

6:00 p.m. Committee of the Whole Meeting (Farmer's Market).

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Consent Agenda:

1. Approve the City Council Meeting Minutes of the:
 - a. Board & Commission Interviews of January 24, 2023.
 - b. Regular Meeting of January 24, 2023.
2. Approve the Accounts Payable Register of January 24, 2023 as presented.
3. Adopt the Resolution Establishing Poverty Exemption Guidelines for 2023.
4. Adopt the resolution setting the schedule for the 2023 Board of Review and approve the use of two three-member panels for the Board of Review meetings.
5. Award a contract to J. Ranck Electric, Incorporated of Mt. Pleasant, Michigan in the not-to-exceed amount of \$168,325 for the purchase of traffic signal poles, mast arms and assemblies for a traffic signal installation on Portage Road at Forest Drive, and authorize the City Manager to sign all documents related to the contract on behalf of the city.
6. Award:
 - a. a contract to G & L Tank Sandblasting and Coatings, LLC of Shelbyville, Tennessee in the not-to-exceed amount of \$837,250 for the rehabilitation of the Haverhill water tower;
 - b. an engineering services contract to Dixon Engineering in the amount of \$81,850 to provide construction engineering services for the Haverhill Water Tower Rehabilitation Project;and authorize the City Manager to sign all other documents related to the contract on behalf of the city.
7. Approve a contract with Kalamazoo County to provide hazardous waste collection services at the Household Hazardous Waste Center for Portage residents for the 2023 calendar year in the amount of \$78,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
8. Adopt Resolution No. 2, for the Austin Lake Invasive Weed Management Program Special Assessment District No. 023-A, setting a public hearing of necessity on February 7, 2023.
9. Adopt a Resolution of Necessity to acquire fee simple interests for development of the Austin Lake Trail.
10. Appoint:
 - a. Karl Hokenmaier to the Senior Citizens Advisory Board as an Alternate member with a term ending October 1, 2026;
 - b. Aimee Potts to the Zoning Board of Appeals with a term ending February 28, 2026; and
 - c. James Eichstaedt (reappointment) to the Zoning Board of Appeals with a term ending February 28, 2026.
11. Adopt the Resolution designating the Prairie Edge Christian Reformed Church at 9316 Oakland Drive as a polling location for the City of Portage.
12. Materials Transmitted of January 11, 2023.

13. Minutes of Boards & Commissions:

- a. Zoning Board of Appeals of December 12, 2022

14. Calendar of Meetings:

- Historic District Commission: February 1, 2023 at 8:30 a.m. at City Hall.
- Park Board: February 1, 2023 at 6:30 p.m. at 320 Library Lane.
- Human Service Board: February 2, 2023 at 5:30 p.m. at City Hall.
- Planning Commission: February 2, 2023 at 7:00 p.m. at City Hall.

B. Petitions and Statements of Citizens:

C. Communications:

1. Annual update from the Youth Advisory Committee.

D. Public Hearings:

1. Subsequent to the public hearing for the Tentative Plan and Rezoning Application #22/23-6 Planned Development project 'Kings Landing' at 6601 Constitutional Boulevard, it is recommended that City Council take no further action at this time due to project withdrawal.

E. Regular Business Agenda:

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
JANUARY 10, 2023
BOARDS AND COMMISSIONS INTERVIEWS**

Mayor Patricia Randall called the Board & Commission Interview Session to order at 05:47 PM in Conference Room #1 of Portage City Hall.

ROLL CALL: Councilmembers Lisa Brayton, Lori Knapp, Victor Ledbetter, Terry Urban (6:48 p.m.), Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: Councilmember Chris Burns.

ALSO PRESENT: City Manager Pat McGinnis and City Clerk Erica Eklov.

BOARD OF REVIEW - 5 EXPIRING TERMS, 1 VACANCY

From 5:47 p.m. to 6:03 p.m., City Council interviewed returning members Patrick Buckley, Carol Eddy, Leonard Lamberson, Keith Hearit, Orville Smith, and applicant Ian Lenan. At the invitation of Mayor Randall, Carol Eddy discussed the pros and cons of the prior year. She inquired about the pod structure planned for 2023. Mayor Randall stated two pods were likely. Mr. Lamberson spoke regarding the new structure of the Assessor's Office. Mr. Buckley spoke regarding the history of the multi-pod structure. Mr. Buckley expressed concern that staff did not provide ample background paperwork in 2022. Mayor Randall highlighted that WCA had not been hired yet with the 2022 March Board of Review (MBOR). Councilmember Knapp asked about the December Board of Review. Mr. Buckley noted it was not the same as the MBOR. Mayor Randall asked the City Manager to conduct an orientation and discussion with the new board members and WCA before the MBOR, including any law changes since the prior year. She further asked for communication of educational opportunities. Mr. Hearit was able to provide input on the multiplier rates.

HISTORIC DISTRICT COMMISSION - 2 VACANCIES

From 6:03 p.m. to 6:11 p.m., City Council interviewed applicant Carol Dunleavy-Chandler. At the invitation of the Mayor, City Clerk Eklov summarized the focus of the Historic District Commission. Ms. Dunleavy-Chandler spoke regarding both her college and volunteer work on historical research, despite a career in finance.

HUMAN SERVICES BOARD - 2 VACANCIES

From 6:12 p.m. to 6:35 p.m., City Council interviewed applicants Amanda Bengston, Aimee Potts, Bridget Lane, Sue Beasley, and Karl Hokenmaier. The Mayor inquired whether any applicant was interested in the other boards on the agenda, noting the remaining vacancies. Councilmember Knapp explained the Board of Review oversight; Mayor Randall and Mayor Pro Tem Pearson explained the remaining boards. Ms. Beasley inquired about the most important aspects of the Human Services Board over the prior year. Ms. Potts and Ms. Bengston spoke regarding potential interest in other boards. At the invitation of the Mayor, City Clerk Eklov summarized the Board of Review meeting times for the Human Services Board applicants in case of interest. Following an introduction and brief background explanation by the applicants, Mayor Randall thanked them for applying and commended the experience brought by each.

LOCAL OFFICERS COMPENSATION COMMISSION - 1 EXPIRING TERM, 2 VACANCIES

From 6:36 p.m. to 6:42 p.m., City Council interviewed returning member Paul Summers and new applicant Sean Malone. At the invitation of the Mayor, Mr. Summers reviewed the purpose of the Local Officers Compensation Commission (LOCC). Mr. Malone described his statistician background in relation to the work of the LOCC. Mr. Summers described how the meeting schedule works for his personal life. Mayor Randall asked Mr. Summers for input regarding the City Administration's efforts

with the LOCC to date and Mr. Summers confirmed the information previously provided has been helpful.

ZONING BOARD OF APPEALS - 3 EXPIRING TERMS, 1 VACANCY

From 6:43 p.m. to 6:45 p.m., City Council interviewed returning member Lynn Haddow. At the invitation of Mayor Randall, Ms. Haddow described her experience on the Zoning Board of Appeals. There was additional discussion by the Council regarding the remaining two vacancies and the absence of applicants.

PUBLIC COMMENT: None.

BOARD AND COMMISSION APPOINTMENTS DISCUSSION: The Council agreed to reappoint the returning members of the Board of Review and appoint Human Services Board applicant Amanda Bengston to the remaining vacancy. Concerning the Historic District Commission, Councilmembers recommended appointing Carol Dunleavy-Chandler as the solo applicant and continuing the search for the remaining vacancy. The Council then reached a consensus to reappoint Lynn Haddow and Lena Jomaa to the Zoning Board of Appeals, but leave the two vacancies un-filled pending additional applicant search. The Mayor asked the City Clerk to review the status of the Zoning Board Alternate positions as well. There was agreement by the Council to reappoint Paul Sommers and appoint Sean Malone to the Local Officers Compensation Commission, with instruction to the City Clerk to secure a suitable applicant for the remaining vacancy by May. Following discussion, it was the consensus of the Council that Sue Beasley and Bridget Lane were the best candidates for the Human Services Board positions at this time.

ADJOURNMENT: Mayor Randall adjourned the meeting at 06:57 PM.

Erica L. Eklov, City Clerk

CITY COUNCIL MEETING MINUTES FROM JANUARY 10, 2023

Mayor Patricia Randall called the Regular Meeting to order at 07:07 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Lisa Brayton, Lori Knapp, Victor Ledbetter, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: Councilmember Chris Burns.

ALSO PRESENT: City Manager Pat McGinnis, Deputy City Manager Adam Herringa, Deputy City Manager Michael Carroll, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on inclusivity in the Portage community. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

2022 Christmas Light Display Contest Winners: At Mayor Randall's request, City Manager McGinnis presented the first, second, and third place awards for the inaugural City "Decked Out" Holiday Display contest, sponsored by Consumers Energy.

National Day of Racial Healing 2023: Emily Olivares, Co-Director of the Kalamazoo Foundation, read the National Day of Racial Healing 2023 proclamation. At the invitation of the Mayor, Ms. Olivares spoke regarding the National Day of Racial Healing and the Kalamazoo Foundation's plans for the event. Councilmember Ledbetter thanked the Kalamazoo Foundation for its work in the community.

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. Mayor Pro Tem Pearson removed Item A.6. Councilmember Urban removed Items A.3 and A.8. Motion by Pearson, seconded by Ledbetter, to approve the Consent Agenda, as amended. Upon a roll call vote, motion carried 6 to 0.

Approval of Minutes: Motion by Pearson, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Regular Meeting of December 20, 2022. Upon a roll call vote, motion carried 6 to 0.

Accounts Payable Register: Motion by Pearson, seconded by Ledbetter, to approve the Accounts Payable Register of January 10, 2023, as presented. Upon a roll call vote, motion carried 6 to 0.

Consolidation and Contamination Risk Reduction Grant: Motion by Pearson, seconded by Ledbetter, to approve a Consolidation and Contamination Risk Reduction grant agreement in the amount of \$525,969 between the Michigan Department of Environment, Great Lakes and Energy and the city and authorize the City Manager to sign all documents related to the project on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Approve Bond Council and Financial Advisory Service Provider Contracts: Motion by Pearson, seconded by Ledbetter, to approve a ten-year contract (one base year and nine option years) with Dickinson Wright for Bond Counsel services, as well as a ten-year contract (one base year and nine

option years) with MFCL, LLC for Financial Advisor services, and authorize the City Manager to execute all documents related to these actions on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

2023 Recreation and Open Space Plan: Motion by Pearson, seconded by Ledbetter, to adopt the 2023 Recreation and Open Space Plan Update for submittal to the MDNR in accordance with their grant requirement guidelines. Upon a roll call vote, motion carried 6 to 0.

City Council Priorities for FY23-24: Motion by Pearson, seconded by Ledbetter, to approve the City Council priorities for Fiscal Year 2023-2024. Upon a roll call vote, motion carried 6 to 0.

Minutes of Boards & Commissions: Motion by Pearson, seconded by Ledbetter, to receive the Minutes of the Planning Commission of December 1, 2022. Upon a roll call vote, motion carried 6 to 0.

Materials Transmitted: Motion by Pearson, seconded by Ledbetter, to receive the Materials Transmitted of December 20, 2022. Upon a roll call vote, motion carried 6 to 0.

Calendar of Meetings: Motion by Pearson, seconded by Ledbetter, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: None.

REGULAR BUSINESS AGENDA:

Appointments to Boards and Commissions: At the request of the Mayor, City Clerk Eklov read the following appointments into the record: reappoint Patrick Buckley, Carol Eddy, Keith Hearit, Leonard Lamberson, and Orville Smith, as well as appoint Amanda Bengston, as members of the Board of Review with terms ending January 31, 2024, with the designation of the panels to be determined by the City Assessor; appoint Carol Dunleavy-Chandler to a term ending December 31, 2025, to the Historic District Commission; appoint Sue Beasley to a partial term ending October 1, 2023, and appoint Bridget Lane to a partial term ending October 1, 2024, to the Human Services Board; reappoint Paul Sommers to a term ending October 1, 2029, as well as appoint Sean Malone to a term ending October 1, 2029, to the Local Officers Compensation Commission; and, reappoint Lynn Haddow, and Lena Jomaa to terms ending February 28, 2026, to the Zoning Board of Appeals. Motion by Knapp, seconded by Ledbetter, to appoint individuals to the Historic District Commission, Human Services Board, Local Officers Compensation Commission, Board of Review, and Zoning Board of Appeals as noted by the City Clerk. Upon a roll call vote, motion carried 6 to 0.

Preliminary Condominium: McConley Cove Planned Development, 1075 Bacon Avenue: Councilmember Urban explained he had concerns about the proposed plan, some of which had been answered earlier but others remained. He noted the proposed continuation of the street curb to remove the pending street extension at Hillberry Drive and Chaucer Avenue, creating a small outlot at the location requiring future maintenance clarification. Councilmember Urban also noted a desire to ensure the continuation of the sidewalk along Hillberry Drive and Chaucer Avenue once the future street development section was closed.

Motion by Urban, seconded by Brayton, to grant tentative approval of the Preliminary Condominium Plan for McConley Cove Planned Development, 1075 Bacon Avenue with the addition to the proposed plan of connecting the sidewalk at Chaucer and Hillberry Drive. Upon a roll call vote, motion carried 6 to 0.

Austin Lake Invasive Weed Management - 2023 to 2027 Special Assessment: Mayor Pro Tem Pearson requested additional information regarding the item. He further noted the absence of an October 17, 2022 report from the consultant in the agenda. Mayor Pro Tem Pearson stated the document had been provided to him shortly before the meeting at his request and asked that all of the Council receive the document. Transportation & Utilities Director Kendra Gwin noted there had been

an amended report by the consultant in October that included a supplementary recommendation to include mechanical harvesting in addition to chemical remediation. Director Gwin confirmed that both reports could be provided to the Council. Councilmember Urban stated his shared concerns with the need to review all related documentation in the absence of a governmental lake board and the reliance on the Council as the deciding body on the process. He noted the urgency of the timing of beginning the process so the project could benefit the upcoming summer season. Councilmember Urban also highlighted the variance of species entailed and legal requirements pertaining to each species, as well as the noted costs entailed in the project as additional funding would potentially be needed. He clarified with the City Attorney that Resolution #1 did not entail amounts, but requested the City Administration confirm dollar amounts before notifying homeowners.

Motion by Urban, seconded by Pearson, to adopt Resolution No. 1, accept the City Manager Report, and request preparation of Resolution No. 2 for the Austin Lake Invasive Weed Management Program Special Assessment District No. 023-A. Upon a roll call vote, motion carried 6 to 0.

City Manager Employment Agreement - Relocation Expenses: Councilmember Urban expressed concerns about modifying the existing Employment Agreement with its cap of \$20,000 to the newly requested amount, which would double the cap. At the request of the Mayor, Deputy City Manager Adam Herringa provided background costs entailed with the \$20,000 amount detailed in the agreement, noting that costs for housing sales and the Council's desire to have the new City Manager relocate within the City of Portage, resulted in greater costs incurred. He stated that the \$20k capped amount could easily cover moving and relocation costs; however, the home purchase and realtor expenses in the current market proved more expensive.

Motion by Knapp, seconded by Brayton, to amend the City Manager Employment Agreement to increase the allocation for relocation expenses from \$20,000 to \$40,754.61. Upon a roll call vote, motion carried 6 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp provided an update on the Portage Community Center Board of Directors, including information from the holiday programs and events. She noted the upcoming golf outing fundraiser slated for May 2023, as well as a national recognition of the Portage Community Center Youth Program staff. Motion by Urban, seconded by Brayton, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: Robert Williams (10930 South Westnedge Avenue) expressed concerns about the need to ensure the resurfacing of the South Westnedge roadway, specifically South Shore Drive to Osterhout Avenue. Councilmember Urban noted his proximity to South Westnedge Avenue and shared his concerns about the road quality. Mayor Randall confirmed the City Administration would review the matter.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Brayton noted National Law Enforcement Appreciation Day on January 9th and recognized the service of those in the Portage Department of Public Safety.

