

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

4:00 p.m. Budget Review Session #2 of May 11, 2021.

7:00 p.m. Regular Meeting of May 11, 2021.

Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. National Scleroderma Month 2021
2. National EMS Week 2021
3. National Mental Health Awareness Month

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
  - a. Regular Meeting of April 27, 2021.
  - b. Committee of the Whole Meeting of April 27, 2021.
  - c. Budget Session #1 of April 20, 2021.
2. Approval of the Accounts Payable Register of May 11, 2021 as presented.
3. Adopt the Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2021, in an amount up to \$15,000,000.
4. Award a contract to perform engineering services for the reconstruction of Lakeview Drive from South Shore Drive to Lakeview Court to Abonmarche Consultants, Incorporated, of Portage, Michigan, in an amount not exceeding \$224,700 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
5. Approve the Preliminary Plat of The Oaks (Phase 2), 4800 Bishop Avenue, subject to the conditions outlined in the April 9, 2021 Department of Community Development staff report.
6. Accept the application for an industrial tax abatement from Genesis PharmOptima for property located at 6710 Quality Way, and adopt Resolution No. 1-20 establishing a public hearing to expand Industrial Development District No. 78, and set a hearing on the Industrial Facilities Exemption Certificate at 6710 Quality Way for June 8, 2021.
7. Minutes of Boards & Commissions:
  - a. Human Services Board of April 1, 2021.
  - b. Planning Commission of April 15, 2021.
8. Materials Transmitted of April 27, 2021.

9. Calendar of Meetings:

- Environmental Board, May 12, 2021 at 7:00 p.m. - Virtual.
- Youth Advisory Committee, May 17, 2021 at 4:30 p.m. - Virtual.
- Senior Citizens Advisory Board, May 19, 2021 at 2:30 p.m. - Virtual.
- Planning Commission, May 20, 2021 at 7:00 p.m. - Virtual.
- Kalamazoo County Public Arts Commission, May 25, 2021 at 11:30 a.m. - Virtual.
- City Council Boards and Commissions Interviews, May 25, 2021 at 5:15 p.m. - Virtual.
- *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](http://www.portagemi.gov) for additional information. The public phone line to comment during most public meetings is: (844) 854-2222 Access Code 529853# (To voice a question or comment, press \*6 to enter the queue.) Major meetings may be viewed live on Charter channel 995 and AT&T channel 99 or live streaming at [portagemi.gov/205](http://portagemi.gov/205).*

B. Petitions and Statements of Citizens:

C. Communications:

D. Public Hearings:

1. Hold a Public Hearing on the proposed Fiscal Year 2021-2022 Budget and the tax rate required to support the proposed Budget.

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 OF PORTAGE PROCLAMATION

## National Scleroderma Month

**WHEREAS,** addressing the complex health needs of people with scleroderma is important to the State of Michigan; and

**WHEREAS,** comprehensive and coordinated health services for people with scleroderma are critically important to achieving positive patient outcomes; and

**WHEREAS,** it is appropriate to recognize June as Scleroderma Awareness Month; and

**WHEREAS,** through public awareness, the City of Portage seeks to focus on the needs of people living with scleroderma and the continuing improvement of services to those people and their families; and

**WHEREAS,** persons living with scleroderma in the City of Portage, their family and friends are encouraged to wear teal for the month of June, to create awareness and to educate the medical community and public in support of scleroderma awareness and to participate in scleroderma awareness-related events during the month of June; and

**WHEREAS,** the Scleroderma Foundation Michigan Chapter through its collaboration with the Scleroderma Foundation and other organizational partners seeks to raise awareness in our communities through support, education and research toward finding a cure for scleroderma.

**NOW, THEREFORE, BE IT RESOLVED THAT I,** Patricia M. Randall, do hereby proclaim the month of June 2021 to be Scleroderma Awareness Month in the City of Portage.

Signed this 11<sup>th</sup> day of May, 2021.

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Patricia M. Randall, Mayor



# CITY OF PORTAGE PROCLAMATION

## NATIONAL EMS WEEK 2021

- WHEREAS,** May 16-22, 2021 is National EMS Week, to recognize those who serve and provide Emergency Medical Services; and
- WHEREAS,** National EMS week is held annually on the third week of May and is designated as a week to thank EMS providers around the world for their service to our communities; and
- WHEREAS,** in 1974 then-President Gerald R. Ford authorized EMS week to celebrate EMS practitioners and the important work they do; and
- WHEREAS,** the Portage Department of Public Safety - Fire Division responded to 2,751 EMS calls in 2020; and
- WHEREAS,** the Portage Department of Public Safety - Fire Division has already responded to over 1,000 EMS calls in 2021; and
- WHEREAS,** the men and women who make up the Portage Department of Public Safety - Fire Division have continued to provide EMS services that foster a high quality of life and safety in the Portage community both before and during the global health pandemic; and
- WHEREAS,** the Portage Fire Division continues to work towards providing the highest quality customer service through training, education, risk reduction and the empowerment of its team members; and
- WHEREAS,** this week should be spent by honoring EMS providers and recognizing the them for the life-saving services they provide; and
- WHEREAS,** our gratitude extends to all the providers in our EMS community.

**NOW, THEREFORE, BE IT RESOLVED THAT** I, Patricia M. Randall, as Mayor of the City of Portage, do hereby recognize May 16-22 as National EMS Week and honor all of our EMS providers for their dedicated years of service to the Portage and Kalamazoo area communities.

Signed this 11<sup>th</sup> day of May, 2021.

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Patricia M. Randall, Mayor



# CITY OF PORTAGE PROCLAMATION

## MENTAL HEALTH AWARENESS MONTH

**WHEREAS,** psychological health is an essential aspect of individual and community health; and

**WHEREAS,** Mental Health Awareness Month has been observed in May in the U.S. since 1949, reaching millions of people through the media, local events, and screenings; and

**WHEREAS,** while 1 in 5 people will experience a mental illness during their lifetime, everyone faces challenges in life that can impact their mental health; and

**WHEREAS,** the theme of Mental Health Awareness Month 2021 is once again "Tools 2 Thrive" which will provide practical tools that everyone can use to improve their mental health and increase resiliency regardless of the situations they are dealing with; and

**WHEREAS,** these Tools 2 Thrive, even those that may need to be adapted for the short-term because of COVID-19 and social distancing, will be more useful than ever; and

**WHEREAS,** with the current mental distress being created, as well as accentuated by, the spread of SARS-CoV-2 and COVID-19, the disease it causes, stemming from such sources as uncertainty, loss, isolation, and confusion from tremendous and rapid change on local, national, and global levels; and

**WHEREAS,** the acknowledgement of such distress as a natural process, as well as actually occurring and an understandable reaction, whether stemming from genetic or external causes, can assist in accepting and beginning to work through such difficulties through a show of support, unity, and validation.

**NOW, THEREFORE, BE IT RESOLVED THAT** I, Patricia M. Randall, as Mayor of the City of Portage, do hereby dedicate and proclaim May as Mental Health Awareness Month for 2021.

Signed this 11<sup>th</sup> day of May, 2021.

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Patricia M. Randall, Mayor

## **CITY COUNCIL MEETING MINUTES FROM APRIL 27, 2021**

Mayor Patricia Randall called the Regular Meeting to order at 07:01 PM. The regular meeting was held virtually as permitted by PA 228, per the December 2020 Kalamazoo County Emergency Declaration. Mayor Patricia M. Randall, Mayor Pro Tem Jim Pearson, and Councilmembers Chris Burns, Lori Knapp, Claudette Reid, and Terry Urban were present. All members participated virtually from Portage, Michigan. Councilmember Vic Ledbetter was present at 7:22 p.m., attending from Kalamazoo, Michigan. Also in attendance were City Manager Joe La Margo, City Attorney Catherine Kaufman, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on respect and embrace the differences within the Portage community. Following the moment of silence, the City Council recited the Pledge of Allegiance.

### **PROCLAMATIONS:**

**Global Love Day 2021:** Councilmember Reid read the Proclamation for Global Love Day 2021.

**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 Urban removed Items A.4, Dissolution of the Austin Lake Governmental Lake Board, and A.5, Application for Liquor License - Lake Burgers. Motion by Knapp, seconded by Reid, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 6 to 0 (Councilmember Ledbetter was absent).

**Approval of City Council Meeting Minutes:** Motion by Knapp, seconded by Reid, to approve the Regular Meeting Minutes of April 13, 2021 and Pre-Council Meeting Minutes of April 26, 2021. Upon a roll call vote, motion carried 6 to 0 (Councilmember Ledbetter was absent).

**Accounts Payable Register** Motion by Knapp, seconded by Reid, to approve the Accounts Payable Register of April 27, 2021, as presented. Upon a roll call vote, motion carried 7 to 0.

**Public Hearing on Fiscal Year 2021-2022 Budget** Motion by Knapp, seconded by Reid, to adopt the Resolution setting a public hearing on May 11, 2021 for the Fiscal Year 2021-2022 Proposed City Budget and the proposed 2021 tax levy.

**Minutes of Boards & Commissions:** Motion by Knapp, seconded by Reid, to receive the Minutes of the Planning Commission of February 18, 2021; Planning Commission of April 1, 2021, and Zoning Board of Appeals of March 8, 2021. Upon a roll call vote, motion carried 6 to 0 (Councilmember Ledbetter was absent).

**Materials Transmitted:** Motion by Knapp, seconded by Reid, to receive the Materials Transmitted of April 13, April 16, and April 19, 2021.

**Calendar of Meetings:** Motion by Knapp, seconded by Reid, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:**

Frances Vicioso (Oshtemo Township) stated she works for Truth, Racial Healing & Transformation Kalamazoo and spoke in support of the Hate Condemnation Resolution.

Elena Mireles-Hill (6527 Hampton Street) stated she also works for Truth, Racial Healing & Transformation Kalamazoo and spoke in support of the Resolution.

Maribeth Henry (2621 Bach Avenue) first spoke positively of the Youth Advisory Committee's recent Green-A-Thon event and then spoke in favor of the Resolution development under her request and guidance. She expressed concern with the Resolution's lack of a specific action plan and highlighted recent legislation that could assist the city in the development of its next steps.

Daniel Smith (3022 Fleetwood) spoke in support of the Resolution, echoing Ms. Henry's comments regarding the next steps.

Paul McMullen (1522 Schuring Road) also spoke in support of the Resolution, as well as expressed support for the multi-family residential plan for Woodbridge Hills.

Debbie Frieman (3218 Bennington Court) spoke in support of the Resolution and encouraged publicizing methods to prevent such hateful acts.

**PUBLIC HEARINGS:**

**Tentative Plan Amendment for Woodbridge Hills Planned Development, 4100 West Centre Avenue:** Development Services Director Peterson summarized the proposal. Councilmember Urban inquired about two parking spaces and traffic flow in the driving lane. Director Peterson confirmed the location of the two parking spaces. Councilmember Knapp highlighted the letters City Council received from the Marsh Pointe Condominium owners and requested clarification regarding the point of access relating to a proposed traffic light and party responsible for the street's future maintenance. Councilmember Knapp also asked about the privacy screening to the north and northwest of the subject parcel and whether the existing vegetation would be retained. Applicant Andrew DeNooyer of the 633 Group responded, noting the site plan included a cross easement agreement for the Marsh Pointe driveway owned by the Marsh Pointe Condominium Association. Councilmember Knapp noted the Marsh Pointe residents' concerns regarding increased traffic and road maintenance and suggested the parties renegotiate the original agreement. Mr. DeNooyer stated he was willing to renegotiate and share the financial burden of road maintenance. He further stated that contacts with the Marsh Pointe Condominium Association had not been answered to date. Mr. DeNooyer then answered Councilmember Knapp, stating that some of the current vegetation on the northwest border near the Marsh Pointe Condominiums would be retained, but was currently unsure on the status of the vegetation along the northern border because the property line had yet to be staked. Councilmember Urban inquired about the parcel's zoning designation at the time of the original easement. Mr. DeNooyer responded that the parcel was still commercial at the time and stressed multi-family residential would have less traffic than another commercial use, such as a hotel.

Councilmember Urban then asked for clarification regarding the proposed tree height in the plan submittal. Mr. DeNooyer responded that the site engineer had modified the tree line based on prior city meeting discussions. Councilmember Reid noted the Marsh Pointe residents would be subjected to the new apartments allowing dogs and asked for clarification regarding pet waste management. Mr. DeNooyer confirmed the apartment complex plan included the allowance of dogs with the hope to attract tenants. He stated there would be pet waste stations provided and owner responsibility encouraged similarly to the adjacent Woodbridge Hills development. Mayor Randall asked for clarification regarding the number of units proposed and the type of resident expected for the complex. Mr. DeNooyer confirmed 57 to 60 units with 50 percent single bedroom and 50 percent two bedrooms planned with a focus on young professionals and empty-nesters hoping to downsize but stay within the Portage area. Mayor Randall then asked about the number of residents in the Marsh Pointe complex. Director Peterson confirmed there were 55 units but was unsure about the number of residents. Mayor Randall asked Mr. DeNooyer to confirm the date of the original easement agreement. Mr. Craig DeNooyer responded that it was the 1980s. Councilmember Urban asked for ownership and zoning clarification regarding 4012 West Centre Avenue and 4180 West Centre Avenue. Mr. Andrew DeNooyer responded that 4012 Centre Avenue is designated as commercial and 4180 is not owned by the 633 Group. Councilmember Urban then asked about the status of the traffic light proposal. Director Peterson confirmed that the traffic light installation is part of the 2021-2022 Capital Improvement Program and would be warranted if the new development was approved.

Councilmember Burns stated he was pleased to see multi-family residential proposed for Portage, noting a recent Kalamazoo County study showed existing housing was 97 percent full with a demand for multi-family residential. He noted that there is a need to address traffic in the area but agreed that a multi-family apartment complex was the best use of the parcel. Mayor Randall then opened the public comment session.

Jim Lance, attorney with Kreis Enderle representing the Marsh Pointe Association first clarified Mr. DeNooyer's earlier comments and stated Marsh Pointe has responded to Mr. DeNooyer's inquiries. Mr. Lance expressed concern with the 633 Group's representations that the complex has not been open to discussions and stressed the need for transparency with the proposed development. He also expressed concern with the traffic studies to date and stated that the Marsh Pointe Association is strongly against the proposed development. Following City Council discussion with Mr. Lance regarding the Marsh Pointe Condominium Association's position on the proposal, Mayor Randall requested that City Manager La Margo collaborate with both the 633 Group and the Marsh Pointe Condominium Association to work on a revised easement agreement that would benefit both parties. City Manager La Margo confirmed he would reach out to both entities.

Kay Kossen, an attorney also from Kreis Enderle, also spoke as legal representation on behalf of the Marsh Pointe Condominium Association. She confirmed that the Association would be happy to discuss the easement agreement for the roadway but noted the Association is still concerned with the use of the road with it having been recently repaved last year at the Association's cost. She further clarified that Marsh Pointe entailed 60 residents and noted that all owned the condominiums and did not rent them. There being no further comments, motion by Reid, seconded by Burns, to close the public hearing. Upon roll call vote, motion carried 7 to 0.

Councilmember Urban shared Councilmember Burns' enthusiasm for the type of development for that general area but expressed a desire for a bigger parcel. Councilmember Knapp

also echoed the comments from Councilmember Burns and shared Councilmember Urban's concerns with the parcel size but expressed a preference for the multi-family residential use for the location instead of a hotel. She inquired whether she should modify the proposed motion to include a request to update the easement agreement. City Attorney Kaufman opined that City Council could not bind other parties not involved in the application process. Councilmember Reid agreed with Councilmember Knapp and requested an updated agreement before the presentation of the final development plan to the City Council.

Motion by Burns, seconded by Ledbetter, to adopt the Tentative Plan Amendment for Woodbridge Hills Planned Development (4100 West Centre Avenue) including the five conditions in the February 12, 2021 Department of Community Development report. Upon a roll call vote, motion carried 7 to 0.

**2021 Utility Rate Financial Study:** Councilmember Burns summarized the background on the 2021 Utility Rate Study. He noted that the study includes a 46-cent increase to sewer rates as a result of pass-through costs from the City of Kalamazoo due to capital improvement program costs and fund balance increases. Councilmember Burns stated the increase will total between \$700,000 and \$800,000. He highlighted that the two city's sewer systems are conjoined, negating leverage for the City of Portage but he promised to collaborate with City of Kalamazoo officials to minimize future increases. Councilmember Burns then stated the water commodity rate will remain the same. He thanked his fellow Utility Rate Study Committee members and relayed that the 2021 Study was unanimously approved by the Committee.

Councilmember Reid asked how other municipalities were handling the sewer rate increase and inquired whether there was discussion on a joint response from other municipalities addressing the rate increase with the City of Kalamazoo. Councilmember Burns responded that he was not aware of any such discussion on a joint response to the City of Kalamazoo but noted there was ongoing litigation. City Attorney Catherine Kaufman confirmed that neighboring municipalities were in the process of litigation with the City of Kalamazoo regarding the water rates and would move on to the sewer rates when done as townships were absorbing the costs. Councilmember Burns relayed that a recent national survey showed slower price increases for sewer rates. Motion by Ledbetter, seconded by Reid, to close the public hearing. Upon roll call vote, motion carried 7 to 0.

Motion by Reid, seconded by Pearson, to adopt the 2021 sewer and water rate resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees, and charges outlined in the 2021 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee, with rates to be effective July 1, 2021. Upon a roll call vote, motion carried 7 to 0.

#### **REGULAR BUSINESS AGENDA:**

**Resolution Condemning Hate Crimes, Hateful Rhetoric, and Hateful Acts:** City Manager La Margo summarized the origins and background of the development of the Resolution alongside citizen Maribeth Henry. Councilmember Ledbetter confirmed the citizen requested the inclusion of statements and advice for bystander intervention that were omitted due to liability concerns and the inability to force the public to intervene. City Manager La Margo and Councilmember Ledbetter highlighted the informational campaign planned to educate others on best practices for situations in place of bystander intervention. Further, City Manager La Margo noted the expanded scope of the Resolution to include all members of marginalized populations. Councilmember Reid stated she had also spoken with Ms. Henry and supports the Resolution as currently drafted. Councilmember Urban expressed a desire to read the Resolution into the record in full.

At the invitation of Mayor Randall, Councilmember Urban read the Resolution and subsequently made the motion, seconded by Ledbetter, to adopt the Resolution to Condemn Hate Crimes, Hateful Rhetoric, and Hateful Acts. Upon roll call vote, motion carried, 7 to 0.

**Dissolution of the Austin Lake Governmental Lake Board:** At the request of Mayor Randall, Councilmember Urban explained his removal of the Austin Lake Governmental Lake Board dissolution request from the Consent Agenda. He expressed concern with the proposed dissolution and asked Mayor Pro Tem Pearson to clarify a comment from the Committee of the Whole Meeting regarding the Austin Lake Governmental Lake Board changing to a riparian association to address weeds on Austin Lake. Councilmember Knapp answered and referred the question to Mr. Larry Pio, Chair of the Austin Lake Governmental Lake Board.

Mr. Pio (2409 Woody Knoll) responded that he didn't have an exact answer regarding the plan for a riparian association but noted a governmental lake board has many legal hurdles under state law and with no project currently in the queue there are funds to return the riparians, as state law prevents remaining funds to be assigned to new projects. Councilmember Urban explained his history with the Gourdneck Lake Governmental Lake board and the Long Lake Governmental Lake Board and noted West Lake is currently handled by a riparian association with the assistance of the city. Councilmember Urban expressed his preference for a governmental lake board versus a riparian association with city assistance. He stated that West Lake currently receives services with city funds and the city takes on the governmental lake board tasks. He expressed concern with this setup and stated he would not support the dissolution of the Austin Lake Governmental Lake Board. He then provided a brief history of prior efforts to dissolve the Austin Lake Governmental Lake Board. Mayor Pro Tem Pearson provided some additional history on the Austin Lake Governmental Lake Board, explaining that the original funding for the South Cove assessment was expended and any current rebate to the residents would be minimal. Councilmember Urban thanked Mayor Pro Tem Pearson for the clarification and expressed support for refunding riparians any remaining funds. Mayor Pro Tem Pearson clarified that there are 435 residents on the lake including funding from the City of Portage, as well as Kalamazoo County.

City Attorney Kaufman noted the steps in the process for a governmental lake board dissolution and agreed with Councilmember Urban regarding refunding the remaining funds. She stated that the action currently proposed includes public hearings and that she directed the Austin Lake Government Lake Board to dissolve before returning any funds. Councilmember Knapp confirmed that the Austin Lake Governmental Lake Board planned to return remaining funds and that the Board was working with City Attorney Kaufman and the Governmental Lake Board attorney to do so correctly. Mr. Pio noted riparians would appreciate a refund of any amount. Councilmember Reid asked whether a governmental lake board was allowed to be put on hold for potential future projects. She asked about rumors regarding future weed abatements projects and addressing those before following through on dissolution. Mr. Pio confirmed that the north end of the lake requires weed removal but stated the Governmental Lake Board is not allowed to initiate a new project based on current laws and the Board continues to incur attorney and insurance fees, which would be unneeded if the board dissolved. Councilmember Reid asked whether the City Council could change the scope of the Austin Lake Board's aim to include weed remediation. City Attorney Kaufman responded that the Board's focus could be adjusted but the bureaucracy has numerous steps that could be better addressed by a special assessment with the City Administration to address weed treatment measures.

Mayor Pro Tem Pearson stated that a governmental lake board makes sense for the two lakes split between two jurisdictions but encouraged city assistance on projects for those lakes that were

completely within city boundaries. Councilmember Urban expressed concern with Mr. Pearson's proposal, noting that the city would take on extra costs whereas a governmental lake board would bear the cost in those instances. City Attorney Kaufman stated that the city can also easily bill for any incurred cost such as public notice or attorney fees within a special assessment, which she already does for similar clients. Councilmember Knapp expressed understanding for Councilmember Urban's concerns but noted the governmental lake board and riparians unanimously agree that a lake board is no longer desired and she did not believe a governmental lake board could simply go on hiatus. Councilmember Urban disagreed that a governmental lake board could become inactive noting the prior history with the Austin Lake Governmental Lake Board and the confusion when it was dormant for a period of time. Mayor Pro Tem Pearson noted his prior history with the Austin Lake Governmental Lake Board, stating he was part of a group petitioning against the resumption of the lake board at the time and expressed support for the dissolution of the government lake board.

Motion by Pearson, seconded by Knapp, to direct the City Attorney to prepare a Resolution for the dissolution of the Austin Lake Governmental Lake Board and establish a public hearing on May 27, 2021, to consider the resolution in accordance with Public Act 451 of 1994. Upon a roll call vote, motion carried 5 to 2. (Note: Date of public hearing administratively corrected to May 25, 2021.)

**Application for Liquor License - Lake Burgers (6800 South Westnedge)** Councilmember Urban explained that he had removed the item from the Consent Agenda as he had noted the application included wine by the glass. He was concerned whether the applicant's request for a Micro Brew license would address this intent. City Clerk Eklov noted she was facilitating the application but could not answer and referred to the applicant. The applicant confirmed that the application had the option to permit small batches or amounts of wine, such as by the glass as he planned. He noted that he would still pursue his Micro Brew license in the event the Michigan Liquor Control Commission denied his request to include wine.

Motion by Urban, seconded by Pearson, to recommend approval by the Michigan Liquor Control Commission (MLCC) of the Application for a Micro Brew license for Lake Burgers for 6800 South Westnedge (Suite F). Upon a roll call vote, motion carried 7 to 0.

#### **COUNCIL COMMITTEE REPORTS:**

Councilmember Reid provided an update regarding the Long Lake Governmental Lake Board, stating that the Board had met after three years in light of the existing five-year special assessment coming due. The Board discussed the next steps for the assessment program. She then provided an update regarding the Kalamazoo County Environmental Health Advisory Council (EHAC), noting that the EHAC was able to finally meet after a year of responding to the COVID-19 pandemic. She stated the EHAC completed testing at the Kalamazoo County airport for PFAS and will be resuming or continuing testing for Eastern Equine Encephalitis, Zika, restaurants, and COVID-19. She stated COVID-19 vaccination efforts continue as well. Councilmember Reid closed by noting the EHAC elected new officers.

Councilmember Urban provided an update regarding the Gourdneck Lake Governmental Lake Board. He stated the Board met to address contracting for services for the fifth year of the special assessment program and discuss whether to start a new assessment program. He stated the Board decided to pursue another special assessment program due to the funds required to continue weed abatement for Gourdneck Lake.

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

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:**

Councilmember Burns expressed appreciation for his household's completed vaccination for COVID-19 citing a recent exposure to a positive case.

Councilmember Ledbetter expressed appreciation for recent citizen phone calls, e-mails, and concerns received regarding agenda items. He stated he was endeavoring to be a good steward of the city and encouraged continued citizen engagement. Councilmember Ledbetter then spoke of the Resolution condemning hate crimes and speech, expressing disappointment that something so formal had to be done. He stated that he is the only member of the City Council whose voting rights are tied to the national Voting Rights Act and noted voting restrictions remain abundant in the country. He noted racism continues and encouraged everyone to continue interactions and education on respect.

Councilmember Reid encouraged continued precautions for the COVID-19 pandemic as case numbers continue to trend upwards within the state. She then highlighted the Resolution for condemning hate crimes, as well as the earlier discussion with lake owners, and noted the overall theme of fairness between the two. Councilmember Reid stressed a consistent approach to addressing lake issues and encouraged all stakeholders to get involved in the process.

Councilmember Urban also highlighted the Resolution for hate crimes and speech, stating that schools are increasing education on inclusion while various state legislatures continue to limit certain groups.

Mayor Pro Tem Pearson expressed appreciation for the engagement and discussion amongst Councilmember during the evening meetings.

Mayor Randall echoed the comments of Mayor Pro Tem Pearson. She then expressed appreciation to Mr. Pearson and Councilmember Knapp for their efforts on the Lake Center District Area Steering Committee. Mayor Randall noted Kalamazoo Bike Week would be from May 9 through May 15, 2021. She then relayed that Pfizer had expressed a desire to join the city's annual Martin Luther King, Jr. event and she was pleased to see Pfizer's increased involvement in matters of the community.

**ADJOURNMENT:** Mayor Randall adjourned the meeting at 10:00 PM.

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Erica L. Eklov, City Clerk

**MINUTES OF THE PORTAGE CITY COUNCIL  
COMMITTEE OF THE WHOLE MEETING  
APRIL 27, 2021**

Mayor Patricia Randall called the Committee of the Whole Meeting to order at 4:00 p.m. The meeting was held virtually as permitted by PA 228. Mayor Patricia M. Randall, Mayor Pro Tem Jim Pearson, and Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, and Terry Urban were present. Councilmembers participated virtually from Portage, Michigan, except Councilmember Ledbetter who was attending from Kalamazoo. Also in attendance were City Manager Joe La Margo, Development Services Director Kelly Peterson, and City Clerk Erica Eklov.

Mayor Randall summarized the meeting purpose and format. She thanked the City Councilmembers Mayor Pro Tem Pearson and Councilmember Knapp for their efforts on the Lake Center District Area Steering Committee. City Manager La Margo noted the public comment period and upcoming public meetings, as well as the attendance of Director Peterson at tonight's meeting. Councilmember Knapp noted the meeting was an informal briefing with only preliminary consideration for future action. She provided background on the Lake Center District efforts and the hiring of Doug Farr as a consultant to Study the area. Councilmember Knapp then provided the specifics on prior city efforts to date. She also noted the membership on the Steering Committee and thanked the members for their efforts. Ms. Knapp outlined the purpose of the strategic plan and stated the Steering Committee unanimously supports the proposed plan.

Development Services Director Peterson described the background on the Study, the current status of the Lake Center District. She explained the phases of discussion with the hope to make the area more accessible for everyone. Doug Farr began by commending the City of Portage for performing such a Study, especially amidst the pandemic. Mr. Farr then presented the Study, explaining that the document was for the Lake Center Corridor, as well as the District, with the overall vision and theme being "vibrant, beautiful and safe." He provided the background on prior public collaboration efforts that had progressed the Study to its current point. Mr. Farr then explained the Complete Streets concept as part of the next steps for the Lake Center District, as well as the use of placemaking, which would mirror the existing City of Portage zoning and guidelines. Mr. Farr highlighted the five key segments from the Study and explained the pedestrian condition measurements for each segment. He explained the Study included three different scenarios for the subject area utilizing a complete streets concept and the three-point vision, and provided the pros and cons of each scenario. He stressed that the City Administration needs to take a critical look at the Lake Center District with the understanding that this is a generational project incorporating a cohesive and coordinated effort among all entities involved to make this happen effectively.

After opening the meeting to City Council questions, Mayor Randall asked for clarification regarding placemaking and whether it entails a place to live and work versus a vacation destination focus. She inquired about the return on investment with the vacation destination focus. Mr. Farr responded that it depends on who the placemaking is serving, stating that it should focus on residents first with the Lake Center Corridor daily business and amenity offerings but include enhancements with a "postcard view" sense of place that people can feel. Councilmember Reid noted that the residential market analysis recommendation of 45 percent for rental units was different than the current Lake

Center District landscape, as well as the city as a whole and wanted to know if this area was good for that type of development focus. Director Peterson responded that the 2020 residential market analysis showed the current demand supported this recommendation. Councilmember Burns noted the pedestrian island recommendation in the Study but highlighted the current vehicle issues with the existing pedestrian islands. Doug Farr relayed that Mr. Burns' concerns had come up during the planning process but stressed that the problem is not with the pedestrian islands but the drivers. Mr. Farr elaborated that drivers do better when they are surrounded with supporting imagery and visual cues, which would be incorporated in any next steps for the area, opening the roadway and reversing the current trend. Councilmember Burns then noted the potential for a façade improvement program and asked how such a program would work. Director Peterson stated that the city is evaluating neighboring jurisdictions to find existing best practices, which would utilize federal COVID-19 to support businesses with façade improvement programs and upgrades. Mr. Farr stressed that any improvements should go beyond façade upgrades and stated the Lake Center District would be best served by moving away from an auto-dominated design, instead of focusing on attracting pedestrian connections. Director Peterson noted that such an improvement program would be administered by a Corridor Improvement Authority, as noted in the Study.

Councilmember Urban asked Director Peterson to describe how a Corridor Improvement Authority works. Director Peterson stated that such an Authority is a statewide tool funded by tax increment financing similar to a downtown development authority. Councilmember Urban next highlighted a recommendation on page 80 of the Study and asked for clarification on the rationale of connecting Stanley Avenue. Director Peterson stated that it should connect with South Shore Drive and not Lakeview Avenue but is intended to increase neighborhood connectivity. Councilmember Ledbetter asked how such a property would be acquired. City Manager La Margo stated it would be done by a fair purchase and not eminent domain. Doug Farr noted the plan would continue the offset of Stanley, south of the existing building, but stress that the recommendation was not a high priority in the Study. He said it was a good idea to offer routes parallel to Portage Road to slow down traffic. Councilmember Urban responded that he doesn't favor this particular cut-through and expressed concern with the potential negative effect on private residences. Councilmember Urban then highlighted the pedestrian walkway along the channel and stated he doesn't see recommendations to link the residents on the south side without the need to cross the Portage Road. Mr. Farr reviewed the underpass proposal and clarified that a walkway on both sides was recommended.

Mayor Pro Tem Pearson stated that, as a Steering Committee member, he had witnessed a decline of the Lake Center District and relayed the prior city efforts to at improving the area. He stressed that this area between the two lakes needs to improve for future generations and noted form-based zoning would be the best approach. Fellow Steering Committee member Terry Patterson echoed Councilmember Knapp's original remarks on development and looks forward to future implementation. Mr. Patterson offered North Walloon Lake in Isthmus, Michigan as an example for the Lake Center District to follow. Mayor Randall then opened the public comment period.

John Paver (9651 Portage Road) asked how the funding for roadside improvements would work. City Manager La Margo responded that various program funding mechanisms would be utilized.

Adam Edlefson (912 Forest Drive) spoke regarding the West Lake Riparian survey and the unfavorable response in connecting the two lakes. He asked why the connection was a recommendation in the draft Study. Mr. Farr responded with the three-point theme from the Study noting that such an interconnection would enhance this theme. Mayor Pro Tem Pearson addressed the water quality concerns and prior lake group efforts to improve it. He noted the April 27 Regular City Council Meeting agenda included a dissolution recommendation for the Austin Lake Governmental Lake Board and the potential move of the lake board to an association for control of water quality.

Ed Clifford (1006 Forest Drive) echoed Mr. Edlefson's comments.

Mark Yassay (1401 Lakeview Avenue) stated he was the president of the West Lake Improvement Association and was sharing the West Lake Riparian survey results and concerns that conflicted with recommendations in the Lake Center District Study. He also relayed the survey results about the West Lake Drive-In and the desire to make it a park or leaving the location unchanged.

Tom Rohlwing (1108 Forest Drive) questioned whether a risk assessment had been performed in connecting the two lakes. He also questioned cost implications, noting the Study's recommendations would only benefit a small portion of the Portage population. Doug Farr responded that a risk assessment was not part of the Study's scope at this time. City manager Largo echoed Mr. Farr's comments.

Patrick Duggan (1810 Forest Drive) stated he was also part of the West Lake Association and noted the canal is a drain and not designed to be navigable. He has already witnessed issues with jet skis in the area trying to pass through and does not support connecting the lakes.

Mayor Randall closed the meeting by reviewing the discussion and noted this review was an initial step in a very long process and stated no decisions would be made during the meeting. She then thanked Doug Farr and his associates for their efforts on the Study. Mayor Randall adjourned the meeting at 6:06 PM.

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Erica L. Eklov, City Clerk

**CITY COUNCIL BUDGET REVISION SESSION #1**  
**MINUTES FROM APRIL 20, 2021**

Mayor Randall called the meeting to order at 5:00 p.m. The meeting was held virtually per the December 2020 Kalamazoo County Emergency Declaration in light of COVID-19. The following members were present: Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall. All were attending from Portage, Michigan, except for Councilmember Ledbetter, who was attending from Kalamazoo, Michigan. Also in attendance were City Manager Joe La Margo, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll, Finance Director Lauren VanderVeen, and City Clerk Erica Eklov. Of note, all department heads were also present and available via the WebEx platform.

Mayor Randall summarized the purpose of the meeting and noted the Public Safety Department presentations would be moved up to allow Director Arnold to attend to current event duties. At the request of Mayor Randall, City Manager Joe La Margo began the presentation by reviewing the proposed budget and highlighted that the budget will be balanced with the only fee increase being the Sewer Fund as a result of City of Kalamazoo rate increases. He noted the Fiscal Year 2021-22 Budget would only be \$108,000 higher than the prior fiscal year with select Capital Improvement Projects reallocated to the General Fund. City Manager La Margo then introduced Finance Director Lauren VanderVeen, who stated that the proposed Fiscal Year 2021-22 Budget is a balanced budget both overall as well as within each fund. Ms. VanderVeen reviewed the assumptions, including Property Tax Revenue, and maintained levels with the Fund Balance and provision of current services.

Next, the Public Safety – Police Division budget was reviewed. Councilmember Burns asked Chief Arnold if there had been an identifiable trend in calls for service during the pandemic lockdown in the spring of 2020 to present as restrictions started lifting. Chief Arnold responded that there was a significant drop in calls starting the summer of 2020 into the fall of 2020 but now that the state is beginning to reopen calls for service are back to pre-pandemic levels. Chief Arnold stated the majority of calls for service have been vehicle thefts which have increased beyond pre-pandemic levels but highlighted this is also a nationwide problem due to outside factors. Mayor Randall inquired whether Portage had experienced an increase in hate crimes in light of recent tensions and Chief Arnold responded they had not.

Councilmember Urban asked for follow-up on a prior question regarding patrol rifle replacement. Chief Arnold responded that the current rifles were more than 40 years old and having officers share weapons is a risky cost-saving measure as individuals and rifles are unique – a rifle sighted in for one officer is not sighted in for the next. Councilmember Urban then asked whether any funds from the County Law Enforcement millage were coming to Portage. Chief Arnold responded that the county funding is minimal. Councilmember Urban confirmed that this had been the case for quite some time and encouraged both Public Safety and the City Manager's Office to push for additional funding knowing that Portage was a significant contributor to that millage and funding should be shared. Mayor Pro Tem Pearson agreed with Councilmember Urban, noting voter confusion regarding the millage as to what it entails and questioned whether other jurisdictions in the County receive more funding. Chief Arnold responded that the majority of the millage funding goes to the Kalamazoo County courts and Prosecutor's Office. Councilmember Burns inquired about a decrease in revenue from Portage Public Schools in relation to the School Resource Officer. Chief Arnold responded that the relationship with the school remains good but the move to remote learning resulted in a decrease in required services. City Council then reviewed the Public Safety - Fire Division budget. Councilmember Urban asked for additional information regarding the Fire Accreditation

position. Chief Arnold responded that it is a struggle with existing staff to continue pursuing accreditation while maintaining current service levels. He noted that accreditation is a continual process reviewing practices, policies, and all department statistics to ensure adherence to national best standards. Councilmember Urban asked whether the position will be certified as a firefighter. Chief Arnold confirmed that the position would be administrative but certified and able to assist with large responses. Councilmember Reid asked for clarification regarding the handling of accreditation in the Police Division.

Director VanderVeen then summarized the Legislative funding, including the City Council and Human Services budgets, followed by the City Manager's Office department budget. Councilmember Reid asked for additional information regarding the part-time intern. City Manager La Margo responded that the intern would come from a local college either Western Michigan University, Kalamazoo College, or Kalamazoo Valley Community College, and function as a management analyst with small projects. Mayor Randall highlighted the Southwest Michigan First intern program and encouraged the City Manager to review that organization's model. Mayor Pro Tem Pearson inquired regarding the position's value in light of term length and structure. City manager La Margo responded that the schedules are flexible and will depend on the candidate.

Director VanderVeen next reviewed the Finance and Treasury Department budget, followed by the Technology Services budget. Mayor Randall inquired whether the noted amounts included the new Community Senior Center security and technology infrastructure. Director Mackinder relayed that the first year is part of the new Community Senior Center costs and ongoing costs will be budgeted into future Technology Services fiscal years. Councilmember Reid inquired about department functions since hiring the contracted staff. Director Mackinder responded that the switch to in-house staffing has been positive allowing for maintaining an experienced workforce and sustained certifications with continued cost savings with staff expected to remain long-term. He further noted the staff knowledge base and morale have increased as well. Mayor Pro Tem Pearson noted he was impressed with the minimal expenditure for the recent Microsoft security breach and inquired about ongoing security. Director Mackinder responded that the department now uses several vendors due to the addition of several added layers to network security. Councilmember Reid asked for Director Mackinder to comment on remote work in light of the pandemic. Director Mackinder responded that he found that Technology Services staff must be considered essential workers and be onsite to better assist staff, which staff were able to accommodate without issue.

Next, City Council reviewed the Public Information Office budget. Councilmember Reid noted a revenue increase for the department with the Cable TV Fund and requested additional information citing the increase in streaming services. Director VanderVeen confirmed the overall revenue in the Cable TV Fund was decreasing, whereas the increase in funding for the Public Information Office budget was a result of reallocations to more accurately reflect department budgets.

City Council next reviewed the City Assessor's Office budget. Mayor Randall inquired whether the proposed budget included contracting with the former City Assessor for assistance. City Manager La Margo and City Assessor Meshia Rose confirmed temporary services on a limited basis were included in the budget for the former Assessor's assistance as needed. Mayor Randall inquired about the recent appeal of Crossroads Mall. City Assessor Rose responded that the department had contacted an outside attorney and appraiser to assist with the appeal.

City Council then reviewed the City Attorney budget, followed by the City Clerk's Office budget. Mayor Pro Tem Pearson requested clarification on election reimbursements in light of the expected August 2021 election. City Clerk Eklov explained special election reimbursements. Mayor Randall sought clarification regard ballot printing and postage reimbursement. Clerk Eklov responded. The

Council next reviewed the Human Resources Department and Mayor Randall inquired about the funding for the recent salary study. City Manager La Margo responded that the study was funded in the current 2020-2021 Fiscal Year Human Resources budget. Mayor Randall inquired regarding the cost of the salary study. Director Hertz noted the first phase cost \$16,000 and the second phase would cost \$4,500. Mayor Randall next inquired on the history of Portage salary studies and requested clarification for the calculations. Director Hertz responded that the average of the differences in salaries was 8.2 percent with the actual range between \$2,500.00 and up to the teens. Mayor Pro Tem Pearson inquired how many years it had been since the last study and how often such a review would occur going forward. City Manager La Margo responded that the practice would occur every three to four years. Director Hertz responded that her department files did not show any such study since the year 2000. Councilmember Reid asked whether the City Administration was now finding it easier to hire quality candidates. Director Hertz confirmed while noted the pandemic was still affecting hiring levels.

