u>2019</u> <u>(1/1/19 Thru</u> <u>12/31/19)</u>
Opinions (Written)	23	28
Ordinances/Amendments:		
A. Zoning Text*	2	3
B. Zoning Map*	4	2
C. Other*	5	2
FOIA's:		
A. Police*	948	778
B. Other*	57	62
Police Department:		
A. Prosecutions ¹	978	878
B. Warrants	26	12
Ordinance Enforcement:		
A. Orders of Compliance prepared	29	35
B. Show Cause hearings	2	6
Resolutions* (including IDD's)	46	29
Meetings/Attendance		
A. City Council	24	24
B. Planning Commission	20	20
C. ZBA	9	12
D. Meetings at City Hall or at our office	63	103
Agreements/Contracts reviewed and/or modified	111	166
Agreements/Contracts prepared	22	21
Bankruptcies	7	8
Discharge of Taxes	1	1
Multiple communications with City staff and others regarding City matters (including telephone calls; emails and facsimiles) on a daily basis.	Average 450 per month	Average 450 per month

* Numbers received from City staff.

\\jody-pc\zdrive\JODY\PORTAGE\MISCELLANEOUS\Statistics List 2018-2019.docx

¹ Type of Matter
Pre-trials
Non-jury trials
Jury trials
Settlement conferences
Pre-formals
Formal hearings
Delayed pleas
Motion hearings
Show cause hearings
Probation violation hearings

Attachment 2 – Additional Professional Services

Question 4.6.C

1. As the City's legal counsel for the past 35 years, City Attorney Brown has been involved in just about every important matter pertaining to a governmental function involving every department of the City including City Council and Boards & Commissions. To recap a few that illustrate our involvement with City activities and solutions over the past 10 years, please accept the following (not in any particular order):

Licenses and permits for cell towers and small cell (Devin Mackinder), Martin Luther King Drive reconstruction (Larry Schaffer), Stryker expansion documents (Chris Forth), fire station contracts (Tom O'Brien), medical and adult use marihuana (Adam Herringa), nondiscrimination ordinance (Vicki Gorgeau), donation box ordinance, major amendment to sign ordinance (Chris Forth), Valley Family Church traffic issues (Police Department), road reconstruction during work lockout (Larry Schaffer and Kendra Gwin).

2. Other municipal matters the firm has accomplished:

- a) Participated as an amicus party on behalf of Michigan Municipal League, MTA, and the Government Law Section of the Michigan State Bar in the June 5th 2020 important municipal victory on short term rental regulation as determined by the Michigan Supreme Court in Susan Reaume v. Township of Spring Lake.
- b) Participated in the Michigan Supreme Court case of DeRuiter v. Township of Byron. This case had statewide importance with regard to the ability of local municipalities to impose local zoning regulation regarding medical marihuana caregivers and also a broader view of how local regulation can be accomplished without conflicting with marihuana legislation. In a very big win, the Michigan Supreme Court decided this case on April 27, 2020 in favor of certain local zoning controls.
- c) Created southwest Michigan Construction Code Library which is a coalition of Michigan Municipal Entities which has purchased, implemented, and arranged housing for Construction Code Documents, including all referenced codes contained therein, pursuant to directive from LARA in 2016.
- d) Code analysis and upgrades/recommendations – 2020.
- e) Implemented water/sewer projects with USDA grants.
- f) Successfully created a system of code/enforcement via municipal civil infraction in Kalamazoo, Allegan, St. Joseph and Cass counties.
- g) Representation of municipalities regarding solar and wind energy commercial developments, including zoning ordinance amendments, adoption of moratorium ordinances, review and decisions on special use applications (including lengthy public hearings and community input).

- h) Develop sample medical marihuana ordinance for municipalities that has been used statewide; represent many municipalities regarding marihuana (MMMA, MMFLA, MRTMA); serve on State of Michigan Medical Marihuana Advisory panel to draft emergency administrative rules.
- i) Representation of municipalities regarding implications of the Right to Farm Act on municipal zoning/enforcement authorities.
- j) Participation in development/review of legislation regarding short term rentals, amendments to the Michigan Zoning Enabling Act, solar/wind energy legislation.

5 REVISED CITY OF PORTAGE REQUEST FOR PROPOSALS

I the undersigned, certify that I have read and fully understand all of the specifications supplied by the City of Portage in this Request for Proposals.

ALL EXCEPTIONS TAKEN TO SPECIFICATIONS SUPPLIED BY THE CITY OF PORTAGE ARE ATTACHED AND IDENTIFIED BY NUMERICAL REFERENCE TO THE REQUEST FOR PROPOSAL SECTION ON A PLAIN SHEET IMMEDIATELY FOLLOWING THE PROPOSAL PAGE.

I propose to provide professional services as specified in the Request for Proposals, except as outlined on the attached sheet entitled "Exception to Specification", in accordance with the following Fee Schedule of total compensation that will cover any and all expenses and services related to the project.

I hereby state that I have the authority to submit this proposal which will become a binding contract if accepted by the City of Portage. I further state that I have not communicated with nor otherwise colluded with any other person or Firm, nor have I made any agreement with nor offered or accepted anything of value from an Official or employee of the City of Portage that would tend to destroy or hinder free competition.

Fee Schedule for General Municipal Law (Proposal to Provide Only These Services)

	Annual	Monthly Payment
September 1, 2020 – August 31, 2021	<u>\$200,000.00</u>	<u>\$16,666.67</u>
September 1, 2021 – August 31, 2022	<u>\$200,000.00</u>	<u>\$16,666.67</u>
September 1, 2022 – August 31, 2023	<u>\$210,000.00</u>	<u>\$17,500.00</u>
September 1, 2023 – August 31, 2024	<u>\$210,000.00</u>	<u>\$17,500.00</u>
September 1, 2024 – August 31, 2025	<u>\$210,000.00</u>	<u>\$17,500.00</u>

Fee Schedule for Prosecution Legal Services (Proposal to Provide Only These Service)

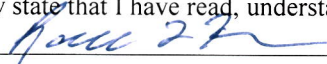
	Annual	Monthly Payment
September 1, 2020 – August 31, 2021	<u>\$100,000.00</u>	<u>\$8,333.33</u>
September 1, 2021 – August 31, 2022	<u>\$100,000.00</u>	<u>\$8,333.33</u>
September 1, 2022 – August 31, 2023	<u>\$105,000.00</u>	<u>\$8,750.00</u>
September 1, 2023 – August 31, 2024	<u>\$105,000.00</u>	<u>\$8,750.00</u>
September 1, 2024 – August 31, 2025	<u>\$105,000.00</u>	<u>\$8,750.00</u>

Fee Schedule for General Municipal Law and Prosecution Legal Services (Proposal to Provide Both Services)

	Annual	Monthly Payment
September 1, 2020 – August 31, 2021	<u>\$225,718.00</u>	<u>\$18,809.83</u>
September 1, 2021 – August 31, 2022	<u>\$225,718.00</u>	<u>\$18,809.83</u>
September 1, 2022 – August 31, 2023	<u>\$237,003.90</u>	<u>\$19,750.33</u>
September 1, 2023 – August 31, 2024	<u>\$237,003.90</u>	<u>\$19,750.33</u>
September 1, 2024 – August 31, 2025	<u>\$237,003.90</u>	<u>\$19,750.33</u>

Acknowledge Addendum 1: X
Acknowledge Addendum 2: X
Acknowledge Addendum 3: (if needed)
Acknowledge Addendum 4: (if needed)
Acknowledge Addendum 5: (if needed)

I hereby state that I have read, understand, and agree to be bound by all terms of this Request for Proposal.