Councilmember Ledbetter thanked the Kalamazoo Foundation for the proclamation, citing the upcoming holiday for Martin Luther King, Jr. Councilmember Ledbetter noted recent issues with education mandates excluding Dr. King from the school curriculums in the State of Virginia.

Councilmember Knapp thanked the applicants and members of the City's Boards & Commissions, encouraging new applicants and remaining applicants to get involved.

Councilmember Urban extended his apologies for his absence from the earlier Board & Commission Interview session.

City Manager McGinnis asked members of the Council to promote the ongoing Master Plan update survey.

Mayor Pro Tem Pearson asked the City Administration to review citizen comments on social media regarding issues with the Master Plan survey platform for mobile devices.

Mayor Randall discussed upcoming budgets. She then highlighted the upcoming city recognition of Martin Luther King, Jr. Day the following week, as well as the Chinese New Year holiday.

ADJOURNMENT: Mayor Randall adjourned the meeting at 08:04 PM.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve the Accounts Payable Register of January 24, 2023 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, electronic payments and credit card payments. The attached Accounts Payable Register covers the period January 1, 2023 through January 14, 2023 and notes \$408,937.76 in automated clearing house payments, \$1,037,141.64 in paper checks, \$278,605.54 in auto-pay payments, \$5,108,635.94 in electronic payments and \$9,518.64 (December) in credit card payments for a grand total of \$6,842,839.52.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of January 24, 2023

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/01/2023 to 1/14/2023

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
01/06/2023	18552(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES-MULT LOCATIONS	28,613.75
01/06/2023	18553(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,042.90
01/06/2023	18554(A)	AMAZON.COM SALES, INC.	ZONING CAMERA-CD; WEIGHTS,OFC SUP-SC	743.57
01/06/2023	18555(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	1,350.00
01/06/2023	18556(A)	B S & A SOFTWARE	BS&A ONLINE SETUP & ON SITE TRAINING	2,660.00
01/06/2023	18557(A)	BATTERIES PLUS	REPLACEMENT BATTERY	6.67
01/06/2023	18558(A)	BCHS-HELPNET	EAP SERVICES	1,642.65
01/06/2023	18559(A)	BIO-CARE, INC.	VOID	0.00
01/06/2023	18560(A)	BROWNELL'S INCORPORATED	MISC RIFLE SUPPLIES	2,106.47
01/06/2023	18561(A)	CARLETON EQUIPMENT CO.	REPAIR AND MAINTENANCE	571.77
01/06/2023	18562(A)	CARLETON EQUIPMENT CO.	REPAIR AND MAINTENANCE	651.09
01/06/2023	18563(A)	CARRIER & GABLE	AUDIBLE PEDESTRIAN PUSHBUTTONS	17,328.60
01/06/2023	18564(A)	CHARTER COMMUNICATIONS	CABLE TV	345.18
01/06/2023	18565(A)	CONSOLIDATED ELECTRICAL DIST INC	REPAIR/MAINTENANCE SUPPLIES	127.54
01/06/2023	18566(A)	CONSUMERS CONCRETE CORP.	ROADSIDE MAINT, CONCRETE MIX FOR STREETS	538.70
01/06/2023	18567(A)	CROWN TROPHY	ALUMINUM PLAQUE	310.00
01/06/2023	18568(A)	DATA CONSTRUCTS LLC	MONTHLY WEBSITE HOSTING SERVICES	97.95
01/06/2023	18569(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	52.84
01/06/2023	18570(A)	EARLE, SHELIA L	FITNESS INSTRUCTION	1,007.50
01/06/2023	18571(A)	ELECTION SYSTEMS & SOFTWARE, INC.	ACTIVATION CARD	44.34
01/06/2023	18572(A)	ENGINEERED PROTECTION SYSTEMS, INC.	ALARM MONITORING	938.56
01/06/2023	18573(A)	ETNA SUPPLY, INC.	REPAIR & MAINT SUPPLIES	590.82
01/06/2023	18574(A)	EXTREME POWER EQUIPMENT, INC.	SALT SPREADER REPAIR PARTS	737.73
01/06/2023	18575(A)	FERGUSON WATERWORKS #3386	STORMCEPTOR COVER FOR MANHOLE	513.63
01/06/2023	18576(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,182.08
01/06/2023	18577(A)	GERTH, BENJAMIN	REIMB EXP-FIREARMS/RANGEMASTER SCHOOL TR	72.00
01/06/2023	18578(A)	GRAINGER INC	SAFETY SHIRTS	27.58
01/06/2023	18579(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SERVICES	427.00
01/06/2023	18580(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	10,640.98
01/06/2023	18581(A)	HUDSON, MAURICE	REIMBURSE OFFICE SUP-USB DRIVES	49.95
01/06/2023	18582(A)	INDUSCO SUPPLY CO., INC.	MISC PAPER & CLEANING SUPPLIES	848.64
01/06/2023	18583(A)	INSIGHT PUBLIC SECTOR, INC.	DATA CENTER HARDWARE REPLACEMENT	105,003.30

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/01/2023 to 1/14/2023

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Check Date	Check	Vendor Name	Description	Amount
01/06/2023	18584(A)	KURZAVA, MATTHEW STEPHEN	FITNESS INSTRUCTION TAI CHI	260.00
01/06/2023	18585(A)	LAWSON PRODUCTS, INC	REPAIR/MAINTENANCE SUPPLIES	923.44
01/06/2023	18586(A)	LRE	ENGINEERING SERVICES-HAMPTON CREEK BOG	5,202.32
01/06/2023	18587(A)	MACQUEEN EQUIPMENT LLC	RENTAL SWEEPER BROOMS, REPAIR/MAINT	3,475.56
01/06/2023	18588(A)	MARTIN SPRING & DRIVE, INC.	TRUCK REPAIRS-REAR LEAF SPRING REPAIRS	1,861.00
01/06/2023	18589(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRE MAINTENANCE	1,038.40
01/06/2023	18590(A)	MENARDS	ROOF SNOW GUARDS & INSTALL SUP	236.89
01/06/2023	18591(A)	MOTOROLA SOLUTIONS, INC.	Q1769565 APX 8000 RADIOS	3,195.51
01/06/2023	18592(A)	MUNICIPAL EMERGENCY SERVICES INC	FIRE SCBA REPAIR	1,102.50
01/06/2023	18593(A)	NASON, RICHARD	LEADERSHIP DEV-PER DIEM; REIMB FOR VEH SUP	330.65
01/06/2023	18594(A)	NYE UNIFORMS	MISC UNIFORMS	9,457.32
01/06/2023	18595(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERVICES	3,950.96
01/06/2023	18596(A)	PECKELS, CHRISTINE	FITNESS INSTRUCTION YOGA	320.00
01/06/2023	18597(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE SERVICES	3,063.33
01/06/2023	18598(A)	PHILLIPS, KIMBERLY	REIMBURSEMENT FOR MONTHLY EXPS-PZSC	114.54
01/06/2023	18599(A)	PRECISION METALS PLUS	METAL ELBOW	696.00
01/06/2023	18600(A)	PRECISION PRINTER SERVICES INC	PRINTER SERVICE	237.99
01/06/2023	18601(A)	PREIN & NEWHOF	ENGINEERING SVCS-COOLEY DR	9,943.75
01/06/2023	18602(A)	PREMIER TRUCK SALES & RENTAL, INC.	LEAF PICKUP PACKER RENTAL	60,019.30
01/06/2023	18603(A)	VOID		0.00
01/06/2023	18604(A)	PRINTING SERVICES INC	PRINTING SERVICES	567.75
01/06/2023	18605(A)	QUADIENT LEASING USA, INC	LEASE PAYMENT	732.30
01/06/2023	18606(A)	QUADRANT II MARKETING, LLC	JAN FEB NEWSLETTER PRODUCTION	2,145.00
01/06/2023	18607(A)	R W LAPINE INC.	HVAC REPAIR/MAINT-MULT LOCS	4,924.49
01/06/2023	18608(A)	RIDGE AUTO NAPA	REPAIR/MAINTENANCE SUPPLIES	1,544.27
01/06/2023	18609(A)	RIETH-RILEY CONSTRUCTION CO., INC	CONSTRUCTION CONTRACT - ROMENCE ROAD	66,906.84
01/06/2023	18610(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	355.56
01/06/2023	18611(A)	ROE-COMM, INC.	MISC RADIO SERVICES	44.98
01/06/2023	18612(A)	S B F ENTERPRISES, INC.	PRINT/PROCESS QUARTERLY WATER BILLS	717.26
01/06/2023	18613(A)	SEVERANCE ELECTRIC COMPANY, INC	MISS DIG MARKINGS	385.00
01/06/2023	18614(A)	STEELE, DANA	REIMB FOR FIRE SUPPLIES	53.37
01/06/2023	18615(A)	STOUT, MELISSA JOY	FITNESS INSTRUCTION BARRE	175.00
01/06/2023	18616(A)	VEOLIA WATER CONTRACT OPERATIONS	MCAP RECONCILIATION - OCTOBER 2022	16,239.44

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/01/2023 to 1/14/2023

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Check Date	Check	Vendor Name	Description	Amount
01/06/2023	18617(A)	WARNER NORCROSS & JUDD LLP	LEGAL SERVICES	680.00
01/06/2023	18618(A)	WARNER OIL COMPANY INC	DIESEL EXHAUST FLUID	169.50
01/06/2023	18619(A)	WEST MICHIGAN STAMP & SEAL, INC	NAME BADGES	32.00
01/06/2023	18620(A)	WIGHTMAN	EGL E DAM RISK GRANT PRE-PROPOSAL	1,000.00
01/06/2023	18621(A)	WOLVERINE POWER SYSTEMS	GENERATOR REPAIRS	1,007.63
01/13/2023	18622(A)	ADP, INC.	ADP PAYROLL & ETIME SERVICES	9,571.14
01/13/2023	18623(A)	BIO-CARE, INC.	FIRE DIVISION PHYSICALS	13,690.00
01/13/2023	18624(A)	KUSHNER & COMPANY, INC.	COBRA AND FSA ADMINISTRATION	292.98
Total ACH				408,937.76

Check Type: Paper

01/06/2023	322772	A BETTER WAY TREE CARE LLC	REMOVE DAMAGED TREE @ CENTRAL CEMETERY	3,450.00
01/06/2023	322773	A S C A P	2023 MUSIC LICENSING	420.00
01/06/2023	322774	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	2,117.00
01/06/2023	322775	ARROWHEAD SCIENTIFIC, INC.	MISC LAB SUPPLIES	297.73
01/06/2023	322776	ASCENSION BORGESS HOSPITAL	DOT PHYSICALS	321.00
01/06/2023	322777	BARRON, ANDREA	DECKED-OUT HOME HOL DECORATING CONTEST	200.00
01/06/2023	322778	BLANCHARD, CHARICE	RENTAL SECURITY DEP REFUND	150.00
01/06/2023	322779	BOLHUIS, TOM	SCHRIER PARK DEPOSIT REFUND	150.00
01/06/2023	322780	BROADCAST MUSIC, INC.	2023 MUSIC LICENSE	391.00
01/06/2023	322781	BUNCA INC.	INTERIOR CAR WASHES	25.00
01/06/2023	322782	BUSINESS SPEAKERS BUREAU LLC	2023 SUMMER CONCERTS	9,175.00
01/06/2023	322783	CHICAGO TITLE OF MICHIGAN, INC.	CDBG TITLE SEARCH	150.00
01/06/2023	322784	CINTAS CORPORATION NO. 2	UNIFORM RENTAL FOR INSPECTORS	9.78
01/06/2023	322785	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	397,028.39
01/06/2023	322786	COOK, THERESA	TRIP REFUND 230416 SAVANAH	50.00
01/06/2023	322787	CUNNINGHAM, DAN	PRESENTATION FEES	252.62
01/06/2023	322788	D L GALLIVAN INC.	COPY MACHINE USAGE CHARGES	113.64
01/06/2023	322789	DELOOF BUILDERS LLC	BD PAYMENT REFUND	1,250.00
01/06/2023	322790	DETROIT SALT CO.	SALT DELIVERY - FIRST	9,691.63
01/06/2023	322791	DEVON TITLE AGENCY	OVERPAYMENT ON FINAL WATER BILL	24.21
01/06/2023	322792	DURKEE, REBECCA	SCHRIER PARK RENTAL REFUND	50.00
01/06/2023	322793	ELECTIONS OPERATING LLC	AV APPLICATIONS AND DATA PROCESSING	1,665.70

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Check Date	Check	Vendor Name	Description	Amount
01/06/2023	322794	EMERGENCY VEHICLE PRODUCTS	CHANGE OVER POL VEHICLES, REPAIR/MAINT	16,811.59
01/06/2023	322795	ENG., INC.	RAMONA PARK PLAT SANITARY SEWER & WATER	316.25
01/06/2023	322796	FACE, GEORGE	HAZMAT OPERATIONS-PER DIEM	88.50
01/06/2023	322797	FAWLEY OVERHEAD DOOR, INC.	REPAIR MILLENNIUM GARAGE DOOR	309.00
01/06/2023	322798	FISHER SCIENTIFIC CO.	CRIME LAB SUPPLIES	580.40
01/06/2023	322799	FLEIS & VANDENBRINK ENGINEERING	ENGINEERING SVCS - MICROSURFACING PROJ	3,052.50
01/06/2023	322800	FLETCHER ENTERPRISES	INTERIOR PREP & PAINTING	700.00
01/06/2023	322801	GASAWAY, PATRICIA & CHARLES	TRIP REFUNDS 230930 230611	200.00
01/06/2023	322802	GORDON FOOD SERVICE	COFFEE BAR SUPPLIES-PZSC	443.81
01/06/2023	322803	GUTH ILLUSTRATION & DESIGN	MLK EXHIBITION PANELS	702.50
01/06/2023	322804	HOME DEPOT	REPAIR/MAINT SUPPLIES	632.36
01/06/2023	322805	HONEYWELL ANALYTICS INC.	ANNUAL CALIBRATION FOR POISCHECK	950.00
01/06/2023	322806	I A C P N E T	ANNUAL IACP NET SERVICES	1,225.00
01/06/2023	322807	IRONS, MARTHA	TRIP REFUNDS 230611 AND 230930	100.00
01/06/2023	322808	JOHNSON, HUGH & SHERRY	TRIP REFUND 230930 LAKE PLACID VERMONT	100.00
01/06/2023	322809	JOSEPH, POULSON	RENTAL DAMAGE DEPOSIT RETURN	300.00
01/06/2023	322810	JUSTICE FENCE COMPANY	FIRE FACILITY MAINT-REPAIR ENTRY GATE	360.00
01/06/2023	322811	KALAMAZOO COUNTY DRAIN COMMISSIONER	DRAIN COMMISSION ASSESSMENT AUSTIN LAKE	4,600.00
01/06/2023	322812	KALAMAZOO GARDEN COUNCIL	RENTAL DAMAGE DEPOSIT REFUND	150.00
01/06/2023	322813	KALAMAZOO PICKLEBALL	DECEMBER LEAGUES AND CLINICS	450.00
01/06/2023	322814	KALAMAZOO SYMPHONY ORCHESTRA	STIPEND FOR DEC 14 PERFORMANCE	300.00
01/06/2023	322815	KENT COUNTY DPW	WASTE DISPOSAL RED MED/DRUG	90.00
01/06/2023	322816	KZOO TIRE COMPANY	POLICE VEHICLE REPAIR/MAINT	3,339.65
01/06/2023	322817	LASATER, LAUREN	PROGRAM VENDOR PAYMENT	230.00
01/06/2023	322818	LERETA LLC	OVERPAYMENT ON THE PARCELS 06840-041-O	574.78
01/06/2023	322819	LINDE INC	OVERPAYMENT OF WINTER TAX BILL	242.79
01/06/2023	322820	LOUNSBURY EXCAVATING, INC.	ASPHALT REPAIRS DPW PARKING LOT	2,200.00
01/06/2023	322821	MCDA	MI COMM DEV ASSOC MEMBERSHIP DUES	100.00
01/06/2023	322822	MCDONALD'S TOWING & RESCUE, INC.	POLICE TOWING SERVICES	67.50
01/06/2023	322823	MI ASSOC. OF CHIEFS OF POLICE	MACP WINTER PROF DEV CONF REGISTRATIONS	560.00
01/06/2023	322824	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR/MAINT	2,829.97
01/06/2023	322825	MICHIGAN MUNICIPAL LEAGUE	MME MEMBERSHIP REN, WINTER INST CONF REG	775.00
01/06/2023	322826	MICHIGAN SECURITY AND LOCK LLC	MISC LOCK & KEY SERVICES	48.57