Upon reviewing the Purchasing Department budget, Councilmember Reid expressed concern with the increase in fewer bid responses and inquired about methods to improve quality bid responses. Deputy City Manager Carroll confirmed the trend but noted bid quality and competitive pricing have endured. Mayor Pro Tem Pearson encouraged reevaluating bid advertisement avenues. Mayor Randall encouraged reviewing potential collaborative purchasing options with neighboring jurisdictions. Mayor Pro Tem Pearson suggested collaborative purchasing with Portage Public Schools. Deputy City Manager Carroll responded and confirmed the various methods and avenues the city is currently utilizing to ensure optimal prices and services. Mayor Randall inquired about a local vendor preference policy. Deputy City Manager Carroll confirmed prior discussions between the Council and City Administration but noted a policy had not materialized and would only apply to RFPs and not sealed bids. City Manager La Margo offered to draft a local vendor preference ordinance, noting a successful similar ordinance had been in his previous jurisdiction. Councilmembers Reid and Urban stated they did not favor a local vendor preference ordinance. Mayor Randall requested the City Manager to review the purchasing practices of neighboring and similar jurisdictions. Councilmember Urban stressed that the local economy extends beyond city borders and Mayor Randall agreed.

The City Council then reviewed the Parks Department budget. Director VanderVeen summarized the budget, noting the transfer of the Farmer's Market position from the Public Information Office to the Parks Department. Councilmember Reid inquired regarding the department's efforts with securing sponsors for events. City Manager La Margo responded that a recent sponsorship booklet was created by the department and their efforts continue to seek grants. Mayor Randall suggested collaborating with Discover Kalamazoo. Parks Director Kathleen Hoyle responded that Discover Kalamazoo was experiencing decreased revenues and an organizational change, but she would continue discussions with them. Mayor Randall inquired about reaching out to bigger corporate sponsors. Director Hoyle responded that past efforts had shown poor responses from large businesses and corporate sponsors, noting that small and medium businesses were more forthcoming with sponsorships. Review transitioned to the Senior Citizen Services and Senior Center. Mayor Randall inquired how the department was paying for the drive-thru meal events. Director VanderVeen responded that the events were included in the current fiscal year budget. Senior Center Manager Kim Phillips further noted that community partners and other sponsors were also stepping up to help fund the events. Councilmember Reid noted an increase in the budget of \$34,000 and asked for background. Director VanderVeen stated the amount was largely a result of moving expenditures from the old Senior Center and grand opening plans for the new Community Senior Center.

**6:35 – 6:40 BREAK**

Following the break, City Council reviewed the Department of Public Works. Councilmember Reid highlighted the city's shift in focus to more sustainable options and asked whether there would be more perennial plantings. She encouraged collaborating with Kalamazoo In Bloom to make the modification. Mayor Pro Tem Pearson noted a rate increase for the UAW and asked to what extent it will affect the proposed budget. Public Works Director Rod Russell responded that the rate increase was a result of more personnel leaving for other organizations and the need to encourage quality candidates to fill positions. He stated staff had reviewed the industry to match levels and also modernize the Laborer position to Maintenance Specialists, which had since increased staff morale. Mayor Pro Tem Pearson then inquired as to the percentage increase and whether the departing personnel were hiring with other local jurisdictions. Director Russell responded that it was split between public and private sector, with the rate increase of several dollars an hour. Councilmember Reid inquired about the scope of the new Laborer position. Director Russell explained the transition to Maintenance Technicians eliminated several minor job grades and eliminated a large amount of administrative complexity. Mayor Randall suggested Director Russell encourage local Master Gardeners to volunteer with the city landscape bed maintenance as another method to further reduce costs.

The Community Development Department was reviewed next. Councilmember Reid inquired whether the department had the required number of positions. Mayor Randall asked for clarification regarding the status of the existing open positions. City Manager La Margo responded that the City Administration plans to fill the remaining positions within the next month and under the current fiscal year budget. He further stated that all 18 of the positions have been fully budgeted for in the proposed budget for a full 12 months, unlike the current budget that only accounts for a partial year. Mayor Randall asked whether the department was continuing to outsource for the specialized expert positions. City Manager La Margo confirmed the Mechanical Inspector position continued to be contracted due to the inability to find a candidate that met the numerous state requirements, as well as the Senior Planner position, which was expected to be filled. Mayor Randall asked whether the city had considered job sharing for inspectors. Community Development Director Kelly Peterson responded that the inspectors' workload required a full 40-hour week, preventing the ability to job share. Director Peterson noted other jurisdictions were experiencing the same issue in finding candidates that met the state qualification requirements as well. Councilmember Reid requested clarification regarding a new line item for \$75,000 for professional services. Director Peterson responded that the amount was budgeted for outside consultants for special projects and/or special services and expertise that may arise as was done in previous years. She highlighted the previous discussion regarding the new city practice of re-allocating professional services staff from the overall Human Resources budget to the individual department budgets.

Finance Director VanderVeen next reviewed the City-Wide Services funding. Councilmember Reid inquired what city-wide services entailed. City Manager La Margo responded that these items were professional services that benefitted the city as a whole, including lobbying. Councilmember Reid then asked about the lobbying background and efforts. City Manager La Margo noted the city had two lobbyists; one for the federal level and one for the state-level government. He stated the federal lobbyist had assisted with bolstering the city in grants, pandemic funding, and federal agenda leadership. Mr. La Margo then highlighted that the state lobbyist had helped with Michigan Municipal League involvement, state representative interaction, and funding for the new Community Senior Center. Councilmember Reid inquired whether the City Administration planned to continue utilizing lobbyists and City Manager La Margo confirmed. Mayor Randall asked about the status of the federal COVID Relief funding and discussion regarding an appropriate amount for the city as compared to neighboring jurisdictions and the County ensued. City Manager La Margo confirmed we would bring an amended budget back to City Council once the federal dollars were confirmed and continue to collaborate with Kalamazoo County to increase funding amounts. Following the City-Wide Services

review, City Council then reviewed the Transfers Out budget.

Director VanderVeen subsequently reviewed the Streets budget, highlighting Major Streets first. Councilmember Reid inquired about \$560,000 in "Other Services and Charges". Director VanderVeen responded that the new line item was a combination of prior funds that included mill and fill, as well as contingencies. There was additional discussion regarding the status of certain road projects already in progress followed by Director VanderVeen reviewing the Local and Municipal Streets funds. Councilmember Reid inquired about the use of chip sealing and Director Russell responded regarding the pros and cons of the process.

The review of the Utility Funds began with the sewer fund followed by the water fund. There being no questions, City Council next examined the City's Other Funds, starting with Curbside Recycling. Councilmember Burns noted the contract increase with Waste Management and inquired about the frequency of advertising the program for bid. Director Russell responded that the city was in year six of a 10-year contract with Waste Management in which the annual contract increases were included. Mayor Pro Tem Pearson inquired about the number of recycling pieces, and Director Russell confirmed an administrative review completed the prior year showed the material was getting recycled properly with 70 percent success. City Manager La Margo also noted the city had achieved the highest turnout with the Kalamazoo County Household Hazardous Waste Center in the last year.

The Leaf Pickup/Spring Cleanup Programs under the Other Funds were reviewed next. Councilmember Reid highlighted the recent city survey results favoring the creation of a second Spring Cleanup effort and inquired about the potential costs. Director VanderVeen responded that the current Spring Cleanup Program costs \$180,000 to conduct. Director Russell expressed concern with the ability to successfully secure a contractor to complete the program based on recent trends.

Director VanderVeen moved onto presenting the Community Development Block Grant (CDBG) and Programming Funds. Councilmember Reid expressed concern with how the city was currently utilizing CDBG funds and encouraged City Council to seek a more effective method to assist the community with affordable housing going forward. Director VanderVeen closed the review of the Fiscal Year 2021-22 Proposed Budget with a presentation on the Cable Television Fund.

There being no further presentations, Mayor Randall encouraged City Council to ask questions. There being none, Mayor Randall confirmed that City Council intended to continue the discussion of the budget at the Budget Review Session scheduled for May 11th. Mayor Randall reviewed Councilmember inquiries and additional follow-up required following the discussion.

**Adjournment:** Mayor Randall adjourned the meeting at 7:48 p.m.

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Erica Eklov, City Clerk

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Accounts Payable Register

**SUPPORTING PERSONNEL:** Lauren VanderVeen, Finance Director

**ACTION RECOMMENDED:** Approval of the Accounts Payable Register of May 11, 2021 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks, auto-pay payments, and electronic payments. The attached Accounts Payable Register covers the period April 18, 2021 through May 1, 2021 and notes \$498,833.52 in automated clearing house payments, \$912,895.46 in paper checks, \$5,551.64 in autopay payments and \$96,463.12 in electronic payments for a grand total of \$1,513,743.74.

**FUNDING:** N/A

**Attachments:** 1. Accounts Payable Register of May 11, 2021

ACCOUNTS PAYABLE REGISTER  
Check Dates From: 4/18/2021 to 5/01/2021

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Check Type: ACH Tansactions

| Check Date | Check    | Vendor Name                         | Description                            | Amount    |
|------------|----------|-------------------------------------|----------------------------------------|-----------|
| 04/23/2021 | 14931(A) | CHARTER COMMUNICATIONS              | CABLE TV                               | 791.47    |
| 04/23/2021 | 14932(A) | CIVICPLUS                           | CUSTOM IDP INTEGRATION                 | 2,900.45  |
| 04/23/2021 | 14933(A) | PARIS CLEANERS                      | LAUNDRY CONTRACT                       | 1,186.55  |
| 04/23/2021 | 14934(A) | PORTAGE FIREFIGHTERS                | IAFF DUES FOR APRIL 2021               | 1,800.00  |
| 04/23/2021 | 14935(A) | PORTAGE ON-CALL FIREFIGHTERS        | ON CALL FF DUES FOR APRIL 2021         | 20.00     |
| 04/23/2021 | 14936(A) | PORTAGE POLICE OFFICERS ASSOC       | PPOA DUES FOR APRIL 2021               | 602.00    |
| 04/23/2021 | 14937(A) | UNITED AUTO. IMPLEMENT WORKERS 2290 | UAW DUES FOR APRIL 2021                | 592.06    |
| 04/30/2021 | 14938(A) | A NEW LEAF                          | PLANT CARE @ CITY HALL                 | 93.50     |
| 04/30/2021 | 14939(A) | ABONMARCHÉ CONSULTANTS, INC         | NW TRAIL LANDSCAPE PLAN SERVICES       | 431.25    |
| 04/30/2021 | 14940(A) | ALL CITY MANAGEMENT SERVICES, INC.  | CROSSING GUARD CONTRACT                | 7,854.16  |
| 04/30/2021 | 14941(A) | B S & A SOFTWARE                    | BS&A ADDITIONAL AMT FOR ANNUAL RENEWAL | 2,588.00  |
| 04/30/2021 | 14942(A) | BAUCKHAM, SPARKS, THALL, SEEGER AND | STATE OF MI-CERTIFIED DRIVING RECORD   | 12.00     |
| 04/30/2021 | 14943(A) | BELL EQUIPMENT COMPANY              | SWEEPER MAINTENANCE                    | 769.90    |
| 04/30/2021 | 14944(A) | BRENNER OIL CO.                     | BULK FUEL DELIVERY                     | 18,017.77 |
| 04/30/2021 | 14945(A) | C C I SOUTH, INC.                   | ANALOG LINE AUDIT/PHONE ROOM CLEANUP   | 2,200.00  |
| 04/30/2021 | 14946(A) | CHARTER COMMUNICATIONS              | CABLE TV                               | 294.64    |
| 04/30/2021 | 14947(A) | CLEAN EARTH ENVIRONMENTAL SERV      | CENTRAL PARK SEWER BLOCKAGE            | 818.00    |
| 04/30/2021 | 14948(A) | CLEANIT CORP                        | VEHICLE WASHES                         | 54.00     |
| 04/30/2021 | 14949(A) | DEER CONTRACTING & LANDSCAPE        | SIDEWALK REPAIRS                       | 1,050.00  |
| 04/30/2021 | 14950(A) | DELTA DENTAL PLAN OF MICHIGAN       | DELTA DENTAL INSURANCE                 | 19,123.76 |
| 04/30/2021 | 14951(A) | DEPATIE FLUID POWER CO., INC.       | HYDRAULIC REPAIRS                      | 20.09     |
| 04/30/2021 | 14952(A) | EKLOV, ERICA                        | REIMB-RECYCLING RECEPTACLES            | 77.00     |
| 04/30/2021 | 14953(A) | ENGINEERED PROTECTION SYSTEMS, INC. | EPS SECURITY QTLY MAINTENANCE CHARGE   | 21,506.67 |
| 04/30/2021 | 14954(A) | ETNA SUPPLY, INC.                   | REPAIR & MAINTENANCE SUPPLIES          | 944.73    |
| 04/30/2021 | 14955(A) | FARM N GARDEN                       | FENCE INSTALLATION-FIRE ST 2           | 18,845.00 |
| 04/30/2021 | 14956(A) | FARR ASSOCIATES AND URBAN DESIGN PC | URBAN PLANNING AND DESIGN SERVICES     | 5,000.00  |
| 04/30/2021 | 14957(A) | FIDELITY SECURITY LIFE INSURANCE CO | EYEMED VISION INSURANCE                | 1,152.90  |
| 04/30/2021 | 14958(A) | FISHBECK THOMPSON CARR & HUBER, INC | RISK & RESILIENCE ASSESSMENT           | 3,928.80  |
| 04/30/2021 | 14959(A) | FURRY, WILLIAM                      | FINANCE CONSULTANT SERVICES            | 675.00    |
| 04/30/2021 | 14960(A) | GRAHAM FORESTRY SERVICE, INC.       | TREE INSPECTION AT RETENTION BASIN     | 85.00     |
| 04/30/2021 | 14961(A) | GRAINGER INC                        | REPAIR AND MAINTENANCE SUPPLIES        | 575.50    |
| 04/30/2021 | 14962(A) | GRAND ELK RAILROAD                  | 2020 RR SIGNAL MAINTENANCE             | 18,720.00 |

ACCOUNTS PAYABLE REGISTER  
Check Dates From: 4/18/2021 to 5/01/2021

Page 2 of 6

| Check Date | Check    | Vendor Name                       | Description                                 | Amount     |
|------------|----------|-----------------------------------|---------------------------------------------|------------|
| 04/30/2021 | 14963(A) | GRIFFIN PEST SOLUTIONS            | ANT CONTROL-BICENTENNIAL PARK               | 188.00     |
| 04/30/2021 | 14964(A) | INDUSCO SUPPLY CO., INC.          | PAPER AND CLEANING SUPPLIES                 | 183.75     |
| 04/30/2021 | 14965(A) | INSIGHT PUBLIC SECTOR, INC.       | MICROSOFT OVS 1 YEAR LIC & SOFTWARE         | 93,543.78  |
| 04/30/2021 | 14966(A) | IP CONSULTING, INC.               | CISCO SMARTNET RENEWAL                      | 12,683.84  |
| 04/30/2021 | 14967(A) | KENDALL ELECTRIC, INC.            | BUILDING REPAIR/MAINTENANCE SUPPLIES        | 8.63       |
| 04/30/2021 | 14968(A) | LANDS END                         | UNIFORMS                                    | 79.77      |
| 04/30/2021 | 14969(A) | LAWSON PRODUCTS, INC              | PARKS REPAIR/MAINTENANCE SUPPLIES           | 36.53      |
| 04/30/2021 | 14970(A) | LOEBIG, ELIZABETH                 | REIMB - KZOO HR MGMT ASSOC DAY OF DEV EVENT | 49.00      |
| 04/30/2021 | 14971(A) | LOWE'S HOME CENTER                | FIRE FACILITY SUPPLIES                      | 251.19     |
| 04/30/2021 | 14972(A) | LRE                               | DPW LOT EXPANSION, ENG SVC HAMPTON CREEK    | 4,203.29   |
| 04/30/2021 | 14973(A) | MAIL MANAGEMENT, INC.             | NEOPOST SUPPLIES                            | 333.02     |
| 04/30/2021 | 14974(A) | MATERIALS RESOURCES               | LATEX GLOVES AND SUPPLIES                   | 128.16     |
| 04/30/2021 | 14975(A) | MAYHEW, BRYAN                     | POLICE SCHOOL OF STAFF & COMMAND WK 3       | 561.75     |
| 04/30/2021 | 14976(A) | MEEKHOF TIRE SALES & SERVICE INC. | VEHICLES TIRES                              | 1,283.20   |
| 04/30/2021 | 14977(A) | MEJEUR ELECTRIC LLC               | ELECTRICAL REPAIRS - FIRE ST 1 & 3          | 2,936.00   |
| 04/30/2021 | 14978(A) | MIDWEST ENERGY & COMMUNICATIONS   | STREETLIGHT ENERGY COSTS                    | 288.32     |
| 04/30/2021 | 14979(A) | MUNICIPAL EMERGENCY SERVICES INC  | FIRE PPE GEAR                               | 176.68     |
| 04/30/2021 | 14980(A) | NYE UNIFORMS                      | MISC UNIFORMS                               | 8,302.12   |
| 04/30/2021 | 14981(A) | ONE WAY PRODUCTS                  | JANITORIAL SUPPLIES-PARKS                   | 240.00     |
| 04/30/2021 | 14982(A) | PHILLIPS, KIMBERLY                | REIMBURSEMENT MAILCHIMP/ZOOM                | 101.71     |
| 04/30/2021 | 14983(A) | PRECISION PRINTER SERVICES INC    | INK CARTRIDGE - PROGRAMS OFFICE             | 259.94     |
| 04/30/2021 | 14984(A) | PREMIER SAFETY                    | FIRE SCBA MAINTENANCE                       | 2,009.54   |
| 04/30/2021 | 14985(A) | PRINTING SERVICES INC             | 2021 PARKS & REC SUMMER BROCHURE            | 11,246.11  |
| 04/30/2021 | 14986(A) | R W LAPINE INC.                   | HVAC MAINTENANCE SERVICES                   | 2,239.77   |
| 04/30/2021 | 14987(A) | RIDDERMAN & SONS OIL CO. INC.     | GASOLINE DELIVERY                           | 15,296.00  |
| 04/30/2021 | 14988(A) | RIDGE AUTO NAPA                   | REPAIR/MAINTENANCE SUPPLIES                 | 378.37     |
| 04/30/2021 | 14989(A) | ROAD EQUIPMENT PARTS CENTER       | MAINTENANCE SUPPLIES                        | 186.25     |
| 04/30/2021 | 14990(A) | ROBERT LAMSON, LLC                | POST COND OFFER PSYCH EVALUATIONS           | 1,395.00   |
| 04/30/2021 | 14991(A) | ROE-COMM, INC.                    | FIRE RADIOS/PAGERS                          | 363.50     |
| 04/30/2021 | 14992(A) | S B F ENTERPRISES, INC.           | COP WATER/SEWER BILL INSERTS                | 348.00     |
| 04/30/2021 | 14993(A) | SOS TECHNOLOGIES                  | FIRE EMS SUPPLIES                           | 339.95     |
| 04/30/2021 | 14994(A) | STOUT, MELISSA JOY                | CLASS INSTRUCTION                           | 300.00     |
| 04/30/2021 | 14995(A) | SUEZ WATER ENVIRONMENTAL SERVICES | UTILITY SYSTEM OPERATION                    | 184,987.01 |

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| Check Date       | Check    | Vendor Name              | Description                     | Amount            |
|------------------|----------|--------------------------|---------------------------------|-------------------|
| 04/30/2021       | 14996(A) | TECHNOLOGY SOLUTIONS     | COUNCIL TICKET DESK PROJECT     | 5,000.00          |
| 04/30/2021       | 14997(A) | TERMINAL SUPPLY CO.      | FLEET SAFETY LIGHTS             | 631.25            |
| 04/30/2021       | 14998(A) | VERPLANK TRUCKING CO.    | LIMESTONE DELIVERY              | 1,577.58          |
| 04/30/2021       | 14999(A) | WEST SHORE FIRE, INC.    | FIRE APPARATUS MAINT            | 193.50            |
| 04/30/2021       | 15000(A) | WEST SHORE SERVICES, INC | ANNUAL PREVENTATIVE MAINTENANCE | 6,375.31          |
| 04/30/2021       | 15001(A) | WIGHTMAN                 | ELIJAH ROOT FEASIBILITY STUDY   | 6,797.50          |
| 04/30/2021       | 15002(A) | WOLVERINE POWER SYSTEMS  | BACKUP MAINTENANCE              | 600.00            |
| <b>Total ACH</b> |          |                          |                                 | <b>498,833.52</b> |

Check Type: Paper

|            |        |                                    |                                             |            |
|------------|--------|------------------------------------|---------------------------------------------|------------|
| 04/19/2021 | 316483 | WRIGHT, JOSEPH                     | REPLACE LOST PAYCHECK                       | 938.16     |
| 04/23/2021 | 316484 | AT&T                               | ELECTRONIC COMMUNICATIONS                   | 4,912.58   |
| 04/23/2021 | 316485 | AT&T LONG DISTANCE                 | LONG DISTANCE SERVICE                       | 28.13      |
| 04/23/2021 | 316486 | BLUE CROSS/BLUE SHIELD OF MICH     | BCBSM MEDICARE PLUS BLUE PPO                | 577.20     |
| 04/23/2021 | 316487 | CHARTER COMMUNICATIONS             | 2020 DECEMBER BOARD OF REVIEW REFUND DUE    | 26,909.70  |
| 04/23/2021 | 316488 | GREATER KALAMAZOO FOP LODGE 98     | FOP DUES FOR APRIL 2021                     | 2,910.76   |
| 04/23/2021 | 316489 | INT'L INSTITUTE MUNI. CLERKS       | IIMC ANNUAL CONFERENCE REGISTRATION BAL     | 100.00     |
| 04/23/2021 | 316490 | KALAMAZOO FLAG COMPANY, LLC        | US AND STATE FLAGS                          | 350.00     |
| 04/23/2021 | 316491 | LIVINGSTON COUNTY ASSESSORS ASSO   | 2021 WEB-EX COURSE FOR ASSESSOR DEPT        | 60.00      |
| 04/23/2021 | 316492 | MICHIGAN SECRETARY OF STATE        | 16 LIC PLATE RENEWALS                       | 208.00     |
| 04/23/2021 | 316493 | RUGER FIREARMS                     | RUGER ARMOURER SCHOOL                       | 300.00     |
| 04/23/2021 | 316494 | SPARTAN DISTRIBUTORS INC.          | VENTRAC MAINTENANCE                         | 47.69      |
| 04/23/2021 | 316495 | THIRD COAST TECH, LLC              | REPLACEMENT OF 4 INTERVIEW RMS AUDIO/VISUAL | 27,202.54  |
| 04/23/2021 | 316496 | VERIZON WIRELESS                   | WIRELESS CARDS                              | 5,423.14   |
| 04/30/2021 | 316497 | ADAMS, DEBORAH                     | HAYLOFT RENTAL DEPOSIT REFUND               | 150.00     |
| 04/30/2021 | 316498 | ADVANCE II LLC                     | MAY SPECIAL ELECTION TEMP ASSISTANCE        | 130.57     |
| 04/30/2021 | 316499 | ALLEGRA PRINT & IMAGING            | DPW ENVELOPES                               | 185.00     |
| 04/30/2021 | 316500 | ARBORIST SKILLS INC.               | SAFETY TRAINING-TRAFFIC CONTROL             | 300.00     |
| 04/30/2021 | 316501 | ASCENSION MICH OCCUPATIONAL HEALTH | POST OFFER EXAMS                            | 474.00     |
| 04/30/2021 | 316502 | AT&T                               | ELECTRONIC COMMUNICATIONS                   | 665.44     |
| 04/30/2021 | 316503 | AVB                                | OVERPAYMENT FINAL WATER BILL 8154 FLAT RK   | 24.78      |
| 04/30/2021 | 316504 | AVB                                | OVERPAYMENT 8166 FLAT ROCK RIDGE            | 37.17      |
| 04/30/2021 | 316505 | AVB CONSTRUCTION LLC               | COMMUNITY SR CENTER CONSTRUCTION MGMT       | 622,940.60 |

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| 04/30/2021 | 316506 | BLOOM SLUGGETT, PC                  | LITIGATION - S WESTNEDGE AVE STORM SEWER    | 1,543.50 |
| 04/30/2021 | 316507 | C&C PROFESSIONAL CLEANING SERVICE   | JANITORIAL SERVICES                         | 2,859.64 |
| 04/30/2021 | 316508 | CLEARNETWORK, INC.                  | UNIFIED SECURITY CONSULTING                 | 1,950.00 |
| 04/30/2021 | 316509 | COMMUNITY IMAGE BUILDERS            | INTERIM PLANNING AND ZONING SERVICES        | 8,950.00 |
| 04/30/2021 | 316510 | CONSUMERS ENERGY                    | NW BIKEWAY ANNUAL LEASE                     | 1,000.00 |
| 04/30/2021 | 316511 | CUNNINGHAM, VALARIE SIMONE          | RESPECTING DIFFERENCES 2021 SPEAKER         | 3,500.00 |
| 04/30/2021 | 316512 | D L GALLIVAN INC.                   | COPY MACHINE USAGE CHARGES                  | 100.95   |
| 04/30/2021 | 316513 | DAVE'S CONCRETE PRODUCTS, INC.      | MATERIAL FOR CURB AT ELIASON PARK           | 1,592.00 |
| 04/30/2021 | 316514 | DENNISON, STEVE                     | CDBG PITCHFORD 5744 MONTICELLO PLUMBING     | 1,272.00 |
| 04/30/2021 | 316515 | DURKEE, REBECCA                     | SCHRIER DEPOSIT & RENTAL FEES REFUND        | 250.00   |
| 04/30/2021 | 316516 | EMERGENCY VEHICLE PRODUCTS          | FIRE APPARATUS MAINT                        | 2,732.89 |
| 04/30/2021 | 316517 | FACE, GEORGE                        | REIMB - FIRE TRAINING                       | 124.00   |
| 04/30/2021 | 316518 | FIRST AMERICAN TITLE INS CO         | OVERPAYMENT FINAL WATER BILL 5603 DEERFIELD | 22.70    |
| 04/30/2021 | 316519 | FOUNDATION BUILDING MATERIALS LLC   | CITY HALL OFFICE MATERIALS                  | 240.54   |
| 04/30/2021 | 316520 | GEAR GRID LLC                       | FIRE OPERATING SUPPLIES                     | 1,838.00 |
| 04/30/2021 | 316521 | GOLLIN, KENNEDY                     | TRADITIONAL HOLIDAY HORSE & CARRIAGE DEP    | 100.00   |
| 04/30/2021 | 316522 | GOLLIN, KENNEDY                     | FALL FESTIVAL HORSE AND CARRIAGE DEPOSIT    | 100.00   |
| 04/30/2021 | 316523 | GRAYBAR ELECTRIC CO.                | ELECTRICAL SUPPLIES                         | 237.39   |
| 04/30/2021 | 316524 | HALL BUILDERS LLC                   | DOWNSPOUTS & POP UP DRAINS-FIRE ST 2        | 5,618.00 |
| 04/30/2021 | 316525 | HALL, BRITTANY                      | RAMONA PAVILION REFUND                      | 110.00   |
| 04/30/2021 | 316526 | HEALTHSOURCE SOLUTIONS, LLC         | WELLRIGHT PORTAL QUARTERLY FEE              | 1,814.35 |
| 04/30/2021 | 316527 | HEALTHY AGING/MOB/MAINEHEALTH       | MATTER OF BALANCE HEALTHY AGING-TRAINING    | 4,000.00 |
| 04/30/2021 | 316528 | HOME DEPOT                          | REPAIR/MAINTENANCE SUPPLIES                 | 845.34   |
| 04/30/2021 | 316529 | INTERNATIONAL CITY MANAGEMENT ASSOC | ICMA SENIOR CITY PLANNER COMM DEV AD        | 300.00   |
| 04/30/2021 | 316530 | JACKSON, STACY                      | PRESENTATION/WELLNESS                       | 150.00   |
| 04/30/2021 | 316531 | KALAMAZOO COUNTY TREASURER          | COLONIAL ACRES MARCH 2012 MOBILE HOME TAX   | 455.00   |
| 04/30/2021 | 316532 | KALAMAZOO LANDSCAPE SUPPLIES        | PLANTING MIX - LANDSCAPE BEDS               | 4,640.00 |
| 04/30/2021 | 316533 | KIRBY BUILT PRODUCTS INC            | BROCHURE RACKS                              | 1,639.86 |
| 04/30/2021 | 316534 | KSS ENTERPRISES                     | JANITORIAL SUPPLIES                         | 91.00    |
| 04/30/2021 | 316535 | LANDON, WESLEY KEVIN                | BACK TO OUR ROOTS PROGRAM                   | 500.00   |
| 04/30/2021 | 316536 | LOTT, LAUREN                        | SOFTBALL - PLATE EXTENSIONS REIMB           | 296.40   |
| 04/30/2021 | 316537 | MCDONALD'S TOWING & RESCUE, INC.    | TOWING SERVICES - FLEET                     | 215.00   |
| 04/30/2021 | 316538 | MICH MUNICIPAL POLICE & FIRE REPAIR | POLICE VEHICLE REPAIR AND MAINTENANCE       | 1,743.08 |

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|------------|--------|-------------------------------------|------------------------------------------|-----------|
| 04/30/2021 | 316539 | MICHIGAN MUNICIPAL LEAGUE           | DEP. DIR. OF ACCOUNTING & BUDGET ADV     | 91.92     |
| 04/30/2021 | 316540 | MUSKEGON COUNTY EQUALIZATION        | VALUATION ISSUES COURSE                  | 140.00    |
| 04/30/2021 | 316541 | OFFICE DEPOT, INC.                  | OFFICE SUPPLIES                          | 975.47    |
| 04/30/2021 | 316542 | VOID                                |                                          | 0.00      |
| 04/30/2021 | 316543 | PATRICK, BRAD                       | SCHRIER PARK DEPOSIT REFUND              | 150.00    |
| 04/30/2021 | 316544 | PETTY CASH-KELLY REED               | REPLENISHMENT CHECK                      | 611.59    |
| 04/30/2021 | 316545 | PETTY CASH-PAULA GUSTAFSON          | REPLENISHMENT CHECK                      | 367.65    |
| 04/30/2021 | 316546 | PIVOT POINT PARTNERS LLC            | ANNUAL LICENSE, MAINT, SUPPORT SVC       | 6,218.65  |
| 04/30/2021 | 316547 | PUBLIC AGENCY TRAINING COUNCIL      | INTERDICTION TECHNIQUES & CONCEALMENT    | 350.00    |
| 04/30/2021 | 316548 | RANKIN, GENNY                       | OVERPAYMENT FINAL WATER BILL 5929 OREGON | 12.21     |
| 04/30/2021 | 316549 | RATHCO SAFETY SUPPLY, INC.          | SIGNS AND MATERIALS-STREETS              | 148.88    |
| 04/30/2021 | 316550 | RENEWED EARTH, INC.                 | COMPOST SITE-LEAF AND BRUSH REMOVAL      | 9,083.33  |
| 04/30/2021 | 316551 | ROAD COMMISSION OF KALAMAZOO COUNTY | DURAPATCH EMULSION                       | 675.55    |
| 04/30/2021 | 316552 | ROWERDINK, INC.                     | FIRE APPARATUS MAINT                     | 219.75    |
| 04/30/2021 | 316553 | SAFEBUILT MICHIGAN, LLC             | FILL IN INSPECTIONS FOR BUILDING SERVICE | 6,300.00  |
| 04/30/2021 | 316554 | SANDERSON DEHAAN IRRIGATION         | IRRIGATION SYSTEM - FIRE ST 2            | 24,988.00 |
| 04/30/2021 | 316555 | SHERBURNE, WENDY                    | GRAIN ELEVATOR DEPOSIT & RENTAL REF      | 227.50    |
| 04/30/2021 | 316556 | SIGNATURE COINS                     | FIRE PUBLICATION MATERIALS/COINS         | 1,710.00  |
| 04/30/2021 | 316557 | SITEONE LANDSCAPE SUPPLY LLC        | SOFTBALL CHALK AND DRYING AGENT          | 1,574.08  |
| 04/30/2021 | 316558 | STATE OF MICHIGAN (DOT)             | SHAVER/WESTNEDGE RECONSTRUCTION          | 99,648.28 |
| 04/30/2021 | 316559 | STATE SYSTEMS RADIO, INC            | NEW VEHICLE RADIO ANTENNA INSTALL        | 726.50    |
| 04/30/2021 | 316560 | SUPERIOR BUSINESS SOLUTIONS         | TABLE COVER - ENVIRONMENTAL BOARD        | 116.00    |
| 04/30/2021 | 316561 | TABOR, SHIRLEY                      | WESTFIELD PAVILION RENTAL REFUND         | 110.00    |
| 04/30/2021 | 316562 | THIRD COAST TECH, LLC               | PODIUM                                   | 1,200.00  |
| 04/30/2021 | 316563 | TRUGREEN PROCESSING                 | HERBICIDE APPLICATIONS                   | 1,950.00  |
| 04/30/2021 | 316564 | UNITED PARCEL SERVICE               | UPS WEEKLY                               | 18.00     |
| 04/30/2021 | 316565 | USPS                                | PERMIT BR 2089-001 BUS REPLY POSTAGE     | 200.00    |
| 04/30/2021 | 316566 | VANGUARD CONCRETE COATING, INC.     | FLOOR TOUCH UP - FIRE ST 2               | 480.00    |
| 04/30/2021 | 316567 | VER SLUIS, SUSAN                    | REIMBURSEMENT FOR ROTO ROOTER            | 328.25    |
| 04/30/2021 | 316568 | VICKSBURG HARDWARE                  | ANNUAL WEED WHIP MAINTENANCE             | 422.42    |
| 04/30/2021 | 316569 | WADE TRIM ASSOCIATES, INC.          | CONSOLIDATED PLAN UPDATE/ANNUAL ACTION   | 1,218.46  |
| 04/30/2021 | 316570 | WASTE MANAGEMENT                    | WTP IRON WASTE REMOVAL                   | 682.45    |
| 04/30/2021 | 316571 | WILD, JED                           | FIRE CONSULTANT                          | 2,082.50  |

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| 04/30/2021                     | 316572 | WILLIAMS & WORKS         | ENGINEERING SERVICES-LOVERS LANE  | 4,160.92            |
|                                |        |                          | <b>Total Paper Check</b>          | <b>912,895.46</b>   |
| Check Type: Auto-Pay Payments  |        |                          |                                   |                     |
| 04/16/2021                     |        | CONSUMERS AUTOPAY        | GAS-ELECTRIC                      | 484.56              |
| 04/19/2021                     |        | CONSUMERS AUTOPAY        | GAS-ELECTRIC                      | 4,621.04            |
| 04/20/2021                     |        | CONSUMERS AUTOPAY        | GAS-ELECTRIC                      | 305.31              |
| 04/30/2021                     |        | CONSUMERS AUTOPAY        | GAS-ELECTRIC                      | 140.73              |
|                                |        |                          | <b>Total Auto-Pay Payments</b>    | <b>5,551.64</b>     |
| Check Type: Electronic Payment |        |                          |                                   |                     |
| 04/22/2021                     |        | CITY OF PORTAGE EMPLOYEE | PAYROLL ADJUSTMENT                | 454.79              |
| 04/23/2021                     |        | ICMA                     | PENSION WITHHOLDINGS              | 42,091.72           |
| 04/29/2021                     |        | SBF                      | WATER/SEWER BILL POSTAGE          | 1,799.56            |
| 04/30/2021                     |        | MULTIPLE                 | DPP TAX DISBURSEMENT              | 34,439.61           |
| 04/30/2021                     |        | MULTIPLE                 | CM, DH, NU & UAW PENSION PAYMENTS | 17,677.44           |
|                                |        |                          | <b>Total Electronic Payments</b>  | <b>96,463.12</b>    |
|                                |        |                          | <b>Grand Total</b>                | <b>1,513,743.74</b> |

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Adoption of Bond Resolution

**SUPPORTING PERSONNEL:** Lauren VanderVeen, Finance Director

**ACTION RECOMMENDED:** Adopt the Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2021, in an amount up to \$15,000,000.

The annual Capital Improvement Program (CIP) includes proceeds from bonds as part of the total revenue to fund projects each fiscal year. Past practice for bond issuance has been based on an estimate of the total expected expenditures realized and accrued on construction of non-utility projects as of June 30 to establish a level of borrowing sufficient debt and ensure a solid fund balance at year end. This practice has left many projects appropriated but unsupported by actual funding. To ensure a solid foundation for the CIP fund, and to take advantage of current low interest rates, bonding for projects approved and appropriated during the current and prior fiscal years is necessary.

The issuance of bonds in an amount up to \$15,000,000 will be the funding mechanism to pay for a catch-up of projects programmed in the 2020-2030 Capital Improvement Program (CIP) and older. In Fiscal Year 2020-2021, \$7.724 million in debt principal will be retired and refunded, with the addition of the new debt, total debt will be increased \$7.276 million to an overall balance of \$62.491 million. Capital improvements planned for Fiscal Year 2021-2022 are expected to require less debt than scheduled payments, reducing the debt level by approximately \$3.550 million by June 30, 2022, to a total of \$58.888 million.

The attached bond resolution provides for the initiation of the legal process required to issue bonds for funding the Fiscal Year 2020-2021 and older CIP projects. The resolutions were prepared by the city's Bond Counsel, John Axe.

The following summarizes the Capital Improvement projects included:

Capital Improvement Projects for this issuance of bonds include:

- Portage Community Senior Center construction and property acquisition (\$9,400,000)

- Street and sidewalk construction and improvements (\$2,624,000)
- Trailways and improvements (\$349,000)
- Park improvements, landscaping, and amenities (\$166,000)
- Park development (\$830,000)
- Technology updates and improvements (\$461,000)
- Public facility improvements (\$800,000)
- Public infrastructure improvements (\$120,000)

See the attached documents for more detail on these projects.

**FUNDING:** N/A

- Attachments:**
1. Bond Resolution (City of Portage CIP Series 2021)
  2. CIP Series 2021 Project List
  3. Portage CIP Series 2021 Debt Service

**CITY OF PORTAGE**

At a Virtual meeting of the City Council of the City of Portage, Michigan, held on the \_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_:\_\_.m., Eastern Time, in Portage, Michigan there were:

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preambles and resolution were offered by \_\_\_\_\_ and seconded by \_\_\_\_\_:

**BOND RESOLUTION  
City of Portage  
Capital Improvement Bonds, Series 2021**

WHEREAS, there have been prepared and presented to the City Council (the “Council”) of the City of Portage, Michigan (the “City”), a description of improvements to the City of Portage (the “Capital Improvement Project”), all as more fully described in Appendix A, pursuant to the terms of Act No. 34, Public Acts of Michigan, 2001 as amended (“Act 34”); and

WHEREAS, it has been estimated that the period of usefulness of the Capital Improvement Project is not less than 20 years and that the total cost of the Capital Improvement Project and issuing the Bonds will not exceed \$15,000,000 to be provided by the proceeds from the sale of bonds by the City pursuant to Act 34; and

WHEREAS, the City proposes to undertake the Capital Improvement Project and to incur taxable or tax-exempt debt (the “Reimbursement Obligations”) to all or a portion of the costs of the Capital Improvement Project; and

WHEREAS, on March 9, 2021, the City Council approved a form of notice entitled “NOTICE OF INTENTION OF THE CITY OF PORTAGE TO ISSUE CAPITAL IMPROVEMENT BONDS AND NOTICE OF RIGHT TO PETITION FOR REFERENDUM THEREON” (the “Notice of Intention”), which has been published March 18, 2021, in the Kalamazoo Gazette in Kalamazoo, Michigan, which describes the Project. The Project Description is attached as Exhibit A.