Signed:  Name: Randall L. Brown

Title: Partner Date: July 21, 2020

Firm Name: Bauckham, Sparks, Thall, Seeber & Kaufman, P.C.

Address: 470 W. Centre Ave., Ste. A, Portage, MI 49024-5362

Telephone: (269) 382-4500 Email: attorneybrown@att.net

**RESPONSE TO THE REQUEST FOR PROPOSAL FOR LEGAL COUNSEL FOR CITY
PROSECUTOR FOR THE CITY OF PORTAGE, MICHIGAN**

July 10, 2020

Submitted by: **Law Office of Douglas A. Boodt, PLLC**
Douglas A. Boodt, Proposed Lead Attorney
137 N. Park Street, Suite 204
Kalamazoo, MI 49007
PH: 269.929.7206
Email: douglas@boodtlaw.com



Barrister Building
137 N. Park Street, Suite 204
Kalamazoo, MI 49007-3758

Law Office of
Douglas A. Boodt

269.929.7206
douglas@boodtlaw.com
www.boodtlaw.com

July 10, 2020

**City of Portage Purchasing Division
7900 South Westnedge Avenue
Portage, Michigan 49002**

**Re: Proposal to Provide Legal Services As City Prosecutor To The City of
Portage, Michigan**

Dear Sir/Miss:

Enclosed please find the Law Office of Douglas A. Boodt, PLLC's response to the Request for Proposals to provide legal services as City Prosecutor to the City of Portage, Michigan.

The Law Office of Douglas A. Boodt was established in 1999 and has its main office in Kalamazoo, Michigan.

The proposed lead attorney for this representation would be Douglas A. Boodt, Esq. Mr. Boodt's contact information is:

**Douglas A. Boodt, Esq.
LAW OFFICE OF DOUGLAS A. BOODT, PLLC
137 N. Park Street, Suite 204
Kalamazoo, MI 49007
PH: 269.929.7206
Email: douglas@boodtlaw.com**

Thank you for the opportunity to submit the enclosed response. I am confident that the City of Portage Purchasing Division and the Portage City Counsel will see that the Law Office of Douglas A. Boodt, PLLC has the resources and legal expertise necessary to perform as the City Prosecutor in all areas enumerated by the RFP. Please do not hesitate to contact me should you have any questions about my firm, or if I can be of assistance in any way.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Douglas A. Boodt', is written over the closing 'Very truly yours,'.

Douglas A. Boodt, Esq.

Enclosures

FIRM OVERVIEW AND DESCRIPTION

The Law Office of Douglas A. Boodt, PLLC was established in the City of Chicago, Illinois in 1999 to provide professional and committed legal representation to its clients primarily in the practice areas of Criminal Defense and Family Law. The firm currently maintains offices in Kalamazoo, Michigan and to a limited degree, Orland Park, Illinois.

The Law Office of Douglas A. Boodt, PLLC has the capacity to provide prompt service in prosecuting city violations within the time limits specified by the City of Portage. The firm is prepared to appear in court on a regular basis and as required.

The Law Office of Douglas A. Boodt, PLLC has provided to its clients and will provide to the City of Portage the following services:

1. review of cases for decision as to filing of criminal charges, with input from the Portage Department of Public Safety;
2. providing discovery;
3. managing cases;
4. representing the City at arraignments, pretrial hearings, status hearings, motions, bench and jury trials, sentencing and review hearings and all other contested hearings;
5. representing the City in all matters of City violations;
6. preparing and presenting legal memoranda, subpoenas, jury instructions and other related materials;
7. making appropriate sentencing recommendations to the Court;
8. advising the Portage Department of Public Safety on the conduct of investigations, trial preparations, seizures and related matters;
9. providing legal research, regular training and assistance to the Portage Department of Public Safety in criminal and City violations matters, enforcement issues and case decisions;
10. interviewing witnesses and victims of crimes and violations;
11. advising victims regarding their rights and responsibilities;
12. assisting the City Attorney with legal and policy issues where appropriate;
13. creating and maintaining files; and
14. performing other related duties as required.

Douglas A. Boodt will be the attorney accountable for contract performance and will serve as the City Prosecutor. Mr. Boodt will appear at all Portage Municipal Court proceedings as required.

As City Prosecutor, Douglas A. Boodt will be responsive to the Department of Public Safety, City Attorney, City Manager, Assistant City Manager, defense attorneys and witnesses. Telephone calls and emails will always returned promptly.

The Law Office of Douglas A. Boodt, PLLC believes in justice and fairness. It understands that as City Prosecutor, it is a visible representative of the City of Portage and, as such, a reflection of the city's values and philosophy.

The Law Office of Douglas A. Boodt, PLLC's vision was to create a law firm that its attorney and staff would want to work with personally. Its values can be summed up as follows:

Advocacy;
Trust;
Service;
Integrity;
Collaboration; and
Innovation.

PROPOSED CITY PROSECUTOR

Douglas A. Boodt grew up in Kalamazoo and Battle Creek. He earned his Bachelor of Arts degree in Political Science from the University of South Florida and earned his J.D. from DePaul University College of Law. Mr. Boodt concentrates his practice in Criminal Defense and Family Law. He is licensed to practice law in Michigan and Illinois.

Mr. Boodt served in the U.S. Army from 1984-1988 as a member of military intelligence, earning several prestigious awards while in service to his country.

Upon being honorably discharged from the Army, he ran a successful business for ten years before entering law school. He served as an intern with the City Of Naperville, Illinois Prosecutor's Office while in law school, eventually handling his own court caseload under special license, prosecuting City misdemeanors and violations.

After graduation from DePaul University College of Law, Mr. Boodt worked for a boutique litigation law firm in Chicago for a short period of time before opening his own criminal defense law firm in late 1999. He has been a litigator his entire legal career, successfully representing clients charged with misdemeanors and felonies. He has tried numerous bench and jury trials and is comfortable and confident in the courtroom.

Mr. Boodt relocated his main practice back to his hometown of Kalamazoo, Michigan in 2016. The Law Office of Douglas A. Boodt, PLLC practices criminal defense and family law throughout Southwest Michigan and handles a small number of cases per year in Chicago and its surrounding suburbs.

He is a member of the State Bar of Michigan, a member of the Family Law Section of the State Bar of Michigan, a member of the Kalamazoo County Trial Lawyers'

Association, the Kalamazoo County Family Law Bar Association, the Kalamazoo County Bar Association and is a past-president of the Southwest Bar Association in Illinois.