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01/06/2023	322827	O'REILLY AUTO PARTS	FIRE APPARATUS MAINT	75.96
01/06/2023	322828	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,667.01
01/06/2023	322829	VOID		0.00
01/06/2023	322830	OHD, LLLP	FIRE EQUIP MAINT	825.00
01/06/2023	322831	OMG NATIONAL	PROMOTIONAL ITEMS FOR CRIME PREVENTION	1,226.98
01/06/2023	322832	P K CONTRACTING, INC.	LINE STRIPING - E SHORE	2,844.00
01/06/2023	322833	PAVEMENT MAINTENANCE SYSTEMS, LLC	CHIP & FOG SEALING-MAJOR & LOCAL ROADS	380,288.78
01/06/2023	322834	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	161.88
01/06/2023	322835	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	273.22
01/06/2023	322836	PLOSKI, KRISTA	DECKED-OUT HOME HOL DECORATING CONTEST	100.00
01/06/2023	322837	PORTAGE PUBLIC SCHOOLS (TRANS)	SHUTTLE BUSES MONSTER MASH	435.86
01/06/2023	322838	QUADMED, INC.	FIRE EMS SUPPLIES	27.87
01/06/2023	322839	RAFTELIS FINANCIAL CONSULTANTS, INC	KALAMAZOO WASTEWATER RATE REVIEW	1,375.00
01/06/2023	322840	RAJPOOT, NIRAJ	RENTAL DEPOSIT REFUND	150.00
01/06/2023	322841	RATHCO SAFETY SUPPLY, INC.	EMERGENCY TRAFFIC CONTROL - OAKLAND DRIVE	629.85
01/06/2023	322842	SESAC INC	2023 MUSIC LICENSING	1,104.00
01/06/2023	322843	SMART SOURCE, LLC	PRINTING SERVICES	25.74
01/06/2023	322844	SMITH, DANIEL	DECKED-OUT HOME HOL DECORATING CONTEST	150.00
01/06/2023	322845	SPARTAN DISTRIBUTORS INC.	MAINTENANCE/REPAIR PARTS	96.43
01/06/2023	322846	STALKER RADAR	RADAR REPAIR	198.25
01/06/2023	322847	STATE OF MICHIGAN (DEPT LABOR)	LICENSE REGISTRATION (ELECTRICAL)	75.00
01/06/2023	322848	STATE OF MICHIGAN (DOT)	MDOT-MULT ROAD RECONSTRUCTION PROJS	35,885.32
01/06/2023	322849	STRIDER EDUCATION FOUNDATION, INC.	ALL KIDS BIKE PROGRAM	24,000.00
01/06/2023	322850	SUNBELT RENTALS, INC.	GENERATORS & LIGHT CART RENTALS	1,247.55
01/06/2023	322851	TACTRON, INC.	FIRE OPS SUPPLIES	12.86
01/06/2023	322852	TELUS COMMUNICATIONS (U.S.) INC	CITIZEN GPS SITE	1,710.00
01/06/2023	322853	TYLER HOME IMPROVEMENTS	CDBG-RPL ROOF & WINDOWS, REPAIR SOFFIT	14,375.00
01/06/2023	322854	ULINE, INC.	MISC EVIDENCE SUPPLIES	162.12
01/06/2023	322855	UNITED PARCEL SERVICE	UPS WEEKLY	12.00
01/06/2023	322856	US HYD LLC	TINK CLAW CYLINDER REPAIR	695.00
01/06/2023	322857	USPS	VOID	0.00
01/06/2023	322858	VARNUM LLP	BROWNFIELD LEGAL SVCS-HAMPTON BOG	402.50
01/06/2023	322859	WATKINS, ROSS & CO.	DEFINED BENEFIT PLAN ACTUARIAL & GASB STMT	9,400.00

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Check Date	Check	Vendor Name	Description	Amount
01/06/2023	322860	WATKINS, ROSS & CO.	DEFINED BENEFIT PLAN ACTUARIAL-PENSION FUND	8,440.00
01/06/2023	322861	WAYNE COUNTY APPRAISAL LLC	ASSESSING SERVICES	37,835.83
01/06/2023	322862	WINTER EQUIPMENT COMPANY, INC.	CURB GUARDS	3,576.93
01/06/2023	322863	YASMIN, FOYZUMESSA	RENTAL DAMAGE DEPOSIT RETURN	150.00
01/06/2023	322864	USPS	POSTAGE PERMIT 58	639.41
01/06/2023	322865	USPS	PORTAGER POSTAGE FEB-JULY 2023	28,000.00
01/13/2023	322866	FINK-CRAIG, EMILY	REISSUE 11/17/22PR CK TO ELECTION WORKER	170.00
01/13/2023	322867	KALAMAZOO COUNTY TREASURER	2023 DOG LICENSE SALES PAYMENT - 1ST DIST	2,568.00
01/13/2023	322868	LERETA LLC	2022 SUMMER TAX REFUND DUE PRE CHANGE	2,889.17
01/13/2023	322869	ROCKFORD ADVERTISING	2023 MICHIGAN TRAILS MAGAZINE RENEWAL	2,826.25
Total Paper Checks				1,037,141.64
Check Type: Auto-Pay Payments				
01/03/2023		MISSIONSQUARE	EMPLOYER RETIREMENT CONTRIBUTIONS	159,631.34
01/05/2023		BLUE CROSS/BLUE SHIELD OF MICH	HEALTH INSURANCE	455.76
01/05/2023		CONSUMERS AUTO-PAY	GAS-ELECTRIC	12,583.14
01/06/2023		CONSUMERS AUTO-PAY	GAS-ELECTRIC	44,859.74
01/09/2023		CONSUMERS AUTO-PAY	GAS-ELECTRIC	1,986.77
01/10/2023		CONSUMERS AUTO-PAY	GAS-ELECTRIC	8,403.78
01/11/2023		CONSUMERS AUTO-PAY	GAS-ELECTRIC	44,024.85
01/12/2023		CONSUMERS AUTO-PAY	GAS-ELECTRIC	2,702.75
01/13/2023		MISSIONSQUARE	EMPLOYER RETIREMENT CONTRIBUTIONS	3,957.41
Total Auto-Pay Payments				278,605.54
Check Type: Electronic Payments				
01/03/2023		SBF	POSTAGE - W/S BILLS	2,124.85
01/05/2023		ASU GROUP	WORKERS COMPENSATION	15,493.55
01/06/2023		HUNTINGTON NATIONAL BANK	DEBT SERVICE FEES	500.00
01/06/2023		MULTIPLE	WEEKLY TAX DISBURSEMENT 12/30/22	3,489,414.87
01/11/2023		FIFTH THIRD	INVESTMENT PURCHASE	964,325.83
01/13/2023		MULTIPLE	WEEKLY TAX DISBURSEMENT 1/6/23	537,460.26
01/13/2023		MULTIPLE	IAFF, PPCOA, PPOA, UAW PENSION PAYMENTS	99,316.58
Total Electronic Payments				5,108,635.94

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Check Date	Check	Vendor Name	Description	Amount
Check Type: Credit Card				
12/01/2022		FSP KALAMAZOO HUMAN RESOU	HUMAN RESOURCES ANNUAL MEMBERSHIP	100.00
12/01/2022		WEB POSITIVESSL	INCORRECT AMOUNT CHARGED FOR SSL LICENSES	(239.00)
12/01/2022		BUZZSPROUT BUZZSPROUT	MONTHLY PODCAST SUBSCRIPTION	24.00
12/01/2022		ADOBE STOCK	STOCK PHOTO/VIDEO/MUSIC LIB-PUB INFO OFC	19.99
12/02/2022		MACOMB COMMUNITY COLLEGE	POLICE TRAINING REGISTRATION	775.00
12/02/2022		SOCIETYFORHUMANRESOURCE	HUMAN RESOURCES ANNUAL MEMBERSHIP	229.00
12/05/2022		DAYS INN	POLICE TRAINING HOTEL STAY	518.08
12/06/2022		WEB POSITIVESSL	DOMAIN SSL CERTIFICATES CORRECT AMT CHARGED	126.65
12/06/2022		MACOMB COMMUNITY COLLEGE	POLICE TRAINING REGISTRATION	775.00
12/07/2022		CARHARTT	COAT FOR INSPECTOR	169.59
12/07/2022		CALIBRE PRESS	POLICE TRAINING REGISTRATION	398.00
12/08/2022		HOLIDAY INN EXPRESS	POLICE TRAINING HOTEL STAY	95.20
12/08/2022		COMMUNITY ECONOMIC DEVELO	PARKS DEPT ANNUAL MEMBERSHIP	250.00
12/12/2022		HOLIDAY INN EXPRESS & SU	POLICE TRAINING HOTEL STAY	145.64
12/14/2022		NATIONAL ASSOCIATION OF S	POLICE TRAINING REGISTRATION	1000.00
12/15/2022		IN COMMAND PRESENCE, LLC	POLICE TRAINING REGISTRATION	179.00
12/15/2022		MICHIGAN MUNICIPAL LEAGUE	CMO ANNUAL MEMBERSHIP	850.00
12/16/2022		DAYS INNS/DAYSTOP	POLICE TRAINING HOTEL STAY	110.24
12/19/2022		NATIONAL INSITUTE OF GOVE	PURCHASING MANAGER VIRTUAL TRAINING	115.00
12/19/2022		HAMPTON INN & SUITES	POLICE TRAINING HOTEL STAY	993.60
12/21/2022		NRPA OPERATING	PARKS DEPT ANNUAL MEMBERSHIP	175.00
12/22/2022		PY MIFMA	FARMERS MARKET VIRTUAL TRAINING	350.00
12/26/2022		PREZI, INC.	PRESENTATION SOFTWARE	228.00
12/29/2022		SMK SURVEYMONKEY.COM	SENIOR CENTER ANNUAL SUBSCRIPTION	510.09
12/29/2022		FSP KALAMAZOO HUMAN RESOU	HUMAN RESOURCES ANNUAL MEMBERSHIP	100.00
12/29/2022		ULINE SHIP SUPPLIES	SPECIAL SIZED BANKER BOXES FOR TREASURY	593.56
12/29/2022		YM CAREERS	JOB LISTING	698.00
12/29/2022		SOCIETYFORHUMANRESOURCE	HUMAN RESOURCES ANNUAL MEMBERSHIP	229.00
Total Credit Card Payment				9,518.64
Grand Total				6,842,839.52

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Poverty Exemption Guidelines for 2023

SUPPORTING PERSONNEL: Aaron Powers, City Assessor

ACTION RECOMMENDED: Adopt the Resolution Establishing Poverty Exemption Guidelines for 2023.

The Board of Review meets annually in March, July, and December to review poverty exemption requests permitted under the Michigan General Property Tax Act (MCL 211.7u). The Board of Review is statutorily required to determine eligibility based on policy adopted by the local unit. This policy must establish income guidelines and an asset test. The Council has the option to approve a 25%, 50% or 100% reduction for poverty exemptions granted by the Boards of Review. (Resolutions from prior years have approved only a full, 100% reduction for qualifying applicants.) The Board of Review can only grant a reduction in the amount or amounts approved by the City Council and cannot deviate from the approved exemption reduction.

Local units are permitted to establish income guidelines at or above federal poverty guidelines. Adopting income guidelines at 120% above the 2023 federal poverty guidelines would allow the Board of Review to provide relief to those additional applicants that may be slightly above the federal levels.

The attached resolution can be broken down into a four-part test to determine eligibility:

1. The property must be the applicant's principal residence.
2. The applicant must submit a completed application, including all required documents.
3. Household assets must not exceed \$25,000 (excluding motor vehicles required for transportation to and from a place of employment or education).
4. Household income may not exceed 120% above the federal poverty income guidelines as updated annually by the United State Department of Health and Human Services.

The Office of the City Assessor is recommending the City Council continue with a single exemption reduction of 100%. The Office of the City Assessor is also recommending the City Council continue to set the City of Portage Alternative Guidelines at 120% above the U.S. Federal Poverty Guidelines.

Therefore, it is recommended that the Council adopt the Resolution Establishing Poverty Exemption Guidelines for 2023 as the city's policy for granting Poverty Exemptions.

FUNDING: Not Applicable

Attachments: 1. Poverty Exemption Res 2023

CITY OF PORTAGE

RESOLUTION ESTABLISHING POVERTY EXEMPTION GUIDELINES FOR 2023

Moved by Council Member

Supported by Council Member

WHEREAS, the adoption of guidelines for poverty exemptions is required of the City Council; and

WHEREAS, the principal residence of persons, who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390 of 1994, the City of Portage, Kalamazoo County adopts the following guidelines for the Board of Review to implement when considering eligibility. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household filed in the current or immediately preceding year.

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principal residence the property for which an exemption is requested.
- 2) File a claim in the form of a complete application with the assessor or Board of Review, accompanied by federal and State income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form 4988, Poverty Exemption Affidavit.
- 3) File a claim in the form of a complete application reporting that the combined assets of all persons do not exceed \$25,000. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles which are not required for transportation to and from place of employment or education, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- 4) Produce a valid driver's license or other form of identification if requested.
- 5) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
- 7) The application for an exemption shall be filed after January 1, but one week prior to the last day of the Board of Review meetings in 2023. The filing of this claim constitutes an appearance before the Board of Review for preserving the right of appeal to the Michigan Tax Tribunal.

The following are the poverty thresholds as of December 31, 2022, for use in setting poverty exemption guidelines for the 2023 tax year. The annual allowable income includes income for all persons residing in the principal residence.

Federal Guidelines for 2023 Assessments

Household/ Family Size	2023 U.S. Federal Poverty Guidelines	City of Portage Alternative Guidelines
1	\$13,590	\$16,308
2	\$18,310	\$21,972
3	\$23,030	\$27,636
4	\$27,750	\$33,300
5	\$32,470	\$38,964
6	\$37,190	\$44,628
7	\$41,910	\$50,292
8	\$46,630	\$55,956
Each additional person, add	\$4,720	\$5,664

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Review shall follow the above stated policy and City of Portage Alternative Guidelines in granting or denying an exemption in the full amount equal to 100% reduction in taxable value.

NOW, THEREFORE, BE IT FURTHER RESOLVED that all resolutions or parts of resolutions are to the extent of any conflict with this resolution, rescinded.

ADOPTED: YEAS:

NAYS:

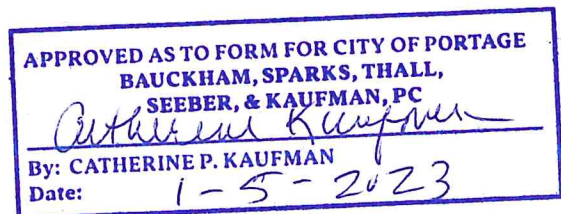
ABSENT:

Erica Eklov, City Clerk

CERTIFICATE

I certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan held on the 24TH day of January 2023, the original of which resolution is on file in my office.

Erica Eklov, City Clerk



TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: 2023 Board of Review Recommendations

SUPPORTING PERSONNEL: Aaron Powers, City Assessor

ACTION RECOMMENDED: Adopt the resolution setting the schedule for the 2023 Board of Review and approve the use of two three-member panels for the Board of Review meetings.

The Board of Review meets annually in March for the purpose of hearing the current year's property assessment appeals. The attached resolution has been prepared to set the meeting schedule in accordance with the City Charter. It is anticipated that the 2023 assessment notices will be mailed the week of February 13, allowing property owners sufficient notification of the Board of Review dates. Property owners are also encouraged to meet with assessing staff ahead of the Board of Review meeting. After the 2023 assessment roll has been certified by the City Assessor, all changes must be approved by the Board of Review.