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

1. **Bond Details:** Pursuant to Act 34, the bonds of the City, aggregating not to exceed the principal sum of \$15,000,000, shall be issued for the purpose of defraying the City's portion of the cost of the Capital Improvement Project. The bonds shall be known as “City of Portage Capital

Improvement Bonds, Series 2021” (the “Bonds”) and shall be dated as of the date of delivery as the Finance Director of the City (“City Finance Director”) shall provide in the Award Order. The Bonds shall be fully registered Bonds, both as to principal and interest, in any one or more denominations of \$5,000 or a multiple of \$5,000 numbered from 1 upwards as determined by the City Finance Director, regardless of rate and maturity date. If \$15,000,000 of Bonds are issued, the Bonds will mature on July 1 in each year as follows:

| <u>Year</u> | <u>Principal</u> | <u>Year</u> | <u>Principal</u> |
|-------------|------------------|-------------|------------------|
| 2022        | \$600,000        | 2032*       | \$755,000        |
| 2023        | 630,000          | 2033*       | 770,000          |
| 2024        | 645,000          | 2034*       | 785,000          |
| 2025        | 655,000          | 2035*       | 800,000          |
| 2026        | 670,000          | 2036*       | 815,000          |
| 2027        | 680,000          | 2037*       | 830,000          |
| 2028        | 695,000          | 2038*       | 850,000          |
| 2029        | 710,000          | 2039*       | 865,000          |
| 2030*       | 725,000          | 2040*       | 880,000          |
| 2031*       | 740,000          | 2041*       | 900,000          |

\*PRIOR REDEMPTION Bonds maturing in the years 2030 through 2041 are subject to optional redemption as described under the heading *Prior Redemption* herein.

The Bonds shall be in substantially the form attached hereto as Exhibit A with such changes, additions or deletions as are not inconsistent with this resolution.

2. **Discount:** The Bonds may be offered for sale at a price of not less than 100% of the face amount thereof.

3. **Interest Payment and Date of Record:** The Bonds shall bear interest payable January 1, 2022 and each July 1 and January 1 thereafter, until maturity, which interest shall not exceed 5% per annum. Interest shall be paid by check or draft mailed to the registered owner of each Bond as of the applicable date of record, provided, however, that the City Finance Director may agree with the bond registrar on a different method of payment. If interest is paid differently, the Bond form attached as EXHIBIT B shall be changed accordingly.

The date of record for each interest payment shall be the 15th day of the calendar month preceding the date such payment is due.

4. **Prior Redemption:** Bonds maturing prior to July 1, 2030, shall not be subject to redemption prior to maturity. Bonds maturing on and after July 1, 2030 shall be subject to redemption in whole or in part on any date on and after July 1, 2029, and in any order, at the option of the City, at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a bond is called for redemption, upon surrender of the Bond to

the bond registrar, the bond registrar shall authenticate and deliver to the registered owner of the Bond a new bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption if different than otherwise provided in the resolution authorizing the issuance of the Bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the bond registrar to redeem the same.

5. **Capitalized Interest:** As the City Finance Director so orders, prior to the time of delivering the Bonds, up to two years of the interest payable on the Bonds is to be capitalized.

6. **Reduction in Aggregate Amount of Bonds:** In the event the cost of acquiring and constructing the Capital Improvement Project shall be less than the current cost estimates and after this bond resolution has been adopted it shall be determined by the City Finance Director that the Capital Improvement Project cost shall be less than such estimates, the City Finance Director shall reduce the principal amount of the Bonds by \$5,000 denominations, one such denomination for each maturity in any order of maturity, to the extent required to avoid the issuance of more Bonds than will be required in light of the proposals received, and the Official Notice of Sale shall be correspondingly altered.

7. **Bond Registrar and Paying Agent/Book Entry Depository Trust:** The City Finance Director shall designate, and may enter into an agreement with, a bond registrar and paying agent for the Bonds (sometimes referred to as the "Bond Registrar") which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Finance Director from time to time as required may designate a similarly qualified successor bond registrar and paying agent. The Bonds shall be deposited with a depository trustee designated by the City Finance Director who shall transfer ownership of interests in the Bonds by book entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Bonds. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the City Finance Director after consultation with the depository trustee. The depository trustee may be the same as the Bond Registrar otherwise named by the City Finance Director, and the Bonds may be transferred in part by depository trust and in part by transfer of physical certificates as the City Finance Director may determine.

8. **Transfer or Exchange of Bonds:** Any bond shall be transferable on the bond register maintained by the Bond Registrar with respect to the Bonds upon the surrender of the Bond to the Bond Registrar together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned Bond the Bond Registrar shall authenticate and deliver a new Bond or Bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

Bonds may likewise be exchanged for one or more other Bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Bond or Bonds being exchanged. Such exchange shall be effected by surrender of the Bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the Bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a Bond with proper written instructions the Bond Registrar shall authenticate and deliver a new Bond or Bonds to the registered owner of the Bond or his or her properly designated transferee or transferees or attorney.

Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the City, unless otherwise agreed by the City and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

9. **Mutilated, Lost, Stolen or Destroyed Bonds:** In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the Clerk of the City may, on behalf of the City, execute and deliver, a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed.

In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the Bond Registrar. In the case of a lost, stolen or destroyed Bond, a replacement Bond shall not be delivered unless and until the City and the Bond Registrar shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement Bond; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

10. **Execution and Delivery:** The Mayor (or the Mayor Pro Tem, in the absence of the Mayor) and the Clerk of the City are hereby authorized and directed to execute the Bonds for and on behalf of the City by manually executing the same or by causing their facsimile signatures to be affixed. If facsimile signatures are used, the Bonds shall be authenticated by the Bond Registrar before delivery. The Bonds shall be sealed with the City's seal or a facsimile thereof shall be imprinted thereon. When so executed and (if facsimile signatures are used) authenticated, the Bonds shall be delivered to the City Finance Director, who is hereby authorized and directed to deliver the Bonds to the purchaser upon receipt in full of the purchase price for the Bonds.

11. **Source of Repayment:** The City agrees to pledge its full faith and credit for the repayment of the Bonds and will pledge sufficient amounts of City taxes levied each year provided that the amount of taxes necessary to pay the principal and interest on the Bonds, together with the

other taxes levied for the same year, shall not exceed the limit authorized by law and the Michigan Constitution.

12. **Principal and Interest Fund:** All monies set aside by the City toward the cost of the Capital Improvement Project shall be kept by the City in a separate fund hereby established, to be known as the “Principal and Interest Fund.” All moneys in the Principal and Interest Fund shall be kept in a separate depository account with one or more banks or trust companies where the principal of and interest on the bonds are payable, and such moneys shall be used solely for the payment of the principal of and interest on the Bonds and expenses incidental thereto. All accrued interest and the premium, if any, received from the purchaser of the Bonds shall be deposited in the Principal and Interest Fund upon receipt. Capitalized interest, as determined pursuant to Section 5, shall be deposited in the Principal and Interest Fund.

13. **Acquisition and Construction Fund:** There is hereby established an Acquisition and Construction Fund into which all proceeds of the borrowing shall be deposited, except the accrued interest on the Bonds and premium, if any, received from the purchaser of the Bonds and any capitalized interest. All moneys in the Acquisition and Construction Fund shall be used solely for the payment in full of costs of the Capital Improvement Project, including the costs of issuing the Bonds. Surplus moneys remaining in the Acquisition and Construction Fund after completion of the Capital Improvement Project and payment in full of the costs of the Capital Improvement Project (or provision for such payment) shall be deposited in the Principal and Interest Fund.

14. **Investments:** Moneys in the Principal and Interest Fund and the Acquisition and Construction Fund may be continuously invested and reinvested in the United States government obligations, obligations the principal of and interest on which are unconditionally guaranteed by the United States government, or in interest-bearing time deposits selected by the City Finance Director which are permissible investments for surplus funds under Act No. 20 of the Public Acts of 1943, as amended. Such investments shall mature, or be subject to redemption at the option of the holder, not later than (a) in the case of the Principal and Interest Fund, the dates moneys in such fund will be required to pay the principal of and interest on the Bonds, and (b) in the case of the Acquisition and Construction Fund, the estimated dates when moneys in such fund will be required to pay costs of the Capital Improvement Project. Obligations purchased as an investment of moneys in the Principal and Interest Fund or the Acquisition and Construction Fund, as the case may be, shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

15. **Depositories:** All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds established by this Resolution, except that the moneys in the Principal and Interest Fund shall only be deposited in such banks where the principal of and interest on the Bonds are payable. The City Finance Director shall select the depository or depositories to be used from those banks authorized in this Section.

16. **Arbitrage and Tax Covenants:** Notwithstanding any other provision of this resolution, the City covenants that it will not at any time or times:

- (a) Permit any proceeds of the Bonds or any other funds of the City or under its

control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Bond to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), or (ii) in a manner which would result in the exclusion of any Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Bond as a “private activity bond” within the meaning of Section 141(a) of the Code, as a “private loan bond” within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Bonds to be includible in gross income for federal income tax purposes, cause the interest on the Bonds to be includible in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code, or (ii) adversely affect the exemption of the Bonds and the interest thereon from the State of Michigan income taxation.

17. **Not Qualified Tax-Exempt Obligations:** The Bonds are not designated as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code, unless, at the time the Official Notice of Sale is published, the Bonds have been determined to be eligible to be so designated on the basis of the City’s reasonable expectations at the time of such circulation. In such event, the Notice of Sale shall be changed appropriately and the Bonds shall there be so designated.

18. **Defeasance or Redemption of Bonds:** If at any time,

- (a) the whole amount of the principal of and interest on all outstanding Bonds shall be paid, or
- (b) (i) sufficient moneys, or Government Obligations (as defined in this Section) not callable prior to maturity, the principal of and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of and premium, if any, and interest on all outstanding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of and premium, if any, and interest on such Bonds as and when due, and (ii) in the case of redemption prior to maturity, all outstanding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Bonds for redemption shall have been given)

then, at the time of the payment referred to in clause (a) of this Section or of the deposit referred to in clause (b) of this Section, the City shall be released from all further obligations under this resolution, and any moneys or other assets then held or pledged pursuant to this resolution for the

purpose of paying the principal of and interest on the Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this Section) shall be released from the conditions of this resolution, paid over to the City and considered excess proceeds of the Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within 30 days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be given to the registered holders hereof not more than sixty (60) days nor less than forty-five (45) days prior to the redemption setting forth the date or dates, if any, designated for the redemption of the Bonds, a description of the moneys or Government Obligations so held by it and that the City has been released from its obligations under this Resolution. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of, premium, if any, and interest on the Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this Section.

The trustee or escrow agent referred to in this Section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by resolution of the City, and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000 of capital and unimpaired surplus. The same bank or trust company may serve as trustee or escrow agent under this Section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

As used in this Section, the term “Government Obligations” means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

19. **Filing with Municipal Finance Division:** If necessary the City Manager, or if there is no City Manager, the Mayor is authorized and directed to:

- (a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Bonds;
- (b) file with such application all required supporting material; and
- (c) pay all fees required in connection therewith.

20. **Public Sale – Official Notice of Sale:** The City hereby authorizes its Bond Counsel to publish a Notice of Sale at least seven days prior to the date fixed for receipt of bids for the purchase of the Bonds. The Notice of sale shall be in substantially the form set forth in an Order signed by the City Finance Director. The Financial Consultant and Bond counsel are hereby designated to act for and on behalf of the City to receive bids for the purchase of the Bonds recommend the low bid and to take all other steps necessary in connection with the sale and delivery thereof.

The City Finance Director shall sign an award order awarding the Bonds to the lowest bidder after advice from the Financial Consultant.

21. **Compliance with SEC Requirements.** This Council, for and on behalf of the City of Portage, hereby covenants and agrees, for the benefit of the beneficial owners of the Bonds to be issued by the City of Portage for the Project, to enter into a written undertaking (the “Undertaking”) required by Rule 15c2-12 promulgated by the Securities and Exchange

Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be substantially in the form to be attached to the official statement. The Undertaking shall be enforceable by the beneficial owners of the Bonds or by the Underwriter on behalf of such beneficial owners (provided that the Underwriter's right to enforce the provisions of the Undertaking shall be limited to a right to obtain specific enforcement of the City's obligations hereunder and under the Undertaking), and any failure by the City to comply with the provisions of the Undertaking shall not be deemed a default with respect to the Bonds.

The Mayor, the City Finance Director, City Clerk and/or other officer of the City charged with the responsibility for issuing the Bonds shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the terms of the City's Undertaking.

The City shall cause the preparation of an official statement for the Bonds for the purpose of enabling compliance with the Rule and shall do all other things necessary to enable compliance with the Rule. After the award of the Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (f)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the successful bidder or bidders to enable such bidder or bidders to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

22. **Conflicting Resolutions.** All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

23. **Effective Date.** This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the City as soon as practicable after adoption.

A roll call vote on the foregoing resolution was then taken, and was as follows:

YES: \_\_\_\_\_  
\_\_\_\_\_  
NO: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

The resolution was declared adopted.

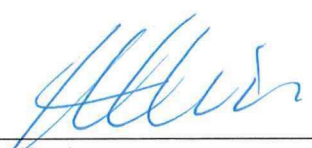
STATE OF MICHIGAN )  
 )ss.  
CITY OF PORTAGE )

The undersigned, being the duly qualified and acting Clerk of the City of Portage, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the City of Portage City Council at its \_\_\_\_\_ meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that minutes of such meeting were kept and will be or have been made available as required thereby.

\_\_\_\_\_  
Clerk, City of Portage

DATED: \_\_\_\_\_, 2021

Approved as to Form

By:   
John R. Axe

## EXHIBIT A

### Capital Improvement Bonds, Series 2021

#### Project Descriptions

Community Senior Center Facility – Purchase of property and construction of a new two story, 32,000 square foot facility that will occupy a location between East Centre Ave and Brown St.

Public Facility Improvements – Department of Public Works facility, 7719 S Westnedge Ave, improvements to roof, HVAC, parking lot and driveway, install emergency exit drive, replace salt storage barn. City Hall, 7900 S Westnedge Ave, building and grounds improvements.

Public Infrastructure Improvements – Engineering and design for replacement of a failing dam on Portage Creek, approximately 1230 feet north of Milham Ave between Lovers Ln and the Portage Creek Bicentennial Park Trail.

Technology Improvements – Public Safety, Police and Fire divisions, 7810 & 7830 Shaver Rd, replacement of computer, video, and situation monitoring equipment.

Park Improvements and Development – Design, engineering, structure and equipment replacements at 7 city parks: Ramona Park, 8600 S Sprinkle Rd: South Westnedge Park, 9010 S. Westnedge Ave: Celery Flats Park, 7335 Garden Ln: Eliason Nature Reserve, 1604 W Osterhout Ave: Haverhill Park, 6577 Hampton St: Lexington Green Park, 4750 Pittsford Ave: and Martin Luther King, Jr. Park, corner of Constitution Blvd and Mall Dr.

Trail Improvements and Extensions – Extend 10 ft wide asphalt trail along Romence Rd between Portage Rd and Sprinkle Rd. Austin Lake trail connection, a 10 ft wide paved trail following railroad right of way along east side of Austin Lake from Zylman Ave south to the city limits. Bishop's Bog Walk, replacement of trail deck sections between Schrier Park, 850 W Osterhout Ave, and the trailhead, south of the S Westnedge Park entrance drive.

Streets and Sidewalks - Reconstruction and improvements to city streets to improve surfaces on S Westnedge from Kilgore Rd to Trade Center Way and from Shaver Rd to Romence Rd, E Centre Ave from Portage Rd to Sprinkle Rd, Oakland Dr from Osterhout Ave to south city limits, and E Milham from S Westnedge Ave to Portage Rd. Traffic signal and system upgrades and replacements on S Westnedge Avenue at Idaho Avenue, Dawnlee Avenue, and Mall Drive, and on Milham between Angling and Portage.

#### TOTAL COST ESTIMATES

Construction Costs, Acquisition Costs,  
Architects, Engineering Costs  
Furnishing and Equipment Costs,  
Financing Costs, & Contingency

**\$15,000,000**

**Total For Project:**

**\$15,000,000**

**[FORM OF BOND]****UNITED STATES OF AMERICA - STATE OF MICHIGAN -****CITY OF PORTAGE  
CAPITAL IMPROVEMENT BOND, SERIES 2021**

No. \_\_\_\_

**RATE      MATURITY DATE      DATE OF ISSUANCE      CUSIP**

\_\_\_\_\_, 1, \_\_\_\_

**REGISTERED OWNER:****PRINCIPAL AMOUNT:**

FOR VALUE RECEIVED, the City of Portage, County of Kalamazoo (the "City"), State of Michigan, hereby acknowledges itself indebted and promises to pay (but only from the sources referred to herein) on the Maturity Date specified above, unless paid prior thereto as hereinafter provided, to the Registered Owner specified above, or its registered assigns, the Principal Amount specified above upon presentation and surrender of this Bond at the principal corporate trust office of \_\_\_\_\_, \_\_\_\_\_, Michigan, as paying agent and bond registrar (the "Bond Registrar"), together with interest thereon to the Registered Owner of this Bond, as shown on the books of the City maintained by the Bond Registrar, on the applicable date of record from the Date of Issuance specified above, or such later date through which interest has been paid, at the Rate per annum specified above, commencing \_\_\_\_\_ 1, \_\_\_\_\_, and semiannually thereafter on the first day of \_\_\_\_\_ and \_\_\_\_\_ in each year to and including the Maturity Date or earlier redemption of this Bond. The date of record for each payment of interest shall be the 15th day of the month preceding the date such payment is due. Interest is payable by check or draft mailed by the Bond Registrar to the Registered Owner at the address shown on the books of the City maintained by the Bond Registrar on the applicable date of record and shall be calculated on the basis of a 360-day year consisting of twelve (12) thirty (30) day months.

This Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), issued by the City, pursuant to and in full conformity with the Constitution and Statutes of the State of Michigan and especially Act No. 34, Public Acts of Michigan, 2001, as amended (the "Act"), for the purpose of \_\_\_\_\_ which is located in \_\_\_\_\_, Michigan (the "Capital Improvement Project").

This Bond and the series of which this is one are payable as follows: \_\_\_\_\_ which are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the bonds. To secure payment of the principal of, premium, if any, and interest on the bonds. The \_\_\_\_\_ pledged to the payment of the principal of, premium, if any, and interest on the bonds shall be and remain subject to the statutory lien until the principal of, premium, if any, and interest on the bonds have been paid in full. The limited tax full faith and credit of the City has been pledged for the making of such payments, and the City is obligated to levy ad valorem taxes in such amounts as shall be necessary for the making of such Bond payments. HOWEVER, NO TAXES MAY BE LEVIED IN EXCESS OF CONSTITUTIONAL AND STATUTORY LIMITS.

Bonds maturing prior to \_\_\_\_\_ 1, \_\_\_\_\_ shall not be subject to redemption prior to maturity. Bonds maturing on or after \_\_\_\_\_ 1, \_\_\_\_\_ shall be subject to redemption prior to maturity at the option of the City, in any order, in whole or in part, on any interest payment date on or after \_\_\_\_\_ 1, \_\_\_\_\_. Bonds so called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion as well as the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a bond is called for redemption, upon surrender of the bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the Registered Owner of the bond a new bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption, if different than otherwise provided in the resolution authorizing the issuance of the bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Bond Registrar to redeem the same.

This Bond shall be transferable on the books of the City maintained by the Bond Registrar upon surrender of this Bond to the Bond Registrar together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in authorized denominations in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

This Bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond or bonds being exchanged. Such exchange shall be effected by surrender of the bond to be exchanged to the Bond Registrar with written instructions signed by the Registered Owner of the bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds

to the Registered Owner of the bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar is not required to honor any transfer or exchange of bonds during the fifteen (15) days preceding an interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the City (subject, however, to reimbursement by the City pursuant to the Lease), unless otherwise agreed upon by the City and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

This Bond and the bonds of this series have \_\_\_\_ been designated as “qualified tax-exempt obligations” for purposes of Paragraph 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit until the certificate of authentication hereon has been duly executed by the Bond Registrar, as authenticating agent.

It is hereby certified, recited and declared that all things, conditions and acts required to exist, happen and be performed precedent to and in connection with the issuance of this Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and Statutes of the State of Michigan, and that the total indebtedness of the City, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Portage, State of Michigan by its City Council has caused this Bond to be executed in its name with the facsimile signatures of its Mayor and its Clerk and has caused a facsimile of its seal to be affixed hereto, and has caused this Bond to be authenticated by the Bond Registrar, as the City’s authenticating agent, all as of the Date of Issuance set forth above.

CITY OF PORTAGE

By:  
Mayor

[SEAL]

By:  
Clerk

DATE OF AUTHENTICATION:

**BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION**

This Bond is one of the series of bonds designated “City of Portage Capital Improvement Bonds, Series 2021.”

\_\_\_\_\_, Michigan  
as Bond Registrar and Authenticating Agent

By:  
Authorized Representative

## CERTIFICATE

The above is a true copy of the legal opinion of Clark Hill PLC, a true copy of which was delivered on the date of delivery of the Bonds to which it relates.

BY:

Clerk

## ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ this Bond and all rights hereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer this Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature:

\_\_\_\_\_  
Notice: The signature(s) to this assignment must correspond with the name as it appears upon the face of this Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

\_\_\_\_\_  
Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

The transfer agent will not affect transfer of this Bond unless the information concerning the transferee requested below is provided:

Name and Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Include information for all joint owners if bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OR OTHER IDENTIFYING NUMBER OF TRANSFEREE

(Insert number for first named transferee if held by joint account)

Capital Improvement Bonds, Series 2021  
Project List

| Project Description                              | Comment                                                    | Amount     | Status      |
|--------------------------------------------------|------------------------------------------------------------|------------|-------------|
| <b><u>Community Senior Center Facility</u></b>   |                                                            |            |             |
| Property acquisitions                            | Purchased homes on E. Centre                               | 400,000    | Complete    |
| Construction                                     | Construction currently in process                          | 9,000,000  | Started     |
|                                                  | Subtotal                                                   | 9,400,000  |             |
| <b><u>Streets and Sidewalks</u></b>              |                                                            |            |             |
| S Westnedge traffic signal system upgrade        | Construction nearing completion                            | 570,000    | Complete    |
| Westnedge resurface, TC Way to Kilgore           | Construction complete; orig \$825K less Fed & MDOT         | 282,000    | Complete    |
| East Centre, Portage to Sprinkle                 | Project complete, \$1M in Fed funds                        | 569,000    | Complete    |
| Oakland, S City Limit to Osterhout               | In conjunction with RR crossing in 21-22                   | 75,000     | Not started |
| Westnedge, Shaver to Romence                     | Completed fall 2020                                        | 650,000    | Complete    |
| Milham traffic signal & fiber network            | April 2021 start; Fed Funds                                | 350,000    | Started     |
| E Milham, Westnedge to Portage                   | April 2021 start; Fed Funds                                | 128,000    | Started     |
|                                                  | Subtotal                                                   | 2,624,000  |             |
| <b><u>Trailways</u></b>                          |                                                            |            |             |
| Park trail improvements                          | Replace 700 ft of boardwalk                                | 189,000    | Started     |
| Austin Lake Trail connection                     | Acquisition and legal costs                                | 100,000    | Started     |
| Romence East Multi-use Trail Extension           | East Side of City Connection to Trail System               | 60,000     | Started     |
|                                                  | Subtotal                                                   | 349,000    |             |
| <b><u>Park Improvements</u></b>                  |                                                            |            |             |
| Court resurfacing/repair                         | S Westnedge Park                                           | 66,000     | Started     |
| Ramona Park Improvements/Landscaping             | Tennis courts, beach house                                 | 80,000     | Started     |
| Playground improvements & amenities              | Bike racks @ various parks                                 | 20,000     | Not started |
|                                                  | Subtotal                                                   | 166,000    |             |
| <b><u>Park Development</u></b>                   |                                                            |            |             |
| Lexington Green Park Improvements                | Design, playground, trails                                 | 230,000    | Started     |
| Eliason Nature Reserve development               | Land purchase, landscape, trail reroute, parking lot       | 530,000    | Started     |
| Martin Luther King Jr. Park                      | Design approved                                            | 70,000     | Started     |
|                                                  | Subtotal                                                   | 830,000    |             |
| <b><u>Technology Improvements</u></b>            |                                                            |            |             |
| Real Time Situation Monitoring                   | Accreditation requirement                                  | 136,000    | Started     |
| Mobile Computer/Video Replacement                | Patrol car computers & video                               | 325,000    | Started     |
|                                                  | Subtotal                                                   | 461,000    |             |
| <b><u>Public Facility Improvements</u></b>       |                                                            |            |             |
| City Hall improvements                           | Roof                                                       | 280,000    | Not started |
| Public Works Facility Parking & Driveway         | Building, parking lot, driveway, roof                      | 520,000    | Started     |
|                                                  | Subtotal                                                   | 800,000    |             |
| <b><u>Public Infrastructure Improvements</u></b> |                                                            |            |             |
| Elijah Root Mill Dam                             | Dam failing. Feasibility, Design 21-22. Construction 22-23 | 120,000    | Started     |
|                                                  | Subtotal                                                   | 120,000    |             |
|                                                  | Total                                                      | 14,750,000 |             |

## City of Portage

Capital Improvement Bonds, Series 2021

\$15,000,000

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### Report

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## City of Portage

Capital Improvement Bonds, Series 2021

\$15,000,000

## Project Summary

Dated 06/10/2021 | Delivered 06/10/2021

### Sources Of Funds

|                     |                 |
|---------------------|-----------------|
| Par Amount of Bonds | \$15,000,000.00 |
|---------------------|-----------------|

|                      |                        |
|----------------------|------------------------|
| <b>Total Sources</b> | <b>\$15,000,000.00</b> |
|----------------------|------------------------|

### Uses Of Funds

|                                       |            |
|---------------------------------------|------------|
| Total Underwriter's Discount (1.000%) | 150,000.00 |
|---------------------------------------|------------|

|                   |           |
|-------------------|-----------|
| Costs of Issuance | 97,295.00 |
|-------------------|-----------|

|                                      |               |
|--------------------------------------|---------------|
| Deposit to Project Construction Fund | 14,750,000.00 |
|--------------------------------------|---------------|

|                 |          |
|-----------------|----------|
| Rounding Amount | 2,705.00 |
|-----------------|----------|

|                   |                        |
|-------------------|------------------------|
| <b>Total Uses</b> | <b>\$15,000,000.00</b> |
|-------------------|------------------------|

### Flow of Funds Detail

State and Local Government Series (SLGS) rates for

Date of OMP Candidates

|                                           |            |
|-------------------------------------------|------------|
| Project Construction Fund Solution Method | Net Funded |
|-------------------------------------------|------------|

|                           |                 |
|---------------------------|-----------------|
| Total Cost of Investments | \$14,750,000.00 |
|---------------------------|-----------------|

|             |                 |
|-------------|-----------------|
| Total Draws | \$14,750,000.00 |
|-------------|-----------------|

### Bond Statistics

|              |              |
|--------------|--------------|
| Average Life | 11.226 Years |
|--------------|--------------|

|                |            |
|----------------|------------|
| Average Coupon | 2.0000000% |
|----------------|------------|

|                         |            |
|-------------------------|------------|
| Net Interest Cost (NIC) | 2.0890816% |
|-------------------------|------------|

|                                   |            |
|-----------------------------------|------------|
| Bond Yield for Arbitrage Purposes | 1.9999341% |
|-----------------------------------|------------|

|                          |            |
|--------------------------|------------|
| True Interest Cost (TIC) | 2.1032378% |
|--------------------------|------------|

|                          |            |
|--------------------------|------------|
| All Inclusive Cost (AIC) | 2.1710261% |
|--------------------------|------------|

## City of Portage

Capital Improvement Bonds, Series 2021

\$15,000,000

## Sources & Uses

Dated 06/10/2021 | Delivered 06/10/2021

### Sources Of Funds

|                     |                 |
|---------------------|-----------------|
| Par Amount of Bonds | \$15,000,000.00 |
|---------------------|-----------------|

|                      |                        |
|----------------------|------------------------|
| <b>Total Sources</b> | <b>\$15,000,000.00</b> |
|----------------------|------------------------|

### Uses Of Funds

|                                       |            |
|---------------------------------------|------------|
| Total Underwriter's Discount (1.000%) | 150,000.00 |
|---------------------------------------|------------|

|                   |           |
|-------------------|-----------|
| Costs of Issuance | 97,295.00 |
|-------------------|-----------|

|                                      |               |
|--------------------------------------|---------------|
| Deposit to Project Construction Fund | 14,750,000.00 |
|--------------------------------------|---------------|

|                 |          |
|-----------------|----------|
| Rounding Amount | 2,705.00 |
|-----------------|----------|

|                   |                        |
|-------------------|------------------------|
| <b>Total Uses</b> | <b>\$15,000,000.00</b> |
|-------------------|------------------------|

## City of Portage

### Capital Improvement Bonds, Series 2021

\$15,000,000

## Debt Service Schedule

| Date         | Principal              | Coupon   | Interest              | Total P+I              |
|--------------|------------------------|----------|-----------------------|------------------------|
| 07/01/2021   | -                      | -        | -                     | -                      |
| 07/01/2022   | 600,000.00             | 2.000%   | 317,500.00            | 917,500.00             |
| 07/01/2023   | 630,000.00             | 2.000%   | 288,000.00            | 918,000.00             |
| 07/01/2024   | 645,000.00             | 2.000%   | 275,400.00            | 920,400.00             |
| 07/01/2025   | 655,000.00             | 2.000%   | 262,500.00            | 917,500.00             |
| 07/01/2026   | 670,000.00             | 2.000%   | 249,400.00            | 919,400.00             |
| 07/01/2027   | 680,000.00             | 2.000%   | 236,000.00            | 916,000.00             |
| 07/01/2028   | 695,000.00             | 2.000%   | 222,400.00            | 917,400.00             |
| 07/01/2029   | 710,000.00             | 2.000%   | 208,500.00            | 918,500.00             |
| 07/01/2030   | 725,000.00             | 2.000%   | 194,300.00            | 919,300.00             |
| 07/01/2031   | 740,000.00             | 2.000%   | 179,800.00            | 919,800.00             |
| 07/01/2032   | 755,000.00             | 2.000%   | 165,000.00            | 920,000.00             |
| 07/01/2033   | 770,000.00             | 2.000%   | 149,900.00            | 919,900.00             |
| 07/01/2034   | 785,000.00             | 2.000%   | 134,500.00            | 919,500.00             |
| 07/01/2035   | 800,000.00             | 2.000%   | 118,800.00            | 918,800.00             |
| 07/01/2036   | 815,000.00             | 2.000%   | 102,800.00            | 917,800.00             |
| 07/01/2037   | 830,000.00             | 2.000%   | 86,500.00             | 916,500.00             |
| 07/01/2038   | 850,000.00             | 2.000%   | 69,900.00             | 919,900.00             |
| 07/01/2039   | 865,000.00             | 2.000%   | 52,900.00             | 917,900.00             |
| 07/01/2040   | 880,000.00             | 2.000%   | 35,600.00             | 915,600.00             |
| 07/01/2041   | 900,000.00             | 2.000%   | 18,000.00             | 918,000.00             |
| <b>Total</b> | <b>\$15,000,000.00</b> | <b>-</b> | <b>\$3,367,700.00</b> | <b>\$18,367,700.00</b> |

### Yield Statistics

|                                   |              |
|-----------------------------------|--------------|
| Bond Year Dollars                 | \$168,385.00 |
| Average Life                      | 11.226 Years |
| Average Coupon                    | 2.0000000%   |
| Net Interest Cost (NIC)           | 2.0890816%   |
| True Interest Cost (TIC)          | 2.1032378%   |
| Bond Yield for Arbitrage Purposes | 1.9999341%   |
| All Inclusive Cost (AIC)          | 2.1710261%   |

### IRS Form 8038

|                           |              |
|---------------------------|--------------|
| Net Interest Cost         | 2.0000000%   |
| Weighted Average Maturity | 11.226 Years |

## City of Portage

### Capital Improvement Bonds, Series 2021

\$15,000,000

## Pricing Summary

| Maturity     | Type of Bond  | Coupon | Yield  | Maturity Value         | Price    | Dollar Price           |
|--------------|---------------|--------|--------|------------------------|----------|------------------------|
| 07/01/2022   | Serial Coupon | 2.000% | 2.000% | 600,000.00             | 100.000% | 600,000.00             |
| 07/01/2023   | Serial Coupon | 2.000% | 2.000% | 630,000.00             | 100.000% | 630,000.00             |
| 07/01/2024   | Serial Coupon | 2.000% | 2.000% | 645,000.00             | 100.000% | 645,000.00             |
| 07/01/2025   | Serial Coupon | 2.000% | 2.000% | 655,000.00             | 100.000% | 655,000.00             |
| 07/01/2026   | Serial Coupon | 2.000% | 2.000% | 670,000.00             | 100.000% | 670,000.00             |
| 07/01/2027   | Serial Coupon | 2.000% | 2.000% | 680,000.00             | 100.000% | 680,000.00             |
| 07/01/2028   | Serial Coupon | 2.000% | 2.000% | 695,000.00             | 100.000% | 695,000.00             |
| 07/01/2029   | Serial Coupon | 2.000% | 2.000% | 710,000.00             | 100.000% | 710,000.00             |
| 07/01/2030   | Serial Coupon | 2.000% | 2.000% | 725,000.00             | 100.000% | 725,000.00             |
| 07/01/2031   | Serial Coupon | 2.000% | 2.000% | 740,000.00             | 100.000% | 740,000.00             |
| 07/01/2032   | Serial Coupon | 2.000% | 2.000% | 755,000.00             | 100.000% | 755,000.00             |
| 07/01/2033   | Serial Coupon | 2.000% | 2.000% | 770,000.00             | 100.000% | 770,000.00             |
| 07/01/2034   | Serial Coupon | 2.000% | 2.000% | 785,000.00             | 100.000% | 785,000.00             |
| 07/01/2035   | Serial Coupon | 2.000% | 2.000% | 800,000.00             | 100.000% | 800,000.00             |
| 07/01/2036   | Serial Coupon | 2.000% | 2.000% | 815,000.00             | 100.000% | 815,000.00             |
| 07/01/2037   | Serial Coupon | 2.000% | 2.000% | 830,000.00             | 100.000% | 830,000.00             |
| 07/01/2038   | Serial Coupon | 2.000% | 2.000% | 850,000.00             | 100.000% | 850,000.00             |
| 07/01/2039   | Serial Coupon | 2.000% | 2.000% | 865,000.00             | 100.000% | 865,000.00             |
| 07/01/2040   | Serial Coupon | 2.000% | 2.000% | 880,000.00             | 100.000% | 880,000.00             |
| 07/01/2041   | Serial Coupon | 2.000% | 2.000% | 900,000.00             | 100.000% | 900,000.00             |
| <b>Total</b> | -             | -      | -      | <b>\$15,000,000.00</b> | -        | <b>\$15,000,000.00</b> |

### Bid Information

|                                       |                 |
|---------------------------------------|-----------------|
| Par Amount of Bonds                   | \$15,000,000.00 |
| Gross Production                      | \$15,000,000.00 |
| Total Underwriter's Discount (1.000%) | \$(150,000.00)  |
| Bid (99.000%)                         | 14,850,000.00   |
| Total Purchase Price                  | \$14,850,000.00 |
| Bond Year Dollars                     | \$168,385.00    |
| Average Life                          | 11.226 Years    |
| Average Coupon                        | 2.0000000%      |
| Net Interest Cost (NIC)               | 2.0890816%      |
| True Interest Cost (TIC)              | 2.1032378%      |

## City of Portage

Capital Improvement Bonds, Series 2021

\$15,000,000

## Operation Of Project Construction Fund

| Date         | Principal              | Rate     | Receipts               | Disbursements          | Cash Balance |
|--------------|------------------------|----------|------------------------|------------------------|--------------|
| 06/10/2021   | 14,750,000.00          | -        | 14,750,000.00          | 14,750,000.00          | -            |
| <b>Total</b> | <b>\$14,750,000.00</b> | <b>-</b> | <b>\$14,750,000.00</b> | <b>\$14,750,000.00</b> | <b>-</b>     |

### Investment Parameters

|                                           |              |
|-------------------------------------------|--------------|
| Investment Model [PV, GIC, or Securities] | GIC          |
| Default investment yield target           | Unrestricted |

|                                                  |                 |
|--------------------------------------------------|-----------------|
| Cost of Investments Purchased with Bond Proceeds | 14,750,000.00   |
| Total Cost of Investments                        | \$14,750,000.00 |
| Target Cost of Investments at bond yield         | \$14,750,000.00 |
| Yield to Receipt                                 | -               |
| Yield for Arbitrage Purposes                     | 1.9999341%      |

## City of Portage

Capital Improvement Bonds, Series 2021

\$15,000,000

## Detail Costs Of Issuance

Dated 06/10/2021 | Delivered 06/10/2021

### COSTS OF ISSUANCE DETAIL

|                                    |                    |
|------------------------------------|--------------------|
| Financial Advisor                  | \$29,600.00        |
| Bond Counsel                       | \$36,000.00        |
| Rating Agency Fee                  | \$24,000.00        |
| POS/Official Statement             | \$795.00           |
| MAC Fee                            | \$400.00           |
| Paying Agent Fee                   | \$500.00           |
| State of Michigan Fee              | \$1,000.00         |
| Contingency Cost - Rounding Amount | \$5,000.00         |
| <b>TOTAL</b>                       | <b>\$97,295.00</b> |

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Lakeview Drive Reconstruction Project - Bid Tabulation

**SUPPORTING PERSONNEL:** Kendra Gwin, Director of Transportation & Utilities

**ACTION RECOMMENDED:** Award a contract to perform engineering services for the reconstruction of Lakeview Drive from South Shore Drive to Lakeview Court to Abonmarche Consultants, Incorporated, of Portage, Michigan, in an amount not exceeding \$224,700 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The FY 2019–2020 Capital Improvement Program budget contained funding for design/engineering services related to the reconstruction of Lakeview Drive including replacement of water main from South Shore Drive to Lakeview Court. The existing water main at this location has been identified as older cast iron pipe, which is prone to leaks and breakage. The replacement of the existing water main will provide improved reliability and water quality in this area of the city and eliminate future maintenance concerns.

On April 29, 2021, two proposals were received for design and construction engineering services for water main replacement and road reconstruction on Lakeview Drive. Based on review of the proposals, staff has determined that the low proposal from Abonmarche Consultants, Inc., in the amount of \$224,700 best fits the needs of the project. Abonmarche Consultants, Inc., has significant experience with the City of Portage policies and procedures and has successfully completed engineering services on over 50 projects in the city during the last 20 years. Pending City Council approval, construction would occur in the spring and summer of 2022.

It is recommended that City Council award a contract to Abonmarche Consultants, Incorporated, of Portage, Michigan to perform engineering services for the Lakeview Drive Reconstruction project from South Shore Drive to Lakeview Court in an amount not exceeding \$224,700 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

**FUNDING:** Capital Improvement Program Budget

**Attachments:**     1.     Lakeview Drive Reconstruction Bid Tabulation

BID TABULATION  
LAKEVIEW DRIVE RECONSTRUCTION - PROFESSIONAL ENGINEERING

| <u>Firm</u>                                                         | <u>Total Bid</u> |
|---------------------------------------------------------------------|------------------|
| Abonmarche Consultants, Inc.<br>700 Mall Drive<br>Portage, MI 49024 | \$224,700        |
| Wightman<br>433 E. Ransom Street<br>Kalamazoo, MI 49007             | \$283,333        |

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Preliminary Plat of The Oaks (Phase 2), 4800 Bishop Avenue

**SUPPORTING PERSONNEL:** Kelly Peterson, Director of Development Services

**ACTION RECOMMENDED:** Approve the Preliminary Plat of The Oaks (Phase 2), 4800 Bishop Avenue, subject to the conditions outlined in the April 9, 2021 Department of Community Development staff report.

The preliminary plat of The Oaks (Phase 2) single-family residential subdivision has been submitted for review and approval by Landmark Development Partners, LLC. Phase 2 of The Oaks proposes the construction of 50 single-family residential lots on approximately 16.9 acres. This phase represents the final phase of development.

Public street extensions include Live Oak Trail from Phase 1 of the Oaks to Montego Bay Street located to the south and Pebble Lane east to Sessile Circle. Construction of new public streets includes Sessile Circle and Shumard Avenue. Storm water from Phase 2 will be directed to an existing public storm water basin located to the north, which was constructed with Phase 1 of the Oaks.