FEE PROPOSAL

The Law Office of Douglas A. Boodt, PLLC will bill at an hourly rate of \$175. Billing is by tenths of an hour. This rate does not include costs and expenses incurred by the firm, including, but not limited to court costs, court reporter fees, filing fees, deposition transcripts, photocopying (\$.10/page) and parking. The firm will not charge for travel time to and from court. The firm will not charge the City of Portage for computerized legal research, long distance telephone calls, small photocopying jobs and facsimile transmissions.

CONFLICT OF INTEREST

The Law Office of Douglas A. Boodt, PLLC knows of no potential conflicts in representing the City of Portage as its City Prosecutor.

REFERENCES

References will be provided upon request.

**CITY ATTORNEY SERVICES
PROPOSAL TABULATION**

	Bauckham, Sparks, Thall, Seeber & Kaufman, P.C.		Douglas A. Boodt, PLLC	
	Annual	Monthly Payment	Annual	Monthly Payment
Fee Schedule for General Municipal Law				
September 1, 2020 to August 31, 2021	\$200,000.00	\$16,666.67	NA	NA
September 1, 2021 to August 31, 2022	\$200,000.00	\$16,666.67	NA	NA
September 1, 2022 to August 31, 2023	\$210,000.00	\$17,500.00	NA	NA
September 1, 2023 to August 31, 2024	\$210,000.00	\$17,500.00	NA	NA
September 1, 2024 to August 31, 2025	\$210,000.00	\$17,500.00	NA	NA
Fee Schedule for Prosecution Legal Services				
September 1, 2020 to August 31, 2021	\$100,000.00	\$8,333.33	See Attached Proposal	
September 1, 2021 to August 31, 2022	\$100,000.00	\$8,333.33		
September 1, 2022 to August 31, 2023	\$105,000.00	\$8,750.00		
September 1, 2023 to August 31, 2024	\$105,000.00	\$8,750.00		
September 1, 2024 to August 31, 2025	\$105,000.00	\$8,750.00		
Fee Schedule for General Municipal Law and Prosecution Legal Services				
September 1, 2020 to August 31, 2021	\$225,718.00	\$18,809.83	NA	NA
September 1, 2021 to August 31, 2022	\$225,718.00	\$18,809.83	NA	NA
September 1, 2022 to August 31, 2023	\$237,003.90	\$19,750.33	NA	NA
September 1, 2023 to August 31, 2024	\$237,003.90	\$19,750.33	NA	NA
September 1, 2024 to August 31, 2025	\$237,003.90	\$19,750.33	NA	NA

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: MCACA Grant Application Support

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

ACTION RECOMMENDED: Resolve to support the grant application to the Michigan Council for Arts and Cultural Affairs (MCACA) in the amount of \$100,000 to support construction the performing arts space in the new Charles and Lynn Zhang Portage Community Senior Center.

The Michigan Council for Arts and Cultural Affairs offers a grant that provides capital support for arts-related projects. In April, the Senior Citizen Services Manager submitted a grant request in the amount of \$100,000 to assist with the cost of the performing arts area in the new Portage Community Senior Center, with notification expected in September 2020. The grant application requires approval by the City Council of the pending application. It is recommended that City Council resolve to support the grant application to the Michigan Council for Arts and Cultural Affairs in the amount of \$100,000 to support the construction of the performing arts space in the new Charles and Lynn Zhang Portage Community Senior Center.

FUNDING: Not Applicable

Attachments: None

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Blue Care Network Advantage Plan

SUPPORTING PERSONNEL: Shannon Hertz, Director of Human Resources

ACTION RECOMMENDED: Approve a one-year contract, with the option for two additional one-year renewals, with Blue Care Network for the Blue Care Network Advantage Plan for retiree health insurance and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city.

The Blue Care Network Advantage Plan provides supplemental retiree health insurance coverage to Portage Police Officers' Association (PPOA) retirees and spouses with Medicare coverage. The supplemental insurance coverage is based upon retirees and spouses enrolling in the plan with qualifications based upon the PPOA Retiree Health Plan document.

In 2012, the collective bargaining agreement between the city and the PPOA resulted in a change to supplemental retiree health insurance coverage for PPOA retirees and spouses eligible for Medicare coverage. The Blue Care Network Advantage Plan provides a less expensive alternative to the former PPOA retiree health coverage, Blue Care Network-HMO.

The Blue Care Network Advantage Plan contract expires on December 31, 2020. The city has received a premium decrease of 16.75%, including taxes. Premiums associated with Blue Care Network Advantage Plan are non-negotiable and plan coverage levels are defined in the PPOA labor agreement. The PPOA reimburses the city for all retiree health benefits. For reference, the 2019 calendar year cost is estimated to total \$94,546.90; the 2020 calendar year cost is estimated to be \$84,291.48 with the premium decrease.

City Council approval of a one-year contract for the Blue Care Network Advantage Plan is recommended for the period of January 1, 2021 – December 31, 2021, with the option for two, one-year renewals.

FUNDING: Premiums are paid by the City of Portage to Blue Care Network on a monthly basis, however, reimbursement is made in full to the city on a monthly basis by the PPOA Retiree Health Plan which is administered by the PPOA.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Resolution to Designate Freedom of Information Act Coordinator

SUPPORTING PERSONNEL: Erica Eklov, City Clerk
Mary Beth Block, Public Information Officer

ACTION RECOMMENDED: Adopt the Resolution to Designate the Freedom of Information Act Coordinator and designate the Public Information Officer.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, a citizen can request to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by the city. Per Section 15.236, a municipality shall designate an individual as the public body's FOIA coordinator who is responsible for accepting and processing requests for the public body's public records and approving a denial of records. Under the statute, a FOIA coordinator is also allowed to designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial.

Historically the City Clerk and Deputy City Clerk have functioned as the FOIA Coordinator for the City of Portage with the Police Division Records staff directly responding to Public Safety records requests, under the oversight of the City Clerk. With the July 1, 2020 creation of the Office of Public Information and the increased work demand in the Office of the City Clerk, it is recommended that FOIA activities be more appropriately reassigned to the Public Information Officer for the city. The Police Division Records staff would continue to directly respond to Public Safety records requests, under the oversight of the PIO. Municipalities throughout Michigan assign the FOIA Coordinator position differently. Many utilize the Clerk, whereas the City of Warren and Village of Vicksburg utilize their Communications Director or Director of Community Engagement. The cities of Kalamazoo, Grand Rapids, and Dearborn appoint the City Attorney as the FOIA Coordinator. Delta Charter Township and Bay City designate the Township or City Manager as their FOIA Coordinator.

Therefore, it is recommended that City Council adopt the Resolution to Designate the Freedom of Information Act Coordinator and designate the Public Information Officer as the FOIA Coordinator.

FUNDING: Not Applicable.

Attachments: 1. FOIA Coordinator Resolution

**CITY OF PORTAGE, MICHIGAN
RESOLUTION TO DESIGNATE THE
FREEDOM OF INFORMATION ACT COORDINATOR**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2020 at 7:00 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, Under PA 442 of 1976 (the "Act") a public body that is a city, village, township, county, or state department, or under the control of a city, village, township, county, or state department, shall designate an individual as the public body's Freedom of Information Act FOIA Coordinator ("FOIA Coordinator").