Under the provisions of the City Charter, the City Council may appoint three, six, or nine members to the Board of Review. On January 10, 2023, the City Council appointed six members to the Board of Review.

Based on the above information and the outcome of the January 10, 2023, City Council meeting, it is recommended that City Council adopt the resolution setting the schedule for the 2023 Board of Review and approve the use of two three-member panels for the Board of Review meetings.

FUNDING: N/A

Attachments: 1. Resolution approving BOR dates

CITY OF PORTAGE

2023 BOARD OF REVIEW RESOLUTION

Moved by Council Member

Supported by Council Member

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Review shall convene its organizational meeting on Tuesday, March 7, 2023, at 9:00 AM in Conference Room 1 located at City Hall, Portage, Michigan and shall convene its first session on Monday, March 13, 2023, in Conference Room 1 at the same location, commencing at 9:00 AM to 12:00 PM and 1:00 PM to 4:00 PM and shall continue in session on Tuesday, March 14, 2023, from 9:00 AM to 12:00 PM and 1:00 PM to 4:00 PM and shall continue in session on Wednesday, March 15, 2023, from 1:00 PM to 5:00 PM and 6:00 PM to 9:00 PM and shall continue in session on Thursday, March 16, 2023, from 9:00 AM to 12:00 PM and 1:00 PM to 4:00 PM, and on such additional days as may be required to hear all persons who have given notice of a desire to be heard.

BE IT FURTHER RESOLVED that the Board of Review shall convene in its second session on Tuesday, March 28, 2023, in Conference Room 1 from 9:00 AM until all interested parties have been heard, but not less than 6 hours.

BE IT FURTHER RESOLVED that members of the Board of Review shall be compensated each at the rate of \$100.00 per day for each day or portion thereof as they may be legally in session pursuant to the discharge of their duties and for each day of spent in training required under PA 660 of 2018.

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

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

ADOPTED: YEAS:

NAYS:

ABSENT:

Erica Eklov, City Clerk

CERTIFICATE

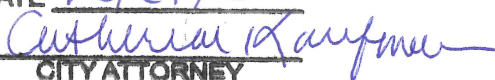
I certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan held on the 24th day of January 2023, the original of which resolution is on file in my office.

Erica Eklov, City Clerk

APPROVED AS TO FORM

DATE

12/27/2022


CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Traffic Signal Improvements - Bid Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract to J. Ranck Electric, Incorporated of Mt. Pleasant, Michigan in the not-to-exceed amount of \$168,325 for the purchase of traffic signal poles, mast arms and assemblies for a traffic signal installation on Portage Road at Forest Drive, and authorize the City Manager to sign all documents related to the contract on behalf of the city.

The FY 2021-2022 Capital Improvement Program budget includes funding for the installation of a traffic signal at the intersection of Portage Road and Forest Drive. Portage Road is a major arterial street that serves as a connection between residential, industrial, and commercial areas. Traffic has continued to increase in the vicinity of this intersection and is a concern for both the City Administration and the community. The installation of a traffic signal will improve the function of the intersection, increase safety for pedestrians, and provide an opportunity to calm traffic in the Portage Road corridor.

The approximate six to eight month delivery time for new traffic signal poles, mast arms and assemblies necessitates that the specialized equipment be ordered well in advance of the start of the construction project to ensure that the materials will be available when needed. The traffic signal is planned to be installed in the fall of 2023.

Invitations to bid were emailed to the three primary manufacturers of mast arms and poles, automatic bid notifications were sent to subscribers, and an ad was placed in the local newspaper. On January 12, 2023, one proposal was received for the mast arms and poles. The only responsive bid received was submitted by J. Ranck Electric, Incorporated for the amount of \$168,325. J. Ranck Electric, Incorporated is the supplier of mast arms and poles for Maico Industries, Incorporated. Maico Industries, Incorporated has supplied mast arms and poles for many previous city projects.

It is recommended that City Council award a contract to J. Ranck Electric, Incorporated of Mt. Pleasant, Michigan in the not-to-exceed amount of \$168,325 for the purchase of traffic signal poles, mast arms and assemblies for a traffic signal installation on Portage Road at Forest Drive and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Sufficient funding exists in the FY 2021-2022 Capital Improvement Program budget.

Attachments: 1. Traffic Signal Improvements - Bid Tabulation

**2022 RFB FOREST DRIVE TRAFFIC SIGNAL MAST ARM
BID TABULATION**

BID OPENING ON JANUARY 12, 2023 AT 3 PM

J. Ranck Electric, Inc.
1993 Gover Parkway
Mt. Pleasant, MI 48858

\$ 168,325.00

Opened by: _____



Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Haverhill Water Tower Rehabilitation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award:

- a. a contract to G & L Tank Sandblasting and Coatings, LLC of Shelbyville, Tennessee in the not-to-exceed amount of \$837,250 for the rehabilitation of the Haverhill water tower;
- b. an engineering services contract to Dixon Engineering in the amount of \$81,850 to provide construction engineering services for the Haverhill Water Tower Rehabilitation Project;

and authorize the City Manager to sign all other documents related to the contract on behalf of the city.

The FY 2021-2022 Capital Improvement Program budget includes funding for the rehabilitation of the Haverhill Water Tower. The project includes the removal of the existing exterior lead-based paint, repair of deteriorated areas, replacement of the cellular antenna mounting ring, recoating of the exterior with a three-part epoxy coating system, and replacement of the cathodic protection.

On January 12, 2023, bids were received from four contractors for the rehabilitation of the Haverhill water tower. The low bid of \$837,250 was submitted by G & L Sandblasting and Coatings, LLC. This contractor is an experienced water tank painting contractor and has successfully completed many similar projects. If approved, construction will begin in April 2023 with substantial completion in June 2023.

Due to the specialty of the project and for the protection of the water system, Dixon Engineering is the city's sole source of tower engineering services. Dixon Engineering has submitted a proposal for construction engineering and inspection services for the Haverhill Water Tower Rehabilitation for the amount of \$81,850. City staff has determined that the proposal is reasonable for the work required. Furthermore, Dixon Engineering has satisfactorily completed many projects for the City of Portage.

It is recommended that City Council award a contract to G & L Tank Sandblasting and Coatings, LLC in the amount not to exceed \$837,250 for rehabilitation of the Haverhill Water Tower Rehabilitation; award an engineering services contract to Dixon Engineering in the amount of \$81,850 to provide construction engineering services for the Haverhill Water Tower Rehabilitation Project; and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Sufficient funding exists in the FY 2021–2022 Capital Improvement Program budget.

Attachments: 1. Haverhill Bid Tabulation

**2022 RFB HAVERHILL ELEVATED WATER STORAGE TANK
REHABILITATION PROJECT
STORAGE TANK REHABILITATION SERVICES
BID TABULATION
BID OPENING ON JANUARY 12, 2023 AT 3 PM**

G & L Tank Sandblasting and Coatings LLC 2101 Hwy 64 W Shelbyville, TN 37160	\$	837,250.00
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Viking Painting, LLC 10905 Harrison Street La Vista, NE 68128	\$	993,400.00
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TMI Coatings, Inc. 3291 Terminal Drive St. Paul, MN 55121	\$	1,177,000.00
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LC United Painting Company 3525 Barbara Dr Sterling Heights, MI 48310	\$	1,230,000.00
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Opened by: _____



Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: 2023 Household Hazardous Waste Contract Renewal

SUPPORTING PERSONNEL: Rodney Russell, Director of Public Works

ACTION RECOMMENDED: Approve a contract with Kalamazoo County to provide hazardous waste collection services at the Household Hazardous Waste Center for Portage residents for the 2023 calendar year in the amount of \$78,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

Through the Kalamazoo County Household Hazardous Waste (HHW) Center, household hazardous waste collection is provided at 1301 Lamont Avenue (near the Kalamazoo County Fairgrounds) for all Portage residents. The City of Portage has participated in this joint intergovernmental program since the early 1990s, with a portion of the Curbside Recycling Millage set aside for this purpose. The program has proven to be popular with Portage residents and our community is second only to Kalamazoo in utilization. A document containing the number of Portage participants per year is attached for reference.

An annual contract between the city and county establishes the terms and conditions for Portage resident participation at the HHW Center. Under the agreement, as prepared by the Kalamazoo County Health and Community Services Department, costs are charged on a quarterly basis to each unit of government based on a percentage of participation. Significant changes are proposed in the 2023 contract.

The collection program in general provides for two to three drop-off days per week and ten Saturdays per year. In reviewing historical data, an amount of \$78,000 is anticipated to cover the cost of program participation for calendar year 2023. At 28%, this marks a significant increase over the 2022 cost of \$61,000. Attached to this agenda item is a letter of explanation from the Environmental Health Unit of the Kalamazoo County Department of Health and Community Services. They cite an increase in disposal costs, fuel costs and, most notably, a progressive increase in the household equivalent fee that will be implemented "over the next three years until the operational cost reaches a 50% cost share between municipalities and the County." The letter notes that "the 20% cost share is no longer sustainable." City staff followed up with Kalamazoo County Administration to request additional explanation and justification for the increase. A history of recent fee increases was provided along with additional emphasis that the County is experiencing significant cost increases related to this program and the disposal of hazardous waste. Kalamazoo County staff offered assurance that they work to ensure an equal buy-in from municipalities that participate in the program. Climax Township is the only Kalamazoo County jurisdiction that does not participate in the program.

It is recommended that City Council approve a contract with Kalamazoo County to provide hazardous waste collection services at the Household Hazardous Waste Center for Portage residents during the 2023

calendar year in the amount of \$78,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds for the first six months of the contract are available in the Fiscal Year 2022-2023 budget and funds for the remainder of the contract will be included in the Fiscal Year 2023-2024 budget.

Attachments:

1. Participation Totals
2. Amendment #2 - 2022 Household Hazardous Waste Disposal Services

HHW PARTICIPTION TOTALS

Revised: 12-14-22

PORTAGE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Year End Total
2008	53	43	58	135	138	116	147	63	84	117	89	47	1090
2009	63	70	94	142	121	143	173	107	118	126	128	73	1358
2010	68	48	107	208	192	147	165	131	119	157	152	72	1566
2011	78	59	145	102	171	198	145	124	125	131	151	93	1522
2012	93	93	117	124	158	168	141	135	130	156	152	104	1571
2013	109	66	90	156	232	162	200	130	149	178	170	86	1728
2014	97	70	86	220	256	219	264	182	174	226	134	101	2029
2015	117	91	118	186	212	280	276	192	210	226	205	174	2287
2016	134	94	211	216	237	216	200	254	172	245	234	117	2330
2017	186	140	181	252	251	233	230	207	200	191	218	119	2408
2018	151	129	226	208	332	281	277	279	203	288	183	129	2686
2019	154	96	158	300	313	256	288	197	216	278	222	147	2625
2020	168	102	82	0	0	424	387	253	258	280	227	181	2362
2021	184	121	310	288	237	266	234	187	226	236	208	168	2665
2022	126	97	193	210	201	258	182	203	183	0	0	0	1653
TOTAL	1781	1319	2176	2747	3051	3367	3309	2644	2567	2835	2473	1611	29880

**AMENDMENT #2 TO THE AGREEMENT
BETWEEN THE COUNTY OF KALAMAZOO
BY AND THROUGH ITS HEALTH AND COMMUNITY SERVICES DEPARTMENT
AND ITS ENVIRONMENTAL HEALTH DIVISION/HOUSEHOLD HAZARDOUS
WASTE PROGRAM
201 W. KALAMAZOO AVE., KALAMAZOO, MI 49007
AND
PORTAGE CITY
7900 SOUTH WESTNEDGE, PORTAGE, MI 49002**

The County of Kalamazoo, a municipal corporation and political subdivision of the State of Michigan, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, by and through its Health and Community Services Department's Environmental Health Division/Household Hazardous Waste Program, (hereinafter referred to as the "County"), and Portage City, 7900 South Westnedge, Portage, MI 49002, (hereinafter referred to as the "Municipality") having previously entered into an AGREEMENT dated March 12, 2021, for the purpose of providing household hazardous waste disposal services; said AGREEMENT being for the period January 1, 2021 through December 31, 2021; do now hereby approve and agree to amend the existing AGREEMENT as follows:

a. Section C. FINANCIAL REQUIREMENTS.

1. Under the terms of this Agreement, the Municipality will provide funding for Operational Costs which will be billed in January **and** Disposal Costs which will be billed monthly. The total of the Municipality contract will be the combined monetary amounts of #3 below (Operational Costs calculated by the County) **PLUS** #4 below (provided by the Municipality).
2. Operational Costs are non-refundable regardless of actual participation at the HHW Center and shall be paid in full within forty-five (45) days of receipt of County Finance invoice.
3. Operational costs = the number of household equivalents in 2021 x \$15.00. For your Municipality, this equals \$39,975.00 (entered by County).
4. Disposal cost is based upon the participation rate of the Municipality and disposal costs from all contractors each month. It is up to the Municipality to budget disposal costs for 12 months. It is highly recommended that this is increased from the previous year. The total the Municipality is budgeting for 12 months is
\$ 38,025 (MUNICIPALITY FILL IN DISPOSAL AMOUNT)
\$ 78,000 (MUNICIPALITY FILL IN TOTAL CONTRACT AMOUNT = #3 + #4).
5. The County will provide an itemized quarterly report to show the rate of participation and the materials disposed.
6. County Finance will provide a monthly disposal cost invoice.
7. If the Municipality would like to utilize the HHW Center to dispose of hazardous waste

generated at the Municipality offices, they may do so through the small business program.

8. If a Municipality is notified that funding for disposal costs is running out during the year, the County reserves the right to charge residents at the door.

b. Section M. PERIOD OF AGREEMENT.

The term of this Agreement shall be from January 1, 2023 through December 31, 2023, unless terminated earlier as provided.

c. Section P. CERTIFICATION OF AUTHORITY TO SIGN AGREEMENT.

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

FOR THE MUNICIPALITY

Patrick McGinnis	City Manager
_____ Printed or Typed Name	_____ Title

_____ Signature	_____ Date
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FOR THE COUNTY OF KALAMAZOO

_____ Printed or Typed Name	_____ Title
--------------------------------	----------------

_____ Signature	_____ Date
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Approved as to form for KALAMAZOO COUNTY GOVERNMENT CORPORATION COUNSEL By: Angelina M. Barnes Date: 11/23/22
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Previously Approved as to Form by City of Portage Attorney, Catherine Kaufman.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Austin Lake Invasive Weed Management - 2023 to 2027 Special Assessment

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Adopt Resolution No. 2, for the Austin Lake Invasive Weed Management Program Special Assessment District No. 023-A, setting a public hearing of necessity on February 7, 2023.

On May 25, 2021, City Council adopted a resolution for the dissolution of the Austin Lake Governmental Lake Board. Subsequently, on November 12, 2021, the Austin Lake Riparian Board requested that City Council initiate a lake improvement project to investigate, treat and/or eradicate the invasive weeds throughout Austin Lake. On March 22, 2022, City Council awarded a consulting services contract to Progressive AE to study the lake ecology as it relates to recurring aquatic nuisance conditions, prepare recommendations, and prescribe treatment(s) for controlling aquatic nuisances during the years 2023 through 2027.

On October 17, 2022, Progressive AE submitted its report and recommendation to the Austin Lake Riparian Board. It is the desire of the Austin Lake residents, as indicated in the attached letter from the Austin Lake Riparian Board, to initiate lake management efforts as recommended by Progressive AE and requests the city's assistance in creating a five-year assessment district for the management of invasive aquatic plants in Austin Lake.

The Austin Lake Riparian Board has requested chemical treatment and mechanical harvesting with a budget of approximately \$450,000. The city portion is 5% of the anticipated cost of the five-year program, or \$22,500, with the riparian owners funding 95% of the program, or approximately \$427,500 (\$197.92 per parcel per year). The amount would be assessed against the lake riparians on a per parcel basis. Per parcel assessment is recommended as all riparian owners have the right to use the lake equally, regardless of lot size.