Construction of Phase 2 will result in an approximately 2,000-foot long block along the east side of Live Oak Trail and the north side of Bermuda Street, as measured from the southern boundary line of Phase 2 to the intersection of Jamaica Lane and Bermuda Street. Section 42-806.1.a of the Land Development Regulations, which limits the length of a block to no more than 1,400 feet. Consequently, the applicant is requesting a modification from this section. The Planning Commission and City Administration are recommending approval of the modification request.

When Holiday Village East No. 3 was constructed to the south (Montego Bay Street and Bahama Lane), the storm water retention basin and the underground pipe leading to the basin were constructed on the vacant land - now the proposed site for Phase 2 of the Oaks. Since this basin accepted storm water from the public streets, the developer at that time deeded the property occupied by the basin, together with an easement for the underground storm sewer pipe, to the City of Portage. During the construction of Phase 1, the developer eliminated the retention basin and extended the storm sewer pipe to the retention basin constructed as part of the Oaks Phase 1. The developer will request this property previously occupied by the retention basin be conveyed from the city to Landmark Development Partners, LLC as part of the final plat approval process.

In a report dated April 9, 2021, the Department of Community Development recommended the Preliminary Plat of The Oaks (Phase 2) be approved subject to the approval of a block length modification request, finalization of public street and utility design upon submission of the detailed engineering plans and lots within the Oaks Phase 2 be included in the homeowners association for the purpose of maintaining the Bermuda Street median island entry feature.

The Planning Commission convened a public hearing during the April 15, 2021 meeting. Mr. Pat Flanagan of Ingersoll, Watson & McMachen (the applicant's engineer) was present to support the application and explain the development project. No persons spoke for or against the proposed preliminary plat development. However, three communications were received from adjacent residents who had concerns regarding storm water that were related to street/lot grading and completion of the improvements (and debris) associated with Phase 1. Following a discussion regarding storm water management and retention of existing trees, the Planning Commission voted unanimously to recommend to City Council that the Preliminary Plat of The Oaks (Phase 2), 4800 Bishop Avenue, be approved subject to the conditions outlined in the Department of Community Development report.

**FUNDING:** Not applicable

**Attachments:**

1. Planning Commission transmittal dated April 30, 2021
2. Planning Commission minutes dated April 15, 2021
3. Community Development Staff Report dated April 9, 2021 with attachments
4. Tentative Preliminary Plat Map for Oaks No. 2



**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** April 30, 2021

**SUBJECT:** Preliminary Plat of The Oaks (Phase 2), 4800 Bishop Avenue.

The Planning Commission convened a public hearing during the April 15, 2021 meeting to consider the preliminary plat of The Oaks (Phase 2). Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) representing Landmark Development Partners, LLC was present to support the application and explain the development project. No persons spoke for or against the proposed preliminary plat development. However, three communications were received from adjacent residents who had concerns regarding storm water were related to street/lot grading and completion of the improvements (and debris) associated with Phase 1. The applicants engineer and staff answered questions regarding storm water management related to the public infrastructure and lot grading during home construction.

After additional discussion, a motion was made by Commissioner Fries, seconded by Commissioner Fawley, to recommend to City Council approval of the Preliminary Plat of The Oaks (Phase 2), 4800 Bishop Avenue, subject to the conditions outlined in the Department of Community report dated April 9, 2021. The motion was approved 8-0.

Sincerely,

Dan Corradini  
Chairman

T:\COMMDEV\2020-2021 Department Files\Memos\City Council\2021 04 30 PC The Oaks (Phase 2), 4800 Bishop Avenue - preliminary plat.docx

## **PLANNING COMMISSION**

### **April 15, 2021 Virtual Meeting**

The City of Portage Planning Commission virtual meeting of April 15, 2021 was called to order by Chairperson Corradini at 7:00 p.m.

#### **IN REMOTE ATTENDANCE**

Christopher Forth, Deputy Director of Planning & Neighborhood Services; Roxanne Seeber, Assistant City Attorney; Kyle Mucha, Zoning & Codes Administrator; John Lovely, Plan Review Engineer.

#### **ROLL CALL**

Mr. Forth called the roll: Joshi (yes, Portage); Fries (yes, Portage); Pezzoli (yes, Portage); Baldwin (yes, Portage); Fawley (yes, Portage); Youngs (yes, Portage); Freiman (yes, Portage); Corradini (yes, Portage). Commissioner Myer was excused.

#### **APPROVAL OF MINUTES:**

A motion was made by Commissioner Youngs, supported by Commissioner Fries to approve the April 1, 2021 meeting minutes. Upon roll call vote, Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Fawley (yes); Freiman (yes); Youngs (yes); Corradini (yes). The motion was approved 8-0.

#### **NEW BUSINESS:**

Special Land Use Permit for Lake Burger, 6814 South Westnedge Avenue. Deputy Director Forth summarized the staff report, dated April 9, 2021, related to an application submitted by Beau Raffensperger, on behalf of Lake Burger, for a Special Land Use Permit to establish a brewpub/micro brewer at 6814 South Westnedge Avenue. The applicant proposes to occupy a tenant space at this location to establish a brewpub that would seat between 55 and 60 persons with brewing capabilities of an estimated 3 barrels per week.

Commissioner Pezzoli inquired with staff about any other brewpubs or micro brews being located within a shopping center/complex. Deputy Director Forth responded in the negative.

The applicant, Beau Raffensperger, was present to support the project and stated he was excited to open a second location in Portage.

Chairperson Corradini opened the public hearing. No person spoke for or against the application. Vice Chairperson Joshi made a motion, supported by Commissioner Freiman, to close the public hearing. Upon roll call vote, motion to close the public hearing was approved 8-0.

Commissioner Fries made a motion, supported by Commissioner Baldwin, to approve the Special Land Use Permit for Lake Burger, located at 6814 South Westnedge Avenue with the following conditions: 1) brewery production shall not exceed 18,000 barrels per year; 2) no outdoor storage of any kind shall be permitted; 3) the use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. Upon roll call vote: Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Fawley (yes); Freiman (yes); Youngs (yes); Corradini (yes). The motion was approved 8-0.

The Oaks (Phase 2) Preliminary Plat at 4800 Bishop Avenue. Deputy Director Forth summarized the staff report dated April 9, 2021 regarding the preliminary plat review and approval for Landmark Development Partners, LLC. Deputy Director Forth indicated Phase 2 of "The Oaks" consists of construction on 50 single-family residential lots on approximately 16.9 acres. Deputy Director Forth mentioned two letters from neighborhood residents have been received and previously provided to the Commission.

Commission Youngs inquired about the maintenance of the new retention basin located on the north-east portion of the subject parcel. Deputy Director Forth responded that the City of Portage would maintain the retention basin.

Pat Flanagan of Ingersoll, Watson & McMachen, Inc., representing the applicant, was present to support the preliminary plat. Mr. Flanagan provided additional information to the Commission regarding storm water concerns raised by area residents. Mr. Flanagan also provided an overview of the retention basin design, which will convey storm water away from the proposed development by use of an overflow pipe to an adjacent wetland. Mr. Flanagan also indicated the new development has been designed to address potential storm water concerns from area residents and should help to alleviate some of the past high water level issues.

Commissioner Youngs inquired about the number of trees that would be removed. Mr. Flanagan referred Commissioner Youngs to the preliminary plat drawing that outlines areas of proposed tree removal. Mr. Flanagan also indicated that the intent is to retain trees in the proposed development, however, some trees will need to be removed for infrastructure projects and home construction.

Commissioner Baldwin inquired with the applicant about the former storm water basin and if it has been filled in or is it still in existence. Mr. Flanagan indicated the former basin has been filled in with the construction of the new basin to the north.

Chairperson Corradini opened the public hearing. No persons spoke for or against the proposed preliminary plat development. A motion was made by Commissioner Fries, supported by Vice Chairperson Joshi, to close the public hearing. Upon roll call vote: Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Fawley (yes); Freiman (yes); Youngs (yes); Corradini (yes). The motion was approved 8-0.

Vice Chairperson Joshi inquired with the applicant about mitigation efforts as it pertains to flooding and grading of the new proposed preliminary plat development. Mr. Flanagan responded that past flooding concerns were in relation to individual home construction and not part of the new development. Mr. Flanagan informed the Commission that the new roadways are designed to be set approximately three to five feet higher in elevation than those of the adjacent neighborhood along Jamaica Lane and Bahama Lane, which in turn raises the basement elevations of new construction in "The Oaks".

Plan Review Engineer John Lovely informed the Commission that the new retention basin construction and location has aided in reducing the impact on homes to the south and west and will be an improvement as it relates to storm water management.

Commissioner Youngs thanked the applicant regarding the level of detail provided regarding storm water management.

Commissioner Fries commended Mr. Flanagan and Mr. Hovestadt, Landmark Development Partners, LLC, on the proposed preliminary plat design and overall project.

Commissioner Fries made a motion, supported by Commissioner Fawley, to recommend to City Council that the preliminary plat of "The Oaks" (Phase 2), 4800 Bishop Avenue be approved subject to the following conditions as detailed in the Department of Community Development staff report: 1) request for a block length modification be approved; 2) the proposed street system, municipal water and sanitary sewer are acceptable in concept and the final design, will be addressed as part of the detailed engineering plan review; and 3) lots within the Oaks Phase 2 be included in the homeowners association for the purpose of maintaining the Bermuda Street median island entry feature. Upon roll call vote: Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Fawley (yes); Freiman (yes); Youngs (yes); Corradini (yes). The motion was approved 8-0.

## **STATEMENT OF CITIZENS/COMMISSIONERS**

Commissioners Fries, Youngs and Fawley expressed concerns with not being provided a paper copy of the Planning Commission Agendas. The Commissioners indicated that a paper copy allows for easier accessibility to the supporting documents in the agendas instead of having to continuously change views on a mobile device or computer.

Chairperson Corradini thanked Vice Chairperson Joshi on stepping in at the last meeting during his absence. Chairperson Corradini also expressed his concerns regarding not receiving a paper copy of the Planning Commission Agendas and cited that having a paper copy allows for note taking while reviewing applications.

**ADJOURNMENT:**

There being no further business to come before the Commission, a motion was made by Vice Chairperson Joshi, supported by Commissioner Baldwin to adjourn the meeting. Chairperson Corradini adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director, Planning, Development & Neighborhood Services

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**TO:** Planning Commission

**DATE:** April 9, 2021

**FROM:** Kelly Peterson, Director of Community Development 

**SUBJECT:** Preliminary Plat: The Oaks (Phase 2), 4800 Bishop Avenue.

## I. INTRODUCTION:

The preliminary plat of The Oaks (Phase 2) single family residential subdivision has been submitted for review and approval by Landmark Development Partners, LLC. Phase 2 of The Oaks proposes construction of 50 single-family residential lots on approximately 16.9 acres. This phase represents the final phase of development. The subject property is zoned R-1B, one family residential.

| Applicant                          | Lots/Area           | Location                                                                  |
|------------------------------------|---------------------|---------------------------------------------------------------------------|
| Landmark Development Partners, LLC | 250 lots/16.9 acres | Northeast ¼ of Section 13, South of Bishop Road and East of Jamaica Lane. |

## II. BACKGROUND INFORMATION:

The following is important background information and summarizes the requirements that are applicable to the preliminary plat application. All required improvements will comply with Article 5 – Subdivision and Land Division Regulations of the City of Portage Land Development Regulations.

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Street Access         | Public street extensions include Live Oak Trail from Phase 1 of the Oaks to Montego Bay Street locate to the south and Pebble Lane east to Sessile Circle. Construction of new public streets include Sessile Circle and Shumard Avenue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Storm Water           | Directed to an existing public storm water basin located at the north end of Phase 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Public Improvements   | Public streets, curb-gutter, municipal water, sanitary sewer, streetlights will be provided pursuant to established ordinance requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Zoning                | R-1B, one family residential: Minimum 80 foot lot widths (100 feet for corner lots); minimum lot size of 9,600 square feet; and minimum setbacks of 30-feet (front), 10-feet (side) and 40-feet (rear).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Environmental Impacts | <p>While there the Michigan Department of Environmental Quality (MDEQ) identified regulated wetlands along the northern portions of Lots 1 thru 5 and on adjacent property to the north during development of Phase 1, there are no regulated wetlands within Phase 2. Two small areas of non-regulated wetlands were also identified south of Phase 1.</p> <p>As shown on the attached aerial photograph, the subject property is heavily wooded. There is a note on the preliminary plat drawing that delineates the extent of tree removal during installation of the public infrastructure needed to serve the new neighborhood. The width of this area, which follows the proposed public streets, is 90 feet.</p> |

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sidewalks/Multi-use trail connection | <p>Consistent with the land development regulations, 4-foot wide concrete sidewalks will be installed along both sides of all streets including around the entire bulb of any permanent cul-de-sac.</p> <p>As shown on the preliminary plat drawing, the City of Portage is proposing to construct a multi-use trail along the eastern side of Phase 2 within Pavilion Township. Construction of this trail is still subject to easement acquisition. Near the intersection of Live Oak Trail and Schumard Avenue, a connection to this trail is proposed.</p> |
| Traffic                              | <p>A total of 50 single-family residential dwellings can be expected to generate approximately 500-600 vehicles per day (equivalent to 1,000-1,200 vehicle trips per day).</p>                                                                                                                                                                                                                                                                                                                                                                                 |

The applicant is requesting a modification from Section 42-806.1.a of the Land Development Regulations, which limits the length of a block to no more than 1,400 feet. For Commission information, a block is defined below:

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating); between the nearest street and any railroad right-of-way, unplatted acreage, lake, river or live stream; or between any railroad right-of-way, acreage, lake, river or stream and any other barrier to the continuity of development or corporate boundary line of the city.

Construction of Phase 2 will result in an approximate 2,000 foot long block along the east side of Live Oak Trail and north side of Bermuda Street, as measured from the southern boundary line of Phase 2 to the intersection of Jamaica Lane and Bermuda Street. Per Section 42-806.1.a the Planning Commission can recommend a greater block length if conditions justify a greater distance. Since the eastern property line is the corporate boundary between the City of Portage and Pavilion Township, the requested modification can be supported by staff.

When Holiday Village East No. 3 was constructed to the south (Montego Bay Street and Bahama Lane), the storm water retention basin (and underground pipe leading to the basin) for Holiday Village East No. 3 was constructed approximately 950 feet to the north on the vacant land now the proposed site for Phase 2 of the Oaks. Since this basin accepted storm water from the public streets, the developer at that time deeded the property occupied by the basin to the City of Portage. The developer also granted to the city an easement for the underground storm sewer pipe from the north end of Montego Bay Street to the retention basin. The storm water retention basin and underground pipe and are shown on the attached aerial photo.

During the engineering design and subsequent construction of the Oaks Phase 1, the developer eliminated the retention basin and extended the storm sewer pipe to the retention basin constructed as part of the Oaks Phase 1. Elimination of this basin created 1-2 more buildable lots and reduced maintenance responsibilities for the city. The developer will request this property previously occupied by the retention basin be conveyed from the city to Landmark Development Partners, LLC. Since extension of the Live Oak Trail 60-foot wide public right-of-way south to Montego Bay Street will encompass the existing storm sewer pipe and easement area, relinquishment of this easement area is not necessary.

### III. PUBLIC NOTICE REQUIREMENTS:

In accordance with the Michigan Planning Enabling Act (Public Act No. 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land immediately adjoining the proposed plat 15 days prior to the date of the public hearing.

Submission of the preliminary plat is intended to provide the community with the opportunity to examine existing and proposed conditions pertaining to the development of the subdivision. After approval by the City Council, preliminary plat approval is effective for 12 months. During the 12 month period, detailed engineering drawings will be prepared and submitted to City Council for review and approval. Following construction of the plat improvements, the developer will request that City Council grant final plat approval.

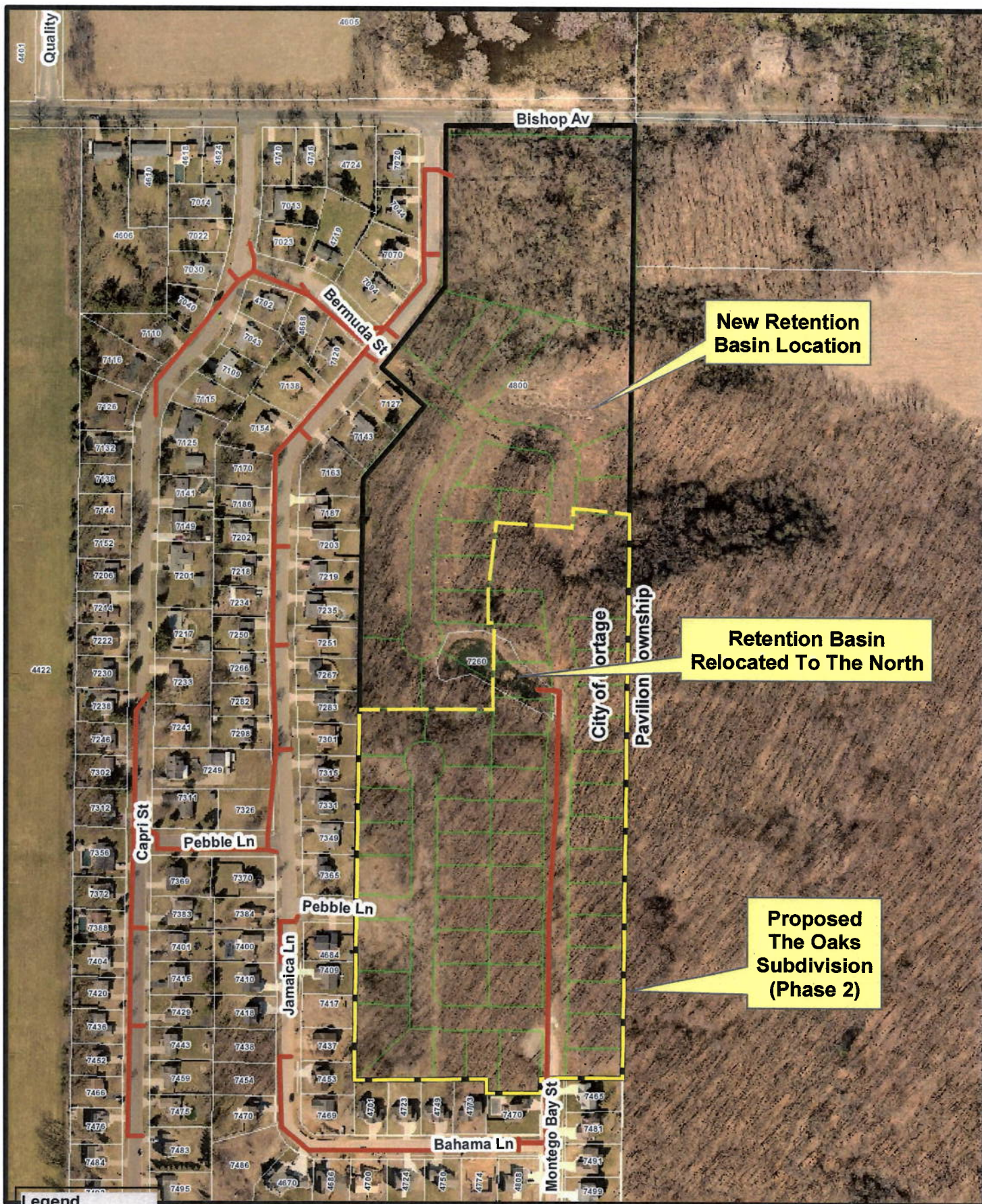
### IV. RECOMMENDATION:

The proposed plat has been reviewed within the context of the Comprehensive Plan, Land Development Regulations and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Plat of The Oaks (Phase 2), 4800 Bishop Avenue, be approved subject to the following conditions:

1. Block Length – Approve the modification request to allow an approximate block length of 2,000 feet as measured along the east side of Live Oak Trail and the north side of Bermuda Street. The eastern property line is the corporate boundary between the City of Portage and Pavilion Township,
2. Streets and Utilities – The proposed street system, municipal water and sanitary sewer are acceptable in concept. Final design, location and related issues are being addressed as part of the detailed engineering plan review. Any public utility located outside of the street right-of-way will require that an easement(s) be conveyed to the city.
3. Bermuda Street median island – This entry feature, constructed as part of Phase 1 within the public street right-of-way, is to be maintained by the homeowners association with appropriate maintenance/indemnification agreements provided to the city. Lots within the Oaks Phase 2 must be included in the homeowners association.

Attachments: Aerial Photo Map and Preliminary Plat Drawing  
Letter from Landmark Development Partners dated April 2, 2021

T:\COMMDEV\2020-2021 Department Files\Board Files\Planning Commission\PC Reports\Plats-Site Condos\2021 04 09 The Oaks (Phase 2), 4800 Bishop Avenue (PP).doc



## The Oaks, Phase 2 4800 Bishop Avenue



1 inch = 300 feet

# *Ingersoll, Watson & McMachen, Inc.*

Civil Engineering & Land Surveying

April 2, 2021

## **City of Portage**

7900 South Westnedge Avenue

Portage, MI 49002

**RE: "The Oaks No.2" Proposed Subdivision**

Dear City of Portage Planning Commission,

This letter is submitted on behalf of Landmark Development partners regarding "The Oaks No.2" proposed subdivision and the "maximum block length" as addressed in Section 42-806 of the City's Land Development Regulations. Item (1)(a) within this Section specifies that **"The maximum length for a block is 1,400 feet, except where, in the opinion of the Planning Commission, conditions may justify a greater distance."** The definition of a block per the Land Development Regulations is **"The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating); between the nearest street and any railroad right-of-way, unplatted acreage, lake, river or live stream; or between any railroad right-of-way, acreage, lake, river or stream and any other barrier to the continuity of development or corporate boundary line of the city."**

Please note that this letter addresses the existing and proposed lots on the east side of existing Montego Bay Street (to the south) and proposed Live Oak Trail (to the north). The distance from the center of #7591 Montego Bay Street at the south end of Montego Bay Street to the center of Lot 4 with "The Oaks" (phase 1) is approximately 2395 feet. Within this 2395 foot length there are two land features. The first is a 132 foot wide vacant parcel that is owned by Consumers Energy and that is occupied by overhead power lines. The second is a 12 foot wide strip of land with a proposed paved walking trail within "The Oaks No.2". It is also worth noting that there are three "T" intersections along Montego Bay Street and Live Oak Trail, with all three streets extending off to the west.

During design of the layout for "The Oaks No.2", a stub street was not extended to the east off Live Oak Trail due to the fact that the adjoining property east of "The Oaks No.2" will very likely never be developed because the adjoining property appears to contain many low areas and ponds based on information and aerial photographs from the Kalamazoo County GIS website, and due to the fact that the County GIS website, along with National Wetland Inventory Maps, indicates that the adjoining property to the east also likely contains over 50 percent wetland area. Note that the adjoining property to the east is also outside of the City of Portage (in Pavilion Township).

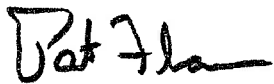
City of Portage  
April 2, 2021  
Page 2

Please note that at the north end of Live Oak Trail there is a 90 degree bend in the road, the road name changes to Bermuda Street, and there is a large storm water basin north of Bermuda Street.

Based on the information contained in this letter, we ask that the Planning Commission approve the block length along the east side of Live Oak Trail as shown on the Tentative Preliminary Plat for "The Oaks No.2".

Thank you for your attention to this matter. Please contact Landmark Development Partners or this office if there are any questions.

Sincerely,  
Ingersoll, Watson & McMachen, Inc.

A handwritten signature in black ink, appearing to read "Pat Flanagan". The signature is written in a cursive, flowing style.

Patrick D. Flanagan, P.E.

RECEIVED

APR 9 2021

COMMUNITY DEVELOPMENT

Dear members of the planning commission,

As a homeowner on Bahama Lane and the owner of a home built by Landmark builders have very serious concerns about water management in phase two of The Oaks development.

Phase one has caused water issues in many homes along Jamaica Lane. We were told the city installed a special drainage system behind currently built homes, but they still have flooding issues. The road in phase one looks to be much higher above grade than the existing homes which is only going to make this problem worse as development continues. There have been 0 lots sold or developed in phase one, which is also concerning.

On Bahama Lane, each house that Landmark has constructed has a higher grade than the next causing multiple issues with flooding. Examples include

- Flooding at 4750 Bahama Lane when 4774 and 4724 Bahama Lane were completed.
- Flooding at 4723 after an addition at 4701 completed by Landmark.
- Construction at 4700 Bahama caused flooding to 4686 Bahama Lane and on Tiffany.
- 7470 Jamaica has water issues from 7486 Jamaica.
- 4773 Bahama Lane caused flooding and fence damage to 7470 Montego Bay.

As we have talked to several neighbors, we also have concerns about the care for the neighborhood by the developers. There has been a massive pile of cement debris behind our house for the past 3 years. Cement trucks regularly dump excess concrete in the woods where the road ends. There have been cement culvert tubes sitting there for 2 years. The road development for phase 1 has left dirt and sand covering the road many times and there is still part of the road missing in that area. We do not want further development to be at the expense of the homeowners who are already living in this area.

We understand that development and housing are very important to the city, but it must be done responsibly and without damage to current homes. The land where The Oaks is being built was a swamp and we are all very concerned with where the water will be going as development continues. We hope you will be able to address these issues in a sufficient way before construction is allowed to begin.

Thank you for your consideration.

Jessica and Tony Biggs  
4773 Bahama Lane

RECEIVED

APR 15 2021

COMMUNITY DEVELOPMENT

Members of the Portage Planning Commission,

We own a home in the Holiday Village subdivision next to where "The Oaks – Phase II" is being proposed. There are definite concerns about water from this proposed development.

Our understanding from neighbors in the subdivision is that the "Phase One" development has caused water issues at numerous homes on Jamaica Lane.

As I am sure you are aware, there are numerous homes along Jamaica Lane that have had previous water issues, and I believe the water table is quite high in the area. With the road built for "Phase One," the road is quite a bit higher than the existing neighborhood, which will only make the issues worse for the existing homeowners in the area.

The fact that no lots on "Phase One" have been built on is concerning to us, as we have no idea what any potential construction will do to existing homes. The current developer of the Holiday Village neighborhood has created issues with grading all along Bahama Lane, which is another major concern to us.

We welcome development in the city, as that will only strengthen the area businesses and labor force. However, we believe it must be done without harm to the existing homeowners in the neighborhood. Please understand we would like assurances that there will be no issues from any proposed construction before it can continue.

We would ask you to please consider delaying the "Phase II" of construction until the effects of Phase I can be seen and processed.

Please feel free to contact either of us with any questions or concerns.

Thank you for your time,

Josh & Amanda Osborn

4723 Bahama Lane

## Christopher Forth

---

**From:** Christopher Forth  
**Sent:** Wednesday, April 14, 2021 12:27 PM  
**To:** John Lovely  
**Subject:** FW: Letter from Resident Re: The Oaks

**From:** Melissa Dekker <dekkerm@portagemi.gov>  
**Sent:** Wednesday, April 14, 2021 11:52 AM  
**To:** Christopher Forth <forthc@portagemi.gov>  
**Subject:** FW: Letter from Resident Re: The Oaks

*Melissa Dekker*

Administrative Assistant  
City of Portage | Community Development Department  
7900 South Westnedge Avenue | Portage, MI 49002  
office (269) 329-4477 | fax (269) 329-4506  
[dekkerm@portagemi.gov](mailto:dekkerm@portagemi.gov)  
[www.portagemi.gov](http://www.portagemi.gov)

**From:** Casey Fawley <[tcfawley@fawleydoor.com](mailto:tcfawley@fawleydoor.com)>  
**Sent:** Tuesday, April 13, 2021 11:33 PM  
**To:** Melissa Dekker <[dekkerm@portagemi.gov](mailto:dekkerm@portagemi.gov)>  
**Cc:** Becky Sue Baldwin <[baldwin.bs69@gmail.com](mailto:baldwin.bs69@gmail.com)>; Bill Fries <[billfriesjr@gmail.com](mailto:billfriesjr@gmail.com)>; Catherine Kaufman <[kaufman@michigantownshiplaw.com](mailto:kaufman@michigantownshiplaw.com)>; Danny Corradini <[dcorradini419@gmail.com](mailto:dcorradini419@gmail.com)>; Gerald Myer <[gerald.a.myer@gmail.com](mailto:gerald.a.myer@gmail.com)>; Paul Pezzoli <[paulpezzoli1@gmail.com](mailto:paulpezzoli1@gmail.com)>; Reed Youngs <[omryoungs@gmail.com](mailto:omryoungs@gmail.com)>; Rick Freiman <[richard.freiman@gmail.com](mailto:richard.freiman@gmail.com)>; Roxanne Seeber <[seeber@michigantownshiplaw.com](mailto:seeber@michigantownshiplaw.com)>; Sandi Bosse <[Bosse@michigantownshiplaw.com](mailto:Bosse@michigantownshiplaw.com)>; Sarah Joshi <[joshi.sarah@gmail.com](mailto:joshi.sarah@gmail.com)>; Tamara Stephens <[stephent@portagemi.gov](mailto:stephent@portagemi.gov)>  
**Subject:** Re: Letter from Resident Re: The Oaks

**CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER**

Do not click on links or open attachments unless this is from a sender you know and trust.

Good evening Commissioners and Melissa,

FYI, I am at 4700 Bahama Lane. My home's construction didn't cause any neighbor's homes to flood. There was a broken sprinkler incident with my neighbor to the west, and the neighbor to the east blamed me for a wet yard that turned out to be his own buried downspout. I can't speak to the other assertions necessarily.

Thanks,  
Casey Fawley

Sent from my iPad

# *Ingersoll, Watson & McMachen, Inc.*

Civil Engineering & Land Surveying

**RECEIVED**  
APR 15 2021  
COMMUNITY DEVELOPMENT

April 15, 2021

**City of Portage Planning Commission**  
7900 South Westnedge Avenue  
Portage, MI 49002

**RE: "The Oaks" and "The Oaks No.2"**

**Dear City of Portage Planning Commission,**

This letter is submitted on behalf of Landmark Development partners regarding "The Oaks" and "The Oaks No.2" subdivisions and various concerns that have been expressed by residents in the adjoining neighborhood. Please note the following regarding these concerns:

- 1) Regarding phase 1 of "The Oaks", it was the developer's intent to complete paving operations and other proposed construction during 2020, but the pandemic caused some delays, and we are also required to get the roadway sub-base tested and approved by the City prior to commencing paving operations. The paving season for 2020 ended during November before we were ready for paving. The roadways in phase 1 are currently scheduled to be paved during May 2021. The remaining construction and site restoration is scheduled to be completed shortly after the paving is complete.
- 2) The storm sewer system for phase 1 was installed during 2019 and 2020. Prior to installation, this proposed system was reviewed by the City of Portage, MDEQ, and this office prior to gaining approvals. The previous storm sewer system for the existing neighborhood included a large storm water infiltration basin that was located relatively close to the houses along Jamaica Lane. This 'old' basin had no overflow. Any run-off water that entered this old basin would eventually infiltrate into the ground and potentially raise groundwater levels near the basin. If there was a very large rainfall event, this basin could fill up with run-off water and potentially flood the wooded areas near the basin before infiltrating into the ground and eventually raising ground water levels even more. The storm sewer in the area that directed run-off water to this old basin was re-routed and a new storm water basin was constructed near the northeast corner of "The Oaks". This new basin is about 700 feet northeast of the old basin, and it is situated further away from the existing neighborhood. It is also closer to the existing wetland (which is where groundwater flows to). Ground water in this area flows north.

*1209 East Milham Road, Suite B \* Portage, Michigan 49002 \* Phone (269) 344-6165 \* Fax (269) 344-0555*

This new basin also has an overflow that directs water into the existing wetland to the north. This was approved and permitted by the MDEQ. It is also worth noting that the Office of the Kalamazoo County Drain Commissioner installed a new 24 inch diameter storm sewer pipe under Bishop Road to allow ponded water to flow northerly away from the area. This pipe was installed about 2 years ago and it should help to allow ground water to leave the area. In my professional opinion, construction of "The Oaks", including the revised storm sewer and new storm water basin, should help lower groundwater levels in the general area, and should improve the situation for residents who have basement water issues. Lastly, it may be worthwhile to pursue other projects (to the north) with the City or the Drain Commissioner that would further help groundwater exit the area.

3) The new roads within "The Oaks" are in general about 5 feet higher than Jamaica Lane and the existing roads to the west. This design was intentional. In my opinion, some of the existing roads in the area are too low. These 'low' roads have created building sites, houses, and basement levels that are, in some cases, too low relative to high groundwater. Within "The Oaks" we have designed the storm sewer system to help lower groundwater levels. We have also raised the new roads to a more appropriate elevation, and we have also provided a storm sewer pipe just east of the properties on the east side of Jamaica Lane to accept rear yard run-off water, and to also allow residents (if they wish) to tie their basement discharge pump into this storm sewer pipe. Similar design practices will be incorporated into "The Oaks No.2".

4) A resident has brought up several issues regarding house construction on several lots along Bahama Lane and Jamaica Lane. Although I do not have firsthand knowledge of these issues, I did discuss with Landmark Development Partners ('Landmark'). I understand that Landmark addressed the issues that were brought to their attention. I understand that Landmark was not informed of some of the listed issues.

5) A resident also brought up the construction material that remains on Landmark's property. Please note that Landmark has not received any complaints from the City or any neighbors regarding this. If Landmark had been informed, it would have been addressed. Also, note that phase 1 will be completed in the coming months, and much of this material will be cleaned up. Roadway and utility construction for phase 2 may start in 2022, and there will be construction material related to phase 2 in the future. Landmark and the contractors will be mindful of how this impacts the existing residents.

6) As soon as the final approval process is complete for "The Oaks", house construction will commence on some of the lots. House construction has not commenced at this time because "The Oaks" project is not complete and approved.

In my opinion, the main concern regarding these two new developments is their impact on groundwater levels and nearby basements. This is a very valid concern. Again, construction of "The Oaks" and "The Oaks No.2" (with the new storm water disposal system) will only help to lower ground water levels in the area. This does not mean that existing homes with basements that are too low will not, at times, have issues with their basements.

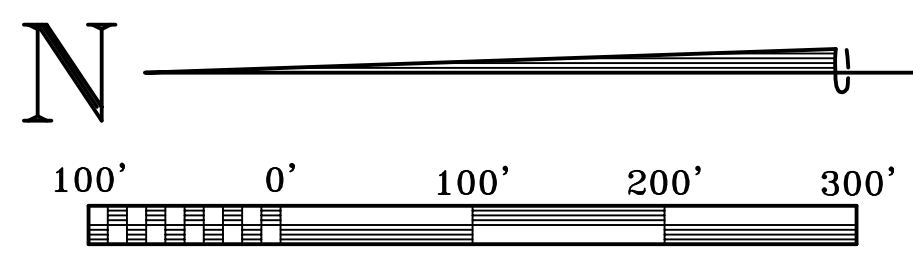
I would be glad to discuss further with the Planning Commission as need be.

Thank you for your attention to this matter. Please contact Landmark Development Partners or this office if there are any questions.

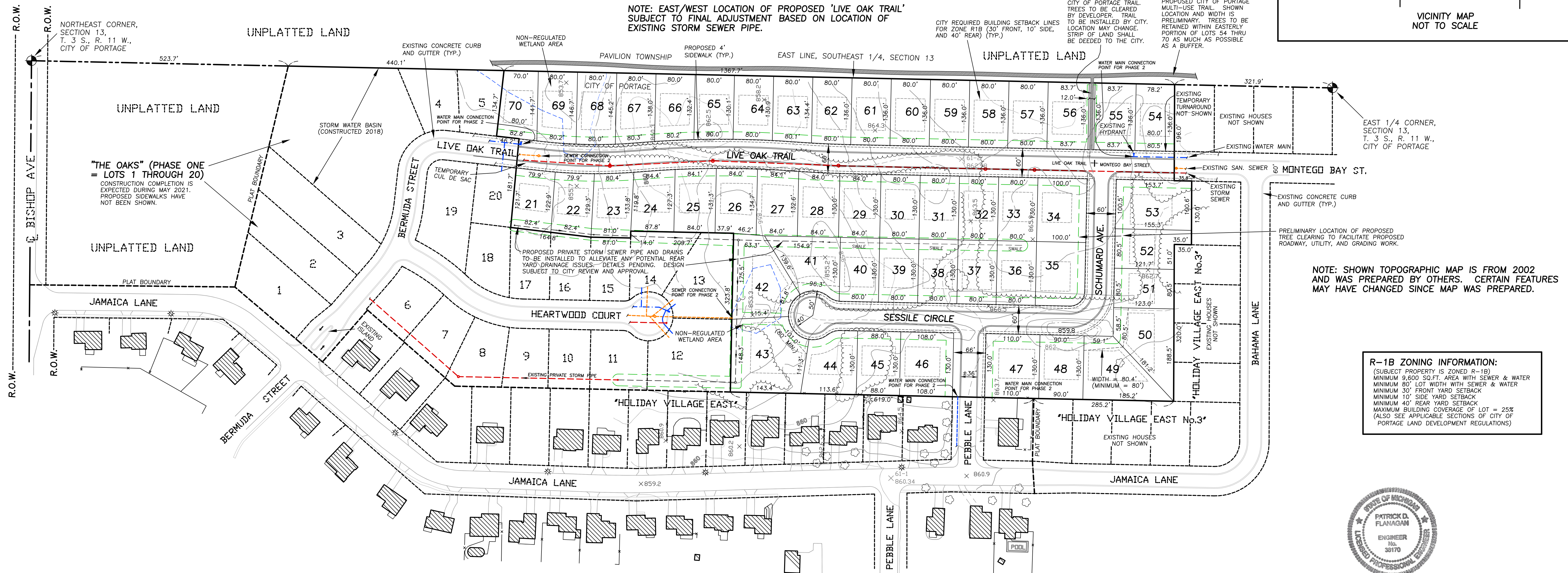
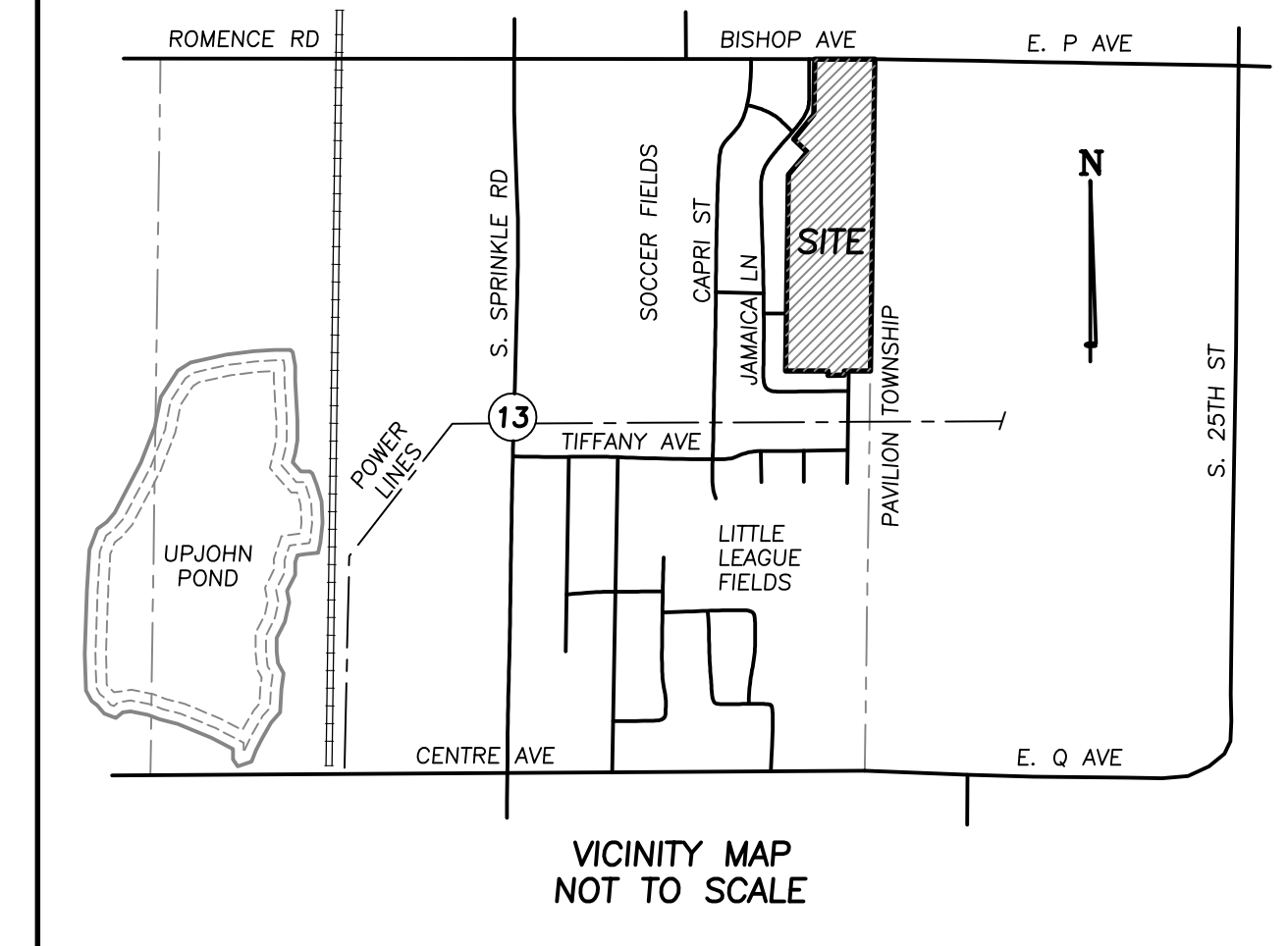
Sincerely,  
Ingersoll, Watson & McMachen, Inc.