WHEREAS, Under the Act, the FOIA Coordinator shall be responsible for accepting and processing requests for the public body's public records and shall be responsible for approving a denial under section 5(4) and (5) of the Act.

WHEREAS, The Act permits the FOIA Coordinator to designate another individual to act on his or her behalf in performing the duties stated above.

BE IT RESOLVED, that the Portage City Council designates the individual who serves as Public Information Officer, or his/her designee, as FOIA Coordinator to accept and process FOIA requests, including approving a denial, following the procedures and requirements set forth under the Act.

All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

EFFECTIVE DATE: _____, 2020.

Erica Eklov, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, 2020, the original of which is in the official proceedings of the City Council.

Erica Eklov, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
470 W. Centre Ave., Ste. A
Portage, MI 49024
(269) 382-4500

Approved as to Form:

Date: 8/19/2020

City Attorney

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Purchase of 217 E. Centre Ave.

SUPPORTING PERSONNEL: Michael Carroll, Deputy City Manager

ACTION RECOMMENDED: To authorize the City Manager to sign a contract for, and purchase, 217 E. Centre Ave. with a purchase price of \$137,000 and closing costs and expenses not to exceed an additional \$3,000.

The City of Portage has been attempting to acquire two parcels of land (217 E. Centre and 225 E. Centre) to allow the fully planned construction of the new Community Senior Center to be completed. City Administration has been negotiating with those two property owners since the beginning of the year.

The owner of 217 E. Centre has agreed to a contract with the purchase price of \$137,000. The City Administration has agreed to cover the title insurance policy costs, which would typically be paid by the Seller. It is believed those costs will not exceed \$1,000. To allow an expeditious closing, City Administration is asking for a cushion of closing costs not to exceed \$3,000.

It is recommended that City Council authorize the City Manager to enter into a contract for the purchase of 217 E. Centre Avenue.

FUNDING: The approved 2020-2021 budget contains property acquisition funding for this purchase.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Resolution of Necessity Approval for Austin Lake Trail Land Purchases

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

ACTION RECOMMENDED: Adopt a Resolution of Necessity to acquire two fee simple interests for development of the Austin Lake Trail.

The Fiscal Year 2019-2020 Capital Improvement Program budget includes funding for property acquisition for the Austin Lake Trail, a three-mile, 10-foot-wide non-motorized trail that will generally follow the original Grand Rapids and Indiana Railroad right-of-way along the east side of Austin Lake. The trail will connect the southern city limits of the City of Portage to Zylman Avenue, providing a connection for Austin Lake area residents to the Portage Trailway system and Ramona Park. Easements in support of Austin Lake Trail development have been acquired from Pfizer, Inc.; however, additional property will be required to complete the new three-mile trail as identified on the the attached map.

At this time, a Resolution of Resolution of Necessity to proceed with negotiations for the purchase of two additional properties (identified as the yellow line on the attached map) is appropriate. These two parcels represent the southern portion of the Austin Lake Trail between the city limit and Nash Avenue. The Resolution of Necessity is needed to comply with federal land acquisition regulations as federal grant funds from the Michigan Department of Transportation will be requested for future construction of the trail. Appraisals have been completed for these two parcels and Good Faith Offers are being prepared by Miller, Canfield, Paddock and Stone, P.L.C. to be presented to the two land owners to begin negotiations.

It is recommended that City Council adopt the Resolution of Necessity to acquire two fee simple interests for development of the Austin Lake Trail.

FUNDING: Not Applicable

Attachments:

1. Resolution of Necessity Austin Lake Trail 081920
2. Austin Lake Trail Route

CITY OF PORTAGE
KALAMAZOO COUNTY, MICHIGAN

RESOLUTION NO. _____

**RESOLUTION TO DETERMINE THE NECESSITY TO ACQUIRE FEE SIMPLE
INTERESTS FOR PURPOSES OF A NON-MOTORIZED TRAILWAY FOR THE EAST
PORTAGE TRAIL ALONG EAST SHORE DRIVE AND AUTHORIZING THE CITY
OF PORTAGE TO OBTAIN FEE SIMPLE INTERESTS FOR SUCH PURPOSES**

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, State
of Michigan, held in City Hall located at 7900 South Westnedge Avenue, in said City on the
_____ day of _____, 2020, at _____ o'clock p.m., local time.

PRESENT: Members:

ABSENT: Members:

The following preamble and resolution was offered by Council member
_____ and seconded by Council member _____:

WHEREAS, the City of Portage (the "City") is committed to providing for public non-
motorized traffic and pedestrian trailways, walkways and safety in the City, and the City has
requested transportation enhancement activity ("TEA") funds for construction of non-motorized
trailways and pedestrian walkways; and

WHEREAS, the acquisition of fee simple interests for the East Portage Trail along East Shore Drive is reasonably necessary to provide for non-motorized traffic and pedestrian needs of the community; and

WHEREAS, certain "fee simple interests" are reasonably necessary to construct the planned non-motorized trailway/non-motorized facilities for the East Portage Trail along East Shore Drive which fee simple interests are described as follows:

HOOSE - 10711 East Shore Drive - Tax ID: 00036-095-B:

SUBJECT FEE PARCEL

THE SOUTH 30 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, EXCEPT THE NORTH 100 FEET. ALSO INCLUDING THAT PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36 LYING WEST OF THE WESTERLY LINE OF THE PENN RAILROAD RIGHT OF WAY. ALSO THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEEDED FOR STREET, ROAD OR HIGHWAY PURPOSES.

PROPOSED TRAIL DESCRIPTION

THAT PART OF THE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89° 20' 49" WEST ON THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 168.56 FEET; THENCE NORTH 00° 26' 27" EAST PARALLEL WITH THE EAST LINE OF SAID SECTION 36 A DISTANCE OF 600.00 FEET; THENCE SOUTH 89° 20' 49" EAST PARALLEL WITH SAID SOUTH SECTION LINE 68.56 FEET; THENCE NORTH 00° 26' 27" EAST PARALLEL WITH SAID EAST SECTION LINE 728.09 TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE SOUTH 89° 31' 45" EAST ON SAID NORTH LINE 100.00 FEET TO SAID EAST SECTION LINE; THENCE SOUTH 00° 26' 07" WEST ON SAID EAST SECTION LINE 1328.41 FEET TO THE POINT OF BEGINNING. CONTAINING 173,960 SQ. FT. MORE OR LESS. (3.994 acres.)