In 1988, the City Attorney and Bond Counsel determined that control of aquatic plants as part of an overall lake management program represented a public improvement and that a special assessment district could be established as permitted by City Charter and Ordinances. Protecting city resources is appropriate as lakes provide an overall benefit to the quality of life in the city. The city share cost would be budgeted in the General Fund.

On January 10, 2023, City Council adopted Resolution No. 1, accepted the City Manager Report, and requested the preparation of Resolution No. 2. It is recommended that City Council adopt Resolution No. 2, for the Austin Lake Invasive Weed Management Program Special Assessment District No. 023-A, setting a public hearing of necessity on February 7, 2023.

FUNDING: Funding by Special Assessment Collection - Austin Lake Weed Management Budget in the General Fund.

Attachments: 1. Austin Lake Aquatic Plant Management Resolution #2

CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 2
AUSTIN LAKE INVASIVE WEED MANAGEMENT PROGRAM
SPECIAL ASSESSMENT DISTRICT #023-A

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan held at the City Hall in said City on the ____ day of _____, 2023, at 7:00 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Council has adopted the initial resolution commencing special assessment proceedings for the construction and financing of the hereinafter described public improvement; and

WHEREAS, the City Council of the City of Portage has caused to be prepared by the City Manager, the report called for in Section 62-2 of the City Ordinances; and

WHEREAS, the same has been received and reviewed by the City Council; and

WHEREAS, at the request of the Austin Lake Riparian Board, the City Council will proceed further with the improvement.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council tentatively determines that the improvement hereinafter described and also described in the City Manager's report is necessary.

2. The City Council determines that the nature of the improvement is:

Establish funding to provide for the management of Austin Lake including herbicide treatment and mechanical harvesting of aquatic plants.

and that the expected useful life of said improvement is 5 years.

3. The City Council determines that the properties within the special assessment district will receive the special benefits and, further, determines that the total estimated cost of the improvement will not exceed \$450,000, of which total cost the sum of no more than \$427,500 shall be assessed against the special assessment district, and the sum of no more than \$22,500 shall be borne by the City-at-large.

4. The City Council hereby designates the special assessment district against which all or a part of the cost of said improvement is to be assessed, as consisting of the following described land, to wit:

Unplatted Land

Land located in Section 23 and 26, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Beginning at the Southwest corner of Lot 58 of the recorded plat of Highland View on the West shoreline of Austin Lake; thence Southernly along said West shore line of Austin Lake to the Northeast corner of Lot 88 of the recorded plat of Dixie-Mac Park and place of ending;

Land located in Section 26, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Beginning at the Southeast corner of Lot 28 of the recorded plat of Dixie-Mac Park on the West shoreline of Austin Lake; thence Southeasterly along said West shoreline of Austin Lake to the Northwest corner of Lot 11 of the recorded plat of Mc Camley Manor and place of ending;

Land located in Section 26, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Commencing at the Northwest corner of Lot 24 of the recorded plat of McCamley's Beach on the West shoreline of Austin Lake; thence east 250 feet to the point of beginning on the West shoreline of Austin Lake; thence Northerly along said West shore line of Austin Lake approximately 300 feet and place of ending;

Land located in Section 35, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Beginning at the Southeast corner of Lot 87 of the recorded plat of Wiona Acres No. 1 on the West shoreline of Austin Lake; thence Southernly along said West shoreline of Austin Lake to the Northeast corner of Lot 76 of the recorded plat of Austin Grove and place of ending;

Land located in Section 36, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Beginning at the Northeast corner of Lot 1 of the recorded plat of Sunny Heights on the East shoreline of Austin Lake; thence Northerly along the said East shore of Austin Lake to the Southwest corner of Lot 21 of recorded plat of Oakland Beach and place of ending;
Land located in Section 36, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Beginning at the Northwest corner of Lot 1 of the recorded plat of Oakland Beach on the East shoreline of Austin Lake; thence Northerly along the said East shore of Austin Lake to the Southwest corner of Lot 30 of the recorded plat of East Side Park and place of ending;

Land located in Section 24 and 25, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Beginning at the Northwest corner of Lot 10 of the recorded plat of Sunset View on the East shoreline of Austin Lake; thence Northerly along the said East shore of Austin Lake to the Southwest corner of Lot 1 of the recorded plat of Twilight View No. 1 and place of ending;

Land located in Section 24, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Beginning at the Northwest corner of Lot 4 of the recorded plat of Twilight View No. 1 on the East shoreline of Austin Lake; thence Northerly along the said East shore of Austin Lake to the Southeast corner of Lot 93 of the recorded plat of Highland View No. 1 and place of ending.

Platted Land

Lots 47 through 63 and Lots 67 through 76 inclusive of Austin Grove;

Lots 64A and 66A of Amended Plat of Lots 64, 65 and 66 of Austin Grove;

Lots 1 through 29 inclusive of Supervisor's Plat of Bacon's Beach; Lots 26 through 32, Lots 51 through 54, and Lots 73 through 79 inclusive, and Lot 88 of Assessor's Plat of Dixie-Mac Park;

Lots 1 through 30 inclusive of Assessor's Plat of East Side Park; Lots 1 through 30 inclusive of Supervisor's Plat of Gilbert And Matteson Subdivision;

Lots 1 through 24 and Lots 26 through 58 inclusive of Supervisor's Plat of Highland View;

Lots 64 through 77 and Lots 84 through 93 inclusive of Highland View No. 1;

Lots 94, 95, and 96 of Amended Plat of Lots 78 through 83 and Vacated Portion of Lake Drive of Supervisor's Plat of Highland View No. 1;

Lots 1 through 24 inclusive of Supervisor's Plat of McCamley's Beach;

Lots 1 through 11 inclusive of Mc Camley Manor;

Lots 1 through 21 inclusive of Supervisor's Plat of Oakland Beach;
Lots 1 through 30 inclusive of Plat of Pleasant Oaks;
Lots 12 through 53 inclusive of Sherm-N-Dale Shores;
Lots 1 through 9, Lots 15 through 22, Lots 26 through 31, and Lots
35 through 52 inclusive of Sunny Heights;
Amended Plat of Lots 10 thru 14 and the Relocated Walk of
Sunny Heights;
Amended Plat of Lots 12, 13 & 14 of Sunny Heights;
Amended Plat of Lots 23, 24, and 25 of Sunny Heights;
Amended Plat of Lots 32, 33, and 34 of Sunny Heights;
Lots 1 through 10 inclusive of Sunset View;
Lots 1 through 4 inclusive of Twilight View No. 1;
Lots 1 through 50 inclusive of Plat of Wiona Acres;
Lots 74 through 87 inclusive of Wiona Acres No. 1;
Lots 1 through 8 inclusive of Woodruff Plat;
Lots 1 through 25 inclusive of Woody Noll No. 1;

5. The City Council determines that the cost of the benefits is to be assessed by frontage abutting on said improvement.

6. The City Council hereby accepts and approves the City Manager's report and directs that it, along with the resolution, be filed with the City Clerk and be made available for public inspection.

7. The City Council will meet at the City Hall located at 7900 South Westnedge Avenue in the City of Portage, on the ____ day of _____, 2023, at 7:00 p.m., or as soon thereafter as may be heard, at which time and place the City Council will hear all interested parties with respect to the necessity of the improvement, and to the special assessment district therefor.

8. The City Clerk is hereby ordered to cause notice of such hearing to be published once prior to said hearing in the KALAMAZOO GAZETTE, a newspaper in general circulation in the City, said publication to be at least ten (10) days before the time of hearing, and shall cause notice of said hearing to be mailed by first class mail to all owners or persons with interest in the property in the special assessment district, as shown on the current assessment roll of the City,

at least ten (10) days before the date of said hearing. Said notice shall conform substantially to Exhibit "A" attached hereto and incorporated herein.

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

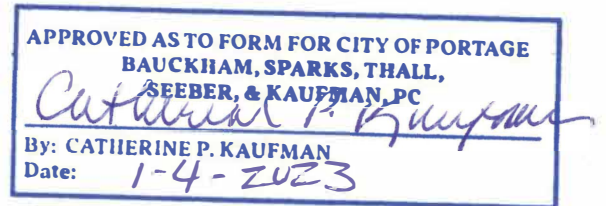
Erica Eklov, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2023, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2023.

Erica Eklov, City Clerk



TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Adopt a Resolution of Necessity to acquire fee simple interests for development of the Austin Lake Trail

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks & Recreation

ACTION RECOMMENDED: Approval of Resolution of Necessity to pursue purchase of 8 parcels of land for the Austin Lake Trail

In order to complete the Austin Lake Trail, a three-mile, 10-foot-wide non-motorized trail that will generally follow the original Grand Rapids and Indiana Railroad right-of-way along the east side of Austin Lake, additional land purchases are required. The trail will connect the southern city limits of the City of Portage to Zylman Avenue, providing a connection for Austin Lake area residents to the Portage Trailway system and Ramona Park. Easements in support of Austin Lake Trail development have been acquired from two of the four property owners along this route, with a third in process; however, additional property will be required to complete the new three-mile trail as identified on the attached map.

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

It is recommended that City Council adopt the Resolution of Necessity to acquire eight simple interests from the land owner for development of the Austin Lake Trail.

FUNDING: Land Acquisition Fund

Attachments:

1. RESOLUTION OF NECESSITY - Eastshore
2. Austin Lake Trail Route Eastshore LLC

CITY OF PORTAGE
KALAMAZOO COUNTY, MICHIGAN

RESOLUTION NO. _____

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

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, State of Michigan, held in City Hall located at 7900 South Westnedge Avenue, in said City on the _____ day of _____, 2023, at _____ o'clock p.m., local time.

PRESENT: Members:

ABSENT: Members:

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

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

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

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

Eastshore, LLC:

Land situated in the City of Portage, County of Kalamazoo, State of Michigan, is described as follows:

Parcel D: 9931 East Shore Drive, Tax Parcel #0024-200-D

Commencing at the Southeast corner of Sections 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said section to the East line of the former Conrail Railroad right-of-way and the point of beginning; thence Northwesterly 308.00 feet along said East line; thence Westerly about 103 feet parallel with the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" Subdivision according to the plat thereof as recorded in Liber 14 of Plats on page 3 Kalamazoo County Records to the West line of said former railroad right-of-way; thence Southeasterly about 308 feet along said West line of the former railroad right-of-way to said South line of the Southeast 1/4 of Section 25; thence Easterly about 103 feet along said South line of the Southeast 1/4 of Section 25 to the point of beginning.

Parcel E: 9915 East Shore Drive, Tax Parcel #00024-200-E

Commencing at the Southeast corner of Section 25-3-11 West; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly 308.00 feet along said East line to the point of beginning; thence continuing Northwesterly 97.00 feet along said East line; thence Westerly about 103 feet parallel with the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" Subdivision according to the plat thereof as recorded in Liber 14 of Plats on page 3 Kalamazoo County Records to the West line of said former railroad right-of-way; thence Southeasterly 97.00 feet along said West line of the formal railroad right-of-way to a line extending Westerly parallel with said South line of Lot 17 from the point of beginning; thence Easterly about 103 feet parallel with said South line of Lot 17 to the point of beginning.

Parcel F: 9907 East Shore Drive, Tax Parcel #00024-200-F

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly 405.00 feet along said East line to the point of beginning; thence continuing Northwesterly 97.00 feet along said East line; thence Westerly about 103 feet parallel with the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" Subdivision according to the plat thereof as recorded in Liber 14 of Plats on page 3 Kalamazoo County Records to the L line of said former railroad right-of-way; thence Southeasterly 97.00 feet along said West line of the former railroad right-of-way to a line extending Westerly parallel with

said South line of Lot 17 from the point of beginning; thence Easterly about 103 feet parallel with said South line of Lot 17 to the point of beginning.

Parcel G: 9851 East Shore Drive, Tax Parcel #00024-200-G

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly 502.00 feet along said former East line to the point of beginning; thence continuing Northwesterly about 98 feet along said East line to the Easterly extension of the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" Subdivision according to the plat thereof as recorded in Liber 14 of Plats on a page 3 Kalamazoo County Records; thence Westerly about 103 feet along said Easterly extension of the South line of Lot 17 to the West line of said former railroad right-of-way; thence Southeasterly about 98 feet along said West line of the former railroad right-of-way to a line extending Westerly parallel with said South line of Lot 17 from the point of beginning; thence Easterly about 103 feet parallel with said South line of Lot 17 to the point of beginning;

Parcel I: 9725 East Shore Drive, Tax Parcel #00024-200-I

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly about 1190 feet along said East line to the Northeasterly extension to the South line of Lot 4 of the "SUPERVISOR'S PLAT OF GILBERT AND MATTESON SUBDIVISION" as recorded in Liber 14 of Plats, page 3, Kalamazoo County Records and the point of beginning; thence continuing Northwesterly about 590 along said East line to the Northeasterly extension of the North line of Lot 5 of said plat; thence Southwesterly about 102 feet along said extension to the West line of said former railroad right-of-way; thence Southwesterly about 590 feet along said West line to said Northeasterly extension of the South line of Lot 4; thence Northeasterly about 103 feet along said extension to the point of beginning.

Parcel K: 8551 East Shore Drive, Tax Parcel #00024-200-K

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly about 2453 feet along said East line to the Northeasterly extension of the South line of Lot 20 of the "SUPERVISOR'S PLAT OF GILBERT AND MATTESON SUBDIVISION" as recorded in Liber 12 of Plats, page 10, Kalamazoo County Records and the point of beginning; thence continuing Northwesterly about 4385 feet along said East line; thence Southwesterly about 101 feet along said extension to the West line of said former railroad right-of-way; thence Southeasterly about 4385 feet along said West line to said Northeasterly extension of the South line of Lot 20; thence Northeasterly about 101 feet along said extension to the point of beginning.

Parcel J: 9669 East Shore Drive, Tax Parcel #00024-200-J

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly about 1770 feet along said East line to the Northeasterly extension of the South line of Lot 6 of the "SUPERVISOR'S PLAT OF GILBERT AND MATTESON SUBDIVISION" as recorded in Liber 12 of Plats, page 10, Kalamazoo County Records and the point of beginning; thence continuing Northwesterly about 707 feet along said East line to the Northeasterly extension of the North line of Lot 19 of said subdivision; thence Southwesterly about

101 feet along said extension to the West line of said former railroad right-of-way; thence Southeasterly about 707 feet along said West line to said Northeasterly extension of the South line of Lot 6; thence Northeasterly about 101 feet along said extension to the point of beginning.

Parcel H: 9793 East Shore Drive, Tax Parcel #00024-200-H

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly about 600 feet along said East line to the Northeasterly extension to the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" as recorded in Liber 14 of Plats, page 3, Kalamazoo County Records and the point of beginning; thence continuing Northwesterly about 590 along said East line to the Northeasterly extension of the North line of Lot 5 of said plat; thence Southwesterly about 103 feet along said extension to the West line of said former railroad right-of-way; thence Southwesterly about 590 feet along said West line to said Northeasterly extension of the South line of Lot 17; thence Northeasterly about 103 feet along said extension to the point of beginning.

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

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

WHEREAS, the City has determined that it is necessary for the public health, safety and welfare, to acquire fee simple interests for the East Portage Trail along East Shore Drive, for the installation of non-motorized and pedestrian walkways (the foregoing referenced in these resolutions as the "Project"), and to acquire the fee simple interests; and

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

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

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

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

Eastshore, LLC:

Land situated in the City of Portage, County of Kalamazoo, State of Michigan, is described as follows:

Parcel D: 9931 East Shore Drive, Tax Parcel #0024-200-D

Commencing at the Southeast corner of Sections 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said section to the East line of the former Conrail Railroad right-of-way and the point of beginning; thence Northwesterly 308.00 feet along said East line; thence Westerly about 103 feet parallel with the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" Subdivision according to the plat thereof as recorded in Liber 14 of Plats on page 3 Kalamazoo County Records to the West line of said former railroad right-of-way; thence Southeasterly about 308 feet along said West line of the former railroad right-of-way to said South line of the Southeast 1/4 of Section 25; thence Easterly about 103 feet along said South line of the Southeast 1/4 of Section 25 to the point of beginning.