A handwritten signature in black ink, appearing to read "Pat Flanagan". The signature is stylized with a large "P" and "F".

Patrick D. Flanagan, P.E.



# TENTATIVE PRELIMINARY PLAT for "THE OAKS No.2"



## FIRE DEPT. NOTES

COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT COMMENCE UNTIL FIRE HYDRANTS ARE OPERABLE AND AN ALL WEATHER ROAD SURFACE IS IN PLACE.

THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE HYDRANT WITHIN 400' OF ALL PORTIONS OF THE BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF TYPE V-B CONSTRUCTION. SHOULD A BUILDING EXCEED 3600 SQUARE FEET, THE MINIMUM FIRE FLOW WILL BE BASED ON THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING.

FIRE APPARATUS ACCESS ROADS 26.1 TO 32 FEET WIDE (FACE OF CURB TO FACE OF CURB) SHALL BE POSTED ON ONE SIDE AS A FIRE LANE.

A PDF FORMAT FILE OF THE APPROVED PLAN SHALL BE PROVIDED TO THE FIRE DEPARTMENT.

## UTILITY LINE LEGEND

--- EXISTING WATER MAIN  
--- EXISTING SANITARY SEWER  
--- EXISTING STORM SEWER

## NOTES

- PROPOSED PLAT INCLUDES 50 LOTS SITUATED ON APPROXIMATELY 16.9 ACRES.
- LOTS SHALL CONFORM TO CITY OF PORTAGE ZONING REQUIREMENTS.
- SUBDIVISION SHALL CONFORM TO THE CITY OF PORTAGE REQUIREMENTS.
- ALL ROADWAYS SHALL HAVE A 60 FOOT WIDE RIGHT OF WAY AND SHALL BE PUBLIC.
- SITE SHALL BE SERVED BY MUNICIPAL SANITARY SEWER AND WATER MAIN.
- STORM SEWER SYSTEM SHALL DRAIN TO EXISTING BASIN AREA. STORM SEWER WITHIN PROPOSED PUBLIC STREETS SHALL BE UNDER CITY OF PORTAGE JURISDICTION. EXISTING BASIN UNDER CITY OF PORTAGE JURISDICTION.
- SITE IS PRIMARILY TREE COVERED.
- PROPOSED LAYOUT AND ALL LOT DIMENSIONS ARE SUBJECT TO FINAL ADJUSTMENT.
- SHOWN ELEVATIONS ARE BASED ON USGS DATUM. SHOWN TOPOGRAPHY & ELEVATION CONTOURS BASED ON A 1992 MAP PREPARED BY OTHERS.
- SIDEWALKS WILL BE PROVIDED ON BOTH SIDES OF ALL STREETS AND AROUND THE BULB OF ANY PERMANENT CUL DE SAC. PAVEMENT WIDTH SHALL BE A MINIMUM OF 26.0 FEET (30.0 FEET BETWEEN BACKS OF CURBS). ALL UTILITIES SHALL BE UNDERGROUND.
- CERTAIN STREET NAMES ARE PRELIMINARY.
- A LAND DIVISION APPLICATION SHALL BE PREPARED AND SUBMITTED PRIOR TO FINAL PLAT APPROVAL FOR THE REMAINING LAND.
- AREA HAS HISTORY OF HIGH GROUNDWATER. BASEMENT ELEVATIONS SHALL BE SET APPROPRIATELY.
- PRIOR TO COMMENCING CONSTRUCTION, TREES SHALL BE REMOVED AS NECESSARY TO FACILITATE PROPOSED ROADWAY CONSTRUCTION, UTILITY INSTALLATION, AND SITE GRADING AS DETAILED ON PENDING CONSTRUCTION PLANS.
- SOIL BORING INFORMATION WAS PROVIDED TO THE CITY OF PORTAGE.
- HIGH GROUNDWATER ELEVATION FOR THIS PROPERTY IS ESTIMATED TO BE 856.5
- PARCEL DESCRIPTIONS SHALL BE PROVIDED TO THE CITY OF PORTAGE AS REQUIRED
- OUTSTANDING ASSESSMENTS FOR SANITARY SEWER AND WATER MAIN SHALL BE PAID TO THE CITY OF PORTAGE.
- PROPOSED 8" SANITARY SEWER MAIN WILL HAVE 6.0 FEET OF COVER OR GREATER IN ALL LOCATIONS. GRAVITY BASEMENT SEWER SERVICE WILL NOT BE AVAILABLE ON CERTAIN PROPOSED LOTS.

APPLICANT:  
**LANDMARK DEVELOPMENT  
PARTNERS, LLC**  
4191 SQUIRE HEATH  
PORTAGE, MI 49024  
(269) 806-6823

TENTATIVE PRELIMINARY PLAT for  
"THE OAKS No.2"  
PART OF THE NORTHEAST 1/4 OF SEC. 13, T3S, R11W, CITY OF PORTAGE, KALAMAZOO CNTY., MICH.  
**Ingersoll, Watson & McMachen, Inc.**  
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS  
1209 East Milham Road • Portage, Michigan 49002 • Area 269 344-6165 • Fax 269 344-0555

DATE:  
9/25/2020  
SHEET:  
1  
JOB No.:  
36417-2



**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Genesis PharmOptima, 6710 Quality Way, application for an industrial tax abatement.

**SUPPORTING PERSONNEL:** Kelly Peterson, Director of Development Services

**ACTION RECOMMENDED:** Accept the application for an industrial tax abatement from Genesis PharmOptima for property located at 6710 Quality Way, and adopt Resolution No. 1-20 establishing a public hearing to expand Industrial Development District No. 78, and set a hearing on the Industrial Facilities Exemption Certificate at 6710 Quality Way for June 8, 2021.

Attached is a request from Genesis PharmOptima to expand Industrial Development District (IDD) No. 78 at 6710 Quality Way and an associated PA 198 tax abatement application for a 9-year real property tax abatement. PharmOptima is Contract Research Organization conducting preclinical drug discovery and development with an emphasis on the ocular therapeutic area. Founded in 2003 by several former pharma scientists, PharmOptima is focused on Metabolism/Pharmacokinetics (the study of the time course of drug absorption, distribution, metabolism, and excretion in the body), Bioanalytical, and Biochemistry.

The proposed Genesis PharmOptima expansion projects includes the following components:

1. Construction of a 13,692 square foot two-story building addition (6,846 square feet per floor) valued at approximately \$4,777,500.
2. Purchase of new equipment, fixtures, furniture and other personal property valued at \$2,770,000. However, these improvements are considered Eligible Manufacturing Personal Property (EMPP) and are exempt from local taxation.
3. Creation of 30 full-time jobs with an average annual salary of \$65,000. With these new jobs, the number of full and part time positions will increase from 16 (13 full time and three part time) to 46 (44 full time and two part time).

The total level of investment is \$7,547,500. Construction is expected to commence once IDD #78 is expanded. Included in the application materials is a preliminary site plan showing the location of the proposed site improvements along with the proposed boundary of IDD No. 78, as expanded.

The adopted City of Portage Industrial Tax Abatement Incentive Policy states the term for an Industrial Facilities Exemption Certificate involving real property is up to six years. Council may grant one additional three-year period if the applicant meets one of several criteria. One of the criteria involves the creation of at least 25 new jobs *all* of which will have an annual salary above 80% of the Kalamazoo County Area Median Income for a one-person household, which is \$42,250. Information provided by the applicant indicates that 30 new jobs will be created within two years of project completion and will have an average annual salary of \$65,000. As a result, Genesis PharmOptima is eligible for an additional three-year abatement period for a total of nine years.

The City Administration will finalize the review of the application and prepare the analysis for City Council consideration during the proposed public hearing on June 8, 2021. As such, it is recommended that City Council accept the request from Genesis PharmOptima to expand Industrial Development District No. 78 and the associated PA 198 tax abatement application for the proposed building expansion and associated site improvements at 6710 Quality Way, and adopt Resolution No. 1-20 setting a public hearing on the expansion of Industrial Development District No. 78 and hearing involving the Industrial Facilities Exemption Certificate on June 8, 2021.

**FUNDING:** Not applicable

**Attachments:**

1. Genesis PharmOptima IDD #78 (expansion) Application
2. Resolution #1-21
3. Notice of Public Hearing

April 20, 2021

**Via Overnight Mail**

City of Portage  
Attn. City Clerk  
Portage City Hall  
7900 South Westnedge Avenue  
Portage, Michigan 49002

**Re: 6710 Quality Way, Portage, Michigan**

Ms. Ekllov:

Our firm represents Genesis PharmaOptima, LLC (the "**Company**"). Genesis operates a pharmaceutical research and development business from its facility located at 6710 Quality Way, Portage, Michigan (the "**Facility**"). The Company is planning an expansion of the Facility and a significant investment in additional equipment, furniture, fixtures and machinery. In connection with the proposed expansion and investment, we have enclosed the following for your review and consideration four copies of the following:

1. An Application for Industrial Facilities Tax Exemption Certificate for the Facility
2. A check in the amount of \$1,800 for the application fee
3. A site layout that shows the existing Facility and the expansion area
4. Legal descriptions of the existing footprint of the Facility, of the expansion area and of the combination of the footprint Facility area
5. Environmental Compliance Statement
6. Jobs and Compensation Schedule
7. New Equipment List and
8. Lease Agreement

By way of background, the Company (and its predecessor PharmOptima, LLC) has been operating from the Facility since 2007. The Company is growing and desires to add approximately 13,692 square feet to the Facility. As shown on the enclosed drawings, the expansion would consist of two stories of approximately 6,846 square feet per level. The addition is expected to cost approximately \$4,777,500 and would be used for laboratory and research purposes in furtherance of its drug discovery, innovation and development business.

# HONIGMAN.

Page 2

The expansion would also result in the investment of approximately \$2,770,000 in new equipment, fixtures, machinery and personal property. A more specific list of equipment is enclosed with this letter.

Most importantly, the expansion would enable the Company to add approximately 30 full time jobs to the Facility. The additional jobs would increase the workforce at the Facility from 16 (13 full time and 3 part time) jobs to 46 (44 full time and 2 part time) jobs.

We note that an industrial development district was previously established and an Industrial Facility Exemption Certificate was previously issued with respect to the Facility. We understand that the district and certificate expired several years ago. We have been informed that the district would need to be reactivated and expanded to include the expansion area. To this end, our enclosed drawings and legal descriptions that show existing Facility (and original industrial development district), the expansion area and what would be the "new" industrial development district (combining the previous industrial development district area with the expansion area).

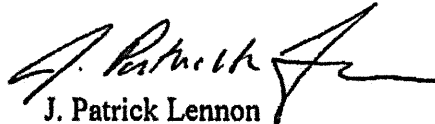
As you might expect, the Company is moving quickly to finalize their plans and would like to move forward as quickly as possible. We believe the enclosed information satisfies the application requirements and hope it can be considered by City Council as soon as possible. Of course, if there are any deficiencies, or if City staff needs more information to fully evaluate the application, we will provide it as quickly as possible.

Thank you in advance for your time and consideration with respect to the enclosed Application. We look forward to presenting the Application, and the opportunities it presents for the City of Portage, to the City Council.

Please contact me with any questions. We look forward to hearing from you soon.

Very truly yours,

HONIGMAN LLP

  
J. Patrick Lennon

cc: Michael Gale

# Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

**INSTRUCTIONS:** File the completed application and the required attachments with the clerk of the local government unit. If you have any questions regarding the completion of this form, call 517-335-7460.

| To be completed by Clerk of Local Government Unit                                                              |                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Signature of Clerk<br><div style="font-family: cursive; font-size: 1.2em; margin-top: 10px;">Eric L. Coo</div> | Date Received by Local Unit<br><div style="font-family: cursive; font-size: 1.2em; margin-top: 10px;">4/22/2021 (v.2)</div> |
| STC Use Only                                                                                                   |                                                                                                                             |
| Application Number                                                                                             | Date Received by STC                                                                                                        |

## APPLICANT INFORMATION

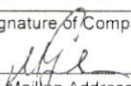
All boxes must be completed.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                                                                                                                    |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1a. Company Name (Applicant must be the occupant/operator of the facility)<br>Genesis Pharma Optima, LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code)<br>8731                                                         |                          |
| 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location)<br>6710 Quality Way, Portage MI 49002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | 1d. City/Township/Village (indicate which)<br>Portage                                                                                              | 1e. County<br>Kalamazoo  |
| 2. Type of Approval Requested<br><div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> New (Sec. 2(5))<br/> <input type="checkbox"/> Speculative Building (Sec. 3(8))<br/> <input checked="" type="checkbox"/> Research and Development (Sec. 2(10))                         </div> <div> <input type="checkbox"/> Transfer<br/> <input type="checkbox"/> Rehabilitation (Sec. 3(6))<br/> <input type="checkbox"/> Increase/Amendment                         </div> </div>                                                                                                                                                                                                                                                                                                        |  | 3a. School District where facility is located<br>Portage                                                                                           | 3b. School Code<br>39140 |
| 4. Amount of years requested for exemption (1-12 Years)<br>9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                                                                                    |                          |
| 5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.<br><p>The Applicant needs to establish an approximately 13,692 square foot addition to its existing facility. The addition would consist of two stories of approximately 6,846 square feet each. The addition will be used for laboratory and research related to drug discovery and innovations. The addition and facility will house new equipment and will add approximately 31 new employees (see attached).</p> |  |                                                                                                                                                    |                          |
| 6a. Cost of land and building improvements (excluding cost of land)<br>* Attach list of improvements and associated costs.<br>* Also attach a copy of building permit if project has already begun.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | 4,777,500<br>Real Property Costs                                                                                                                   |                          |
| 6b. Cost of machinery, equipment, furniture and fixtures<br>* Attach itemized listing with month, day and year of beginning of installation, plus total                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | 2,770,000<br>Personal Property Costs                                                                                                               |                          |
| 6c. Total Project Costs<br>* Round Costs to Nearest Dollar                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | 7,547,500<br>Total of Real & Personal Costs                                                                                                        |                          |
| 7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                                    |                          |
| Real Property Improvements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | Owned <input type="checkbox"/> Leased <input checked="" type="checkbox"/>                                                                          |                          |
| Personal Property Improvements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | Owned <input checked="" type="checkbox"/> Leased <input type="checkbox"/>                                                                          |                          |
| 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                                                                                                                    |                          |
| 9. No. of existing jobs at this facility that will be retained as a result of this project.<br>13 full time, 3 part time                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | 10. No. of new jobs at this facility expected to create within 2 years of completion.<br>31 full time (44 total full time), -1 part time (2 total) |                          |
| 11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                                                    |                          |
| a. TV of Real Property (excluding land)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | n/a                                                                                                                                                |                          |
| b. TV of Personal Property (excluding inventory)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | _____                                                                                                                                              |                          |
| c. Total TV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | _____                                                                                                                                              |                          |
| 12a. Check the type of District the facility is located in:<br><input checked="" type="checkbox"/> Industrial Development District <input type="checkbox"/> Plant Rehabilitation District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                                                                                    |                          |
| 12b. Date district was established by local government unit (contact local unit)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | 12c. Is this application for a speculative building (Sec. 3(8))?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No            |                          |

**APPLICANT CERTIFICATION - complete all boxes.**

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

|                                                                                                                                               |                                         |                                         |                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|---------------------------------------------|
| 13a. Preparer Name<br>Patrick Lennon                                                                                                          | 13b. Telephone Number<br>(269) 337-7712 | 13c. Fax Number                         | 13d. E-mail Address<br>lennon@honigman.com  |
| 14a. Name of Contact Person<br>Patrick Lennon                                                                                                 | 14b. Telephone Number<br>(269) 337-7712 | 14c. Fax Number                         | 14d. E-mail Address<br>lennon@honigman.com  |
| ▶ 15a. Name of Company Officer (No Authorized Agents)<br>Michael Gale Vice President                                                          |                                         |                                         |                                             |
| 15b. Signature of Company Officer (No Authorized Agents)<br> |                                         | 15c. Fax Number                         | 15d. Date                                   |
| ▶ 15e. Mailing Address (Street, City, State, ZIP Code)<br>2439 Kuser Road, Hamilton NJ 08690                                                  |                                         | 15f. Telephone Number<br>(609) 338-1546 | 15g. E-mail Address<br>MGale@genesis-ip.com |

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ▶ 16. Action taken by local government unit<br><input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12)<br>After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Denied (Include Resolution Denying)                                                                                                                                                                                                     |  | 16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:<br><br><b>Check or Indicate N/A if Not Applicable</b><br><input type="checkbox"/> 1. Original Application plus attachments, and one complete copy<br><input type="checkbox"/> 2. Resolution establishing district<br><input type="checkbox"/> 3. Resolution approving/denying application.<br><input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant)<br><input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant)<br><input type="checkbox"/> 6. Building Permit for real improvements if project has already begun<br><input type="checkbox"/> 7. Equipment List with dates of beginning of installation<br><input type="checkbox"/> 8. Form 3222 (if applicable)<br><input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable) |
| 16a. Documents Required to be on file with the Local Unit<br><b>Check or Indicate N/A if Not Applicable</b><br><input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district.<br><input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing.<br><input type="checkbox"/> 3. List of taxing authorities notified for district and application action.<br><input type="checkbox"/> 4. Lease Agreement showing applicants tax liability. |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 16c. School Code                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 17. Name of Local Government Body                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | ▶ 18. Date of Resolution Approving/Denying this Application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Attached hereto is an original application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time, and that any leases show sufficient tax liability.

|                                                              |                    |                     |
|--------------------------------------------------------------|--------------------|---------------------|
| 19a. Signature of Clerk                                      | 19b. Name of Clerk | 19c. E-mail Address |
| 19d. Clerk's Mailing Address (Street, City, State, ZIP Code) |                    |                     |
| 19e. Telephone Number                                        | 19f. Fax Number    |                     |

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

For faster service, email the completed application and additional required documentation to [PTE@michigan.gov](mailto:PTE@michigan.gov).

An additional submission option is to mail the completed application and required documents to:

Michigan Department of Treasury  
State Tax Commission  
PO Box 30471  
Lansing, MI 48909

**STC USE ONLY**

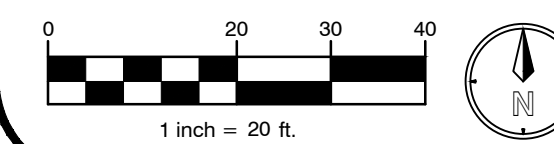
|             |                   |                       |                 |                     |
|-------------|-------------------|-----------------------|-----------------|---------------------|
| ▶ LUCI Code | ▶ Begin Date Real | ▶ Begin Date Personal | ▶ End Date Real | ▶ End Date Personal |
|-------------|-------------------|-----------------------|-----------------|---------------------|

# SITE DATA

- PROPERTY INFORMATION:  
PARCEL #S: 00012-115-X  
SITE AREA: 79,996 SF (1.84 AC)  
OWNER: KC EAGER LLC  
6710 QUALITY WAY  
PORTAGE, MI 49002
- ZONING:  
PROPERTY CURRENTLY ZONED: I-1 LIGHT INDUSTRIAL  
ABUTTING PROPERTY CURRENTLY ZONED:  
NORTH: I-1 LIGHT INDUSTRIAL  
SOUTH: I-1 LIGHT INDUSTRIAL  
EAST: I-1 LIGHT INDUSTRIAL  
WEST: I-1 LIGHT INDUSTRIAL
- SETBACKS  
FRONT = 30' \*  
SIDES = 12' \*\*  
REAR = 12' \*\*  
GREENBELT = 10' ALONG PUBLIC R/W  
\*INDUSTRIAL PARK SETTING  
\*\* 1/2 OF TOTAL BUILDING HEIGHT, NO LESS THAN 12'
- PARKING:  
REQUIRED = (5) PLUS (1.5) PER EMPLOYEE ON LARGEST WORK SHIFT  
27 EMPLOYEES \* 1.5 + 5 = 45.5 = 46 SPACES REQUIRED  
PROVIDED = STANDARD 9'X20' SPACES = 47  
BARRIER FREE SPACES = 2  
TOTAL PROVIDED = 49
- LOADING  
20,001 SF - 100,000 SF (GFA) - 1 SPACE PLUS 1 SPACE FOR EACH ADDITIONAL 20,001 SF OF UFA NOT EXCEEDING 100,000 SF UFA  
MINIMUM SIZE: 10' x 50' or 500 SF, 14' MINIMUM HEIGHT
- BUILDING:  
EXISTING SINGLE-STORY (+/- 21.3)  
MAXIMUM HEIGHT: 40'  
EXISTING BUILDING GFA: ±14,180 SF  
PROPOSED BUILDING ADDITION: 6,846 SF x (2-STORY) = 13,692 SF  
TOTAL PROPOSED GFA: 27,872 SF  
PROPOSED BUILDING COVERAGE: 26%  
MAXIMUM LOT COVERAGE: NOT SPECIFIED
- LOT:  
MINIMUM LOT AREA: NOT SPECIFIED  
MINIMUM LOT WIDTH: NOT SPECIFIED  
LOT SIZE: 79,996 SFT / 1.84 ACRES  
LOT DIMENSIONS: 399.99' x 200'
- EXISTING UTILITIES AND TOPOGRAPHIC INFORMATION SHOWN IS PER PREVIOUS APPROVED SITE LAYOUT PLAN DATED FOR 11/2011.
- WB-67 TRUCK MANEUVERING SHOWN

## LEGEND

- HEAVY DUTY PAVEMENT  
(SEE DETAIL ON C5.0)
- LIGHT DUTY PAVEMENT  
(SEE DETAIL ON C5.0)
- CONCRETE PAVEMENT AND SIDEWALK  
(SEE DETAIL ON C5.0)



## BENCHMARKS

- BM#1  
ELEV.: 871.76  
TOP HYDRANT BOLT
- BM#2  
ELEV.: 865.25  
SE HYDRANT BOLT
- BM#3  
ELEV.: 865.25  
TOP OF IRON

PLANS PREPARED BY:



Civil Engineers & Surveying  
MICHIGAN | INDIANA | ILLINOIS | OHIO  
209.250.5581 PHONE | 846.593.0634 FAX  
www.arengineeringllc.com

DRAWN: amw

CHECKED: WLP

| No. | ISSUED FOR:           | DATE     | BY  |
|-----|-----------------------|----------|-----|
| 0   | TAX ABATEMENT REQUEST | 04/12/21 | dig |
| 1   | OWNER REVIEW          | 05/06/21 | dig |
| 2   |                       |          |     |
| 3   |                       |          |     |
| 4   |                       |          |     |

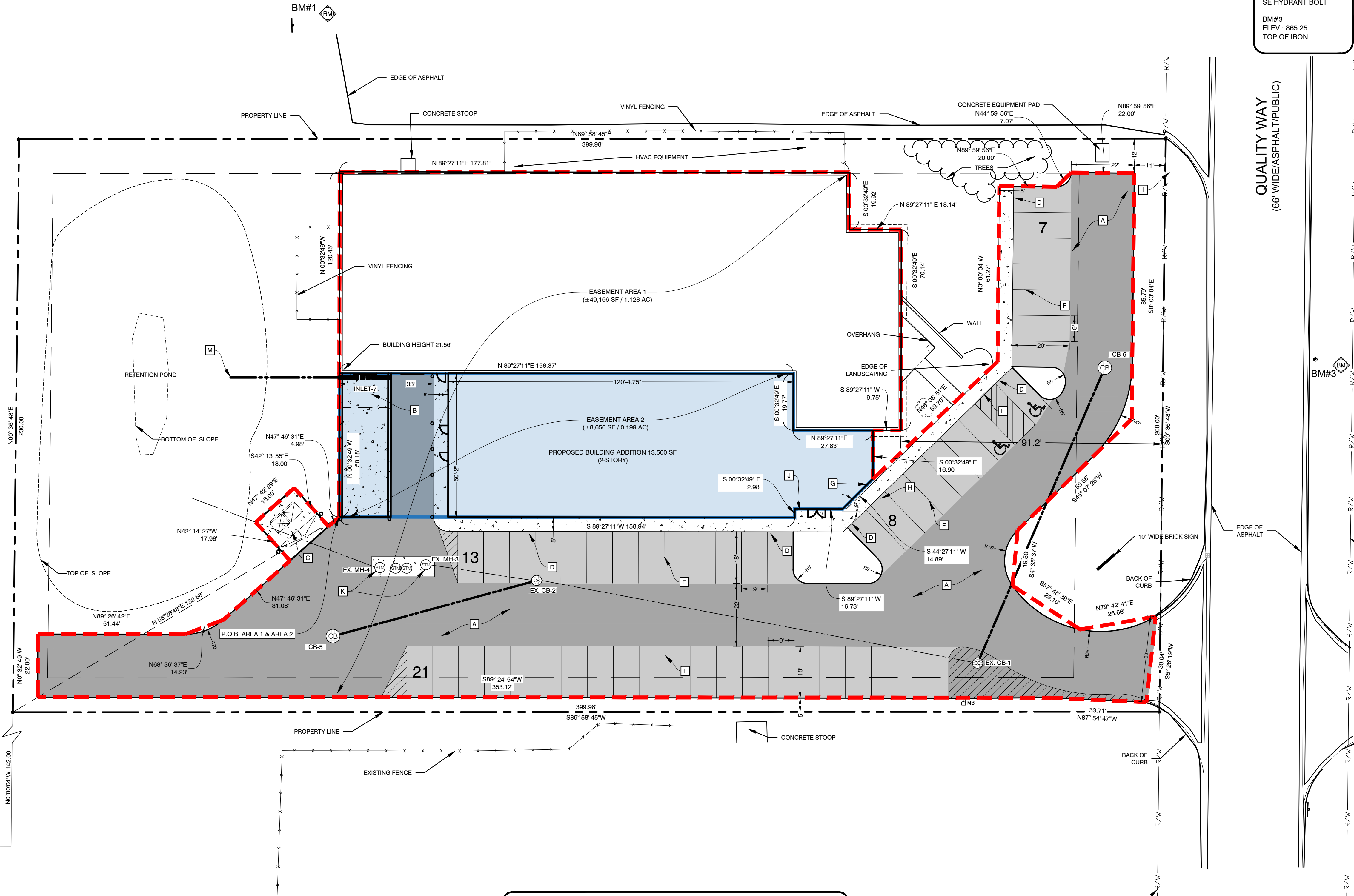
SITE LAYOUT  
6710 QUALITY WAY  
PORTAGE MI HOLDINGS, LLC

SHEET TITLE:  
PROJECT:  
CLIENT:

JOB NUMBER  
2077001

DATE  
05/06/2021

SHEET NUMBER  
C2.0



## SITE PLAN NOTES

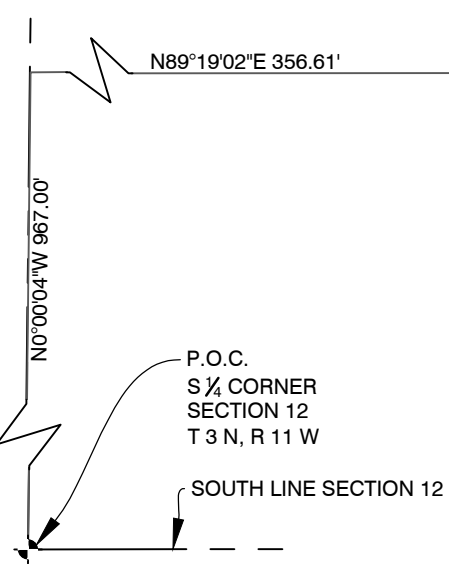
- |                                                                                                                                       |                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| [A] BITUMINOUS PAVEMENT (SEE DETAIL SHEET).                                                                                           | [I] EX. SEWER LATERAL.                                                                                  |
| [B] 37' x 18' - 6" CONCRETE PAD/LOADING AREA. (SEE DETAIL SHEET)                                                                      | [J] PROPOSED TELEPHONE SERVICE LOCATION. COORDINATE CONNECTION WITH ELECTRICAL PLANS.                   |
| [C] 18' X 20' (MIN.) - 6" CONCRETE DUMPSTER PAD (PROVIDE 18' X 12' DUMPSTER ENCLOSURE. AREA FOR (2) STD DUMPSTERS (SEE DETAIL SHEET). | [K] (4) EX. STORM WATER TREATMENT STRUCTURE MANHOLES. USE CONCRETE ADJUSTMENT RINGS TO RAISE RIMS BY 3" |
| [D] INTEGRAL CURB/WALK (SEE DETAIL SHEET).                                                                                            | [L] 12" FLARED END SECTION WITH RIP RAP AND REFUSE SCREEN.                                              |
| [E] AT-GRADE RAMP (SEE GRADING PLAN).                                                                                                 | [M] 6" FLARED END SECTION WITH RIP RAP AND REFUSE SCREEN.                                               |
| [F] PAINT/ STRIPING (SEE DETAIL SHEET)                                                                                                |                                                                                                         |
| [G] PROPOSED WATER SERVICE LOCATION. COORDINATE CONNECTION WITH PLUMBING PLANS.                                                       |                                                                                                         |
| [H] REUSE EXISTING WATER SERVICE LINE. INSPECT LINE FOR BREAKS OR LEAKS                                                               |                                                                                                         |

## GENERAL NOTES

- DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
- ALL CURB RADII AND DIMENSIONS ARE TO FACE OF CURB. CURB TO BE PROVIDED WHERE SHOWN AND INTEGRAL WITH SIDEWALK AT PAVING EDGE.
- SLOPE GRADES UNIFORMLY BETWEEN ELEVATIONS SHOWN. NOMINAL GRADING, SLOPE SIDEWALKS AWAY FROM BUILDING AT 1/4" PER FOOT ON ENTRY WALK.



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: LANDTECH PROFESSIONAL SURVEYING & ENGINEERING



## **EXISTING BUILDING FOOTPRINT AREA**

PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 12;

THENCE NORTH 00° 00' 04" WEST ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12 A DISTANCE OF 967.00 FEET;

THENCE NORTH 89° 19' 02" EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 12 A DISTANCE OF 356.61 FEET;

THENCE NORTH 00° 00' 04" WEST PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE A DISTANCE OF 305.40 FEET;

THENCE NORTH 89° 21' 53" EAST PARALLEL WITH THE EAST-WEST 1/4 LINE OF SAID SECTION A DISTANCE OF 438.40 FEET;

THENCE NORTH 00° 00' 04" WEST PARALLEL WITH SAID NORTH-SOUTH 1/4 LINE A DISTANCE OF 142.00 FEET;

THENCE NORTH 58°28'48"EAST A DISTANCE OF 132.68 FEET;

THENCE NORTH 00°32'49" WEST ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF AN EXISTING BUILDING A DISTANCE OF 50.18 FEET TO THE SOUTHWEST CORNER OF SAID BUILDING AND TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°32'49" WEST 70.28 FEET TO THE NORTHWEST BUILDING CORNER;

THENCE NORTH 89°27'11" EAST ALONG SAID BUILDING FACE A DISTANCE OF 177.81 FEET;

THENCE SOUTH 00°32'49" EAST ALONG SAID BUILDING FACE A DISTANCE OF 19.92 FEET;

THENCE NORTH 89°27'11" EAST ALONG SAID BUILDING FACE A DISTANCE OF 18.14 FEET;

THENCE SOUTH 00°32'49" EAST ALONG SAID BUILDING FACE A DISTANCE OF 70.14 FEET;

THENCE SOUTH 89°27'11" WEST ALONG SAID BUILDING FACE A DISTANCE OF 37.58 FEET;

THENCE NORTH 00°32'49" WEST ALONG SAID BUILDING FACE A DISTANCE OF 19.77 FEET;

THENCE SOUTH 89°27'11" WEST ALONG SAID BUILDING FACE A DISTANCE FO 158.37 FEET AND TO THE POINT OF BEGINNING. CONTAINING 14,152 SQUARE FEET OR 0.325 ACRES.

**FOOTPRINT AREA "1" (PROPOSED + EXISTING + PAVEMENT)**

PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 12;

THENCE NORTH 00° 00' 04" WEST ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12 A DISTANCE OF 967.00 FEET;

THENCE NORTH 89° 19' 02" EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 12 A DISTANCE OF 356.61 FEET;

THENCE NORTH 00° 00' 04" WEST PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE A DISTANCE OF 305.40 FEET;

THENCE NORTH 89° 21' 53" EAST PARALLEL WITH THE EAST-WEST 1/4 LINE OF SAID SECTION A DISTANCE OF 438.40 FEET;

THENCE NORTH 00° 00' 04" WEST PARALLEL WITH SAID NORTH-SOUTH 1/4 LINE A DISTANCE OF 142.00 FEET;

THENCE NORTH 58°28'48"EAST A DISTANCE OF 132.68 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 0°32'49" WEST ALONG THE EXTERIOR FACE OF SAID BUILDING AND THE SOUTHERLY EXTENSION THEREOF A DISTANCE OF 120.45 FEET TO THE NORTHWEST BUILDING CORNER;

THENCE NORTH 89°27'11" EAST ALONG SAID BUILDING FACE A DISTANCE OF 177.81 FEET;

THENCE SOUTH 00°32'49" EAST ALONG SAID BUILDING FACE A DISTANCE OF 19.92 FEET;

THENCE NORTH 89°27'11" EAST ALONG SAID BUILDING FACE A DISTANCE OF 18.14 FEET;

THENCE SOUTH 00°32'49" EAST ALONG SAID BUILDING FACE A DISTANCE OF 70.14 FEET;

THENCE SOUTH 89°27'11" WEST ALONG SAID BUILDING FACE A DISTANCE OF 9.75 FEET;

THENCE SOUTH 00°32'49" EAST A DISTANCE OF 16.90 FEET;

**--- PAVEMENT ---**

THENCE NORTH 46°06'51" EAST A DISTANCE OF 59.70 FEET;

THENCE NORTH 00°00'04" WEST A DISTANCE OF 61.27 FEET;

THENCE NORTH 89°59'56" EAST A DISTANCE OF 20.00 FEET;

THENCE NORTH 44°59'56" EAST A DISTANCE OF 7.07 FEET;

THENCE NORTH 89°59'56" EAST A DISTANCE OF 22.00 FEET;

THENCE SOUTH 00°00'04" EAST A DISTANCE OF 85.79 FEET;

THENCE SOUTH 45°07'26" WEST A DISTANCE OF 55.58 FEET;

THENCE SOUTH 04°35'37" WEST A DISTANCE OF 19.50 FEET;  
THENCE SOUTH 57°46'39" EAST A DISTANCE OF 28.10 FEET;  
THENCE NORTH 79°42'41" EAST A DISTANCE OF 26.66 FEET;  
THENCE SOUTH 05°26'19" WEST A DISTANCE OF 30.04 FEET;  
THENCE NORTH 87°54'47" WEST A DISTANCE OF 33.71 FEET;  
THENCE SOUTH 89°24'54" WEST A DISTANCE OF 353.12 FEET;  
THENCE NORTH 00°32'49" WEST A DISTANCE OF 22.00 FEET;  
THENCE NORTH 89°26'42" EAST A DISTANCE OF 51.44 FEET;  
THENCE NORTH 68°36'37" EAST A DISTANCE OF 14.23 FEET;  
THENCE NORTH 47°46'31" EAST A DISTANCE OF 31.08 FEET;  
THENCE NORTH 42°14'27" WEST A DISTANCE OF 17.89 FEET;  
THENCE NORTH 47°42'29" EAST A DISTANCE OF 18.00 FEET;  
THENCE SOUTH 42°13'55" EAST A DISTANCE OF 18.00 FEET;  
THENCE NORTH 47°46'31" EAST A DISTANCE OF 4.98 FEET TO THE POINT OF BEGINNING.  
CONTAINING 49,166 SQUARE FEET OR 1.128 ACRES MORE OR LESS.

**BUILDING FOOTPRINT AREA "2" (PROPOSED)**

PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 12;

THENCE NORTH 00° 00' 04" WEST ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12 A DISTANCE OF 967.00 FEET;

THENCE NORTH 89° 19' 02" EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 12 A DISTANCE OF 356.61 FEET;

THENCE NORTH 00° 00' 04" WEST PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE 305.40 FEET;

THENCE NORTH 89° 21' 53" EAST PARALLEL WITH THE EAST-WEST 1/4 LINE OF SAID SECTION A DISTANCE OF 438.40 FEET;

THENCE NORTH 00° 00' 04" WEST PARALLEL WITH SAID NORTH-SOUTH 1/4 LINE A DISTANCE OF 142.00 FEET;

THENCE NORTH 58°28'48"EAST A DISTANCE OF 132.68 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 0°32'49" WEST ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF AN EXISTING BUILDING A DISTANCE OF 50.18 FEET TO THE SOUTHWEST CORNER OF SAID BUILDING;

THENCE NORTH 89°27'11" EAST ALONG THE FACE OF SAID BUILDING A DISTANCE OF 158.37 FEET;

THENCE SOUTH 00°32'49" EAST ALONG THE FACE OF SAID BUILDING A DISTANCE OF 19.77 FEET;

THENCE NORTH 89°27'11" EAST ALONG THE FACE OF SAID BUILDING A DISTANCE OF 27.83 FEET;

THENCE SOUTH 00°32'49" EAST A DISTANCE OF 16.90 FEET;

THENCE SOUTH 44°27'11" WEST A DISTANCE OF 14.89 FEET;

THENCE SOUTH 89°27'11" WEST A DISTANCE OF 16.73 FEET;

THENCE SOUTH 00°32'49" EAST A DISTANCE OF 2.98 FEET;

THENCE SOUTH 89°27'11" WEST A DISTANCE OF 158.94 FEET TO THE POINT OF BEGINNING. CONTAINING 8,656 SQUARE FEET OR 0.199 ACRES.

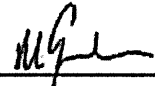
## ENVIRONMENTAL COMPLIANCE CERTIFICATE

In connection with the submission of an Industrial Facility Tax Exemption Certificate for the property located at 6710 Quality Way, Portage, Michigan, the undersigned states and certifies as follows:

Genesis PharmaOptima, LLC, a Michigan limited liability company, states and certifies that the property located at 6710 Quality Way, Portage, Michigan is (i) not subject to an enforcement action by the Michigan Department of Environment, Great Lakes and/or Energy of the US Environmental Protection Agency; and (ii) to the knowledge of the undersigned, the property is in compliance with applicable environmental requirements.

In Witness Whereof, the undersigned has executed this Certificate on April 20, 2021.

Genesis PharmaOptima, LLC  
a Michigan limited liability company

By:   
Title: VP REAL ESTATE OPERATIONS

STATE OF New Jersey )  
 ) ss.  
COUNTY OF Mercer )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2021, by Michael Galle, the VP Real Estate Operations of Genesis PharmaOptima, LLC, a Michigan limited liability company, on behalf of the company.