GIEM – 10313 EAST SHORE DRIVE – Tax ID 00036-020-H:

SUBJECT FEE PARCEL:

THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, EXCEPT THE SOUTH 30 ACRES THEREOF. ALSO THE NORTH 100 FEET OF THE SOUTH 30 ACRES OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 36, ALSO THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWN 3 SOUTH, RANGE 11 WEST. THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWN 3 SOUTH, RANGE 11 WEST LYING EASTERLY OF THE FORMER WESTERLY RIGHT OF WAY OF THE GRAND RAPIDS AND INDIANA RAILROAD COMPANY. ALSO THAT PORTION OF THE NORTH HALF OF NORTHEAST QUARTER OF SECTION 36 LYING WITHIN THE FORMER RIGHT OF WAY OF THE GRAND RAPIDS AND INDIANA RAILROAD COMPANY. ALSO THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 36, EXCEPT; PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWN 3 SOUTH, RANGE 11 WEST, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER POST OF SAID SECTION 36; THENCE NORTH 00° 00' 00" EAST ON THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 36 A DISTANCE OF 2,640.06 FEET TO THE CENTER OF SAID SECTION 36; THENCE CONTINUING NORTH 00° 00' 00" EAST ON SAID NORTH AND SOUTH QUARTER LINE 619.52 FEET TO THE SOUTHEASTERLY LINE OF LOT 1, SUNNY HEIGHTS AND THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED, THENCE NORTH 00° 00' 00" EAST 149.22 FEET, THENCE NORTH 42° 30' 58" EAST 172.13 FEET, THENCE NORTH 45° 43' 24" EAST 117.49 FEET, THENCE NORTH 26° 31' 24" EAST 121.54 FEET, THENCE NORTH 18° 59' 52" EAST 258.41 FEET, THENCE SOUTH 89° 57' 20" EAST 349.98 FEET, THENCE SOUTH 30° 55' 35" WEST 231.03 FEET, THENCE SOUTH 31° 39' 46" WEST 93.38 FEET, THENCE SOUTHWESTERLY 172.99 FEET ON A 500 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 41° 20' 01" WEST 172.13 FEET, THENCE SOUTH 52° 34' 03" WEST 223.84 FEET, THENCE SOUTH 52° 58' 04" WEST 220.00 FEET, THENCE SOUTH 56° 15' 14" WEST 52.19 FEET TO THE SOUTHWEST CORNER OF LOT 1 SUNNY HEIGHTS, THENCE SOUTH 58° 41' 43" WEST 12.43 FEET TO THE POINT OF BEGINNING, AND ALSO ALL THAT LAND LYING BETWEEN SAID MEANDER LINE, THE WATER'S EDGE OF AUSTIN LAKE, THE NORTH AND SOUTH QUARTER LINE OF SECTION 36, AND THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 36.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED OR DEEDED FOR STREET, ROAD OR HIGHWAY PURPOSES.

PROPOSED TRAIL DESCRIPTION

THAT PART OF THE EAST HALF OF SECTION 36, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE FORMER EAST RIGHT OF WAY LINE OF THE GRAND RAPIDS AND INDIANA RAILROAD AND THE NORTH LINE OF SAID SECTION 36, SAID POINT OF BEGINNING BEING 1545.10 FEET SOUTH 89° 57' 00" WEST OF THE NORTHEAST CORNER OF SAID SECTION 36; THENCE SOUTH 89° 57' 00" WEST ON THE NORTH LINE OF SAID SECTION 36 A DISTANCE OF 103.29 FEET TO THE FORMER WEST RIGHT OF WAY LINE OF THE GRAND RAPIDS AND INDIANA RAILROAD; THENCE SOUTH 14° 32' 38" EAST ON SAID WEST FORMER RIGHT OF WAY LINE 4111.93 FEET MORE OR LESS TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE EAST ON SAID SOUTH LINE 617.10 FEET MORE OR LESS TO THE EAST LINE OF SAID SECTION 36; THENCE NORTH ON SAID EAST SECTION LINE 315.00 FEET; THENCE WEST PARALLEL WITH SAID SOUTH LINE 595.5 FEET MORE OR LESS TO SAID FORMER EAST RIGHT OF WAY LINE: THENCE NORTH 14° 32' 38" WEST ON SAID FORMER EAST RIGHT OF WAY LINE 3786.6 FEET MORE OR LESS TO THE POINT OF BEGINNING.

WHEREAS, the City has the power to establish and reasonably control the installation of non-motorized and pedestrian walkways, including the power to provide a plan for non-motorized and pedestrian walkways in the City and the power to regulate their use pursuant to MCL 324.33708; MSA 13A.33708; and

WHEREAS, the City possesses the authority to acquire the aforementioned fee simple interests under State law including Act 451 of the Public Acts of 1994, as amended, MCL 324.33708 et seq.; MSA 13A.33708 et seq., and Act No. 295 of Public Acts of 1966, as amended, MCL 213.361 et seq.; MSA 8.261(1), to acquire such property by eminent domain, in accordance with the Uniform Condemnation Procedures Act, Act No. 87 of the Public Acts of Michigan of 1980, as amended (the "Act"), MCL 213.51 et seq., MSA 8.265(1) et seq., which Act establishes certain procedures for the acquisition of property by eminent domain; and

WHEREAS, the City has determined that it is necessary for the public health, safety and welfare, to acquire fee simple interests for the East Portage Trail along East Shore Drive, for the

installation of non-motorized and pedestrian walkways (the foregoing referenced in these resolutions as the "Project"), and to acquire the fee simple interests; and

WHEREAS, plans have been prepared for the Project and are on file with the office of the Department of Parks, Recreation and Property Management of the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The Project is necessary to protect and enhance the public health, safety and welfare of the City, and is within the scope of the powers of the City.

2. In order to complete the Project, it is necessary to acquire fee simple interests in the following property located in the City of Portage, County of Kalamazoo, State of Michigan:

HOOSE - 10711 East Shore Drive - Tax ID: 00036-095-B:

SUBJECT FEE PARCEL

THE SOUTH 30 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, EXCEPT THE NORTH 100 FEET. ALSO INCLUDING THAT PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36 LYING WEST OF THE WESTERLY LINE OF THE PENN RAILROAD RIGHT OF WAY. ALSO THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36.

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LINE 1328.41 FEET TO THE POINT OF BEGINNING. CONTAINING 173,960 SQ. FT. MORE OR LESS. (3.994 acres.)

GIEM – 10313 EAST SHORE DRIVE – Tax ID 00036-020-H:

SUBJECT FEE PARCEL:

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3. The City, its City Manager and its special legal counsel, Miller, Canfield, Paddock and Stone, P.L.C., are authorized and directed to take any and all steps necessary to acquire the fee simple interests as indicated, including doing so by eminent domain, and including, without limitation, execution, completion, filing and recording on behalf of the City of a Declaration of Taking; the filing of a complaint; engaging in the determination of just compensation; retaining appraisers or other experts; making good faith written offers and undertaking litigation.

4. That all resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Members:

NAYS: Members:

ABSENT: Members:

RESOLUTION ADOPTED.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on _____, 2020, and that public notice of said meeting was given pursuant to Act 267 of the Public Acts of Michigan of 1976, as amended.

Erica Eklov, City Clerk
City of Portage

Prepared by:
Miller, Canfield, Paddock and Stone, P.L.C.

By: _____
Stanley J. Stek (P29332)
99 Monroe Avenue, N.W., Suite 1200
Grand Rapids, Michigan 49503
(616) 454-8656

APPROVED AS TO FORM
DATE 8/19/2020

CITY ATTORNEY

31738908.3\071476-00101

Austin Lake Trail

- Already Acquired (Pfizer)
- Resolution of Necessity to Negotiate
- Pending



TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Application for Transfer and Upgrade of Liquor License - Wine and Canvas (7055 South Westnedge)

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Recommend approval by the Michigan Liquor Control Commission (MLCC) of the Application for Transfer and Upgrade of Liquor License by Wine and Canvas for 7055 South Westnedge.