Parcel E: 9915 East Shore Drive, Tax Parcel #00024-200-E

Commencing at the Southeast corner of Section 25-3-11 West; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly 308.00 feet along said East line to the point of beginning; thence continuing Northwesterly 97.00 feet along said East line; thence Westerly about 103 feet parallel with the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" Subdivision according to the plat thereof as recorded in Liber 14 of Plats on page 3 Kalamazoo County Records to the West line of said former railroad right-of-way; thence Southeasterly 97.00 feet along said West line of the formal railroad right-of-way to a line extending Westerly parallel with said South line of Lot 17 from the point of beginning; thence Easterly about 103 feet parallel with said South line of Lot 17 to the point of beginning.

Parcel F: 9907 East Shore Drive, Tax Parcel #00024-200-F

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly 405.00 feet along said East line to the point of beginning; thence continuing Northwesterly 97.00 feet along said East line; thence Westerly about 103 feet parallel with the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" Subdivision according to the plat thereof as recorded in Liber 14 of Plats on page 3 Kalamazoo County Records to the L line of said former railroad right-of-way; thence Southeasterly 97.00 feet along said

West line of the former railroad right-of-way to a line extending Westerly parallel with said South line of Lot 17 from the point of beginning; thence Easterly about 103 feet parallel with said South line of Lot 17 to the point of beginning.

Parcel G: 9851 East Shore Drive, Tax Parcel #00024-200-G

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly 502.00 feet along said former East line to the point of beginning; thence continuing Northwesterly about 98 feet along said East line to the Easterly extension of the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" Subdivision according to the plat thereof as recorded in Liber 14 of Plats on a page 3 Kalamazoo County Records; thence Westerly about 103 feet along said Easterly extension of the South line of Lot 17 to the West line of said former railroad right-of-way; thence Southeasterly about 98 feet along said West line of the former railroad right-of-way to a line extending Westerly parallel with said South line of Lot 17 from the point of beginning; thence Easterly about 103 feet parallel with said South line of Lot 17 to the point of beginning;

Parcel I: 9725 East Shore Drive, Tax Parcel #00024-200-I

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly about 1190 feet along said East line to the Northeasterly extension to the South line of Lot 4 of the "SUPERVISOR'S PLAT OF GILBERT AND MATTESON SUBDIVISION" as recorded in Liber 14 of Plats, page 3, Kalamazoo County Records and the point of beginning; thence continuing Northwesterly about 590 along said East line to the Northeasterly extension of the North line of Lot 5 of said plat; thence Southwesterly about 102

feet along said extension to the West line of said former railroad right-of-way; thence Southwesterly about 590 feet along said West line to said Northeasterly extension of the South line of Lot 4; thence Northeasterly about 103 feet along said extension to the point of beginning.

Parcel K: 8551 East Shore Drive, Tax Parcel #00024-200-K

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly about 2453 feet along said East line to the Northeasterly extension of the South line of Lot 20 of the "SUPERVISOR'S PLAT OF GILBERT AND MATTESON SUBDIVISION" as recorded in Liber 12 of Plats, page 10, Kalamazoo County Records and the point of beginning; thence continuing Northwesterly about 4385 feet along said East line; thence Southwesterly about 101 feet along said extension to the West line of said former railroad right-of-way; thence Southeasterly about 4385 feet along said West line to said Northeasterly extension of the South line of Lot 20; thence Northeasterly about 101 feet along said extension to the point of beginning.

Parcel J: 9669 East Shore Drive, Tax Parcel #00024-200-J

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly about 1770 feet along said East line to the Northeasterly extension of the South line of Lot 6 of the "SUPERVISOR'S PLAT OF GILBERT AND MATTESON SUBDIVISION" as recorded in Liber 12 of Plats, page 10, Kalamazoo County Records and the point of beginning; thence continuing Northwesterly about 707 feet along said East line to the Northeasterly

extension of the North line of Lot 19 of said subdivision; thence Southwesterly about 101 feet along said extension to the West line of said former railroad right-of-way; thence Southeasterly about 707 feet along said West line to said Northeasterly extension of the South line of Lot 6; thence Northeasterly about 101 feet along said extension to the point of beginning.

Parcel H: 9793 East Shore Drive, Tax Parcel #00024-200-H

Commencing at the Southeast corner of Section 25-3-11; thence Westerly about 1545 feet along the South line of the Southeast 1/4 of said Section to the East line of the former Conrail Railroad right-of-way; thence Northwesterly about 600 feet along said East line to the Northeasterly extension to the South line of Lot 17 of the "ASSESSOR'S PLAT OF EAST SIDE PARK" as recorded in Liber 14 of Plats, page 3, Kalamazoo County Records and the point of beginning; thence continuing Northwesterly about 590 along said East line to the Northeasterly extension of the North line of Lot 5 of said plat; thence Southwesterly about 103 feet along said extension to the West line of said former railroad right-of-way; thence Southwesterly about 590 feet along said West line to said Northeasterly extension of the South line of Lot 17; thence Northeasterly about 103 feet along said extension to the point of beginning.

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

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

YEAS: Members:

NAYS: Members:

ABSENT: Members:

RESOLUTION ADOPTED.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on _____, 2023, and that public notice of said meeting was given pursuant to Act 267 of the Public Acts of Michigan of 1976, as amended.

Erica Eklov, City Clerk
City of Portage

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

By: _____

Stanley J. Stek (P29332)

99 Monroe Avenue, N.W., Suite 1200
Grand Rapids, Michigan 49503
(616) 454-8656

Austin Lake Trail

Acquired

 Final Purchase in Process

Resolution of Necessity to Negotiate



TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Additional Board & Commission Appointments

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Appoint:

- a. Karl Hokenmaier to the Senior Citizens Advisory Board as an Alternate member with a term ending October 1, 2026;
- b. Aimee Potts to the Zoning Board of Appeals with a term ending February 28, 2026; and
- c. James Eichstaedt (reappointment) to the Zoning Board of Appeals with a term ending February 28, 2026.

During the recent Board and Commission Interview Session on January 10, several applicants with interest in certain boards were asked by the Council to consider filling remaining vacancies on different boards, such as the Zoning Board of Appeals and the Senior Citizens Advisory Board. Through discussion with the individual applicants following the interviews, statements of interest were secured for these vacancies from Mr. Karl Hokenmaier and Ms. Aimee Potts. It is in the best interest of these various boards to fill vacancies as quickly as possible to maintain quorum and effective board business, as well as maintain citizen interest in advisory board service.

Furthermore, existing Zoning Board of Appeals member James Eichstaedt has expressed a desire to withdraw an earlier resignation and continue serving the remaining year of his three-year term.

As such, it is recommended that City Council appoint Karl Hokenmaier to the Senior Citizens Advisory Board as an Alternate member with a term ending October 1, 2026; appoint Aimee Potts to the Zoning Board of Appeals with a term ending February 28, 2026; and re-appoint James Eichstaedt to the Zoning Board of Appeals with a term ending February 28, 2026.

FUNDING: Not Applicable

Attachments: None

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: New Polling Location Resolution

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Adopt the Resolution designating the Prairie Edge Christian Reformed Church at 9316 Oakland Drive as a polling location for the City of Portage.

Following the 2022 election cycle, the Office of the City Clerk was notified by the existing polling location at St. Catherine's of Siena Catholic Church at 1150 W. Centre Avenue that the organization was no longer interested in hosting elections after 30 years of service. This required two precincts to be moved to a permitted and viable location. As such, city staff located an alternate location at the Prairie Edge Christian Reformed Church at 9316 Oakland Drive. The church's governing body approved the city's request in December 2022, agreeing to host the two precincts in its church gymnasium.

Michigan Election Law (Act 116 of 1954) governs permitted polling location facilities, as well as the number of voters allowed in a precinct. The city's Election Commission met on January 12, 2023, to approve this relocation, but the creation of a new physical polling location must be approved by the local governing body. The proposed relocation would affect Precincts 10 and 13. During Special and City elections, Precincts 10 and 13 are combined as permitted by law, creating one precinct set-up in the location. Only during State and Federal Primary and General elections would both precincts need to operate in full.

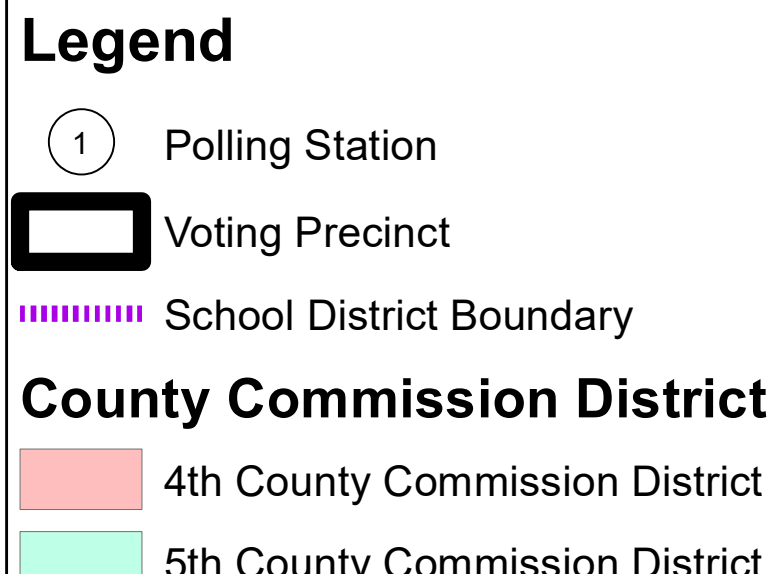
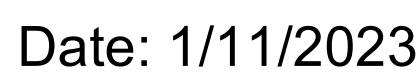
The relocation would move the polling places for these two precincts 2 miles southwest of the current location and affect approximately 5,000 of the city's 40,000 registered voters. Voter notification is an important step in the process of changing voting locations. To meet State of Michigan requirements for establishing polling locations and informing voters within the affected precinct of the new polling location, the Office of the City Clerk would provide advanced notifications by mail with updated Voter Registration Cards, as well as articles in the Portager newsletter, on social media and with public notices. This notification system has been successful in the past, with minimal inquiries or concerns received by the Office of the City Clerk.

It is recommended that City Council adopt the Resolution designating the Prairie Edge Christian Reformed Church at 9316 Oakland Drive as a polling location for the City of Portage.

FUNDING: Funding for notices will come from the FY 2022-23 City Clerk budget for election costs. The printing and postage for affected voter notices will cost approximately \$2,500.

Attachments: 1. 2023 Precinct Map

2. Resolution to Add a Precinct 2023



11. Kalamazoo First Assembly of God
12. Zhang Portage Community Senior Center
13. Prairie Edge Church
14. Chapel Hill United Methodist Church
15. Prince of Peace Lutheran Church
16. The Bridge Church
17. Pathfinder Church
18. The Bridge Church
19. Kalamazoo First Assembly of God
20. City Hall Absentee Voting Counting Board

5550	Oakland Drive
203	E. Centre Avenue
9316	Oakland Drive
7028	Oakland Drive
1747	W. Milham Avenue
7200	Angling Road
8740	S. Westnedge Avenue
7200	Angling Road
5550	Oakland Drive
7900	S. Westnedge Avenue

CITY OF PORTAGE, MICHIGAN

RESOLUTION TO ADD A NEW PRECINCT LOCATION

WHEREAS, the polling location for the City of Portage Precincts 10 and 13 are presently located at the St. Catherine of Siena Catholic Church; and

WHEREAS, the City of Portage has been notified that the St. Catherine of Siena Catholic Church will no longer host elections; and

WHEREAS, the City of Portage has determined that the Prairie Edge Christian Reformed Church located at 9316 Oakland Drive would be able to host two (2) precinct locations; and

WHEREAS, on January 12, 2023, the City of Portage Election Commission, in accordance with Chapter 12 of the City of Portage Charter, approved city polling locations to include the Prairie Edge Christian Reformed Church; and

WHEREAS, per Section 168.662 of PA 116 OF 1954 “Michigan Election law,” the legislative body in each city, village, and township is responsible for determining the location of polling places in the jurisdiction.

NOW, THEREFORE, BE IT RESOLVED: that the following location is established as a polling place for Precincts 10 and 13 for all future elections in the City of Portage.

- Prairie Edge Christian Reformed Church, 9316 Oakland Drive, Portage, MI 49024

BE IT FURTHER RESOLVED: that all resolutions and/or parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

ABSENT: _____

CERTIFICATE

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a

resolution adopted at a regular meeting of the City Council of said city, held on the 24th day of January 24, 2023, the original of which resolution is on file in my office.

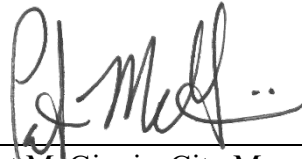
IN WITNESS WHEREOF, I have hereunto affixed my official signature this 24th day of January 2023.

Erica L. Eklov, City Clerk

MATERIALS TRANSMITTED

Wednesday, January 11, 2023

1. Communication from the City Manager regarding Form 5572 The Protecting Local Government Retirement and Benefits Act – Information Only.



Pat McGinnis, City Manager

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

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Form 5572 The Protecting Local Government Retirement and Benefits Act

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

Each year, the city is required to submit forms reporting to the Michigan State Treasury information regarding the city's pension and other post-employment benefits (OPEB). There is a requirement that "the local government shall also electronically submit the report to the governing body (e.g. Board or Council) of the local government. Formal vote of approval or governing body resolution is not required for this report."

Form 5572, The Protecting Local Government Retirement and Benfits Act (PA 202 of 2017) & Public Act 530 of 2016 Pension Report and Health Care (OPEB) Report is attached as materials transmitted, containing both pension and OPEB information. These required reports were submitted to the state in advance of the deadline of December 31, 2022 (six months after the end of the fiscal year).

Attachments: Form 5572 for fiscal year ended June 30, 2022

The Protecting Local Government Retirement and Benefits Act (PA 202 of 2017) & Public Act 530 of 2016 Pension Report

Enter Local Government Name	Portage	Instructions: For a list of detailed instructions on how to complete and submit this form, visit michigan.gov/LocalRetirementReporting .
Enter Six-Digit Municode	392040	
Unit Type	City	
Fiscal Year End Month	June	
Fiscal Year (four-digit year only, e.g. 2019)	2022	
Contact Name (Chief Administrative Officer)	Lauren VanderVeen	Questions: For questions, please email LocalRetirementReporting@michigan.gov . Return this original Excel file. Do not submit a scanned image or PDF.
Title if not CAO	Finance Director	
CAO (or designee) Email Address	vandervl@portagemi.gov	
Contact Telephone Number	269-329-4452	
Pension System Name (not division) 1	City of Portage Defined Benefit Retirement Plan	If your pension system is separated by divisions, you would only enter one system. For example, one could have different divisions of the same system for union and non-union employees. However, these would be only one system and should be reported as such on this form.
Pension System Name (not division) 2		
Pension System Name (not division) 3		
Pension System Name (not division) 4		
Pension System Name (not division) 5		

Line	Descriptive Information	Source of Data	System 1	System 2	System 3	System 4	System 5
1	Is this unit a primary government (County, Township, City, Village)?	Calculated	YES	YES	YES	YES	YES
2	Provide the name of your retirement pension system	Calculated from above	City of Portage Defined Benefit Retirement Plan				
3	Financial Information						
4	Enter retirement pension system's assets (system fiduciary net position ending)	Most Recent Audit Report	1,582,713				
5	Enter retirement pension system's liabilities (total pension liability ending)	Most Recent Audit Report	1,925,142				
6	Funded ratio	Calculated	82.2%				
7	Actuarially Determined Contribution (ADC)	Most Recent Audit Report	10,253				
8	Governmental Fund Revenues	Most Recent Audit Report	49,982,563				
9	All systems combined ADC/Governmental fund revenues	Calculated	0.0%				
10	Membership						
11	Indicate number of active members	Actuarial Funding Valuation used in Most Recent Audit Report	-				
12	Indicate number of inactive members	Actuarial Funding Valuation used in Most Recent Audit Report	-				
13	Indicate number of retirees and beneficiaries	Actuarial Funding Valuation used in Most Recent Audit Report	34				
14	Investment Performance						
15	Enter actual rate of return - prior 1-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	-10.51%				
16	Enter actual rate of return - prior 5-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	0.54%				
17	Enter actual rate of return - prior 10-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	1.49%				
18	Actuarial Assumptions						
19	Actuarial assumed rate of investment return	Actuarial Funding Valuation used in Most Recent Audit Report	4.00%				
20	Amortization method utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	Level Percent				
21	Amortization period utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	5				
22	Is each division within the system closed to new employees?	Actuarial Funding Valuation used in Most Recent Audit Report	Yes				
23	Uniform Assumptions						
24	Enter retirement pension system's actuarial value of assets using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	1,582,713				
25	Enter retirement pension system's actuarial accrued liabilities using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	1,925,142				
26	Funded ratio using uniform assumptions	Calculated	82.2%				
27	Actuarially Determined Contribution (ADC) using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	10,253				
28	All systems combined ADC/Governmental fund revenues	Calculated	0.0%				
29	Pension Trigger Summary						
30	Does this system trigger "underfunded status" as defined by PA 202 of 2017?	Primary government triggers: Less than 60% funded <u>AND</u> greater than 10% ADC/Governmental fund revenues. Non-Primary government triggers: Less than 60% funded	NO	NO	NO	NO	NO

Requirements (For your information, the following are requirements of P.A. 202 of 2017)

Local governments must post the current year report on their website or in a public place.