  
Printed Name: Natalia Okul  
Notary Public, Mercer County, New Jersey  
My Commission expires: 3/22/2023

NATALIA OKUL  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 2431554  
My Commission Expires 3/22/2023

## **JOBS AND COMPENSATION SCHEDULE**

In connection with the submission of an Industrial Facility Tax Exemption Certificate for the property located at 6710 Quality Way, Portage, Michigan, the applicant intends to create 31 new full time jobs. The jobs will receive annual compensation of approximately \$65,000. Following the additions, the applicant will have 44 full time positions. The applicant also intends to retain two part time jobs.

## NEW EQUIPMENT LIST

In connection with the submission of an Industrial Facility Tax Exemption Certificate for the property located at 6710 Quality Way, Portage, Michigan, the applicant intends to acquire and install the following new furniture, fixtures, equipment and personal property:

- LC/MS (Mass specs): ~400,000
- Luminex assay development: ~\$200,000
- Mesoscale Discovery assay development: ~\$400,000
- Containment systems - \$450,000
- Chemical hoods: ~\$40,000
- Necropsy/Surgical equipment (down draft tables, lighting, imaging, etc.): \$400,000
- Furniture/office equipment: \$200,000
- Sperm motility analyzer: \$80,000
- Locomotor learning and memory chambers: \$250,000
- Morris Water Maze: \$150,000
- Miscellaneous lab equipment (tables, counters, balances, cabinets, waste containment, pipettes, beakers, etc.): \$200,000

Total: \$2,770,000

**CITY OF PORTAGE, MICHIGAN  
RESOLUTION NO. 1-\_\_\_\_\_**

**ESTABLISHING A PUBLIC HEARING FOR THE EXPANSION OF  
OF INDUSTRIAL DEVELOPMENT DISTRICT NO 78  
GENESIS PHARMAOPTIMA LLC**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan, held on May 11, 2021, 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 \_\_\_\_\_.

BE IT RESOLVED:

That a public hearing be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at 7:00 p.m. or as soon thereafter as may be heard at the City Hall (or may be held via Webex virtual meeting), in the City of Portage, Michigan on the request of Genesis PharmaOptima, LLC for the expansion of Industrial Development District No 78, under Michigan Act No. 198 of P.A. 1974; and

That written notice by certified mail of said hearing be sent to the owners of all real property and the legislative body of each taxing unit which levies ad valorem taxes on the property located within the proposed district described in the attached Exhibit A at least ten (10) days before said hearing; and

That notice in substantially the form attached as Exhibit A be published in the Kalamazoo Gazette at least ten (10) days prior to said hearing.

ADOPTED: YEAS: Councilmember: \_\_\_\_\_

NAYS: Councilmember: \_\_\_\_\_

ABSENT: Councilmember: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED:

\_\_\_\_\_  
Erica Eklov, City Clerk

# CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the 11<sup>th</sup> day of May, 2021, the original of which is in the official proceedings of the City Council.

\_\_\_\_\_  
Erica Eklov, City Clerk

Prepared by:  
Catherine Kaufman (P65412)  
Portage City Attorney  
Bauckham Sparks  
470 W. Centre Ave, Suite A  
Portage, MI 49024

Approved as to Form:

Date: 5/5/2021

By: Catherine Kaufman  
City Attorney

EXHIBIT A

**CITY OF PORTAGE  
NOTICE OF HEARING ON THE EXPANSION OF  
INDUSTRIAL DEVELOPMENT DISTRICT NO. 78  
UNDER ACT 198 OF P.A. 1974**

PLEASE TAKE NOTICE that on the \_\_\_\_ day of \_\_\_\_\_, 2021, at 7:00 p.m. or as soon thereafter as may be heard, a public hearing will be held at the City Hall in the City of Portage, Michigan on the request of Genesis PharmaOptima, LLC for the expansion of an Industrial Development District under Michigan Act 198 of P.A. 1974 for a partial tax exemption for ad valorem property taxes.

PLEASE TAKE FURTHER NOTICE that said district is commonly described as property located at 6710 Quality Way, Portage, Michigan, and more particularly described as follows:

See attached map as Exhibit B.

Any resident or taxpayer of the City or other interested person shall have the right to appear and be heard at said hearing.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Erica Eklov, City Clerk

**CITY OF PORTAGE  
NOTICE OF HEARING ON THE EXPANSION OF  
INDUSTRIAL DEVELOPMENT DISTRICT NO. 78  
UNDER ACT 198 OF P.A. 1974**

PLEASE TAKE NOTICE that on the 8th day of June, 2021, at 7:00 p.m. or as soon thereafter as may be heard, a virtual public hearing will be held at the City Hall in the City of Portage, Michigan on the request of Genesis PharmOptima for the expansion of Industrial Development District No. 78 under Michigan Act 198 of P.A. 1974 for a partial tax exemption for ad valorem property taxes.

All interested persons are welcome to participate in the virtual public hearing. There will be no in-person session as a result of the COVID-19 pandemic, but the public is able to participate remotely by watching the meeting on cable channel 995 for Spectrum and channel 99 for AT&T or by visiting the City of Portage website (<https://portagemi.viebit.com>) to livestream the meeting. If you want to ask a question or make a comment, please call (844) 854-2222 and enter Access Code 529853#. When prompted, press \*6 to enter the queue.

PLEASE TAKE FURTHER NOTICE that said district is commonly described as property located at 6710 Quality Way, Portage, Michigan, and more particularly described as follows:

See attached map.

Any resident or taxpayer of the City or other interested person shall have the right to be heard at said hearing. Interested persons may contact the Office of the City Clerk at (269) 329-4511. Written comments may also be submitted to the Office of the City Clerk prior to 12:00 noon the day of the public hearing via USPS or emailed to [cityclerk@portagemi.gov](mailto:cityclerk@portagemi.gov).

Dated: \_\_\_\_\_, 2021

Erica L. Eklov, City Clerk

# ***Minutes of Boards & Commissions***

## **CITY OF PORTAGE HUMAN SERVICES BOARD**

Minutes of the Virtual Meeting – April 1, 2021

### **CALL TO ORDER:**

The City of Portage Human Services Board virtual meeting of April 1, 2021 was called to order by Chairperson Spalvieri at 6:05 p.m. Pursuant to the “Remote Attendance Rules for Meetings,” this meeting was held remotely with board members and staff participating via video/telephone call-in.

### **MEMBERS PRESENT:**

Alice Mwanda (Portage, MI), Fi Spalvieri (Portage, MI), Effie Kokkinos (Portage, MI), Tim Henson (Portage, MI), Barbara Sagara (Portage, MI), Brooke Kolodzieczyk (Portage, MI), Fayyaz Razi (Youth Advisory Board Representative – Portage, MI).

### **MEMBERS EXCUSED:**

Stephanie Upshaw, Nadeem Mirza

### **MEMBERS ABSENT:**

Cristy Cate

### **STAFF PRESENT:**

Tom McCoy, Neighborhood Program Specialist, Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services.

### **APPROVAL OF MINUTES:**

Henson moved and Kolodzieczyk supported a motion to approve the March 4, 2021 minutes. Motion passed 7-0.

### **NEW BUSINESS:**

1. Public Hearing: FY 2021-25 Consolidated Plan and FY 2021-22 Annual Action Plan. Deputy Director Forth provided an overview of the proposed 2021-25 Consolidated Plan and 2021-22 Annual Action Plan. Chairperson Spalvieri opened the public hearing. There being no public comments, a motion was made by Board Member Kolodzieczyk, seconded by Board Member Sagara, to close the public hearing. Upon roll call vote, Mwanda (yes), Spalvieri (yes), Kokkinos (yes), Henson (yes), Sagara (yes), Kolodzieczyk (yes). The motion was approved 6-0.

Chairperson Spalvieri asked the board members if they have any further questions or comments related to either the FY 2021-25 Consolidated Plan or FY 2021-22 Annual Action Plan. There being no further discussion, a motion was made by Board Member Kokkinos, seconded by Board Member Henson, to recommend to City Council that the FY 2021-2025 Consolidated Plan and FY 2021-2022 Annual Action Plan element be approved. Upon roll call vote, Mwanda (yes), Spalvieri (yes), Kokkinos (yes), Henson (yes), Sagara (yes), Kolodzieczyk (yes). The motion was approved 6-0.

**OLD BUSINESS:**

None

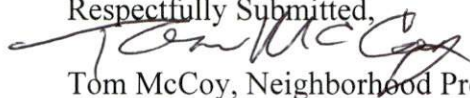
**STATEMENTS OF CITIZENS:**

Spalvieri reported that the Fair Housing month resolution had been executed at the March 23, 2021 City Council meeting and Kolodzieczyk asked that a review of proposed revisions to the HPS Grant Funding application be placed on the May 6, 2021 HSB agenda. Forth added that a review of the 0% interest Housing Rehabilitation loan trial period could also be a topic of discussion and staff agreed to provide background information in the May 6th agenda.

**ADJOURNMENT:**

There being no further discussion to come before the Board, a motion was made by Sagara and supported by Mwanda to adjourn the meeting at 6:45 p.m. Motion was approved 6-0.

Respectfully Submitted,



Tom McCoy, Neighborhood Program Specialist

T:\COMMDEV\2020-2021 Department Files\Board Files\HSB\Minutes\HSB Minutes 04.01.21 draft.docx

## **PLANNING COMMISSION**

### **April 15, 2021 Virtual Meeting**

The City of Portage Planning Commission virtual meeting of April 15, 2021 was called to order by Chairperson Corradini at 7:00 p.m.

#### **IN REMOTE ATTENDANCE**

Christopher Forth, Deputy Director of Planning & Neighborhood Services; Roxanne Seeber, Assistant City Attorney; Kyle Mucha, Zoning & Codes Administrator; John Lovely, Plan Review Engineer.

#### **ROLL CALL**

Mr. Forth called the roll: Joshi (yes, Portage); Fries (yes, Portage); Pezzoli (yes, Portage); Baldwin (yes, Portage); Fawley (yes, Portage); Youngs (yes, Portage); Freiman (yes, Portage); Corradini (yes, Portage). Commissioner Myer was excused.

#### **APPROVAL OF MINUTES:**

A motion was made by Commissioner Youngs, supported by Commissioner Fries to approve the April 1, 2021 meeting minutes. Upon roll call vote, Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Fawley (yes); Freiman (yes); Youngs (yes); Corradini (yes). The motion was approved 8-0.

#### **NEW BUSINESS:**

Special Land Use Permit for Lake Burger, 6814 South Westnedge Avenue. Deputy Director Forth summarized the staff report, dated April 9, 2021, related to an application submitted by Beau Raffensperger, on behalf of Lake Burger, for a Special Land Use Permit to establish a brewpub/micro brewer at 6814 South Westnedge Avenue. The applicant proposes to occupy a tenant space at this location to establish a brewpub that would seat between 55 and 60 persons with brewing capabilities of an estimated 3 barrels per week.

Commissioner Pezzoli inquired with staff about any other brewpubs or micro brews being located within a shopping center/complex. Deputy Director Forth responded in the negative.

The applicant, Beau Raffensperger, was present to support the project and stated he was excited to open a second location in Portage.

Chairperson Corradini opened the public hearing. No person spoke for or against the application. Vice Chairperson Joshi made a motion, supported by Commissioner Freiman, to close the public hearing. Upon roll call vote, motion to close the public hearing was approved 8-0.

Commissioner Fries made a motion, supported by Commissioner Baldwin, to approve the Special Land Use Permit for Lake Burger, located at 6814 South Westnedge Avenue with the following conditions: 1) brewery production shall not exceed 18,000 barrels per year; 2) no outdoor storage of any kind shall be permitted; 3) the use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. Upon roll call vote: Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Fawley (yes); Freiman (yes); Youngs (yes); Corradini (yes). The motion was approved 8-0.

The Oaks (Phase 2) Preliminary Plat at 4800 Bishop Avenue. Deputy Director Forth summarized the staff report dated April 9, 2021 regarding the preliminary plat review and approval for Landmark Development Partners, LLC. Deputy Director Forth indicated Phase 2 of "The Oaks" consists of construction on 50 single-family residential lots on approximately 16.9 acres. Deputy Director Forth mentioned two letters from neighborhood residents have been received and previously provided to the Commission.

Commissioner Youngs inquired about the maintenance of the new retention basin located on the north-east portion of the subject parcel. Deputy Director Forth responded that the City of Portage would maintain the retention basin.

Pat Flanagan of Ingersoll, Watson & McMachen, Inc., representing the applicant, was present to support the preliminary plat. Mr. Flanagan provided additional information to the Commission regarding storm water

concerns raised by area residents. Mr. Flanagan also provided an overview of the retention basin design, which will convey storm water away from the proposed development by use of an overflow pipe to an adjacent wetland. Mr. Flanagan also indicated the new development has been designed to address potential storm water concerns from area residents and should help to alleviate some of the past high water level issues.

Commissioner Youngs inquired about the number of trees that would be removed. Mr. Flanagan referred Commissioner Youngs to the preliminary plat drawing that outlines areas of proposed tree removal. Mr. Flanagan also indicated that the intent is to retain trees in the proposed development, however, some trees will need to be removed for infrastructure projects and home construction.

Commissioner Baldwin inquired with the applicant about the former storm water basin and if it has been filled in or is it still in existence. Mr. Flanagan indicated the former basin has been filled in with the construction of the new basin to the north.

Chairperson Corradini opened the public hearing. No persons spoke for or against the proposed preliminary plat development. A motion was made by Commissioner Fries, supported by Vice Chairperson Joshi, to close the public hearing. Upon roll call vote: Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Fawley (yes); Freiman (yes); Youngs (yes); Corradini (yes). The motion was approved 8-0.

Vice Chairperson Joshi inquired with the applicant about mitigation efforts as it pertains to flooding and grading of the new proposed preliminary plat development. Mr. Flanagan responded that past flooding concerns were in relation to individual home construction and not part of the new development. Mr. Flanagan informed the Commission that the new roadways are designed to be set approximately three to five feet higher in elevation than those of the adjacent neighborhood along Jamaica Lane and Bahama Lane, which in turn raises the basement elevations of new construction in "The Oaks".

Plan Review Engineer John Lovely informed the Commission that the new retention basin construction and location has aided in reducing the impact on homes to the south and west and will be an improvement as it relates to storm water management.

Commissioner Youngs thanked the applicant regarding the level of detail provided regarding storm water management.

Commissioner Fries commended Mr. Flanagan and Mr. Hovestadt, Landmark Development Partners, LLC, on the proposed preliminary plat design and overall project.

Commissioner Fries made a motion, supported by Commissioner Fawley, to recommend to City Council that the preliminary plat of "The Oaks" (Phase 2), 4800 Bishop Avenue be approved subject to the following conditions as detailed in the Department of Community Development staff report: 1) request for a block length modification be approved; 2) the proposed street system, municipal water and sanitary sewer are acceptable in concept and the final design, will be addressed as part of the detailed engineering plan review; and 3) lots within the Oaks Phase 2 be included in the homeowners association for the purpose of maintaining the Bermuda Street median island entry feature. Upon roll call vote: Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Fawley (yes); Freiman (yes); Youngs (yes); Corradini (yes). The motion was approved 8-0.

## **STATEMENT OF CITIZENS/COMMISSIONERS**

Commissioners Fries, Youngs and Fawley expressed concerns with not being provided a paper copy of the Planning Commission Agendas. The Commissioners indicated that a paper copy allows for easier accessibility to the supporting documents in the agendas instead of having to continuously change views on a mobile device or computer.

Chairperson Corradini thanked Vice Chairperson Joshi on stepping in at the last meeting during his absence. Chairperson Corradini also expressed his concerns regarding not receiving a paper copy of the Planning Commission Agendas and cited that having a paper copy allows for note taking while reviewing applications.

**ADJOURNMENT:**

There being no further business to come before the Commission, a motion was made by Vice Chairperson Joshi, supported by Commissioner Baldwin to adjourn the meeting. Chairperson Corradini adjourned the meeting at 8:17 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chris Forth". The signature is fluid and cursive, with a large initial "C" and "F".

Christopher Forth, AICP  
Deputy Director, Planning, Development & Neighborhood Services

**MATERIALS TRANSMITTED**

Tuesday, April 27, 2021

1. Communication from the City Manager regarding the Bi-Monthly Financial Report – Information Only.
2. Communications received from citizens regarding the Woodbridge Hills planned development, **Agenda Item D.1** – Information Only.
3. Communication received from a citizen regarding proposed changes to water and sewer rates, **Agenda Item D.2** – Information Only.



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Joseph S. La Margo, City Manager

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



**MATERIALS TRANSMITTED**  
**April 21, 2021**

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager

**SUBJECT:** Bi-Monthly Financial Report

**SUPPORTING PERSONNEL:** Lauren VanderVeen, Finance Director

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

**Attachments:** April 21, 2021 Financial Report

04/21/2021 BUDGET REPORT FOR CITY OF PORTAGE  
Calculations as of 04/21/2021

| FUND                                                    | DESCRIPTION | 2020-21<br>ORIGINAL<br>BUDGET | 2020-21<br>AMENDED<br>BUDGET | 2020-21<br>ACTIVITY | 81%<br>Percent of<br>Amended<br>Collected/Used |
|---------------------------------------------------------|-------------|-------------------------------|------------------------------|---------------------|------------------------------------------------|
| <b>REVENUES</b>                                         |             |                               |                              |                     |                                                |
| Totals for dept 0000 -                                  |             | 24,708,791                    | 24,801,791                   | 23,844,820          | 96%                                            |
| Totals for dept 1720 - City Manager                     |             | 500                           | 500                          | 0                   | 0%                                             |
| Totals for dept 2053 - Finance Treasury                 |             | 1,500                         | 1,500                        | 1,326               | 88%                                            |
| Totals for dept 2110 - Technology Services              |             | 0                             | 0                            | 2,583               | 0%                                             |
| Totals for dept 2133 - Public Information               |             | 215,000                       | 215,000                      | 0                   | 0%                                             |
| Totals for dept 2415 - City Clerk                       |             | 197,050                       | 197,050                      | 158,436             | 80%                                            |
| Totals for dept 2491 - City Clerk Elections             |             | 25,000                        | 46,507                       | 80,744              | 174%                                           |
| Totals for dept 2865 - Parks Maintenance                |             | 2,000                         | 2,000                        | 1,691               | 85%                                            |
| Totals for dept 2876 - Cemeteries                       |             | 68,000                        | 68,000                       | 48,149              | 71%                                            |
| Totals for dept 2877 - Parks & Rec - Parks              |             | 65,500                        | 65,500                       | 28,453              | 43%                                            |
| Totals for dept 2878 - Parks & Rec - Kalamazoo in Bloom |             | 0                             | 0                            | 0                   | 0%                                             |
| Totals for dept 2881 - Parks & Rec - Farmers Market     |             | 9,100                         | 9,100                        | 4,128               | 45%                                            |
| Totals for dept 2882 - Parks & Rec - Team Sports        |             | 120,000                       | 120,000                      | 30,096              | 25%                                            |
| Totals for dept 2885 - Parks & Rec - Programs           |             | 7,050                         | 7,050                        | 15,506              | 220%                                           |
| Totals for dept 2886 - Parks & Rec - Ramona Park        |             | 59,600                        | 59,600                       | 37,360              | 63%                                            |
| Totals for dept 2887 - Parks & Rec - Special Events     |             | 17,000                        | 17,000                       | 22,464              | 132%                                           |
| Totals for dept 2888 - Parks & Rec - Millennium Park    |             | 47,800                        | 47,800                       | 0                   | 0%                                             |
| Totals for dept 3005 - Police Administration            |             | 152,700                       | 152,700                      | 90,525              | 59%                                            |
| Totals for dept 3010 - Police Patrol                    |             | 1,500                         | 1,500                        | 3,580               | 239%                                           |
| Totals for dept 3021 - Police Training-Grant Funded     |             | 9,000                         | 9,000                        | 6,188               | 69%                                            |
| Totals for dept 3030 - Police Public Safety Dispatch/ts |             | 9,800                         | 9,800                        | 19,853              | 203%                                           |
| Totals for dept 3050 - Police Drug Law Enforcement      |             | 1,000                         | 1,000                        | 0                   | 0%                                             |
| Totals for dept 3065 - Police Facility Management       |             | 70,000                        | 70,000                       | 52,500              | 75%                                            |
| Totals for dept 3310 - Fire Admin                       |             | 100                           | 100                          | 0                   | 0%                                             |
| Totals for dept 3340 - Fire Prevention                  |             | 1,000                         | 1,000                        | 935                 | 94%                                            |
| Totals for dept 3710 - Comm Dev Building Services       |             | 700,000                       | 700,000                      | 574,434             | 82%                                            |
| Totals for dept 3720 - Comm Dev Planning & Development  |             | 60,000                        | 60,000                       | 34,447              | 57%                                            |
| Totals for dept 3730 - Comm Dev Neighborhood Services   |             | 189,500                       | 189,500                      | 91,311              | 48%                                            |
| Totals for dept 6720 - Senior Center                    |             | 199,576                       | 199,576                      | 50,563              | 25%                                            |
| Totals for dept 6721 - Senior Center Trips              |             | 394,000                       | 394,000                      | 0                   | 0%                                             |
| Totals for dept 6722 - Senior Center Activities         |             | 15,000                        | 15,000                       | 0                   | 0%                                             |
| Totals for dept 6725 - Aging Mastery Program            |             | 1,000                         | 6,000                        | 5,000               | 83%                                            |
| <b>TOTAL REVENUES - GENERAL FUND</b>                    |             | <b>27,348,067</b>             | <b>27,467,574</b>            | <b>25,205,092</b>   | <b>92%</b>                                     |

04/21/2021 BUDGET REPORT FOR CITY OF PORTAGE  
Calculations as of 04/21/2021

| FUND                                                     | DESCRIPTION | 2020-21<br>ORIGINAL<br>BUDGET | 2020-21<br>AMENDED<br>BUDGET | 2020-21<br>ACTIVITY | Percent of<br>Amended<br>Collected/Used | 81% |
|----------------------------------------------------------|-------------|-------------------------------|------------------------------|---------------------|-----------------------------------------|-----|
| EXPENDITURES                                             |             |                               |                              |                     |                                         |     |
| Totals for dept 1001 - City Council                      |             | 92,955                        | 92,955                       | 58,282              | 63%                                     |     |
| Totals for dept 1085 - City Council-Human Services       |             | 174,234                       | 174,234                      | 87,117              | 50%                                     |     |
| Totals for dept 1720 - City Manager                      |             | 794,795                       | 838,252                      | 625,429             | 75%                                     |     |
| Totals for dept 2001 - Finance Accounting                |             | 321,078                       | 321,078                      | 246,491             | 77%                                     |     |
| Totals for dept 2002 - Finance & Budget                  |             | 364,261                       | 364,261                      | 185,967             | 51%                                     |     |
| Totals for dept 2053 - Finance Treasury                  |             | 211,778                       | 211,778                      | 138,938             | 66%                                     |     |
| Totals for dept 2110 - Technology Services               |             | 818,635                       | 818,635                      | 569,718             | 70%                                     |     |
| Totals for dept 2133 - Public Information                |             | 465,499                       | 468,499                      | 346,608             | 74%                                     |     |
| Totals for dept 2209 - Assessor                          |             | 520,464                       | 520,464                      | 384,247             | 74%                                     |     |
| Totals for dept 2247 - Assessor Board Of Review          |             | 37,163                        | 37,163                       | 20,932              | 56%                                     |     |
| Totals for dept 2310 - Attorney                          |             | 250,917                       | 250,917                      | 188,431             | 75%                                     |     |
| Totals for dept 2415 - City Clerk                        |             | 163,857                       | 163,857                      | 134,433             | 82%                                     |     |
| Totals for dept 2416 - City Clerk Records Management     |             | 66,297                        | 66,297                       | 52,598              | 79%                                     |     |
| Totals for dept 2491 - City Clerk Elections              |             | 264,368                       | 285,875                      | 247,597             | 87%                                     |     |
| Totals for dept 2610 - Human Resources                   |             | 657,960                       | 657,960                      | 467,374             | 71%                                     |     |
| Totals for dept 2733 - Purchasing                        |             | 85,800                        | 85,800                       | 55,724              | 65%                                     |     |
| Totals for dept 2734 - Purchasing Risk Management        |             | 25,429                        | 25,429                       | 13,537              | 53%                                     |     |
| Totals for dept 2865 - Parks Maintenance                 |             | 1,344,835                     | 1,344,835                    | 782,506             | 58%                                     |     |
| Totals for dept 2876 - Cemeteries                        |             | 70,201                        | 70,201                       | 42,275              | 60%                                     |     |
| Totals for dept 2877 - Parks & Rec - Parks               |             | 689,738                       | 689,738                      | 469,116             | 68%                                     |     |
| Totals for dept 2878 - Parks & Rec - Kalamazoo In Bloom  |             | 15,000                        | 15,000                       | 15,000              | 100%                                    |     |
| Totals for dept 2880 - Parks & Rec - Rec Admin           |             | 212,462                       | 212,462                      | 141,021             | 66%                                     |     |
| Totals for dept 2881 - Parks & Rec - Farmers Market      |             | 22,635                        | 22,635                       | 14,790              | 65%                                     |     |
| Totals for dept 2882 - Parks & Rec - Team Sports         |             | 68,957                        | 68,957                       | 20,888              | 30%                                     |     |
| Totals for dept 2885 - Parks & Rec - Programs            |             | 42,295                        | 42,295                       | 22,532              | 53%                                     |     |
| Totals for dept 2886 - Parks & Rec - Ramona Park         |             | 158,726                       | 158,726                      | 65,364              | 41%                                     |     |
| Totals for dept 2887 - Parks & Rec - Special Events      |             | 129,103                       | 129,103                      | 69,084              | 54%                                     |     |
| Totals for dept 2888 - Parks & Rec - Millennium Park     |             | 91,655                        | 91,655                       | 21,307              | 23%                                     |     |
| Totals for dept 3005 - Police Administration             |             | 1,226,781                     | 1,230,414                    | 581,838             | 47%                                     |     |
| Totals for dept 3006 - Police Youth Services             |             | 525,441                       | 529,191                      | 369,752             | 70%                                     |     |
| Totals for dept 3007 - Police Investigation              |             | 710,632                       | 716,382                      | 557,014             | 78%                                     |     |
| Totals for dept 3010 - Police Patrol                     |             | 6,108,429                     | 6,149,579                    | 4,507,817           | 73%                                     |     |
| Totals for dept 3020 - Police Training                   |             | 328,778                       | 333,987                      | 145,156             | 43%                                     |     |
| Totals for dept 3021 - Police Training-Grant Funded      |             | 9,000                         | 9,000                        | 2,545               | 28%                                     |     |
| Totals for dept 3030 - Police Public Safety Dispatch/Its |             | 69,619                        | 69,619                       | 51,065              | 73%                                     |     |
| Totals for dept 3031 - Police Emergency Sirens           |             | 23,676                        | 23,676                       | 0                   | 0%                                      |     |
| Totals for dept 3040 - Police Records & PST              |             | 675,952                       | 675,952                      | 524,372             | 78%                                     |     |

04/21/2021 BUDGET REPORT FOR CITY OF PORTAGE  
Calculations as of 04/21/2021

| FUND                                                   | DESCRIPTION                               | 2020-21<br>ORIGINAL<br>BUDGET | 2020-21<br>AMENDED<br>BUDGET | 2020-21<br>ACTIVITY | Percent of<br>Amended<br>Collected/Used | 81% |
|--------------------------------------------------------|-------------------------------------------|-------------------------------|------------------------------|---------------------|-----------------------------------------|-----|
| EXPENDITURES                                           |                                           |                               |                              |                     |                                         |     |
| Totals for dept 3050 - Police Drug Law Enforcement     |                                           | 341,060                       | 344,060                      | 253,074             | 74%                                     |     |
| Totals for dept 3065 - Police Facility Management      |                                           | 270,993                       | 270,993                      | 107,759             | 40%                                     |     |
| Totals for dept 3090 - Police KCCDA support            |                                           | 756,793                       | 756,793                      | 378,397             | 50%                                     |     |
| Totals for dept 3310 - Fire Admin                      |                                           | 728,028                       | 782,885                      | 550,442             | 70%                                     |     |
| Totals for dept 3320 - Fire Operations                 |                                           | 4,033,702                     | 4,080,546                    | 3,080,284           | 75%                                     |     |
| Totals for dept 3330 - Fire On Call Firefighters       |                                           | 95,308                        | 100,308                      | 41,698              | 44%                                     |     |
| Totals for dept 3331 - Fire Emergency Operations       |                                           | 4,950                         | 4,950                        | 2,078               | 42%                                     |     |
| Totals for dept 3340 - Fire Prevention                 |                                           | 140,913                       | 140,913                      | 85,855              | 61%                                     |     |
| Totals for dept 3350 - Fire Training                   |                                           | 216,263                       | 239,007                      | 136,707             | 57%                                     |     |
| Totals for dept 3365 - Fire Facility Management        |                                           | 443,781                       | 443,781                      | 240,636             | 54%                                     |     |
| Totals for dept 3710 - Comm Dev Building Services      |                                           | 595,810                       | 595,810                      | 481,834             | 81%                                     |     |
| Totals for dept 3720 - Comm Dev Planning & Development |                                           | 392,760                       | 392,760                      | 200,365             | 51%                                     |     |
| Totals for dept 3730 - Comm Dev Neighborhood Services  |                                           | 404,006                       | 404,006                      | 209,780             | 52%                                     |     |
| Totals for dept 3765 - Comm Dev Building Maintenance   |                                           | 738,004                       | 738,004                      | 169,582             | 23%                                     |     |
| Totals for dept 4210 - City-wide Services              |                                           | 712,689                       | 710,689                      | 561,972             | 79%                                     |     |
| Totals for dept 6050 - Contagious Diseases             |                                           | 0                             | 4,489                        | 27,625              | 0%                                      |     |
| Totals for dept 6720 - Senior Center                   |                                           | 411,215                       | 415,215                      | 261,817             | 63%                                     |     |
| Totals for dept 6721 - Senior Center Trips             |                                           | 406,396                       | 406,396                      | 25,120              | 6%                                      |     |
| Totals for dept 6725 - Aging Mastery Program           |                                           | 1,200                         | 2,200                        | 960                 | 44%                                     |     |
| Totals for dept 9610 - Transfers Out                   |                                           | 617,000                       | 617,000                      | 617,000             | 100%                                    |     |
| TOTAL APPROPRIATIONS - GENERAL FUND                    |                                           | 28,650,296                    | 28,937,681                   | 19,661,976          | 68%                                     |     |
| 202                                                    | Major Street Fund - Revenues              | 5,120,098                     | 5,120,098                    | 3,282,633           | 64%                                     |     |
|                                                        | Major Street Fund - Expenditures          | 5,090,545                     | 5,279,460                    | 3,345,472           | 63%                                     |     |
| 203                                                    | Local Streets Fund - Revenues             | 1,850,283                     | 1,850,283                    | 1,053,959           | 57%                                     |     |
|                                                        | Local Streets Fund - Expenditures         | 1,821,280                     | 1,873,715                    | 988,781             | 53%                                     |     |
| 204                                                    | Municipal Streets Fund - Revenues         | 1,551,700                     | 1,551,700                    | 1,515,790           | 98%                                     |     |
|                                                        | Municipal Streets Fund - Expenditures     | 1,608,000                     | 1,608,000                    | 1,608,000           | 100%                                    |     |
| 223                                                    | Curbside Recycling - Revenues             | 626,500                       | 626,500                      | 581,400             | 93%                                     |     |
|                                                        | Curbside Recycling - Expenditures         | 742,758                       | 742,758                      | 525,337             | 71%                                     |     |
| 226                                                    | Leaf Pickup/Spring Cleanup - Revenues     | 643,000                       | 643,000                      | 591,195             | 92%                                     |     |
|                                                        | Leaf Pickup/Spring Cleanup - Expenditures | 850,632                       | 859,138                      | 374,084             | 44%                                     |     |

04/21/2021

BUDGET REPORT FOR CITY OF PORTAGE  
Calculations as of 04/21/2021

| FUND                             | DESCRIPTION                                 | 2020-21<br>ORIGINAL<br>BUDGET | 2020-21<br>AMENDED<br>BUDGET | 2020-21<br>ACTIVITY | Percent of<br>Amended<br>Collected/Used | 81% |
|----------------------------------|---------------------------------------------|-------------------------------|------------------------------|---------------------|-----------------------------------------|-----|
| 230                              | CDBG Program Income Fund - Revenues         | 125,000                       | 125,000                      | 26,297              | 21%                                     |     |
|                                  | CDBG Program Income Fund - Expenditures     | 125,000                       | 125,000                      | 123,349             | 99%                                     |     |
| 252                              | West Lake Weed Mgmt - Revenues              | 36,050                        | 36,050                       | 106                 | 0%                                      |     |
|                                  | West Lake Weed Mgmt - Expenditures          | 32,500                        | 32,500                       | 8,000               | 25%                                     |     |
| 296                              | Community Development Block Grant - Rev     | 221,794                       | 456,535                      | 124,805             | 27%                                     |     |
|                                  | Community Development Block Grant - Exp     | 221,794                       | 456,535                      | 143,471             | 31%                                     |     |
| 298                              | Cable Television Fund - Revenues            | 767,215                       | 767,215                      | 386,560             | 50%                                     |     |
|                                  | Cable Television Fund - Expenditures        | 766,663                       | 878,463                      | 329,121             | 37%                                     |     |
| 400                              | Capital Improvement General - Revenues*     | 26,543,000                    | 21,090,752                   | 9,050,230           | 43%                                     |     |
|                                  | Capital Improvement General - Expenditures* | 26,543,000                    | 43,346,197                   | 13,785,278          | 32%                                     |     |
| 490                              | Capital Improvement Sewer - Revenues*       | 1,510,000                     | 5,515,000                    | 0                   | 0%                                      |     |
|                                  | Capital Improvement Sewer - Expenditures*   | 1,510,000                     | 2,820,121                    | 150,045             | 5%                                      |     |
| 491                              | Capital Improvement Water - Revenues*       | 3,365,000                     | 9,601,974                    | 0                   | 0%                                      |     |
|                                  | Capital Improvement Water - Expenditures*   | 3,365,000                     | 9,123,522                    | 2,171,008           | 24%                                     |     |
| 590                              | Sewer Fund - Revenues                       | 9,234,691                     | 9,234,691                    | 6,911,563           | 75%                                     |     |
|                                  | Sewer Fund - Expenditures                   | 8,500,093                     | 8,552,206                    | 6,030,778           | 71%                                     |     |
| 591                              | Water Fund - Revenues                       | 6,811,397                     | 6,811,397                    | 5,954,604           | 87%                                     |     |
|                                  | Water Fund - Expenditures                   | 5,907,131                     | 6,007,605                    | 4,799,369           | 80%                                     |     |
| TOTAL REVENUES - ALL FUNDS **    |                                             | 85,753,795                    | 90,897,769                   | 54,686,234          | 60%                                     |     |
| TOTAL EXPENDITURE - ALL FUNDS ** |                                             | 85,734,692                    | 110,642,896                  | 54,046,069          | 49%                                     |     |

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

\*\* Debt Service and Internal Service Funds not included.

**SUBJECT: 1. Communications received from citizens regarding the Woodbridge Hills planned development, Agenda Item D.1 – Information Only.**

Attached are communications received from citizens regarding the Woodbridge Hills planned development for consideration at this evening's public hearing. If other communications are received prior to the meeting, they will be provided to the City Council as expediently as possible.

Attachments

April 27, 2021

Amy Kurzmänn  
4050 W. Centre Ave #214  
Portage, Michigan 49024

Dear Madam Mayor and City Council Members,

Thank you for your time considering my concerns.

I am a resident of Marsh Pointe Condominiums.  
I am writing you in regard to the proposed land development of 4100 Centre Ave by 633 Group.

I moved to Portage and *specifically* Marsh Pointe, Hampton Creek Wetlands for the natural beauty and privacy. I am opposed to a development of this size.

The multifamily proposal of 40-60 units on a 1.4 acre parcel is unsuitable. A building of this size/footprint is not conducive to the surrounding area. It would dominate the skyline.

On July 23, 2020 the Hampton Creek Wetlands meeting clearly stated that drainage and flooding issues would be ongoing. They also stated that asphalt and concrete are major contributors to the conditions that *cause* drainage and flooding issues. I personally observed a significant decline in waterfowl after the bog was pumped.

The storm water runoff into the bog would have to be evaluated and treated.

Marsh Pointe garages incurred water damage as a direct result of the elevation of the 4100 Centre parcel.

Marsh Pointe Drive was not designed to accommodate the traffic that flows into the Woodbridge Plaza. I have safety concerns for Marsh Pointe residents walking and driving with the increase in traffic. Left hand turns onto Centre Avenue are challenging. There are current back ups, especially during peak hours. I fear for accidents as the road stands today.  
There is a potential daily increase of 120 vehicles on our drive directly related to this proposal.

There would be no green space for the residents living in the apartments despite being pet friendly. Is it the suggestion the renters will walk all the way to the plaza's green space to have a place for their pets relieve themselves? It is my concern they will walk a few feet and come to our green space to do so. We have two recycling receptacles directly behind the parcel. We have had issues with trash being dumped in them.

All of these issues raise concern as the residents of the apartments are renters and not owners.

Marsh Point Drive is 100% owned and maintained by our association.  
In 2020, our association paved Marsh Pointe Drive and our parking lot.

On February 18<sup>th</sup>, Andrew DeNooyer stated 633 Group would financially assist in maintaining Marsh Pointe drive. He also stated he would restore it to it's original state after construction.  
With doing so, I would like to request the details of the fair and equitable specifics of his offer.

At the February 18<sup>th</sup>, 2020 planning commission meeting, members voted and passed this proposal ( to the city council with no verbal record of inquiry by several members and two members being absent)

A personal invitation is extended to you to come out and see Marsh Pointe, the beauty I spoke of, and the parcel in relation to our living space. You also will see the water damage to our garages.  
Drive through the plaza and see how busy it currently is.

As a resident of Portage I am requesting you to consider a project on a smaller scale. One with less units, lower elevation (for drainage issues), more green space, regular setbacks and considerations for our easement.

Thank you for your time.  
Respectfully,  
Amy Kurzmänn

Amanda Janssen

To: Erica Eklov  
Subject: RE: 633 Group Proposal

From: Jason B <jaybadd@gmail.com>  
Sent: Tuesday, April 27, 2021 9:56 AM  
To: Jason B <jaybadd@gmail.com>  
Subject: 633 Group Proposal

**CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER**

Do not click on links or open attachments unless this is from a sender you know and trust.

Honorable Members of the Portage City Council,

My name is Jason Badders. My wife (Casey Basdders), 2 children, and I reside at 4128 W Centre Ave #305, Portage, MI 49024.

We are contacting you regarding our concerns about the proposed apartment development adjacent to our property (Marsh Point Condominiums). We have lived on this property for approximately 5 years and find it a beautiful, quiet, peaceful setting to live in and raise our family.

The proposed project/building would greatly degrade the quality of life, safety, and enjoyment for all residents. The City of Portage has ordinances and codes for many reasons, and the restrictions in the Code are designed to protect the residents of Portage. Please take into consideration the residents (owners) of our Condo Association as you consider granting variances to the City's Code. Allowing a variance for height of this project will be a detriment to our residents. We currently have beautiful natural views on all sides of our property. It allows a peaceful and beautiful setting. Allowing a three story residence (or more), on top of a hill, would be devastating. The grade of the lot for the proposed project is as high as our second story roof. Not only would the building be higher than code allows, it also sits higher than our property which would make the proposed building more than 4 stories from our perspective. It has come to our understanding that the 633 Group is stating that our buildings are 3 stories. That is a slight manipulation of the truth. Our buildings are 2 stories above grade and 1 story below grade. The bottom floors are "walkouts". If they are stating our buildings are 3 stories high then the same logic should be applied to the proposed apartments. So adding the below grade aspect of the project, they are really proposing a 4 story building.

633 Group is also asking for a set back variance. The City has these building restrictions in place for reasons of public policy such as safety, privacy, and environmental protection. We are concerned about all of these issues if a set back variance is awarded. With the new building crowded upon our property lines and structures, things like fire and safety are a major concern. We would also lose all sense of privacy as a building of this height would allow the residents to look down into our windows. Our association has also spent large sums of money to ensure proper drainage and protect the Marsh that we call home. Where would the drainage from this property go? There will be very little green space around the new project and it is conceivable that much of the drainage from the proposed property would become an issue for our Association.