The Michigan Liquor Control Commission (MLCC) requires local government consideration of the attached Local Government Approval Resolution prior to the MLCC review of a request for a transfer of location for an active Retail - On Premises (Tavern) License. The applicant, Wine and Canvas, is transferring its existing license from a prior store front in Oshtemo Township to an existing store front in the City of Portage at 7055 South Westnedge Avenue. Further, the applicant is also applying to the MLCC to “upgrade” the classification of the existing Tavern license to a Class C license. If a request entails transfer classification of an on-premises license that allows the sale and service of only beer and wine to a license that allows the sale and service of beer, wine, and spirits, the local governmental unit where the license is located must have approved the sale of spirits for on-premises consumption.

Positive reviews of the application were recently completed by the Departments of Community Development, Finance and Fire Division of the Department of Public Safety. It is recommended that City Council recommend approval by the Michigan Liquor Control Commission (MLCC) of the Application for Transfer and Upgrade of Liquor License by Wine and Canvas for 7055 South Westnedge.

FUNDING: Not Applicable

Attachments:

1. Applicant Request
2. Local Government Approval Resolution



WNC of Kalamazoo 2 llc

Wine & Canvas Kalamazoo

7055 South Westnedge Avenue, Portage, MI 49002
269-290-2445

Portage City Clerk Office,

I am requesting a liquor license transfer to conduct business in Portage. The license #240695 transferring from Oshtemo Twp. 5031 W Main St, Kalamazoo, MI 49009 to Portage Twp. 7055 South Westnedge Avenue, Portage, MI 49002.

The use of the liquor license will be for Wine & Canvas which is a paint & sip located in the Sam's Club Plaza. This will enable us to serve wine, beer and other light spirits to our customers during painting classes.

The transfer request has been submitted to the State of Michigan Request ID # RQ-2007-08920 and is pending approval from the Local Government with submission of form LLC-106, attached.

I am the sole llc member with 100% ownership.

Thank you for your consideration.

Nechole Culp
Owner Wine & Canvas, Kalamazoo
Home Address:
2973 Hunters Meadow
Kalamazoo, MI 49048
Cell: 269-986-5066



Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): _____
(list specific licenses requested)

to be located at: _____

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____
(regular or special) (date) (township, city, village)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

Minutes of Boards & Commissions

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – August 8, 2019

The City of Portage Construction Board of Appeals meeting of August 8, 2019 was called to order at 5:00 PM in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Bill Koopsen; William Leach; Todd Gasaway; Gary Gilchrist; Barney Martlew; Sheldon Smith and George Theodoru.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

Terry Novak, Deputy Director of Building and Housing Services and Mike Beery, Senior Building Inspector.

ELECTION OF CHAIRMAN:

Gary Gilchrist was selected as the Construction Board of Appeals Chairman.

APPROVAL OF MINUTES:

The minutes of March 14, 2019 were approved.

BOARD ACTION:

5834 Monticello Avenue – Show Cause Hearing

Deputy Director Novak introduced the item to the Board and provided information pertaining to the condition of the house and accessory building. No one was in attendance to represent the property. Novak advised the Board of efforts to assist the property owner due to his medical condition. Novak also advised the Board of the legal notifications that were provided. Senior Building Inspector Mike

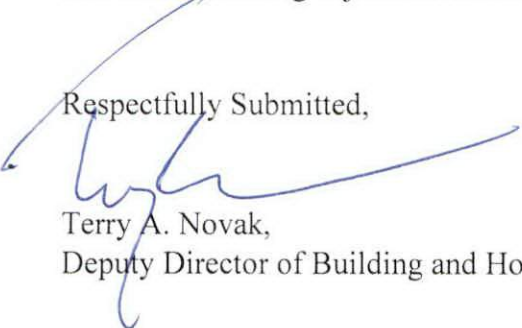
Beery provided detail of the condition of the house and accessory building. Members of the Board inquired about various items including; potential value of the land with and without the house, potential to repair the house, and repayment of the cost incurred if the city completed the demolition work. Staff responded that the land would be worth more with the house removed as the house had been open to the elements and was past the point of being repaired. Staff also explained the process to recover the cost for the demolition should the property owner not pay.

After further discussion, a motion was made by Member Smith that the vacant single family house and accessory building located at 5834 Monticello Avenue be razed and removed from the site along with any debris within 30-days. Should the owner fail to comply with the order, the matter shall be referred to City Council with a recommendation that the city be authorized to raze/remove the buildings and any junk and debris on the site. Any and all costs incurred for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance. William Leach seconded the motion. The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 5:30.

Respectfully Submitted,



Terry A. Novak,
Deputy Director of Building and Housing Services

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CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – July 13, 2020

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

MEMBERS PRESENT: Lena Jomaa, Jeff Wettig, Linda Finch, and Dan Thornton.

MEMBERS EXCUSED: Alexander Philipp, Linda Fry, Randall Schau, Jay Eichsteadt

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Randy Brown, City Attorney.

APPROVAL OF THE MINUTES: Jomaa moved and Wettig seconded a motion to approve the June 8, 2020 minutes as submitted. The motion was approved 4-0.

NEW BUSINESS:

ZBA #19-17; 4304 Branch Avenue: Mais summarized the request for a) a variance to retain a 120 square-foot accessory building, which when combined with other accessory building areas, exceeds the living area of the dwelling by 96 square feet; and b) a variance to construct a 12-foot by 18-foot accessory building, which when combined with other accessory building areas, would exceed the living area by 312 square feet. An email and related photos from Alex Gwiazdowski included in the supplemental agenda was read indicating the 'dog house' was subsequently measured by Mr. Gwiazdowski and found to be only 94 square feet as opposed to the 120 square feet earlier reported to city staff, thereby making the requests 26 square feet less than originally requested. The applicant stated the 'dog house' structure was already on premises when the property was purchased in 2014 but was moved to the rear yard. Finch inquired if a building permit is required for the dog house/gazebo structure. Mais responded yes but no permits were obtained to either construct or move it. Finch inquired if the applicant could enclose the dog house/gazebo structure and use for storage as suggested in the staff report. Mr. Gwiazdowski stated it was possible but did not want to do so as the shade and open air is needed by his dog. Finch inquired if any utilities would run to the proposed shed. Mr. Gwiazdowski responded no. Mr. Gwiazdowski added the proposed shed would be partly screened by mature trees. Finch inquired if the basement could be used for storage purposes given the past flooding problems. Mr. Gwiazdowski responded not if the pumps failed again.

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

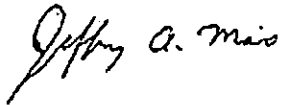
After additional discussion, motions were made by Wettig, seconded by Thornton, to grant: a) a variance to retain a 94 square-foot accessory building, which when combined with other accessory building areas, exceeds the living area of the dwelling by 70 square feet; and in a separate motion b) a variance to construct a 12-foot by 18-foot accessory building, which when combined with other accessory building areas, would exceed the living area by 286 square feet, 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 need for additional storage space and the high water table limiting use of the basement for storage purposes; 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 store lawn equipment; 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, Jomaa-Yes, Finch-Yes, Thornton-yes. Both motions passed 4-0.