The local government must electronically submit the form to its governing body.

Local governments must have had an actuarial experience study conducted by the plan actuary for each retirement system at least every 5 years.

Local governments must have had a peer actuarial audit conducted by an actuary that is not the plan actuary OR replace the plan actuary at least every 8 years.

Enter Local Government Name	Portage	Instructions: For a list of detailed instructions on how to complete and submit this form, visit michigan.gov/LocalRetirementReporting
Enter Six-Digit Municode	392040	
Unit Type	City	
Fiscal Year End Month	June	
Fiscal Year (four-digit year only, e.g. 2019)	2022	Questions: For questions, please email LocalRetirementReporting@michigan.gov . Return this original Excel file. Do not submit a scanned image or PDF.
Contact Name (Chief Administrative Officer)	Lauren VanderVeen	
Title if not CAO	Finance Director	
CAO (or designee) Email Address	vandervl@portagemi.gov	
Contact Telephone Number		

OPEB System Name (not division) 1	City of Portage Post-Retirement Medical Plan	If your OPEB system is separated by divisions, you would only enter one system. For example, one could have different divisions of the same system for union and non-union employees. However, these would be only one system and should be reported as such on this form.
OPEB System Name (not division) 2		
OPEB System Name (not division) 3		
OPEB System Name (not division) 4		
OPEB System Name (not division) 5		

Line	Descriptive Information	Source of Data	System 1	System 2	System 3	System 4	System 5
1	Is this unit a primary government (County, Township, City, Village)?	Calculated	YES	YES	YES	YES	YES
2	Provide the name of your retirement health care system	Calculated from above	City of Portage Post-Retirement Medical				
3	Financial Information						
4	Enter retirement health care system's assets (system fiduciary net position ending)	Most Recent Audit Report	9,073,902				
5	Enter retirement health care system's liabilities (total OPEB liability)	Most Recent Audit Report	6,731,721				
6	Funded ratio	Calculated	134.8%				
7	Actuarially determined contribution (ADC)	Most Recent Audit Report	-				
7a	Do the financial statements include an ADC calculated in compliance with Numbered Letter 2018-3?	Most Recent Audit Report	YES				
8	Governmental Fund Revenues	Most Recent Audit Report	49,982,563				
9	All systems combined ADC/Governmental fund revenues	Calculated	0.0%				
10	Membership						
11	Indicate number of active members	Actuarial Funding Valuation used in Most Recent Audit Report	107				
12	Indicate number of inactive members	Actuarial Funding Valuation used in Most Recent Audit Report	-				
13	Indicate number of retirees and beneficiaries	Actuarial Funding Valuation used in Most Recent Audit Report	60				
14	Provide the amount of premiums paid on behalf of the retirants	Most Recent Audit Report or Accounting Records	208,435				
15	Investment Performance						
16	Enter actual rate of return - prior 1-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	-8.24%				
17	Enter actual rate of return - prior 5-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	5.95%				
18	Enter actual rate of return - prior 10-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	7.24%				
19	Actuarial Assumptions						
20	Assumed Rate of Investment Return	Actuarial Funding Valuation used in Most Recent Audit Report	7.00%				
21	Enter discount rate	Actuarial Funding Valuation used in Most Recent Audit Report	7.00%				
22	Amortization method utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	Level Percent				
23	Amortization period utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	5				
24	Is each division within the system closed to new employees?	Actuarial Funding Valuation used in Most Recent Audit Report	No				
25	Health care inflation assumption for the next year	Actuarial Funding Valuation used in Most Recent Audit Report	7.25%				
26	Health care inflation assumption - Long-Term Trend Rate	Actuarial Funding Valuation used in Most Recent Audit Report	4.50%				
27	Uniform Assumptions						
28	Enter retirement health care system's actuarial value of assets using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	9,073,902				
29	Enter retirement health care system's actuarial accrued liabilities using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	6,913,228				
30	Funded ratio using uniform assumptions	Calculated	131.3%				
31	Actuarially Determined Contribution (ADC) using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	38,060				
32	All systems combined ADC/Governmental fund revenues	Calculated	0.1%				
33	Summary Report						
34	Did the local government pay the retiree insurance premiums for the year?	Accounting Records	YES				
35	Did the local government pay the normal cost for employees hired after June 30, 2018?	Accounting Records	YES				
36	Does this system trigger "underfunded status" as defined by PA 202 of 2017?	Primary government triggers: Less than 40% funded AND greater than 12% ARC/Governmental fund revenues. Non-Primary government triggers: Less than 40% funded	NO	NO	NO	NO	NO

Requirements (For your information, the following are requirements of P.A. 202 of 2017)
Local governments must post the current year report on their website or in a public place.
The local government must electronically submit the form to its governing body.
Local governments must have had an actuarial experience study conducted by the plan actuary for each retirement system at least every 5 years
Local governments must have had a peer actuarial audit conducted by an actuary that is not the plan actuary OR replace the plan actuary at least every 8 years.

By emailing this report to the Michigan Department of Treasury, the local government acknowledges that this report is complete and accurate in all known respects.

Minutes of Boards & Commissions

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 12, 2022

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Haddow at 7:00 p.m. four people were in the audience.

MEMBERS PRESENT: Lena Jomaa, Linda Finch, Tracy Ezell, Lynn Haddow, Michael Reedy, Winifred Kurtz, Linda Fry

MEMBERS EXCUSED: Ken Seybold, Jay Eichstaedt

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator; Catherine Kaufman City Attorney, Josh Thall, Assistant City Attorney.

APPROVAL OF THE MINUTES:

A motion was made by Kurtz, and seconded by Reedy, to approve the September 12, 2022 minutes with corrections. Upon voice vote, motion passed 7-0.

NEW BUSINESS:

ZBA #22-06; 7085 Sandpiper Street: Mais summarized the request for a variance to construct a 135 square-foot sunroom addition which will extend to within 37 feet of the rear (east) property line where a minimum 40-foot setback is required. Paul Honeysett stated they had received a similar variance in 2011 to construct the existing sunroom. They wished to expand the sunroom located on the house's main level by an additional 135 square feet. Finch inquired if the same exterior materials would be used for the addition. The applicant stated the original siding was no longer available, so they have chosen to do it with a partial stone exterior.

A public hearing was opened. No one spoke for or against the request. A motion was made by Jomaa, seconded by Fry, to close the public hearing. Upon voice vote the motion passed 7-0.

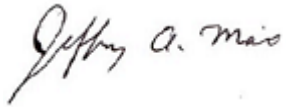
After additional discussion, a motion was made by Kurtz, seconded by Reedy, to grant a variance to construct a 135 square-foot sunroom addition which will extend to within 37 feet of the rear (east) property line where a minimum 40-foot setback is required for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district which include the existing front setback of the dwelling is farther back than other dwellings on the street; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to improve a residential use which is similar to that possessed by other properties in the same zoning district; the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Jomaa-Yes, Fry-Yes, Haddow-Yes, Reedy-Yes, Ezell-Yes, Kurtz-Yes, Finch-Yes; the motion passed 7-0.

OTHER BUSINESS: None

STATEMENT OF CITIZENS: None.

ADJOURNMENT: The meeting was adjourned at 7:13 pm.

Respectfully submitted,

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

Jeff Mais
Zoning & Codes Administrator

T:\COMMDEV\2022-2023 Department Files\Board Files\ZBA\Minutes\2022 12 12 ZBA Minutes.docx

TO: Honorable Mayor and City Council

DATE: January 24, 2023

FROM: Conor Sullivan, Youth Advisory Committee Chairperson

SUBJECT: 2022-2023 Youth Advisory Committee Goals and Objectives

The Youth Advisory Committee (YAC) is pleased to submit the following update on our Goals and Objectives:

- 1.) Continue to provide insight and perspective on issues relating to city government, gain knowledge and understanding of government functions, and join city boards and commissions.
 - a. The Youth Advisory Committee meets in person, at City Hall, once a month, Mondays September 2022 – June 2023.
 - b. YAC members report on the Environmental Board, Parks Board, Senior Citizens Advisory Board, and Human Services Board at each YAC meeting. Currently, the Historic District Commission does not have a YAC member participant.
 - c. The YAC members participated in the Portage Master Plan update. Community Development provided a presentation, survey, and Q&A to the YAC. This was a great opportunity for the YAC to voice their suggestions and concerns. This opportunity was well received.
- 2.) Continue to learn about philanthropy and give back to the community. The YAC remains active and involved in the community by volunteering their time to various organizations and opportunities.
 - a. Several YAC members volunteered for the Thanksgiving Food Basket drive and the Holiday Adoption programs at the Portage Community Center.
 - b. The 2023 Winter Snow Party will occur on February 4th. This is an opportunity for the YAC to take a day and spend it with the community enjoying the outdoors.
 - c. This summer/fall, the YAC also plans to team up with the Breakfast Optimist Club of Kalamazoo (BOCK) and the Department of Public Safety to present a law enforcement education opportunity.
 - d. Contact has been made with the Parks Department and Environmental Board, as well as other organizations, in an effort to increase and promote community youth involvement.
- 3.) Continue to promote environmental awareness in the community.
 - a. The 2023 Green-A-Thon is currently being discussed; however, it will not be paired with the Portage Farmers Market due to a lack of interest from the farmers market vendors. The YAC will continue to collaborate with the Environmental Board and Parks Department to participate in a joint event focusing on Arbor Day and Earth Day or YAC will organize a replacement project to occur in late April or early May. Planning is currently underway and both options are expected to include handing out tree seedlings.

- b. In focusing on climate change, the YAC continued the subcommittee created in 2020 to better act on the topic. The Climate Change subcommittee has mentioned several ideas to impose such as decrease in power day, park cleanup, wildlife protection, sustainable energy sources at city buildings, and compost bins.
 - c. Plan to have YAC members participate in the Garlic Mustard Pull event in the spring of 2023.
 - d. YAC was contacted to assist in an Education Awareness Video for the City of Portage but due to the time of day, during school, this was paused and will hopefully happen at a later date.
- 4.) Advise the City Council in areas / subjects under the purview of the Youth Advisory Committee.
 - a. Provide the annual presentation to City Council.
- 5.) Maintain an active social media presence via Instagram and providing updates/articles to city Facebook page. Utilize the Remind app to connect with members.
 - a. The Social Media Committee has launched a “Meet the Faces Behind YAC” campaign in efforts to maintain social media presence and recruit. In addition, the YAC will post meeting dates, event information, and other YAC opportunities.

Sincerely,

The Youth Advisory Committee

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Tentative Plan and Rezoning Application #22/23-6 for a proposed multifamily residential project 'Kings Landing' at 6601 Constitutional Boulevard

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing for the Tentative Plan and Rezoning Application #22/23-6 Planned Development project 'Kings Landing' at 6601 Constitutional Boulevard, it is recommended that City Council take no further action at this time.

OVERVIEW

The applicant, Shannon Orr, representing Village Green Properties Ltd, submitted a multifamily residential proposal at 6601 Constitutional Boulevard and has filed a Tentative Plan and Rezoning application to rezone the property from RM-1 Multifamily to a Planned Development (PD) district. The proposed development is called 'Kings Landing' and is located at the southeast corner of Constitution Boulevard & Martin Luther King Drive intersection, east of Celebration Cinema & IMAX movie theater and The Crossroads mall.

The Kings Landing proposal consists of the following elements to be designed within a total of three buildings, each of which would be three stories in height. The project comprises a total of 95 market-rate apartment units: 33 one-bedroom units, and 62 two-bedroom units. The apartment units would include a mix of unit floor plans; 82 common apartment units ('Flats'), some with ground-floor porches, and 13 Townhouses, which are two-story units (2BR/2BA) with ground-floor porches. This yields a proposed density of 22.8 units per acre on the 4.45-acre site.

The building heights, number of units, and setback distances to the property lines are proposed as follows:

Building 'A'

Height - 35 feet

Units - 33 Units comprising 10 Townhouses and 23 Flats.

Setbacks: 40 feet from MLK Drive, 28 feet from Constitution Blvd.

Building 'B'

Height - 45 feet

Units - 54 Units comprised of 54 Flats (zero Townhouses)

Setbacks - 23 feet from southern property line, 22 feet from eastern property line, 180 feet from Constitution Blvd.

Building 'C'

Height - 35 feet

Units - 8 Units comprising 3 Townhouses and 5 Flats

Setbacks - 30 feet from MLK Dr., 21 feet from the eastern property line

The development will provide 143 parking spaces (1.5 spaces per unit) and an additional 54 attached covered flex

parking spaces for storage/extra parking. Building elements/amenities include an overall modern building appearance with brick facades, large windows, balconies, walk-out porches, open-air flex space for storage/parking, top-floor setback, pathway connections to the city's existing trail network, and access across the street to the new Martin Luther King Jr. Park. The project is estimated to begin construction in Spring 2023 and be completed within 18 months.

BACKGROUND INFORMATION

The property owner, who is also the developer, has owned the property since 1996. The property is currently vacant and consists of a variety of natural vegetation including trees, bushes, and grasses. The site has been used for the temporary staging of construction materials for adjacent street renovation projects.

The following table summarizes **Existing Conditions** in this general area:

Existing Land Use/ Zoning	• The subject site is undeveloped and zoned RM-1 Multifamily Residential. • North: (Across MLK Dr.) New City Park ‘MLK Park’, 1000 MLK Dr.; Zoned B-2 Community Business District. • South: Consumers Energy Easement and City Trail; Zoned R-1B Single Family Residential; and Single Family Homes - 910, 972, 994, 1014, 1032, 1052, 1062, 1088, 1104 Rainbow Ct; Zoned R-1A Single Family Residential. • East: Celebration Cinema Crossroads & IMAX movie theater; 6600 Ring Rd; Zoned B-2 Community Business District. • West (Across Constitution Blvd): Crossroads Village Retirement Community; 6600 Constitution Boulevard; Zoned RM-1 Multifamily Residential.
Public Streets	Surrounding roadway network: • MLK Dr. (east of Constitution Blvd): Public Street, 2022 AADT Trip Count of 1,450. • Constitution Blvd.: Public Street, 2020 ADT Trip Count of 6,665. Annual Average Daily Trips (AADT) counts are provided by Kalamazoo Area Transportation Study (KATS).
Public Utilities	City sanitary sewer and water are available along MLK Dr. and Constitution Blvd.
Environment	The subject site is undeveloped, having a forested area with a mix of natural vegetation.
Unique Conditions	No mapped wetlands, historic buildings/ structures, or flood hazards exist on the site.