We are also greatly concerned about the proposed apartments allowing pets, especially dogs. The property for the proposed project is quite small for a project of this size. With the building and associated parking for 50 plus units will leave very little green space for the residents. If they have dogs, where will they go to run, play,

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and relieve themselves? This would not be fair to our residents as our green space would be used by others who would have no interest in maintaining the property and keeping it clean and sanitary. This also has the potential to become a noise concern as we all know barking dogs can become a nuisance.

This summer our association spent a huge sum of money repaving our drive and parking area. Some of the drive is used by other businesses. These businesses have refused (as did 633 Group) to assist in repairs and replacement of the drive. We own the drive but their employees and customers use it daily to access the businesses. Why should our owners be solely responsible for this cost? Again, 633 Group has already shown it is unwilling to assist with maintaining the road. If approved, please ensure that our Association and 633 Group come to a reasonable and fair easement agreement.

We are also concerned about increased traffic on and by our property. The entrance/exit to our property on Centre Ave is already extremely busy and dangerous. Added traffic would add to this danger. There is not a stop light at the intersection, the speed limit is 45, and Centre Ave can be very busy during the day. We have a lot of older residents and children who walk, play, and exercise in the area and we are worried about the danger that the increased traffic will lead to.

When we purchased our home, the lot for this proposed building was (and still is) zoned commercial. We pictured a small restaurant or a wine store going in. Not a huge apartment complex. We ask that you not zone this parcel residential.

There are many mature trees on the side of the property adjacent to the proposed project. We greatly appreciate the beauty, shade, and wildlife that are associated with our landscape. It would be detrimental to our home owners if those trees were removed.

One of the reasons we chose to purchase a home at Marsh Point is the beauty and solitude. It is set back off the road, has natural scenery on all sides, and is very quiet. This proposed building would destroy all of those things. Please consider the residents of Marsh Point who were here long before this proposed project.

We ask that you take the time to visit our property and see the negative aspects of this project from our perspective. Marsh Point is BEAUTIFUL. WE DO NOT WANT TO LOSE IT OR DESTROY IT!!!

Please do not allow this to happen. It is where we live, it is our backyard, we are citizens of Portage.

We do not welcome a project of this size. We believe it would cause animosity between our residents and the residents of the proposed projects. That is not what the City of Portage needs. We want to be neighborly and welcoming. I am afraid that will not be the case if the project is approved as currently proposed.

633 Group does a nice job of maintaining the neighborhood. Their trucks and employees are seen providing maintenance, picking up trash, and removing snow etc. We are not opposed to Group 633 nor the project. We are opposed to the scale of the project. We ask that if you allow the project that it be on a smaller and less obstructive scale. If approved, it should be constructed within current City Code and policy. Please honor the City Code, it was written to protect the citizens of Portage.

Please consider if this was your backyard.

Respectfully,  
Jason and Casey Badders

If you have any questions or concerns please contact us by email or call 269-760-0176.

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We have attached a picture of a recent sunrise at Marsh Pointe. This view would be completely destroyed and obstructed if the project is allowed on such a large scale. The trees that may be removed are partially visible.



April 27, 2021

Portage City Commission Members,

Thank you for the opportunity to express my concerns about the proposed construction of a multi-family structure on property immediately south of the Marsh Pointe Condominium neighborhood that borders the Hampton Creek Bog.

The 633 Group presented information to the Association Board and to the Planning Commission focusing on the fine building and amenities that will be available to renters of their units. What has been missing is the consideration of other factors that impact quality of life for their renters and the neighbors including businesses near the proposed building and the Marsh Pointe Condominium neighborhood.

1. An easement agreement to use part of the Marsh Pointe Drive/Road that the 633 group was established in the late 1980/1990s. The 633 Group has been reluctant to renegotiate this easement for several years. The increase in traffic using this entrance to the proposed new development is just cause to for a different level of shared cost to maintain this non-public driveway. Marsh Pointe is responsible for all paving, maintenance and repair of this driveway/road. To date 633 has not provided requested information and proposal for adjusting this easement.
2. The developers have requested an adjustment to established setback rules for their proposed structure that are significantly different from what has been established for businesses in the City of Portage.
3. Variances to existing rules for the placement and construction of the building and parking have been made as well as the request for a redesignation of property use. I believe that this is a plan based on financial interests and not in alignment with the vision of our city plans for a safe community. The requested variances have impact on traffic flow, land use, access to emergency vehicles and on existing properties.
4. The number of units proposed creates a population density that is higher than any nearby or adjacent multi-family dwelling. The proposed number of units could mean up to or exceeding 120 plus inhabitants in a 1.4-acre space.

Additional concerns:

- The City of Portage prides itself on being environmentally friendly. The proposed plan indicates a lack of planned green space for families and pets. Whether it is bathrooming space for pets or a place for outside activities, or simple visual esthetics of a natural setting that lead to a higher quality of life, these were not included in the proposed plan.
- There is a plan for underground parking, but it is common for there to be more than one vehicle per residence. A plan for additional parking should be addressed.
- Appropriate boundaries between the proposed structure and the neighbors that would serve as a visual and use boundaries between Marsh Pointe Condominium property and the 633 Group proposed structure.
- The lack of a clean plan to address the run off from rain, snow melt from the proposed building site. With more land covered with asphalt and building, more water will have to run down-hill

and into the Marsh Pointe property to reach the lowest point in the area, Hampton Creek Bog. This same water would be contaminated with chemicals that are part of any building and parking area. An environmental study was done within the past 5 years addressing the impact on the bog/marsh area near this proposed structure. This should be part of the consideration of any changes near this natural area.

Again, your attention to our concerns is appreciated and we encourage a visit to the proposed parcel of land before final decisions are made.

Sincerely,

Linda A. Dove  
4076 West Centre, #110  
Portage, Michigan

**Amanda Janssen**

To: Erica Eklov  
Subject: RE: Application by group 633 to change land use at 4100 W. Ventre

From: joe brtan <jbrtan@yahoo.com>  
Sent: Tuesday, April 27, 2021 9:14 AM  
To: City Clerk <CityClerk@portagemi.gov>  
Subject: Application by group 633 to change land use at 4100 W. Ventre

**CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER**

Do not click on links or open attachments unless this is from a sender you know and trust.

My name is Joseph Burton. I just have purchased a condo at 4164 W. Centre # 320. I am greatly concerned about the proposed 3 story apartment building which will be directly to my view to the south. One of the reasons I moved here was my view of the pines and the southern sky. Also the relative quietness. This will be destroyed by the building of a large tall apartment building in that area. As my city council I would hope you would take into consideration the living enjoyment of current Portage residents over profit. Also, it is a high traffic area as is. The congestion as well as noise volume will definitely increase making the living situation here even more disturbing and unenjoyable. Not to mention the vehicle safety concerns. I would hope the council will at least take a tour of the area before making a decision affecting the living conditions of the many Portage residents of Marsh Point. Also, I would hope environmental and traffic studies be done before any decision is made.

Thank you for allowing me address my concerns.

Sincerely Joseph Burton  
4164 W. Centre #302  
Portage Mi. 49024  
Sent from Yahoo Mail on Android

**Amanda Janssen**

**To:** Erica Eklov  
**Subject:** RE: The City of Portage City Council Public Hearing April 27, 2021 @ 7:00pm Re: 4100 W. Centre Tentative Plan Ammedment

**From:** Cris Carpenter <crissy\_pooh@sbcglobal.net>

**Sent:** Tuesday, April 27, 2021 9:05 AM

**To:** City Clerk <CityClerk@portagemn.gov>; Lindsay Flynn <lindsayflynn@bhhsml.com>

**Subject:** The City of Portage City Council Public Hearing April 27, 2021 @ 7:00pm Re: 4100 W. Centre Tentative Plan Ammedment

**CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER**

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City of Portage City Council,

I am writing in regards to the proposed plan amendment to the Woodbridge Hills Tentative Plan proposed by 633 group for the property located at 4100 West Centre Ave. As a resident and voter of Portage I am asking that when you consider this proposal please remember the owners of Marsh Pointe Condominiums are the only residential property owners impacted by this proposal. I am one of the Marsh Pointe owners; my address is 4050 W Centre Ave # 215. I bought my condo a little over 5 years ago after looking at many similar properties. I chose Marsh Pointe due to the Hampton Wetland, the neighborhood, the amenities that are nearby and the low crime rate. I have concerns in regards to this proposed project.

The proposed population density for the 1.45 acres is unlike anything else in the area. Marsh Pointe has 52 homes located on 5.5 acres. This request squeezes more people in less space. Traffic is already a big issue in this neighborhood. Currently turning left from our Marsh Pointe drive is nearly impossible. Driving through the plaza to the light at Moorsbridge Road is often the only way to go east on West Centre Ave. This is already a concern with the pedestrian traffic in the area. During the evening rush hour turning left onto Marsh Pointe drive from the west can be problematic. Going to Moorsbridge Road is the only option. Doubling the residential vehicle and pedestrian traffic is a safety concern. Adding a light at Marsh Pointe Drive will only increase the current traffic back ups that occur on West Centre between Moorsbridge Road and Angling Road during peak hours.

There is already an issue with traffic congestion on our entrance drive with plaza traffic. Foot and bike traffic from Marsh Pointe on our entrance road is common; increasing traffic makes me wonder for the safety of our owners using our road. Marsh Pointe Drive is an easement that Marsh Pointe alone maintains. Marsh Pointe Condominium Association recently repaved Marsh Pointe Drive. We do not want construction equipment and traffic using our entrance road that we alone maintain. Our legal council has consistently asked for additional information in order to create a financial resolution in regards to our easement that so many surrounds businesses use without success.

Where will the residents of this apartment building take their dogs to relieve themselves? Where will the children of these tenants play? Andrew DeNooyer has consistently referenced the neighborhood walking trails and sidewalks for these purposes. The closest green space will be Marsh Pointe lawns. What will keep the tenants of this proposed apartment building from encroaching on the private property of Marsh Pointe? What happens when they do? Who has to clean up their pet messes? The only thing I have seen in 633 groups plan to discourage their tenants from encroaching on our property is trees. Perhaps a fence or something more substantial should be included. The request for a variance to lot line set backs should be carefully reviewed.

I invite all Portage City Council members to visit the Village at Moorsbridge Shopping Plaza and Marsh Point Condominiums. Notice the pedestrian and vehicle traffic. Notice that the entrance to the plaza near PNC Bank is right turn only for exiting traffic. Notice how many vehicles use Marsh Pointe Drive and how many actually enter Marsh Pointe. Remember Marsh Pointe residents are the only residents impacted by this Plan Amendment.

Please know that your service to Portage and our community is appreciated and valued. I thank you for your consideration in this matter and for taking the time to read my concerns.

Cris Carpenter

**Amanda Janssen**

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**To:** Erica Eklov  
**Subject:** RE: Letter of Objection to the proposed rezoning of 4100 W Centre Ave

**From:** Lindsay Flynn  
**Date:** April 26, 2021 at 7:12:40 PM EDT  
**To:** City Clerk  
**Subject:** Fwd: Letter of Objection to the proposed rezoning of 4100 W Centre Ave

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER  
Do not click on links or open attachments unless this is from a sender you know and trust.

Please see below and attached.

Thank you,

Lindsay Flynn, Associate Broker  
Director of Property Management  
Berkshire Hathaway HomeServices Michigan Real Estate  
Property Management Division  
6312 Stadium Drive  
Kalamazoo, MI 49009  
Office: (269) 488-0133  
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View my available properties at: [www.bhhsmipropertymanagement.com](http://www.bhhsmipropertymanagement.com)

----- Forwarded message -----

From: Lindsay Flynn <[lindsay.flynn@bhhsmi.com](mailto:lindsay.flynn@bhhsmi.com)>  
Date: Mon, Apr 26, 2021 at 7:09 PM  
Subject: Letter of Objection to the proposed rezoning of 4100 W Centre Ave  
To: <[patricia.randall@portagemi.gov](mailto:patricia.randall@portagemi.gov)>, <[jim.pearson@portagemi.gov](mailto:jim.pearson@portagemi.gov)>, <[chris.burns@portagemi.gov](mailto:chris.burns@portagemi.gov)>, <[lori.knapp@portagemi.gov](mailto:lori.knapp@portagemi.gov)>, <[vic.ledbetter@portagemi.gov](mailto:vic.ledbetter@portagemi.gov)>, <[claudette.reid@portagemi.gov](mailto:claudette.reid@portagemi.gov)>, <[terry.urban@portagemi.gov](mailto:terry.urban@portagemi.gov)>, <[cityclerk@portagemi.gov](mailto:cityclerk@portagemi.gov)>, Christopher Forth <[forthc@portagemi.gov](mailto:forthc@portagemi.gov)>

Dear City Council Members,

Please see the attached letters of objection to the proposed rezoning request presented by 633 Group for the parcel located at 4100 W Centre Ave.

We are the Property Management Company for the Marsh Pointe Condominium Association and we are providing, on their behalf, all letters of objections that have been sent into the City regarding this project along with a petition of all Association Co-Owners.

We have many Owners that plan to email and call into any meeting as well to share their

concerns directly.

Additionally, the Association has retained Kreis and Enderle to represent them legally.

Thank you to each of you for your review of our concerns. We hope that you will each consider our invitation to visit the property.

If there is anything further that you require from the Association please feel free to contact our office.

Thank you,

Lindsay Flynn, Associate Broker  
Director of Property Management  
Berkshire Hathaway HomeServices Michigan Real Estate  
Property Management Division  
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## Marsh Pointe Condominium Association

6312 Stadium Drive, Kalamazoo, MI 49009 (269) 488-0133  
www.marshpointcondominiumassociation.com

February 22, 2021

Dear City of Portage City Council Members and the Department of Community Development,

First, thank you for taking the time to review our concerns.

The Marsh Pointe Condominium Association is writing as a collective body of 52+ Co-Owners to express their concerns and objections to the proposed change to the land use designation at 4100 West Centre Avenue from commercial to multifamily residential along with the request for reduced setbacks and a modified building height.

Please see the attached rendering of the subject parcel which you can see directly effects Marsh Pointe Condominiums solely as it is the only residential property in sight of the parcel. While we are aware that there is a radius of potential owners that may have received notice of this amendment application, only the owners of the Marsh Pointe Condominium Association will be impacted on a residential level. When the Planned Unit Development (PUD) was originally designed and approved it was as a commercial parcel. The expectation of all Marsh Pointe Condominium Owners was that the original design would remain as commercial providing for the quality enjoyment of their properties.

The Marsh Pointe Condominium Association is extremely concerned about the proposed development of the 1.4-acre parcel to the south of our community considering the size of the intended development on such a small parcel of land. Marsh Pointe Condominiums sits on over 5 acres and has 52 total units. The proposed development is expected to have 57 units and sit on 1.4-acres. Further, the proposed development requests for the building height to exceed the code limit along with a request for shorter setbacks to our property lines which are all concerning as the Association does not feel that would be "designed consistent with the reasonable enjoyment of neighboring properties" as required per the letter dated October 23, 2019 written by Christopher Forth, Acting Director of Community Development of which I have attached a copy for your records.

The proposed change in the residential density is a concern and does not comply with Section 42-374.D which would limit this project to 12 units per acre in any one phase. The proposal would require approve of 41 units per acre which is a significant increase. Marsh Pointe Co-Owner can appreciate the applicant's interest in developing this land and would be agreeable to a smaller project that was in line with the current residential density codes.

The increased number of units raises another concern regarding crime and general care of the property. Marsh Pointe is a peaceful community and the Co-Owners take great pride in maintaining their property. In 2020, Marsh Pointe only had a total of 4 calls to Portage Police Department of which only one was considered criminal (fraud). In comparison, Greengate Apartments had a total of 115 calls in 2020. As the proposed project will consist entirely of rental units, this is a concern as renters do not maintain the same sense of concern and care in their homes as homeowners regularly do.

Additionally, the Marsh Pointe Condominium Association is solely responsible for the service and maintenance of the drive to the West of the proposed parcel, this drive would be the primary point of ingress and egress for the proposed parcel as well. The concern is primarily focused on the increased traffic levels that could effect the safety of the Marsh Pointe Co-Owners as it is the Association's only point of ingress and egress. Further, the increased traffic would cause additional and excessive wear on the Association property.

The easement that allows the neighboring parcels use of the Marsh Pointe drive is outdated and requires amendment due to the ample development and increased use of the area over time. The Marsh Pointe Condominium Association Board retained an Attorney in 2019 to work with 633 Group to amend the current easement agreement to which they have been unwilling to reasonably agree or provide any specific proposal of commitment.

Additionally, the proposed development raises concerns regarding drainage from the parcel property to the Marsh Pointe Condominium Association property. Over the years, the Association has had many issues with drainage even from the natural land that has required the Association to install French drains on the south border of our property along the parcel boundary as well as with the replacement of rotted garage siding due to the heavy amounts of water that run onto the land. These costs exceed \$20,000 and as this is an active issue will require additional funds over time. We currently have a quote to replace the rotten siding on each garage building and the estimated cost per garage building is \$8000 per, and we have at least 5 garage buildings in need.

There is concern that the proposed development plans to maintain little grass or lawn space and yet they intend to allow pets (confirmed by Craig DeNooyer). How would a barrier be established so those pet owners are not using the Marsh Pointe grounds? The grounds of the Marsh Pointe Condominium Association are one of the primary appeals of the community and also identifies an additional concern as the property sits on a wetland that requires specific knowledge and care. The owners of Marsh Pointe pride themselves on the care of their community and want to ensure that neighboring properties do not cause harm to their natural enjoyment. The Association has already started taking the necessary steps to get all information needed to install a fence along the south property line.

The Marsh Pointe Condominium Association Board has retained an Attorney to represent their petition. Kreis and Enderle will also be providing a formal response to the City Council for review on behalf of The Marsh Pointe Condominium Association. The Marsh Pointe Condominium Association Board and Owners also plan to attend each City Council meeting where this development may be discussed as a way to ensure the City can further understand and respect their concerns.

The Marsh Pointe Condominium Association would like to invite all City Council Members, to visit the proposed parcel to witness the size of the parcel and proximity to the Marsh Pointe Condominiums and to physically review the concerns detailed above. Please take special notice when driving through the Woodbridge Village of the ample amount of current traffic, the narrow roads along with the danger to pedestrians that increased traffic would bring.

Additionally, the Marsh Pointe Condominium Association would like to request that before any decisions are made that a traffic study and environmental study be completed to confirm that amending the land use would be reasonable and still provide for the safety of the Marsh Pointe Co-Owners.

The Co-Owners of Marsh Pointe support development and growth within the City and currently enjoy the Woodbridge Village however this project as proposed would receive a hostile welcome and does not feel "neighborly" if developed at the proposed size with lesser setbacks, a modified building height and with units exceeding the 12 units per acre.

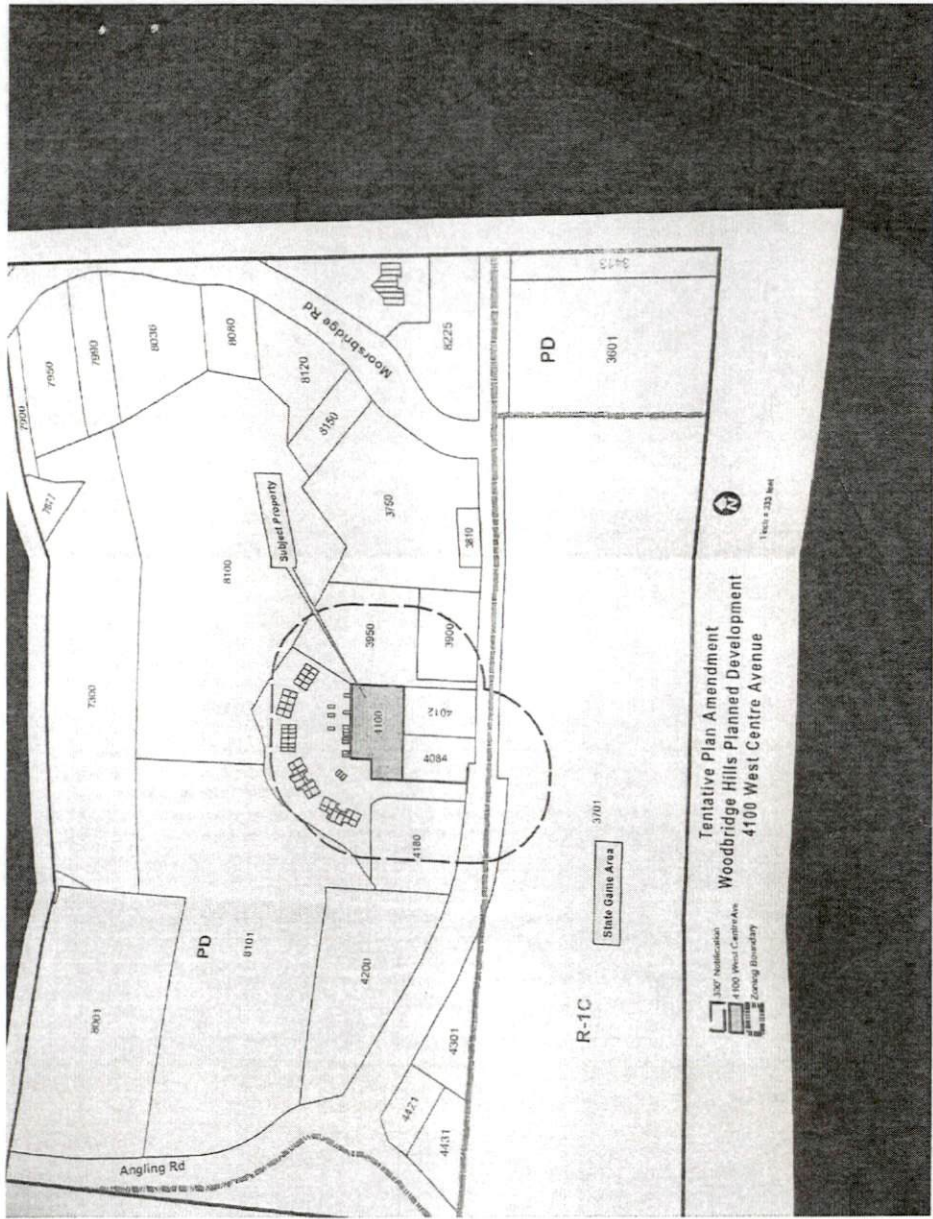
Again, we appreciate your review of our concerns and hope that you will consider the significant impact this modification will have on our community, safety and living enjoyment.

Respectfully,

The Marsh Pointe Condominium Association - See attached petition with all Owners listed

Prepared by on behalf of the Marsh Pointe Condominium Association:

Berkshire Hathaway Property Management  
6312 Stadium Drive  
Kalamazoo, MI 49009  
(269)488-0133  
lindsayflynn@bhhsmi.com



Department of Community Development

Andrew DeNooyer  
Commercial II  
7950 Moorsbridge Road  
Portage, Michigan 49024

October 23, 2019

Dear Mr. DeNooyer:

Re: Woodbridge Hills Planned Development Tentative Plan Amendment, 4100 West Centre Avenue

Thank you for submitting the proposed PD tentative plan amendment for the above referenced project. The tentative plan amendment has been reviewed by the City Administration and the following comments are offered for your review in an effort to assist you in the design of the site and to meet ordinance provisions:

Community Development Department

1. Please revise the tentative plan/narrative to indicate the total square footage, by floor, of the proposed apartment building (20,000 square foot "footprint" referenced). Additionally, please clarify the height of the proposed apartment building and provide height measurements on the color building elevation drawing.
2. The Zoning Code requires that a minimum two parking spaces be provided for each apartment unit. The proposed 57-unit apartment building will require a minimum of 114 parking spaces, however, only 113 spaces are proposed. Please revise the tentative plan/narrative to identify 114 total parking spaces being provided. You may want to consider banked parking or shared parking options. A modification from the minimum parking requirement can also be considered.
3. A modification is not needed to change the land use from retail to multi-family. It's just simply a request to change from one land use to another.
4. A modification from the building height is not necessary. You just need to explain why a building height greater than 45 feet will be "...designed consistent with the reasonable enjoyment of neighboring property, the entire panned development and efficiency of existing public services." See Section 42-375.F.
5. Please indicate the total number of residential units used calculate the 2.89 units per acre throughout the Woodbridge Hills PD.
6. You might want to consider expanding the explanation in item No. 9 of the written narrative to note that between the proposed buildings and the Marsh Point Condominiums are detached garages, attached garages and an off-street parking lot. Also, the living area of many of the condo units is oriented toward the marsh away from the proposed building.
7. Please revise Item 13 of the narrative to address the criteria for modifications as set forth in Section 42-375.L (Authority to waive or modify specifications).
8. Occupancy classification will be R-2/S-2. Will need to provide detailed building plans for review and approval.

Fire Department

1. Absent additional information regarding building construction type, fire apparatus access and turnarounds is a concern. Water supply, building elevations, and hydrant locations shall require

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kreis, Enderle, hudson & borsos, p.c.

Kay E. Kossen

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Battle Creek, MI 49017  
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February 3, 2021

Sent via hand delivery and email

Portage City Hall  
Attn: City of Portage Planning Commission  
Attn: Christopher Forth, Deputy Director of Planning & Neighborhood Services  
Attn: Kelly Peterson, Director of Community Development  
7900 South Westnedge Avenue  
Portage, MI 49002

Re: 4100 West Centre Avenue, Portage Michigan  
Proposed Rezone by 633Group for Woodbridge Hills Planned Development  
OPPOSITION LETTER

Dear Honorable Members of the Planning Commission, Directors Forth and Peterson:

This law firm represents the Marsh Pointe Condominium Owners Association ("Aggrieved Party"). The purpose of this letter is to memorialize the Aggrieved Party's opposition to the Proposed Rezone of vacant land by 633Group ("Land Developer") for Woodbridge Hills Planned Development ("Rezone Project"). In order to be coherent and efficient, Director Peterson's correspondence to the Planning Commission dated January 28, 2021 ("Peterson's Letter") is incorporated verbatim in this letter. Furthermore, the Aggrieved Party's responses correspond directly to Peterson's Letter and are in **bold** for the sake of coherency.

#### I. INTRODUCTION:

An application has been received from Mr. Andrew DeNooyer, representing 633 Group, requesting to amend the previously approved Tentative Plan for the Woodbridge Hills Planned Development (PD). The applicant is proposing to change the land use designation of the property located at 4100 West Centre Avenue from commercial to multifamily residential. The 1.45-acre vacant parcel is located just east of Angling Road, north of the Lake Michigan Credit Union facility. The property was acquired in 1998, rezoned from R-1B, one-family residential and OS-1, office service to PD, planned development, and incorporated into the overall 630-acre Woodbridge Hills Planned Development for commercial use.

**RESPONSE: This is only a partial selective history. The land for the Rezone Project has never had any structural improvements. Put simply, it is vacant land since the inception of time to the present. Furthermore, context is further required to understand that the vacant land was zoned R-**

4/26/2021  
Page 2 of 9

1B (single family residential) and then commercial (office). Specifically, the Aggrieved Party condominium structures were erected in the late 80s and 90s. These were the only residential structures in the PD. A review of reasoning and logic by the Planning Commission for the 1998 rezone would be prudent. Undoubtedly, the Planning Commission made sufficient inquiries as to the safety for the residents in the residential area. It is misleading to reference the 630-acres as context, when in reality; the Land Developer intends to put more residents in a 1.45-acre parcel than most of the acreage combined.

The Tentative Plan Amendment proposes to change the designation from commercial to multi-family residential in order to construct a three story (with a lower level parking garage) multi-family residential apartment building that would include between 48 and 60 residential units and range in height from 30 to 40 feet. The design of the building, including the total number of units and building height will be finalized, following approval of the tentative plan amendment. Please refer to the attached application, narrative and tentative plan submitted by the applicant for additional details regarding the project.

The Land Developer is asking for a rezone. Using kinder euphemisms does not change the ultimate goal, and any court reviewing (should litigation entail) would be analyzing the Planning Commission's reasoning under a rezone standard (and not "change the designation" standard). Furthermore, aside from the structural number, how many residents likely will inhabit the apartments? What are the demographics of the would-be-renters? What about minors and children? Are the apartments designated to accommodate them, and are the adjacent commercial areas safe? None of the analysis or materials have truly addressed the target demographics. Will the Land Developer allow pets? Pets are part of most new residential, multi-family properties. If pets are allowed, where will the residents take them for exercise or to relive themselves. The Aggrieved Party is concerned that residents will take liberties and walk pets on the Marsh Pointe property.

#### II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review of the overall development concept and final plan review for each phase of the development. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, requires formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

**The Land Developer is asking for a rezone for multifamily residential. The Land Developer wants to construct a high-rise apartment complex. The Land Developer's Rezone Project, if approved, will be home of the tallest manmade structure within the entire 256.4 acres. The Land Developer may try to dress up the outside façade to this high rise, but at the end of the day, it is still a giant square high rise.**

Section 42-374 of the Land Development Regulations stipulates the development standards in the PD zoning district. This section provides flexibility in the types of land uses of which up to 20% of the total land area available can be utilized for nonresidential uses. Public water and public sanitary sewer is

required. Overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under the ordinance.

**Viewing 1.45 acres through the lens of 256.4 acres is a bastardization of logic, and loophole that seems to be adopted by the City of Portage Community Development.**

### III. PRELIMINARY ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

As indicated by the applicant in the attached narrative, Woodbridge Hills has been the home to several creative suburban residential designs since the project began during the late 1970's. In December 2020, the applicant submitted another residential design unique to both the City of Portage and Woodbridge Hills based on a market analysis prepared by Tracy Cross and Associates. Tracy Cross & Associates, located in Schaumburg, IL, is a market analyst and consultant that serves primarily the residential homebuilding community with clientele throughout the United States. The market analysis prepared for the 633 Group indicates Portage, and in particular Woodbridge Hills, could support a higher density multi-family residential development project consisting of three stories of residential units and a below grade parking garage. The amenities that exist in Woodbridge Hills and the surrounding area, which include

walkable/convenient access to retail, dining, grocery, recreational amenities (sidewalks, bikeways, multiuse trails and state game area) and proximity to US-131 make this location an attractive and desirable location for this type of project.

Both Director Peterson and the Land Developer used the phrase "several creative suburban residential designs," but few (if any) examples actually given. It is paramount that additional examples be given and more importantly, given context to the current requested Rezone Project. As for the desirability of the Rezone Project, the area, traffic and safety concerns are evident. US-131 is a major highway for commuters, and adding more commuters will only increase and intensify the traffic in the area. The general health, safety and welfare for all the citizens should be considered, and not simply the Land Developer's chosen ones.

Another proposed Woodbridge Hills project that will likely enhance the desirability of the proposed residential project are planned changes to the Woodbridge Shopping Village. Changes include an upgraded building façade, outdoor pedestrian plaza and parking lot improvements. Included in the application materials provided by the applicant are three drawings that illustrate these Woodbridge Shopping Village improvements. Construction of these enhancements are tentatively scheduled for 2021.

**Changes to the Woodbridge Shopping Village are irrelevant for consideration of the Land Developer's request. It only emphasizes that the direct surrounding area is commercial, and the 1.45 acre parcel is designed for a commercial structure for services, food, or other commercial uses for the residents that already reside in the Woodbridge Hills area. Is the Land Developer putting a condition on the rezone that the Land Developer will indeed make the necessary improvements to the Woodbridge Shopping Village? If the Rezone does not occur, does the**

**Land Developer still intend to make the improvements to the Woodbridge Shopping Village? This should be addressed before further decisions are made.**

### Project Specific Details

*Land Use Designation Change* — The proposed tentative plan amendment proposes to change the land use designation of 1.45 acres from commercial to multi-family residential. As a result, the amount of acreage designated for commercial purposes will decrease slightly from 19.64% to 19.46% and residential use will increase from 40.71% to 40.89%, which is consistent with the PD, planned development requirements. For Commission information, no more than 20% of the total land area may be used for nonresidential purposes.

**As stated previously, viewing 1.45 acres through the lens of 256.4 acres is a bastardization of logic. The true land area, if given context, would not meet this total land area requirement.**

*Residential Density* — The proposed tentative plan amendment proposes up to 60 units on 1.45 acres resulting in a residential development density of 41 units/acre. Section 42-374.D limits residential density to no more than 12 units per acre in any one phase and no more than 7 units per acre overall. As a result, the applicant is requesting a 29 unit per acre modification to allow up to 41 units per acre within this one phase.

**This increase alone should give the Planning Commission pause. This isn't a minor incremental increase, but rather, this is a massive increase. If this Rezone Project is approved, the entire area will change in character.**

With regard to the overall Woodbridge Hills Planned Development residential density, there are 256.4 acres designated for residential use with a total of 1,357 units. Based on these numbers, the current overall residential density is 5.3 units per acre. With the addition of 60 more units, density increases slightly to 5.5, which is still less than the maximum permitted of 7 units per acre.

**Completely misleading and lacks context. This is not comparing apples to oranges, but instead, apples to a rocket ship. The Aggrieved Party has 52 units spread over 5.6 acres of land. In contrast, the proposed Rezone Project is requesting to have more units (60) with less acres (1.45). Nothing in the entire PD is even close to make an analogy. The overall character of 1,357 units includes surrounding subdivisions with single family residential homes on traditional lots.**

While the residential density of the proposed project is significantly higher than what would otherwise be allowed under the current ordinance requirements, the number of proposed units (up to 60) is consistent with the overall number of Marsh Point Condominiums units (52), which is located immediately to the north. The difference between the two projects is the amount of occupied land area. The Marsh Point Condominiums includes five, multi-family residential buildings and eleven accessory garages that occupy 5.6 acres of land. The proposed Woodbridge Hills project includes a similar number of units (up to 60), up to 63 below grade parking stalls (in addition surface area parking stalls) but occupies only 1.45

acres. Since the subject property and the Woodbridge Shopping Village are owned by the same entity, shared parking agreements with the Woodbridge Hills Shopping Village can also be considered.

This is a massive change. Of course, since the Land Developer is the same entity, parking agreements can be reached; however, the practical difficulty exists. The commercial shoppers and the residents of the Rezone Project will not consider the "parking agreements" when they park or are driving through the parking lot. The reality is, they will be looking for a parking spot in a congested area. How many cars will be allowed per tenant? Although a separate, but related legal issue, the burden on the access road/easement that services the Aggrieved Party is one of the basis for their concern. The Aggrieved Party owns the road, subject to the use of surrounding properties. The access road was in existence to service the Aggrieved Party's complex at the time the original PD was adopted and approved. What would be the rationale to allow 120 more vehicles (if 60 units, two vehicles per unit) access to that road?

*Property Line Setbacks* — Section 42-374.D states internal setbacks for multifamily residential structures shall adhere to the requirements set forth in division 4, subdivision 10 of the Zoning Code. This section requires 30-foot setbacks from property lines. Included in the application materials is a preliminary site plan that shows an approximate 30-foot setback from the east property line, 20 feet from the south property line, 17-20 feet from the west property line and 45 feet from the north property line. The applicant is requesting a modification to reduce the minimum property line setback from 30 feet to 10 feet along the east, south and west property lines. Although the setback dimensions shown on the preliminary site plan are greater than 10 feet, the applicant is requesting flexibility for a slightly larger building envelope to reposition the building based on property specific details that may be encountered during the site plan review stage.

In addition to the rezone, the Land Developer is also requesting a Non-use/Area/Dimensional Variance. Non-use variances are not concerned with the use of the land but, rather, with changes in a structure's area, height, setback, and the like. *Heritage Hill Ass'n, Inc v Grand Rapids*, 48 Mich. App. 765, 768; 211 N.W.2d 77 (1973). Non-use variances also include "the right to enlarge nonconforming uses or alter nonconforming structures." 3 Rathkopf, *The Law of Zoning and Planning*, (4th ed, 1979) p 38-1.) Pursuant to the City of Portage's ordinance, in order for a variance to be granted, the Land Developer would need to meet all of the following criteria:

- A. That there is a practical difficulty in the way of carrying out the strict letter of this Ordinance.
- B. That the practical difficulty is due to unique circumstances related to the particular property and not general to other property in the district or neighborhood.
- C. That the problem was not created by the applicant.
- D. That granting the variance will not alter the essential character of the neighborhood or district.

**E. Every variance granted shall be in the minimum amount necessary to overcome the inequity inherent in the particular property.**

The criteria for a variance cannot be overcome, i.e. the existing hardship is created by the Land Developer and the granting of the variance would alter the essential character of the district.

With regard to adjacent land uses and potential impacts resulting from the reduced setbacks, the adjacent land uses include the following (refer to the attached aerial photo):

- East — Parking lot for the Woodbridge Hills Shopping Center
- South — Vehicular maneuvering lane that connects Marsh Point Drive to the Woodbridge Hills Shopping Village. On the south side of the maneuvering lane is a vacant parcel planned for commercial use and Lake Michigan Credit Union.
- West — Marsh Point Drive. On the west side of Marsh Point Drive is a vacant parcel planned for commercial use.

See comments above and regarding the increased burden on Marsh Point Drive.

*Modifications* — Since the overall residential development density will exceed 12 units/acre and the east, south and west building setback less than 30 feet, modifications from these standards are being requested by the applicant in conjunction with the proposed tentative plan amendment. Section 42-375.L of the PD ordinance allows City Council to waive or modify specifications and standards for planned developments where it finds, on the basis of evidence supplied by the landowner, "that such specifications are not in the best interests of the residents of the planned development and that the modification of such specifications are not inconsistent with the interests of the entire city."

See previous comment. This Rezone Project is the proverbial "Bull in a China Shop." The grand scope and significant impact on the area will change the integrity of the entire area. In addition, the environmental impact on natural wildlife and habitat cannot be ignored. The Aggrieved Party is also concerned about drainage.

*Building Height* — The applicant is proposing a building height up to 40 feet. Section 42-374.F of the Planning Development district does not specify a maximum building height. Rather, this section states: "The height of particular buildings shall not be a basis for approval or denial of a plan, provided that any structure in excess of 45 feet shall be designed to be consistent with the reasonable enjoyment of neighboring property, the entire planned development and the efficiency of existing public services."

**Tallest manmade structure in the area. It is not aesthetically pleasing.**

The nearest residential use is Marsh Point Condominiums located to the north. The elevation of the proposed project area is approximately 8-10 feet higher in elevation than the adjacent Marsh Point Condominiums. Site characteristics that will help mitigate potential impacts associated with a new 40-foot high building include the distance from nearest Marsh Point Condominium building (approximately 170 feet to the northwest) and the Marsh Point Condominium garages that separate the

proposed Woodbridge Hills apartment building from the Marsh Point Condominium units located further to the north/northwest.

**Drainage concerns, impact on environment, flooding, etc. all must be addressed. The Land Developer is essentially minimizing the "physical impact" on the Aggrieved Party. It would be shocking to anyone if instead of looking at open space, or even a commercial structure, there is a 45 foot building out your window.**

*Traffic/Pedestrian Considerations* — With regard to vehicle trip generation, the 8<sup>th</sup> Edition of the Institute of Traffic Engineers (ITE) Manual indicates a three story, 60 unit multi-family residential building will generate 12 vehicle trip ends (8 vehicles exiting the site and 4 vehicles entering the site) during the morning peak hour. During the afternoon peak hour, 18 vehicle trip ends are anticipated (11 vehicles entering the site and 7 vehicles exiting the site). In comparison, a 15,000 sq. ft. general retail building will generate 51 vehicle trip ends during the morning peak hour (20 vehicles exiting the site and 31 vehicles entering the site). During the afternoon peak hour, 178 vehicle trip ends are anticipated (87 vehicles entering the site and 91 vehicles exiting the site). Additional traffic related details associated with this proposed project will be reviewed upon submittal of the detailed site plan.

**In Super Bowl III, the Baltimore Colts were 18-point favorites over the New York Jets. The rest is history. The point of this reference is that on paper, things can be much different than reality. Conduct a traffic study, after all, lives are at stake. If the Rezone Project were approved without having the requisite due diligence, the results could be catastrophic. A safety decision should not be solely predicated on a book.**

There are multiple points of access to this portion of Woodbridge Hills Planned Development including the signalized intersection at Moorsbridge Road & West Centre Avenue and three existing driveways located west of Moorsbridge Road. Also, the land uses/parking lots between Moorsbridge Road and Marsh Point Drive are all interconnected.