OTHER BUSINESS: officer elections were postponed until August 10. Mais announced Randall Schau has provided notification he is stepping down from the Board.

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 black ink that reads "Jeff A. Mais". The signature is written in a cursive, flowing style.

Jeff Mais
Zoning & Codes Administrator

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PLANNING COMMISSION

July 23, 2020

The City of Portage Planning Commission meeting of July 23, 2020 was called to order by Chairman Corradini at 7:00 p.m. Pursuant to Michigan Governor Whitmer's Executive Order, this meeting was held in-person with a maximum capacity of 10 persons in Council Chambers, along with the continued option for Commissioners, staff and the public to participate remotely via a phone-in option. Three Commissioners, four citizens and two staff members were present in Portage City Hall Council Chambers at the start of the meeting.

IN ATTENDANCE

Joe LaMargo, City Manager; Christopher Forth, Interim Director of Community Development; Michael West, Senior City Planner and Randy Brown, City Attorney (phone-in participation).

ROLL CALL

Prior to the Roll Call, Chairman Corradini welcomed the two new Planning Commissioners who were recently appointed by City Council: Reed Youngs and Richard Freiman.

Mr. West called the roll: Joshi (yes, in person); Fries (yes, in person); Corradini (yes, in person); Pezzoli (yes, phone in); Baldwin (yes, phone in); Myer (yes, phone in); Youngs (yes, phone in); and Freiman (yes, phone in). A motion was then made by Commissioner Fries, seconded by Commissioner Joshi, to Approve the Role excusing Commissioner Schimmel. Upon a roll call vote: Myer (yes); Baldwin (yes); Pezzoli (yes); Fries (yes); Joshi (yes); Freiman (yes); Youngs (yes); and Corradini (yes), the motion was unanimously approved 8-0.

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the July 9, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Fries, seconded by Commissioner Joshi, to approve the minutes as submitted. Upon a roll call vote: Pezzoli (yes); Youngs (abstain); Freiman (yes); Myer (yes); Baldwin (yes); Fries (yes); Joshi (yes); and Corradini (yes), the motion was approved 7-0-1.

PUBLIC HEARING

1. Final Report: Rezoning Application #19/20-4, Redwood Planned Development, 7801 Garden Lane and 1203 East Centre Avenue. Mr. West summarized the final staff report dated July 16, 2020 regarding a request received from Redwood Living to rezone 7801 Garden Lane and the north 660-feet of 1203 East Centre from R-1B, one family residential to PD, planned development. Mr. West summarized the proposed tentative plan for the residential development project which proposes a total of 109 single story apartment units in several attached, multi-unit buildings (3-unit, 4-unit, 5-unit, 6-unit and 8-unit) and an interior network of private streets. Mr. West indicated that apartment homes will range between 1,300-1,600 square feet of living space with 2-bedrooms, 2-bathrooms, a patio, sunroom and/or screened porch and private attached 2-car garage. Mr. West indicated that open space areas would be provided around the perimeter of the property and within two interior courtyards. Mr. West then discussed other aspects of the project including vehicular access, storm water management, proposals for sidewalks, walking paths, benches, pavilions/shelters, water feature/fountain and extensive site landscaping. Mr. West stated the overall development density for the proposed Redwood Living residential community would be 5.9 units per acre (109 units on 18.4 acres). Mr. West next discussed the Comprehensive Plan/Future Land Use Map designation for the property, the suitability of the existing R-1B zoning designation, and the surrounding land use/zoning pattern. Mr. West concluded stating the proposed PD zoning change and associated tentative plan proposed for the subject property by Redwood Living was recommended for approval by the Department of Community Development.

Patricia Rakoci and Emily Englehart (representing Redwood Living) were present to provide an overview of the proposed Redwood Living PD project. Ms. Rakoci thanked staff for their assistance over the past several months and indicated the tentative plan and associated materials has been updated/revised six different times to address staff concerns and enhance the overall development project. Ms. Rakoci stated that Redwood Living is not a typical apartment development and that each residential community consists of single-story attached apartment homes with between 1,300-1,600 square feet of living space, 2-bedrooms, 2-bathrooms and an attached 2-car garage. Ms. Rakoci stated the proposed Portage Redwood residential neighborhood addresses a specific housing niche in the community that provides an alternative high-quality housing option with many of the amenities and qualities of a single family residential home, without the maintenance obligations of typical home ownership. Ms. Rakoci indicated that rents for the development would range between \$1,700-\$2,100/month. Ms. Rakoci next reviewed various aspects of the project and addressed questions/concerns voiced by citizens during the July 9th meeting including the length of leases (typically 1-3 years, with some 6 month leases under special circumstances) and the location of the proposed storm water basin along the northwest portion of the site. The Commission, Ms. Rakoci and staff next discussed various aspects of the proposed residential development including rents/fees, storm water management, quality detail included in the application materials and use of local contractors during construction.

Chairman Corradini reconvened the public hearing. No citizens were present at the meeting and no citizen phoned-in to speak regarding the proposed PD zoning change and residential development proposal. A motion was then made by Commissioner Joshi, seconded by Commissioner Fries, to close the public hearing. Upon a roll call vote: Baldwin (yes); Youngs (yes); Pezzoli (yes); Myer (yes); Freiman (yes); Joshi (yes); Fries (yes); and Corradini (yes), the motion was unanimously approved 8-0.

After additional discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Fries, to recommend to City Council that Rezoning Application #19/20-4 (Redwood Living PD) be approved and that 7801 Garden Lane and the north 660-feet of 1203 East Centre Avenue be rezoned from R-1B, one family residential to PD, planned Development. The motion included a finding that the PD district and proposed Redwood Living attached residential development is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility for the developer. The PD district and associated tentative plan/narrative submitted by Redwood Living is consistent with the Comprehensive Plan and Future Land Use Map designations and compatible with the surrounding zoning/land use pattern along East Centre Avenue, Garden Lane and Lovers Lane. Upon a roll call vote: Myer (yes); Pezzoli (yes); Baldwin (yes); Fries (yes); Youngs (yes); Freiman (yes); Joshi (yes); and Corradini (yes), the motion was unanimously approved 8-0.

7:40 p.m. - The Commission took a short recess.

7:50 p.m. - The Commission reconvened the meeting.

SITE/FINAL PLANS

None.