**There is a significant easement issue with respect to the proposed Rezone Project and the Aggrieved Party. While there exists an easement over the private road (which is owned incidentally by the Aggrieved Party), the easement cannot be overburdened. The scope of the Land Developer's Rezone Project will overburden the easement. The Court in *Delaney v Pond*, 350 Mich 685, 687; 86 NW2d 816 (1957) provides useful guidance on overburdening an easement: "The use of an easement must be confined strictly to the purposes for which it was granted or reserved. A principle which underlies the use of all easements is that the owner of an easement cannot materially increase the burden of it upon the servient estate or impose thereon a new and additional burden." In other words: "The scope of an easement encompasses only those burdens on the servient estate that were within the contemplation of the parties at the time the easement was created." *Wiggins v City of Burton*, 291 Mich App 532, 554; 805 NW2d 517 (2011).**

**This law firm's communication to the Land Developer to discuss the easement have been unsuccessful as the Land Developer has not offered a viable solution for related to the road. The Land Developer has ignored the Aggrieved Party's representatives.**

**The Land Developer glosses over the access points. Will residents actually go to Moorsbridge Road and drive through the congested commercial parking area to get to the complex? The shortest access point is to use Marsh Point Drive.**

**Emergency vehicles also will need access and a 60 unit high rise building likely will result in additional on-site visits by public safety.**

Sidewalks will be constructed adjacent to the proposed building. Currently, there are no sidewalks adjacent to the proposed development site that connect to the existing West Centre Avenue sidewalk or the Woodbridge Hills Shopping Village. The location of these additional sidewalk connections are being evaluated by the developer and will be included on the site (final) plan.

**Is the Land Developer making this a condition as to the rezone? If yes, what timeline, and what happens if the Land Developer fails to meet such representations and obligations?**

*Storm Water Management*— The applicant proposes to retain and treat storm water in below grade tanks. With the proposed development, the applicant indicates existing grade/slope will be modified to alleviate storm water runoff onto adjacent properties. Details associated with storm water management will be reviewed with the submittal of the detailed site (final) plan.

**Natural habitat will be disturbed. Flooding and runoff patters are major concerns for the Aggrieved Party.**

#### IV. PUBLIC NOTICING REQUIREMENTS:

Residents/property owners within 300 feet of the overall property (4100 West Centre Avenue) have been notified in writing of the proposed tentative plan amendment and the Planning Commission meeting. Additionally, a public notice was also published in the local newspaper. At the time of report preparation, no citizen communications have been received regarding the proposed tentative plan amendment.

**Agreed that notification was published; however, the Land Developer's communications with the Aggrieved Party is lackluster. Communication, transparency and open government break down real and perceived barriers. The Aggrieved Party takes this very seriously, and it cannot be stressed enough that anxiety and turmoil exists through the lack of transparency and communication. Systemic problems need to be dealt with immediately.**

#### V. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the review/discussion at a subsequent meeting, the Commission is advised to receive public comment during the February 4, 2021 meeting and adjourn the public hearing to the February 18, 2021 meeting.

Attachments: Zoning/Vicinity Map

Aerial Photo Map  
Application

I intend to speak at the February 4, 2021, Planning Commission Meeting.

Sincerely,

KREIS, ENDERLE, HUDGINS,  
& BORSOS, P.C.

Kay E. Kossen

KEK/JDL

Cc: Marsh Pointe Condominium Owners Association

**KREIS  
ENDERLE**

KREIS, ENDERLE, HUDGINS & BORSOS, P.C.

Kay E. Kossen

Direct Dial 269-441-4515  
kkossen@kreisenderle.com

One West Michigan Avenue  
Battle Creek, MI 49807  
269-966-5100  
Fax 269-966-5102

www.kreisenderle.com

February 18, 2021

Sent via email

Portage City Hall

Attn: City of Portage Planning Commission

Attn: Christopher Forth, Deputy Director of Planning & Neighborhood Services

Attn: Kelly Peterson, Director of Community Development

7900 South Westnedge Avenue

Portage, MI 49002

**Re: 4100 West Centre Avenue, Portage Michigan  
Proposed Amendment by 633Group for Woodbridge Hills Planned  
Development (PD)  
SUPPLEMENTAL OPPOSITION LETTER**

Dear Honorable Members of the Planning Commission, Directors Forth and Peterson:

I am writing to follow up our correspondence of February 4, 2021 regarding this proposed Amendment to the PD.

As you know, I represent the Marsh Pointe Condominium Owners' Association (the "Association"). I have reviewed your Final Report dated February 12, 2021 and recommendations. The Association continues to object to the approval of the Amendment for the following reasons:

1. The Land Use Designation Change proposal is to change the 1.45 acre parcel from commercial to multi-family. Almost every aspect of the proposed change is not consistent with the City's Ordinances: density, setbacks, building height. Yet, the City apparently will make accommodations for all of it.
2. The Traffic/Pedestrian Considerations are not persuasive. The 8<sup>th</sup> Edition of the Institute of Traffic Engineers Manual may, or may not be accurate for this particular project or location. There is no indication of how many vehicles will be allowed per unit. Further, comparison to a "general retail building" is not a comparison at all, since the commercial designation could produce various types of uses that are not contemplated in the analysis.
3. Drainage and Environmental Concerns. The developer has not adequately addressed these concerns in its proposals and submissions. The Association reiterates that water runoff is a huge concern. There have already been past issues with water from the proposed site. The Marsh Pointe property has a lower elevation.

4. Crime. The residents of Marsh Pointe are also concerned about additional incidents of crime with an additional apartment complex. An inquiry to the City of Portage's public safety shows for the year 2020 that there were 115 incidents of crime reported within the Greenspire Apartments, including larceny, assaults, frauds, and noise complaints. Marsh Pointe, which is not an apartment rental complex, only had 4 reported incidents for 2020 and only one was criminal in nature.
5. Pets. The Association is concerned about the developer's plan for pets within the proposed project. Most newer complexes are pet friendly. The closest open space to walk pets and for pet waste is on the Marsh Pointe property. Of course, this would be unacceptable.
6. The Easement. As we previously discussed, Marsh Pointe Drive is one of the access points for the proposed project. Although a separate legal issue between the developer and the Association, we would expect further details and cooperation for cost sharing and traffic management. As originally contemplated, the 1.45 acre parcel was designated commercial. It was under these circumstances that the Marsh Pointe apartment complex was constructed, and then later converted to a condominium. Both the City and the developer continue to make representations that a residents of a 60 unit apartment complex would have less of an impact than an unknown commercial use. The Association cannot simply accept that statement as true.

Thank you again for the opportunity to present this information for your consideration.

Sincerely,

KREIS, ENDERLE, HUDGINS,  
& BORSOS, P.C.

  
Kay E. Kassen

KEK:  
Cc: Marsh Pointe Condominium Owners Association

#### Christopher Forth

From: Gretchen Shannon <gretchenshannon@hotmail.com>  
Sent: Tuesday, February 16, 2021 7:46 PM  
To: Christopher Forth  
Subject: Marsh Pointe

**CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER**  
Do not click on links or open attachments unless this is from a sender you know and trust.

My name is Gretchen Shannon and I live at 4024 W. Centre Ave. Unit 120 at Marsh Pointe. I am very concerned about the proposed protect with the 633 Group. In my opinion, that project requires a much larger parcel. Im worried about traffic, protecting the Marsh, our safety and the increased congestion. Turning in from Centre Ave during drive times is already a nightmare. When I am leaving my condo on our road, its almost impossible to safely make a left hand turn on to Centre. Most of us have to drive through the shopping center to the light to safely make a left hand turn.. We also get a lot of bank traffic from the two banks. There is so much new construction out Q Ave that we have to deal with and now this will make it intolerable.

We already have drainage problems from that parcel rotting the back side of the garages. Where is that additional water going to go. Where are those extra cars going to park. Where are their guests going to park. Where are those up to 120 dogs going to go to the bathroom with no green space Those are very real concerns to us.

I moved to Marsh Pointe 2 years ago from West Pointe Condominiums. I had lived there 10 years when the new builder decided to rent the condos closest to the highway. They were "high end " rentals. Well a renter is not an owner. Suddenly we had dogs running loose, golf carts on the street, pet owners not picking up after their pets and a few cars broken in to. Coincidence, I don't think so. I moved to Marsh Pointe shortly after.

When I moved here, I did my due diligence. All land was protected or zoned commercial. Now they are trying to build a neighborhood on a postage stamp. Please do not approve this project. There are enough large parcels that can easily handle this project. The city of Portage prides itself on spacious neighborhoods and family areas. Again, please don't approve this project .

Thank you for your time

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**Christopher Forth**

**From:** LYNDA REPINS <llpins@aol.com>  
**Sent:** Wednesday, February 17, 2021 10:45 PM  
**To:** Christopher Forth  
**Subject:** 633 group Proposal

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER Do not click on links or open attachments unless this is from a sender you know and trust.

Dear commissioners

My name is Lynda Repins I live at marsh pointe building 4128 unit 205 I have lived there for 11 years

I am sending this message to the commissioners and the committee to let you know that I enjoyed living in my area I enjoy the bank I enjoy the restaurants I also enjoy the Hardings I used to work at Hardings and I think it's a very lovely community I am concerned for the welfare of our neighbors and all of our proposed neighbors because there is going to be some issues of safety right now things are pretty hectic if we add more people to the mix there is going to be some problems I have had some very close calls with automobiles not heeding the stop signs in the community around the restaurants and the grocery store and banks. I also fear that there might be some issues with people walking there is going to be more walking traffic with the proposed new building and parking facilities and the roadways around the parking facilities are already heavy traffic more traffic is going to jeopardize the roads and the potholes I hope there's an answer to some of these questions that I have.

Thank you for this opportunity to let you know how I feel I'll be looking for your answers as soon as possible.

Lynda Repins

Sent from my iPhone Lynda Repins

**Christopher Forth**

**From:** mary kelemen <marykelemen@att.net>  
**Sent:** Wednesday, February 17, 2021 7:36 PM  
**To:** Christopher Forth  
**Subject:** Tentative Plan Amendment for Woodbridge Hills Planned Development at 4100 West Centre Avenue

**CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER**  
Do not click on links or open attachments unless this is from a sender you know and trust.

My name is Mary Kelemen and I live at 4128 West Centre Avenue, #208 in Marsh Pointe Condominiums. I would like to thank you for giving me the chance to voice my opposition to the proposed amendment to the Woodbridge Hills tentative plan to change the land use designation at 4100 West Centre Avenue from commercial to multifamily residential.

I have lived at Marsh Pointe for 16 years. I rented for two years and when the property was converted to condominiums, I purchased my unit. I moved to Marsh Pointe in the first place, because of the setting and the fact that it was a nice quiet complex, not like the other larger apartment complexes where I had previously lived. I have gotten to know a good share of my neighbors and everyone is friendly and they care about the community and have a pride of ownership which is not found in a rental complex. Like myself, a lot of the owners purchased their property based on the expectation that the surrounding property would stay designated as commercial.

I have many of the same concerns as the other Marsh Pointe residents who have spoken out against the proposed development by 633 Group. I feel that with a three story high rise apartment building on a 1.4 acre parcel and the potential of 60+ residents, the renters will infringe upon our property. There will be very little, if any, areas for the residents to walk their dogs and their children to play on the property of the proposed development. Marsh Pointe residents enjoy the beautiful marsh, watching the birds and wildlife, and being outside socializing with their neighbors. They do not look forward to a high rise apartment complex looking down on them.

Another concern of mine is the increase in traffic using the Marsh Pointe drive up to Centre Avenue. I am afraid it will be unsafe for residents to walk, run, and bike in the area around our community. Currently, traffic coming from the access drive by the Lake Michigan Credit Union over to the Marsh Pointe drive, does not always stop at the stop sign. I hate to think of the potential for accidents with the increase in traffic, not only vehicular and pedestrian, but construction traffic too.

I am also concerned about the potential for the increase of crime in our area. Marsh Pointe has always been a safe quiet community and almost everyone knows their neighbors and they look out for each other. With a three story high rise apartment building so close to our complex, I would not feel as safe as I do now. There will be people coming and going at all hours, residents and visitors. There will certainly be the potential for an increase in noise, disturbances and car break-ins in the Marsh Pointe community.

I won't reiterate all the concerns others have mentioned, that I too have, regarding drainage issues from the proposed development and the excessive wear from the increase in traffic on our newly paved parking lot and drive.

I trust that the Planning Commissioners have been able to visit Marsh Pointe to better understand the resident's concerns and understand why the residents have such pride in owning a condominium in this beautiful and quiet community. I do hope that that you and the City Planning Commission will take into consideration the impact that this proposed amendment will have on the Marsh Pointe community.

Respectfully,

Mary Kelemen  
4128 West Centre Avenue, #208  
Portage, MI 49024  
(269)327-5693  
marykelemen@att.net

March 4, 2021

Amy Kurzmann  
4050 W. Centre Ave #214  
Portage, Michigan 49024

Dear,

Thank you for your time considering my concerns.

I am a resident of Marsh Pointe Condominiums. I am writing you in regard to the proposed land development of 4100 Centre Ave by 633 Group.

I moved to Portage and *specifically* Marsh Pointe/ Hampton Creek Wetlands for the natural beauty and privacy. I am opposed to a development of this size.

The multifamily proposal of 40- 60 units on a 1.4 acre parcel is unsuitable. The development would have a similar footprint /size to the Holiday Inn located off 131 expressway north of West Main Street, Kalamazoo. A building of this nature would dominate the skyline.

The environmental impact would be an uncertainty. The update on the Hampton Creek Wetlands meeting on July 23,2020 clearly stated that drainage and flooding issues would be ongoing. They also stated that asphalt and concrete are major contributors to the conditions that *cause* drainage and flooding issues. The proposed building would most certainly have and impact on an already fragile ecosystem. Marsh Pointe garages incurred water damage as a direct result of the elevation of the 4100 Centre parcel. In addition to the property damage, I personally observed a significant decline in waterfowl after the bog was pumped. The storm water runoff into the bog would have to be evaluated and treated.

Marsh Pointe Drive is owned and maintained by our association. It was not designed to accommodate the current traffic flow into Woodbridge Plaza let alone a potential increase of hundreds of cars a day. Walking Marsh Pointe Road is hazardous for residents. Left hand turns onto Centre Avenue during peak hours will almost certainly cause back ups and accidents as the road stands today. Currently, there is not ample driving space for two cars traveling in opposite directions in front of 4100. Fire and safety vehicles would not be able to service this area.

There would be no green space for the residents living in the apartments. Walking is promoted. Pet friendly is promoted. Is it the suggestion the residents will walk all the way to the plaza's green space to have a place for their pets relieve themselves? It is a concern they will walk a few feet and come to our green space to do so. We have two recycling receptacles directly behind the parcel. We have had issues with trash being dropped off in them. Police reports reflect this. All of these issues are a concern as the residents of the apartments are renters and not owners.

In 2020 Marsh Pointe paved our owned drive and parking lot.

On February 18<sup>th</sup> at the planning commission meeting, Andrew DeNooyer stated 633 Group would financially assist in maintaining Marsh Pointe drive. He also stated he would restore it to it's original state after construction.

In doing so, I would like to request the equitable specifics of his statement.

The February 18<sup>th</sup>, 2020 planning commission meeting was held. They voted and passed this proposal to the city council with no verbal record of inquiry by several members of the planning committee.

A personal invitation is extended to you to come out and see Marsh Pointe, the beauty I spoke of, and the parcel in relation to our living space. You also will see the water damage to our garages. Drive through the plaza and see how busy it currently is.

As a resident of the city of Portage, I am requesting you to consider a development on a smaller scale. One with less units, lower elevation for drainage issues, more green space, regular setbacks and considerations for our easement. Our living space is valuable too.

Thank you for your time.

Respectfully,

Amy Kurzmann

Christopher Forth  
Deputy Director of Planning and Development  
City of Portage  
Portage, Michigan

February 16, 2021

Dear Mr. Forth and Planning Commission Members,

Thank you again for the opportunity to express my concerns about the proposed construction of a multi-family structure on property immediately south of the Marsh Pointe Condominium neighborhood at 4100 West Centre.

The 633 Group presented information to the Association Board and then again two weeks ago. Both presentations focused on the fine building, plan rationale and amenities that will be available to renters of their units. What has been missing is the consideration of other factors that impact quality of life for their renters and the neighbors including businesses near the proposed building and the Marsh Pointe Condominium neighborhood. I would like to address them in the following paragraphs.

The lack of planned green space for families and pets. Whether it is bathrooming space for pets or a place for outside activities for families, these were not included in the plan nor addressed in public presentations. The density of population with out any green space is not acceptable to good neighborhoods or quality of life for all concerned.

There is a plan for underground parking, but it is not uncommon for there to be more than one vehicle per unit. The limited parking was not explained. If insufficient designated parking is not available vehicles could be parked in the spaces of other local business or on the streets near this proposed building. Both are unacceptable options in our city.

Appropriate boundaries between the proposed structure and the neighbors that would serve as a visual border to the 633 Group property was not mentioned at either presentation.

The 633 groups claim to be caring for the water ways in our area but has not presented a plan to address the run off rain, snow melt and so on from the proposed building site. With more land covered with asphalt and building, more water will have to run down-hill and into the Marsh Pointe neighborhood to reach the lowest point in the area, Hampton Creek Bog. This same water will be contaminated with chemicals that are part of any building and parking area. This environmental concern has been addressed by others, city officials, who are concerned about our beautiful but fragile environment in the Portage community. Specifically, the Hampton Creek Bog area is addressed in the Environmental Impact Study of 2019 and directed to Kendra Gwin, City of Portage.  
<https://www.portagemi.gov/DocumentCenter/View/3039/Environmental-Impacts-Summary>

I would encourage the Planning Commission and other decision makers to review the findings of this document to confirm the concerns of residents of Marsh Pointe Condominiums who have accepted a community responsibility to care for this protected area because of our homes bordering on the bog.

Variances to existing rules for the placement and construction of the building and parking have been made as well as a request for a redesignation of property use. I believe that this is a plan based on

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FEB 18 2021  
COMMUNITY DEVELOPMENT

financial interests and not in alignment with the vision of our city plans for a safe community. The requested variances will impact of traffic flow, land use, access to emergency vehicles and of course an impact on existing properties and property owners. The easement to access the designated parcel of land must be addressed also and a plan made to address the increased wear on shared road space.

Lastly, is a community concern about the potential impact of a rental units on noise, crime, and disruption to the calm, safe and quiet of Marsh Pointe Condominiums. There is significant data of increased crime in nearby rental communities. I do not want, we do not want this as part of the neighborhood. I chose to live here because of the peaceful, nature focused and safe environment that is near services of the city.

Again, your attention to our concerns is appreciated and we encourage a visit to the proposed parcel of land before final decisions are made.

Sincerely,

Linda A. Dove  
4076 West Centre, #110  
Portage, Michigan



Lindsay Flynn <lindsayflynn@bhhsmi.com>

## 4100 W. Centre Ave - 633 Group

1 message

Jason B <jaybadd@gmail.com>  
To: forthc@portagemi.gov  
Cc: Lindsay Flynn <lindsayflynn@bhhsmi.com>

Thu, Feb 4, 2021 at 12:00 PM

To whom it may concern,

My name is Jason Badders. My wife (Casey Basdders), 2 children, and I reside at 4128 W Centre Ave #305, Portage, MI 49024.

We are contacting you regarding our concerns about the proposed apartment development adjacent to our property (Marsh Point Condominiums). We have lived on this property for approximately 5 years and find it a beautiful, quiet, peaceful setting to live in and raise our family.

The proposed project/building would greatly degrade our quality of life, safety, and enjoyment for all residents. The City of Portage has ordinances and codes for many reasons and the restrictions in the Code is to protect the residents of Portage. Please take into consideration the residents of our Condo Association as you consider granting variances to the City's Code. Allowing a variance for height of this project will be a detriment to our residents. We currently have beautiful natural views on all sides of our property. It allows a peaceful and beautiful setting. Allowing a three story residence, on top of a hill, would be devastating. Not only would the building be higher than code allows, it also sits higher than our property which would make the proposed building more than 4 stories from our perspective.

The proposed project is also asking for a set back variance. The City has these building restrictions in place for reasons of public policy such as safety, privacy, and environmental protection. We are concerned about all of these issues if a set back variance is awarded. With the new building crowded upon our property lines and structures, things like fire and safety are a major concern. We would also lose all sense of privacy as a building of this height would allow the residents to look down into our windows. Our association has also spent large sums of money to ensure proper drainage and protect the Marsh that we call home. Where would the drainage from this property go? There will be very little green space around the new project and it is conceivable that much of the drainage from the proposed property would become an issue for our Association.

We also have a huge concern about the proposed apartments allowing pets, especially dogs. The property for the proposed project is quite small for a project of this size. With the building and associated parking for 50 plus units will leave very little green space for the residents. If they have dogs, where will they go to run, play, and relieve themselves?

This would not be fair to our residents as our green space would be used by others who would have no interest in maintaining the property and keeping it clean and sanitary. This also has the potential to become a noise concern as we all know barking dogs can become a nuisance.

This summer our association spent a huge sum of money repaving our drive and parking area. Some of the drive is used by other businesses. These businesses have refused (as did Group 633) to assist in repairs and replacement of the drive. We own the drive but their employees and customers use it daily to access the businesses. Why should our owners be solely responsible for this cost? Again, Group 633 has already shown it is unwilling to assist with the road.

We are also concerned about increased traffic on and by our property. The entrance/exit to our property on Centre Ave is already extremely busy and dangerous. Added traffic would add to this danger. There is not a stop light at the intersection, the speed limit is 45, and Centre Ave can be very busy during the day. We have a lot of older residents who walk and exercise in the area and we are worried about the danger that the increased traffic will lead to.

When we purchased our home, the lot for this proposed building was (and still is) zoned commercial. We pictured a small restaurant or a wine store going in. Not a huge apartment complex. We ask that you not zone this parcel residential.

How many trees would need to be removed?

One of the reasons we chose to purchase a home at Marsh Point is the beauty and solitude. It is set back off the road, has natural scenery on all sides, and is very quiet. This proposed building would destroy all of those things. Please consider the residents of Marsh Point who were here long before this proposed project.

We ask that you take the time to visit our property and see the negative aspects of this project from our perspective. Marsh Point is BEAUTIFUL. WE DO NOT WANT TO LOSE IT OR DESTROY IT!!!

Please do not allow this to happen. It is where we live, it is our backyard, we are citizens of Portage.

Respectfully,  
Jason and Casey Badders

If you have any questions or concerns please contact us by email or call 269-760-0176.

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FEB 04 2021

COMMUNITY DEVELOPMENT

Dear Members of the Portage Planning Commission:

Donna D. Ross (Kaye)  
Marsh Pointe Condominiums  
4050 W. Centre Ave., #213  
Portage, MI 49024

My name is Donna Ross (Kaye) and I live at the Marsh Pointe Condominiums. This letter is in re/to the 633 Group application to change the land use of 4100 W. Centre Ave., which sits directly south of our community, from commercial to multi-family residential.

After serving as an educator for the public school system for over 33 years, I decided to retire a year ago. With that retirement came a decision to "down-size" - I spent a lot of time looking for the perfect condominium community - something peaceful, quiet, and a place where I could enjoy beauty/wild-life, and not too far to commute to surrounding areas. I found it at Marsh Pointe. I bought my property not even a year ago and I have enjoyed all of the things that I just mentioned. It is the first time I have lived in Portage!

I recently found out about the 633 Group's request and I have to say that I am concerned on so many levels. The plan to put multiple units on such a small parcel of land is astonishing to me. I believe that it would greatly impact (in a negative way) many practical issues. In addition, it would impact the the peaceful aesthetic gifts of Marsh Pointe.

These are the areas that are of most concern to me:

1. Environmental - When I purchased the property 9 months ago, the Realtor I worked with was so impressed by the protected wetlands adjacent to Marsh Pointe. I was impressed as well - it is a beautiful, peaceful, delicate, and fragile marsh. The proposed apartment building is just yards away from this area. My church family has been very active regarding issues of climate change - in fact, just last Sunday, our minister shared the welcome news that the Portage City Council is possibly poised to join with other communities around the country urging action on global warming. I truly believe that saving and protecting areas like our marsh dovetails with climate change issues.
2. Safety - Again, the fact that so many people would be living in such a small area is a safety concern to me.
3. Traffic concerns and garage/car concerns - there would be numerous cars/other vehicles that would be connected to the proposed apartments which would obviously result in more noise and exhaust, especially since the apartment would sit so much higher than the Marsh Pointe Condos....creating problems for the residents and, of equal importance, to the marshland.

4. Utility concerns - the property sits very high above our condos and I would be very concerned about environmental drainage coming from the proposed apartments. I am also confused about what kind of "green-space" these apartments would have to offer residents - would it be pet-friendly? If so, where would the dogs be walked?

5. Noise concerns - my condo faces the south and is on the 2<sup>nd</sup> floor. I would be directly facing the back of this 3 story building which I assume will have balconies or open areas on the back. This would literally be just yards away from my balcony and others that also face that area.

6. Enjoyment - one of the main reasons I decided to move to this lovely area was because of the peaceful, soothing, and restful environment. I realize that this is a more personal issue but it is of utmost importance to me - I have an auto-immune disease that is manageable but can sometimes be very challenging. That is the reason that I chose to buy property here at Marsh Pointe - to enjoy the harmony with nature in an accessible area. If these apartments are built, I will literally be looking at the back-side of a large apartment wall - all of us on the south side would be confronted with that unpleasant reality. This back-end apartment view would be seen from almost all of my windows. The apartment building would cut off the view of trees which would greatly affect the enjoyment I have come to know in the last 9 months of living here. I would most definitely not EVER have considered buying a property that had a view of a tall apartment building but I had no knowledge of this plan 9 months ago. It is difficult to describe the situation with words, so I would love to extend an invitation to any of you to visit, not only my property, but all of the property here at Marsh Pointe - that would hopefully add to your understanding of the setting that I am trying to describe.

Thank you so much for taking the time to read my letter of concern. As I'm sure you can tell, I am very passionate and concerned about the possibility of this plan. It makes me want to weep. I doubt that I could live here if this plan were to go through and it would break my heart to leave. I love it here...I love the peace, quiet, sense of community, and the accessibility. I implore you - please do not allow this to happen. I would also welcome a chance to talk to any of you in a one-to-one situation or to answer any questions you may have of me, personally. My phone number is 269-267-9244. I would be happy to take your call.

Respectfully,

Donna D. Ross (Kaye)



Lindsay Flynn <lindsayflynn@bhhsml.com>

## Proposed Marsh Pointe Apartments

jagoodwin <jagoodwin@charter.net>  
To: patricia.randall@portagemi.gov  
Cc: lindsayflynn@bhhsml.com

Mon, Feb 22, 2021 at 5:59 PM

Mrs. Randall,

I am writing to you regarding my concerns about the apartment complex proposed near my condo at Marsh Pointe

I bought this condo because it was tucked away - private. I felt safe here, could walk my dog at night - and felt safe. The Marsh is beautiful and all the wildlife is great to watch. Bunnies, deer, squirrels, and birds have a calming effect. The environment will be at risk with a large apartment complex being put in here. The harm to the wildlife is very concerning to me and should be to everyone. The land is saturated and won't survive the extra needs and output from the proposed complex. The marsh is already in jeopardy and the addition of a 60-unit building would destroy it.

There will be no green space for the two dogs allowed/unit which would require these pets to infringe upon our areas. I feel this would seriously affect all of the safety and privacy we currently enjoy.

The traffic will increase substantially and make left turns out of our road more dangerous than they already are. The sheer size of the proposed complex on such a small piece of land infringes on the property we all purchased and would take away our feelings of safety and privacy we currently enjoy.

I appreciate that you and the board are looking into this matter and pray that you will keep the people that specifically purchased these condos due to their safety and privacy in mind as you cast your votes.

Thank you for your time and consideration,

Judy Goodwin  
4024 W. Centre Ave  
Unit #117

Sent from my Verizon, Samsung Galaxy smartphone

April 26, 2021

Dear City Council Members,

Thank you for taking time to read my letter and to consider the impact of the proposed changes requested by the property owner 633 Group, to the parcel located at 4100 W Centre Ave.

I'll be sharing my thoughts about the proposed changes as a homeowner at Marsh Pointe. I've lived at 4164 W Centre Ave #304 since January, 2013. For eight years, I have enjoyed the experience. I know that many of my neighbors have as well, some for as long as 13 years. This is our home and we are proud to live here. I can't speak for everyone but many of us feel the proposed changes will negatively impact our quality of life.

The concerns that I and others have regarding the proposed changes include a doubling of traffic on Marsh Pointe Drive that will affect us both in the safety and length of time spent exiting from and entering onto Centre Ave. A traffic study should be done to measure the affect. There is also the matter of maintenance of the drive with increased traffic, for which Marsh Pointe is responsible for the cost.

There is also concern for the safety of pedestrian traffic that may be using Marsh Pointe Drive to reach Centre Ave or the east-west roadway to reach Woodbridge Village. The proposed plan mentions the addition of sidewalks however there is no indication that will include adding a sidewalk parallel to Marsh Pointe Drive from our parking lot to Centre Ave, the main location where the vehicular traffic will increase. Walking or parking in Woodbridge Village will not get any easier or safer.

Another concern is the impact of storm water runoff due to the limited amount of green space and the elevation of the proposed building in relation to our properties. There has already been costly maintenance of our garages adjacent to the proposed building due to runoff, without a building and paved parking lot present. It is my understanding that the types of underground tanks proposed to alleviate runoff will eventually discharge directly into the soil below the tanks which will still end up saturating soil adjacent to Marsh Pointe garages.

We don't know what the impact to the marsh will be, nor will we without an environmental review.

I also want to share my thoughts as a resident of the city of Portage. Like all other governmental bodies, Portage has rules and regulations put into place to manage growth and maintain the quality of life for its residents. Compliance to some of those rules and regulations (ordinances) can be granted a variance under certain circumstances, which is reasonable. This project requires three variances: 1) land use change from Commercial to Multifamily Residential, 2) an increase in density allowance from 12 to 48-60 units per acre, and 3) modification of setback requirements. The simple fact that this project requires not one, not two, but three variances already at this earliest of stage of development only takes common sense to realize the original intention for this parcel was not, nor should be used for a building that size and number of residents.

Regarding the requested variances, the following is offered:

Section 42 – 713 – Variances of the Portage Code of Ordinances states:

**"The council may authorize a variance from this article when, in its opinion, *undue hardship* may result from a strict compliance therewith."**

I have not seen anything in the application that would indicate an undue hardship will occur if the variances aren't granted.

This section also states:

**"In granting a variance, the council shall prescribe only conditions that it deems necessary to or desirable for the *public interest*."**

The public interest has been not been stated clearly, only inferred through the market analysis of the paid partners of 633 Group, Tracy Cross & Associates. Per a letter dated January 28, 2021, Kelly Peterson, the Director of the Department of Community Development "the market analysis prepared for the 633 Group indicates Portage and Woodbridge Hills could support a higher density multifamily residential development consisting of three stories..." and per the 633 Group application "Our market analysis partners ... determined a favorable market condition for a particular form of multifamily development."

While "could support" and "favorable market condition" may be the case, and 633 Group's willingness to make an investment corroborates that, is it really in the public interest? Is this needed? I'm unaware of any information provided showing the need for apartment housing at this specific location. A simple internet search reveals there are 240 apartments available in Portage, including 29 units at Greenspire Apartments, approximately one mile from the proposed development.

The ordinance continues:

**"In making its findings as required in this section, the council shall take into account the nature of the proposed use of land, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon *traffic conditions* in the vicinity."**

Referencing the 8<sup>th</sup> Edition of the *Institute of Traffic Engineers (ITE) Manual* is only hypothetical based on similar situations but not this particular situation with limited access to the property. As suggested earlier, a traffic study seems in order as part of the initial approval process.

The last statement in this section:

**"No variance shall be granted unless the council finds that:**

- 1) **There are special circumstances or conditions affecting the property such that the strict application of this article would deprive the applicant of the reasonable use of his land.**
- 2) **The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.**
- 3) **The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated."**

Does the denial of the requested variances deprive the applicant of the reasonable use of his land or does the denial prohibit the preservation or enjoyment of a substantial property right of the petitioner? It seems unlikely since the parcel has been vacant for 23 years. If this was the case, it would seem like variances would have been requested earlier.

Will granting the variance be or not be detrimental to the general "public welfare"? I imagine there will be additional property tax revenues collected based on the increased value of the property but will that be enough to offset the additional cost of city services? I do feel confident in saying that the homeowners in Marsh Pointe believe it is *injurious* to our property, the *only* residential property directly affected by the proposed building. I'd ask that you consider denying the variance request for change-in-use based on that reason alone.

Requesting a variance for density from 12 to 41 units per acre is a huge increase over the codified allowance. Is there any other property in the city that has anywhere near that density? The requested setback changes from the required 30 ft down to 10 ft on three sides of the property to allow for a larger building than even shown on the preliminary site plans is a huge percentage. The plan already includes a 33% reduction on the south property line and a 33% to 43% reduction on the west property line, yet they are requesting even more in the variance. Based on the aforementioned extreme increase in density and this substantial reduction in setbacks it is evident the parcel is not large enough for this size building. Will it fit, yes, but at what cost? I believe the fifty-two homeowners of Marsh Pointe will resent this development, not making for the best "neighborhood" situation. They alone are affected and will pay the cost.

As a resident of Portage, I have to question, what is the purpose of codes if they can be so easily waived? The mission of the council is to ensure the best quality of life for all residents while protecting the rights of all residents. Granting multiple variances for such a limited public benefit doesn't meet that mission. If it can happen here, it can happen anywhere.

I would also like to mention some of the items brought up by 633 Group in their application and comments during earlier Planning Commission public meetings as well as comments made by some Commissioners. These comments seem disingenuous and even misleading. One can't help but to think they were meant to paint a rosy picture and minimize the negative impact in order to push this development through.

We have been told that this location is a prime "walkability" site although the website [walkscore.com](http://walkscore.com) rates Marsh Pointe as "26 - Car Dependent." In eight years I've only walked to a restaurant in Woodbridge Village twice and I enjoy walking.

It has been said that there is easy access to multi-use trails and bike paths. "Easy access" is subjective and in some opinions some of these walking trails are not safe from a personal safety aspect or roadways safe traffic areas for biking.

While it's true there are four entrances to Woodbridge Village, two are only safely accessed by westbound traffic and left turns onto Centre are only available at two. The reality is the light at Moorsbridge and the exit/entrance at Marsh Pointe Drive are probably used by 80-90% of the traffic.

It has been stated that changing from a Commercial designation to Multifamily would be less impactful than a commercial development such as a hotel (feasibility of a hotel at this location is questionable and there is not a sufficient area to build a small hotel), a restaurant (limited hours and no overnight noise), fast food franchise (difficulty of accessing it from Centre would likely be a non-starter), an auto-oriented use such as an auto repair or parts store (saturated market limiting traffic, limited hours) or other busy retail business.

A comparison of building heights is tenuous. In the three story buildings at Marsh Pointe, the lower story is below the grade of our parking lot, the top of the second story is at the same height as the grade of the proposed building (8-10 ft. higher) and the third story is even with the proposed building's first floor. We will be looking up at it and it will be blocking our view.

To date, no one has taken the time to explain to us why this development is beneficial to the city of Portage and its residents, not 633 Group and not the Planning Commission. A number of us invited the members of the Planning Commission to visit the site of the proposed development, although it seems few did. I ask all of you to take a simple walk around the site, even before you request a traffic study or environmental review and certainly before voting. I truly believe you will see what we see - a parcel not suited to a three-story, 60 unit apartment building.

Thank you again, for taking the time to read this and thank you for serving the city of Portage.

Nancy L. Tangney  
Frank Tangney  
4164 W. Centre Ave. #304  
269-615-4477



MATERIALS TRANSMITTED  
April 27, 2021

TO: Honorable Mayor and City Council

FROM: Joseph S. La Margo, City Manager

SUBJECT: Communication received from a citizen regarding the proposed changes to water and sewer rates, **Agenda Item D.2** - Information Only.

Attached is communication received from a citizen regarding the proposed changes in water and sewer rates for consideration at this evening's public hearing. If other communications are received prior to the meeting, they will be provided to the City Council as expediently as possible.

Attachments

**Amanda Janssen**

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**To:** Erica Eklov  
**Subject:** RE: Sewer rate increase/ Council Meeting of 4/27

**From:** Hayes, Sherry L <[sherry.hayes@pnc.com](mailto:sherry.hayes@pnc.com)>  
**Sent:** Monday, April 26, 2021 1:19 PM  
**To:** Erica Eklov <[eklove@portagemi.gov](mailto:eklove@portagemi.gov)>  
**Subject:** Sewer rate increase/ Council Meeting of 4/27

**CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER**

Do not click on links or open attachments unless this is from a sender you know and trust.

Dear council members,

My name is Sherry Hayes. I live at 2218 Bender Rd. I am contacting you regarding the plan to increase our sewer rates. Our little neighborhood sits at the end of the water loop, and while our water has been deemed 'acceptable' when it leaves the treatment center on Garden Ln, it is not acceptable when it reaches us.

Because of this, I pay a monthly premium to condition my water, and still do not drink it. Others have experienced worse. My drains often back up with sludge and odor. Blasting fire hydrants does not produce cleaner water; it produces cloudy discolored water, sometimes for days. I would hope before we spend more, you will do more. These concerns have been raised numerous times by my neighbors, with no action for remedy. I join them now in asking for some attention to the problem before charging more for the inconvenience.

Please present this during your council meeting, as I may be unable to attend the Zoom as scheduled.

Thank you for your consideration.

Sherry L Hayes

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PNC, 249 Fifth Avenue, Pittsburgh, PA 15222; [pnc.com](http://pnc.com)

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Proposed Fiscal Year 2021-2022 Budget

**SUPPORTING PERSONNEL:** Lauren VanderVeen, Finance Director

**ACTION RECOMMENDED:** Hold a Public Hearing on the proposed Fiscal Year 2021-2022 Budget and the tax rate required to support the proposed Budget.

On April 13, 2021, City Council was presented with the proposed 2021-2022 Fiscal Year budget in accordance with Section 7.2 of the City Charter. City Council held two budget work sessions on April 20 and May 11, 2021. The next step is to conduct a public hearing.

Highlights of the proposed budget include:

- Continued emphasis on street maintenance and improvements;
- No increase in water rates and a 10% increase in sewer rates to offset a cost increase from the City of Kalamazoo for the next year;
- Maintenance of the City Council prescribed fund balance for the General Fund at twenty four percent (24%) of General Fund expenditures;
- Preservation of the City of Portage position in the lower twenty percent (20%) of all Michigan cities with populations between 30,000 and 80,000 in terms of millage level.

The levied millage for Fiscal Year 2021-2022 is unchanged at a total of 10.6400 mills, with a reallocation of millages between tax-levy supported funds to Fiscal Year 2019-2020 levels.

The City Charter and state law requires publication of the public hearing notice, and that a public hearing is held prior to adoption of the proposed budget. The Notice of Public Hearing appeared in the April 28, 2021 edition of the Kalamazoo Gazette. Given that the proposed tax rate of 10.6400 mills for the Fiscal Year 2021-2022 budget does not exceed the 2020 base tax rate, a Truth in Taxation Hearing and Resolution for 2021 is not required. The tax levy for 2021 is the same as 2020.

Final adoption of the proposed Fiscal Year 2021-2022 budget will be considered by City Council at its regular meeting on May 25, 2021.

**FUNDING:** N/A

**Attachments:** 1. Millage Reallocation

# Millage Reallocation

| Millage                    | 2020/21 Rates | 2021/22 Recommended Rates | Change From 2020/21 Rates |
|----------------------------|---------------|---------------------------|---------------------------|
| General Fund               | 7.5000        | 7.3560                    | -0.1440                   |
| Capital Improvement        | 2.0000        | 2.0000                    | 0.0000                    |
| Curbside Recycling         | 0.2450        | 0.3275                    | 0.0825                    |
| Leaf Pickup/Spring Cleanup | 0.2450        | 0.3730                    | 0.1280                    |
| Municipal Streets Fund     | 0.6500        | 0.5835                    | -0.0665                   |
|                            | 10.6400       | 10.6400                   | 0.0000                    |

No change in overall millage is proposed.