OLD BUSINESS:

1. Ordinance Amendment #19/20-C, Tree Preservation and Replacement Ordinance – Revised DRAFT. Mr. Forth summarized the staff report dated July 17, 2020 regarding a revised 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 summarized the initial review of this ordinance by the Planning Commission at the June 4, 2020 meeting. Mr. Forth also discussed the committee of local builders and developers that was assembled following the June 4th Planning Commission meeting and the four WebX meetings that were convened to solicit additional input regarding the proposed Tree Preservation and Replacement Ordinance. Based on comments received from both the Planning Commission and the committee, Mr. Forth

stated the draft ordinance was revised. Mr. Forth then proceeded to summarize the substantive changes made to the draft ordinance including increasing the size of the building “envelope” where a permit would not be required, decreasing the size of an exempted parcel from two acres to one acre, reducing the number of replacement trees required for removal of a heritage tree, requirement for more substantial fencing to protect trees within 20 feet of construction activities, removal of four tree species from the replacement table and other clarifying language. Mr. Forth next presented two examples of how the ordinance, as currently written, would apply to different development plans: 1) A new home proposed on a vacant residential lot within a subdivision, and 2) A new commercial development on a vacant parcel. Mr. Forth indicated that additional review and comment from the Commission was requested at tonight’s meeting, along with a motion to set a public hearing for formal review and consideration at the August 20, 2020 Planning Commission meeting. In a continued effort to inform citizens and other interested individuals, Mr. Forth stated an article summarizing the proposed Tree Preservation and Replacement Ordinance would be included in the August issue of the *Portager* newsletter.

Chairman Corradini asked if there were existing ordinance standards already in place that could be applied to new development project in an effort to preserve trees and other natural areas, without the need for a new tree preservation ordinance? Mr. Forth stated there were existing general standards in the Land Development Regulations, however, these standards will not address the objectives of the tree preservation ordinance. Chairman Corradini asked what the additional costs would be for citizens and developers to comply with the proposed ordinance and whether some developers may choose to build within the City of Portage? Mr. Forth stated that there were additional costs associated with the proposed tree preservation ordinance including preparation of a tree survey and tree replacement and/or Tree Fund contribution costs, however, also stated there were benefits and cost savings for not unnecessarily removing trees from a property. City Manager La Margo stated the primary goal of the ordinance is to preserve the natural landscape of Portage and eliminate clearcutting of large tracts of land, while not overburdening builders, developers and citizens. City Manager La Margo stated he believes the proposed ordinance is fair and accomplishes both of these objectives. City Manager La Margo discussed the five builder/developer members that participating in the committee and thanked them for their input and comments.

Commissioner Fries thanked City Manager La Margo for reaching out to the development community to garner their input on the proposed tree preservation ordinance. Commissioner Fries stated he still has concerns with the ordinance including the application fee and the costs associated with financial contributions to the proposed “Tree Fund”, where replacement is not practical. Commissioner Fries indicated he is especially concerned about additional costs to residential property owners that have more than one acre of land and who would be subject to the proposed ordinance. City Manager La Margo restated the intent of the ordinance was not to be overly restrictive and staff would be reasonable in the application of any adopted ordinance. Attorney Brown stated that he believes the existing language regarding the costs for replacement trees, “...an amount reasonably related to the cost of the trees...” provides flexibility for staff to determine the lower end of the cost range. Commissioner Fries also expressed concerns about the administration of this ordinance and additional work load upon an already understaffed Community Development Department. City Manager La Margo complimented Mr. Forth and the Community Development Department for the work accomplished over the past few years with a depleted staff and indicated additional staffing for Community Development has been approved with the recent budget, despite the unknown impacts of Covid-19.

Chairman Corradini asked what recent development projects have removed large quantities of trees which have triggered the proposed tree preservation ordinance? Mr. Forth indicated that he would rather not cite specific development projects, but examples could be seen driving around the city. Mr. Forth also restated the goal of the ordinance was to prevent the unnecessary removal of trees on properties across the city. Chairman Corradini asked what communities were used to model the proposed ordinance for Portage? Attorney Brown stated that several community ordinances were reviewed, however, Orion Township was the primary community used to model the proposed Portage ordinance since it had been challenged and upheld in court. Attorney Brown indicated the proposed ordinance for Portage was less restrictive than the Orion Township ordinance and provided additional flexibility. Chairman Corradini asked if an existing home on a parcel of land greater than one acre would be subject to the ordinance? Mr. Forth stated yes and that only occupied parcels less than one acre in size were exempted, with the exception of heritage trees. Chairman Corradini stated he also had concerns about the

application of this ordinance to an existing single family residential homeowner on a parcel of land greater than one acre in size, and found it unusual that such a property owner would require permission from the city to remove a protected tree from their property.

Commissioner Fries stated he appreciates all the hard work of staff and the City Attorney in researching and drafting the proposed ordinance, however, restated his biggest concern was the financial impact on single family residential property owners with over one acre of land. Commissioner Fries indicated that time delays and costs associated with an application fee, preparation of tree survey, and either installation of replacement trees or financial contributions to a Tree Fund could be burdensome on a residential property owner. Mr. Forth and City Manager La Margo reviewed the flexibility contained in the draft ordinance and indicated the enforcement of the ordinance would be fair, reasonable and consistent. Commissioner Youngs stated any new ordinance needs to be fluid and flexible and asked whether the ordinance, if adopted, could be reviewed after a period of time? Mr. Forth stated a 12-month review after adoption could certainly be conducted to determine whether the intent of the ordinance was being implemented and whether any changes were needed.

After additional discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Fries, to set a public hearing for August 20, 2020 to formally consider Ordinance Amendment #19/20-C, Tree Preservation and Replacement Ordinance. Upon a roll call vote: Baldwin (yes); Youngs (yes); Pezzoli (yes); Myer (yes); Freiman (yes); Joshi (yes); Fries (yes); and Corradini (yes), the motion was unanimously approved 8-0.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS

Christopher Morris (9830 East Shore Drive) phoned-in and referred the Commission to his email communication and attachments that were included with the Final Agenda materials. Mr. Morris requested that the Planning Commission consider an ordinance that would address boat hoist and docks storage along lakefront lots during the winter months. Mr. Morris stated the ordinance is desperately needed and that he had previously approached city staff and the former and current City Manager regarding this issue with no action being taken. Chairman Corradini acknowledged Mr. Morris's communication and indicated it would be forwarded to the city administration for further consideration and follow-up.

Commissioner Baldwin welcomed the two new Planning Commissioners: Reed Youngs and Richard Freiman.

Commissioner Youngs thanked the City Council for his appointment to the Planning Commission and indicated that he is looking forward to serving the community in this capacity.

Commissioner Joshi commended staff for all their hard work on research, development and changes to the Tree Preservation and Replacement Ordinance and also thanked the builders and developers who provided input to staff through the WebEx committee meetings. Commissioner Joshi stated she appreciates the collaborative effort.

Commissioner Joshi reminded citizens of the August 4th State Primary and indicated polls will be open for in person voting. Commissioner Joshi encouraged citizens to register before the election at their municipal clerk office and to wear a mask to their respective voting location.

Commissioner Joshi also stated that she was on the ballot for County Clerk and requested the support from her colleagues and citizens.

Chairman Corradini again welcomed Reed Youngs and Richard Freiman to the Planning Commission and look forward to the time when all the Planning Commission could again meet in person in Portage City Hall Council Chambers.

Chairman Corradini also acknowledged the tremendous work being done by the Community Development Department considering the high work load and limited staffing, and also thanked the builders and developers who provided input on the Tree Preservation and Replacement Ordinance through participation in the WebEx committee meetings.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 9:15p.m.

Respectfully submitted,

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

Michael West, AICP
Senior City Planner