ANALYSIS

Applicable Zoning Regulations

The following sections of Chapter 42. Division 4. Zoning Districts and District Regulations apply and are addressed further in this report:

- [Subdivision 11](#) – PD, Planned Development District, and
- [Division 8](#) – Administration and Enforcement (for Rezoning Application)

Proposed Planned Development Tentative Plan

The applicant has submitted a Tentative Plan and Rezoning application seeking approval for a 95-unit multifamily housing facility per Sec 42-375. The Planned Development review process involves the following two steps per [Sec. 42-375](#):

Step 1) Tentative Plan review (Items A-G, Sec 42-375) identifies part(s) or whole project features; analyzes the impact on neighborhoods, streets, utilities, and the natural environment; and determines consistency with adopted local plans. This step does not require detailed engineering drawings. *The filed Tentative Plan was*

approved by the Planning Commission on December 1, 2022, and is now set for City Council review and approval.

Step 2) Final Plan review (Items H-M, Sec 42-375), identifies and analyzes detailed drawings of project improvements (streets, utilities, lot dimensions, etc.). A Final Plan application has not been submitted at this time, awaiting approval of the Tentative Plan.

The applicant has submitted a site layout drawing showing location of buildings and parking area, building setback distances, access, and adjacent streets, pedestrian pathways and linkages, trash receptacle locations, and open space. The applicant has also submitted a project narrative describing the overall project, types of housing units, parking configuration, etc.; and illustrations depicting various renderings of building elevations, general landscaping plan, etc. These submittals address items A-E within Sec 42-375. The Planning Commission reviewed and approved the project for consistency with Sec 42-375 Tentative Plan items A-E during a public hearing on December 1, 2022, and provided a recommendation to the City Council for approval.

Per Sec 42-373 and -374, the Planned Development (PD) allows a variety of housing styles, flexibility in building heights, and yard setbacks. The underlying RM-1 Multifamily Residential district does not provide this flexibility, therefore, the applicant seeks a rezoning to PD. The following project elements are unique to the PD district and overall project:

- **Housing Types.** A minimum of two housing types is required under the PD per Sec 42-374(C). The development consists of the following different housing types:
 1. 82 apartment flats consisting of 1- and 2-bedroom options; some with ground-floor porches; and
 2. 13 townhouse apartments consisting of 2-bedrooms, 2-bathrooms, and 2-stories; all will have ground-floor porches.
- **Building Heights.** Under the PD district Sec 42-374(F), building height may be up to 45 feet. Building 'A' & 'C' will be designed to be 35 feet in height, and Building 'B' will be designed to be 45 feet in height.
- **Building Setbacks.** Per Sec 42-374(E), the PD district does not have a defined setback distance. However, a setback distance should be established to create a transitioning area for neighborhood harmony. Based on the submittals, the proposed buildings are located 20 to 40 feet (and further) from property lines. The buildings are located close to and face the abutting streets, and the parking is located in the interior area. Shorter setbacks to the street enable front porches to easily connect with main sidewalks and pathways. This increases pedestrian focus and connections, and facilitates greater non-motorized access to nearby shopping, dining, and entertainment businesses to create a walkable, urban environment.
- **Density.** The PD district allows an overall maximum density of seven units per acre per Sec 42-374(D). The applicant is seeking flexibility in density to allow a project density of 22.8 units per acre. The applicant finds that the proposed density will help achieve rent rates for the location, help meet the City of Portage housing goals, and help achieve greater rental options as desired in the 2020 City of Portage Residential Market Analysis. The two different housing styles offer a mix of price points, sizes, spatial features, and appeal to a wider range of demographics.
- **Parking.** The applicant is providing 143 parking spaces for the overall proposed 95 units. Per Sec 42-521, two parking spaces shall be provided for each unit of a multifamily housing proposal. Therefore, a total of 190 spaces is required. The applicant is seeking approval for a reduction in parking requirements per Sec 42-520(O). This request is addressed later in this report.
- **Utilities & Street Capacity.** The project is expected to connect to existing city water and sewer utilities along Constitution Boulevard or MLK Drive. Stormwater will be designed under the open space lawn area in the southwest corner of the site, as identified in the site layout drawing. Detailed drawings of utility connections and stormwater infrastructure will be provided in the next step - Final (Site) Plan Application. The proposal will have access along MLK Drive as its only point of access. The resulting traffic volume is expected to increase from the current levels along MLK Drive and Constitution Boulevard. The traffic impact study request is addressed later in the report.
- **Pedestrian Infrastructure** - Pedestrian connections will be provided along the perimeter site on existing sidewalks, as well as interior connections to the proposed buildings. Further, pedestrian connections will be provided to the existing City of Portage bike path to the south, and the new Martin Luther King Jr. Park across the street.

Staff analysis has been prepared based on items A-G, Sec 42-375 Tentative Plan 'Planned Development' requirements, Comprehensive Plan, surrounding development patterns, and general land use considerations. Issues to be analyzed

include consistency with the Future Land Use Map, suitability of the existing zoning classification, and preliminary evaluations from the Development Review Team (DRT).

Comprehensive Plan

Rezoning applications are reviewed for consistency with the City of Portage Comprehensive Plan, which establishes long-term land use goals and the Future Land Use Map. The Future Land Use map designates the subject property as 'Regional Business', which is characterized as areas for shopping malls, regional retailers, and auto-oriented uses, and covers much of the area along South Westnedge Avenue and The Crossroads. A magnified view of the Future Land Use Map is attached. Much of this area is zoned B-2 Community Business and contains mostly retail uses (clothing retailers and grocers) and restaurants.

Over the past several years, some of these retail spaces within the Regional Business zoning districts have been experiencing vacancies, including within The Crossroads, due to shifts in retail markets and customer preferences for online shopping. The COVID pandemic has further increased online shopping and resulting vacancies. This has created challenges in filling vacant retail space. Commercial property owners have been re-evaluating the needs and marketing of their retail spaces. The City of Portage has been responding to these impacts by re-evaluating zoning and land use to facilitate commercial redevelopment opportunities.

In addition to retail vacancy challenges, housing demand has greatly increased due to the COVID pandemic and recent increases in housing costs and inflation. Commercial property owners have been re-orienting development opportunities toward residential proposals in response to the lower commercial demands and higher residential needs. The City of Portage has also been responding to these evolving needs by facilitating the rezoning of properties to enable future multifamily housing and more flexible housing types.

The proposed development is in alignment with two of the City Council's 2022-2023 Strategic Priorities:

- Economic Development – Explore & Implement Opportunities to Develop/Redevelop areas along South Westnedge Avenue between Romence Road and Milham Avenue, and The Crossroads.
- Neighborhoods - Attract residential development that provides a mixture of housing for all income levels.

The subject site is located in close proximity, and walkable, to many shopping and dining options. Those businesses would directly benefit from this development. There are existing sidewalks, pathways, trails, and parks that connect to and provide recreational opportunities. Metro Transit has an existing bus stop at the subject site that offers future residents transportation options to travel within Portage and the greater Kalamazoo area.

Therefore, staff finds that the proposed Tentative Plan and Rezoning for a multifamily development which provides a mix of housing types at higher densities helps address economic challenges and the city's goals, and meets the intent of the Comprehensive Plan.

Zoning Map & Impacts

The subject site is zoned RM-1 Multifamily Residential, permitting a variety of housing types from single-family detached to multifamily. Per Sec 42-220, the RM-1 and RM-2 multifamily residential districts are designed to provide sites for multifamily dwelling structures and related uses, which will generally serve as a transition between nonresidential districts and lower-density one-family districts. The subject request is to rezone the site to 'PD', which is intended to encourage variety and flexibility in land development necessary to meet changes in the overall market and community needs. Under the PD, a variety of housing types is also allowed, including those under the RM-1 district.

The overall neighborhood has a mix of single-family detached homes to the further south, zoned R-1A, commercial businesses to the east and north, zoned B-2, and a residential retirement community to the west zoned RM-1. The properties to the east and north (across MLK Dr.) are zoned B-2 Community Business. Properties to the west (across Constitution Blvd.) are zoned RM-1. The residential neighborhood to the south is zoned R-1A, which is separated from the subject site by a 170-foot property owned by Consumers Energy where a powerline and the City of Portage bike path exist. A magnified view of the Zoning Map is attached.

Staff finds the proposed Rezoning and Tentative Plan meets the intent of the zoning code for the following reasons:

- Changes in the economy and consumer preferences have greatly impacted local commercial and housing markets. The proposed project will increase and diversify housing options in Portage, be advantageous to businesses in the greater neighborhood by providing a new customer base, and offer desired flexibility in housing types and site design layout.
- The existing adjacent Consumers Energy property creates a buffer and transition area between the proposed development and the single-family neighborhood to the south. There is no vehicular or pedestrian connection between these two developments.

Planned Development - Sec 42-374 Site Development Requirements and Sec 42-375 Plan review and approval (PD, planned development); Tentative Plan

Staff finds most of these sections of the PD are met with the submitted application. Within this section, the applicant is seeking support for increased density and a reduction in parking requirements. The analysis is detailed below:

- **Increased Density.** The applicant seeks to exceed the maximum density to help achieve various rents. The housing market shows support for multifamily units. The City Administration and City Council have approved past multifamily projects exceeding seven units per acre where additional site amenities were provided and/or existing. For the subject proposal, there is a Metro bus stop located along MLK Drive at the site. There are existing connecting sidewalks and pathways to recreational areas and adjacent shopping, dining, and entertainment. Increasing housing density in this area will support adjacent businesses. Therefore, staff finds the proposed density acceptable.
- **Reduction in Parking Requirement.** The applicant is seeking Planning Commission approval for a reduced parking requirement of 143 spaces instead of the required 190 spaces per Sec. 42-520(O). The applicant's proposal consists of 33 one-bedroom units and 62 two-bedroom units. The applicant has proposed that 143 spaces (1.5 spaces per unit) will adequately meet the parking demand of the proposed 95 units of the above mix of bedrooms, especially given that approximately 34% of the units are one bedroom. In addition to the 143 spaces, the applicant is proposing a covered flex space for personal storage or an additional parking space option. The flex space is assigned to the 2-bedroom apartment units only, where each bedroom within those units is assigned one outdoor space and one flex space. This ensures both cars are within the same apartment unit for best parking management. A drawing of this space is attached. This could provide an additional 54 parking spaces for a total of 197 spaces (2 spaces per unit). However, the flex space design and location do not meet the exact requirements of Sec. 42-521. - Design, construction, and maintenance of parking areas. The flex space can therefore not be counted toward the overall parking requirement. The project is within walking distance of a Metro Transit bus stop offering transportation choices and lower car dependency; and the site is very close walking distance to shopping, dining, and entertainment areas. Therefore, staff supports the requested reduced parking requirement of 143 spaces.

Preliminary Evaluations from the Development Review Team (DRT)

This project was reviewed by the Development Review Team (DRT) which ensures that the proposed development is consistent with the city's infrastructure, engineering, and other requirements including streets, sewers, water mains, stormwater, parking, landscaping, and others. The DRT is comprised of representatives from the Department of Transportation and Utilities, Fire Department, Department of Parks and Recreation, Office of the City Assessor, and Department of Community Development.

After a preliminary review, the DRT does not recommend any additional improvements to the Tentative Plan but does recommend the applicant conduct and submit a Traffic Impact Study (TIS) for the Final (Site) Plan to address the expected traffic volume, turning movements, and the proposed driveway location resulting from the proposal. Staff has communicated this concern to the applicant who will provide this study for City Administration review. This is also provided as a condition of Tentative Plan approval.

PUBLIC HEARING

A public hearing for this Tentative Plan and Rezoning application was opened at the December 1, 2022, Planning Commission meeting. During the meeting, the Commission reviewed and discussed the proposed Tentative Plan and Rezoning. The applicant and property owner's representative, Joshua Weiner, was present to support the proposed

application and stated M.C. Weiner's investments in the community over the years. The applicant's architect, Mike Corby, Integrated Architecture, was present to answer the questions. Four members of the public provided testimony and expressed opposition to the project due to perceived concerns about traffic, parking, adjacent power lines, and the natural environment. Pat McGinnis, attending the meeting in his capacity as City Manager of the City of Portage, expressed the City Administration's support of the proposed project.

Recently, the applicant has withdrawn this request. Therefore, subsequent to the public hearing for the Tentative Plan and Rezoning Application #22/23-6 Planned Development project 'Kings Landing' at 6601 Constitutional Boulevard, it is recommended that City Council take no further action at this time.

FUNDING: Not Applicable

- Attachments:**
1. PD Rezoning Application
 2. Project Plans, Narrative
 3. Project Site Layout Plan
 4. Future Land Use Map
 5. Public Comment Received 11/16/22 _ Online Form Submission #10743
 6. Existing Zoning Map
 7. Staff's Location Map
 8. Staff's Site Pictures
 9. Applicant's Building Flex Space
 10. 1st Reading
 11. PCMin12012022 DRAFT_To be replaced with approved one on 12/16/22
 12. Planning Commission Transmittal -To be replaced with signed one on 12/16/22



APPLICATION FOR ZONING AMENDMENT

Application number _____

Date September 23, 2022

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings. *Please note: City Staff and/or Planning Commissioners may visit the subject property while the application is under review.*

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 8, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number). Property is located at the SE corner of MLK Drive and Constitution Blvd. It is 4.45 acres with a parcel number of 00009-045K

2. a. Do you own the property to be rezoned? Yes ☒ No ☐

b. Name of the owner of the property to be rezoned: Village Green Properties LLC

Address 8601 Constitution Blvd., Portage, MI 49024

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477
www.portagemi.gov

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment:
To develop a new, high-quality residential development.

4. CURRENT ZONING: RM-1 PROPOSED ZONING: PD

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

Shannon Oll - Agent Meyer & Weiner

(Signature of Applicant)

(Signature of Applicant)

6601 Constitution Blvd., Portage, MI 49024

(Address)

(Address)

268-323-2441

(Phone)

(Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

T:\COM\MDR\2021 2022 Department Plan\Zoning Form\2022 Zoning Application.docx



APPLICATION FOR ZONING AMENDMENT

Application number _____

Date September 23, 2022

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings. *Please note: City Staff and/or Planning Commissioners may visit the subject property while the application is under review.*

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 8, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number). Property is located at the SE corner of MLK Drive and Constitution Blvd. It is 4.45 acres with a parcel number of 00009-045K

2. a. Do you own the property to be rezoned? Yes ☒ No ☐

b. Name of the owner of the property to be rezoned: Village Green Properties LLC

Address 6601 Constitution Blvd., Portage, MI 49024

7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ (269) 329-4477
www.portagemi.gov

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment:
To develop a new, high-quality residential development.

4. CURRENT ZONING: RM-1 PROPOSED ZONING: PD

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

Shannon Oll - Agent Meyer & Weiner

(Signature of Applicant)

(Signature of Applicant)

6601 Constitution Blvd., Portage, MI 49024

(Address)

(Address)

269-323-2441

(Phone)

(Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

T:\COM\AD\FV\2021 2022 Department Final\Format\Zoning Form\2022 Running Application.docx



KINGS LANDING

PORTAGE, MI

PLANNED DEVELOPMENT SUBMITTAL
FOR APPROVAL OF TENTATIVE PLAN
UPDATES 04 NOVEMBER 2022

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Statement of Objectives

On behalf of the Meyer C. Weiner Company, a longtime and highly respected Portage based development company, we are excited to present to the City of Portage our concepts for a new, high quality residential development at Constitution Boulevard and MLK Drive. We are seeking a rezone to PD for parcel number 00009-045K and are submitting for tentative PD approval.

Design Introduction

We are proposing a high quality, market-rate neighborhood, which is focused on expanding the premier rental living options within the City of Portage. The project will offer a combination of townhouse units, with exterior front porch access from the street, ground-level flat units with decks facing the trail system and stacked upper-level flats. Upon entering the neighborhood, a tree-lined lane will meander through the site and direct visitors and residents toward the main building entries, which will be accentuated by welcoming community porches and flanked by a resident park, the social hub of our planned neighborhood. This park feature will be a great place to hang out, program activities, walk dogs, connect to the trail, and meet neighbors. The project site is centrally located with easily walkable access to schools, childcare facilities, retailers, restaurants, entertainment venues, and the wonderful Portage Multi-use Recreational Trail for walking, jogging or biking. The project takes advantage of this great location to create a wonderful living environment for the community.

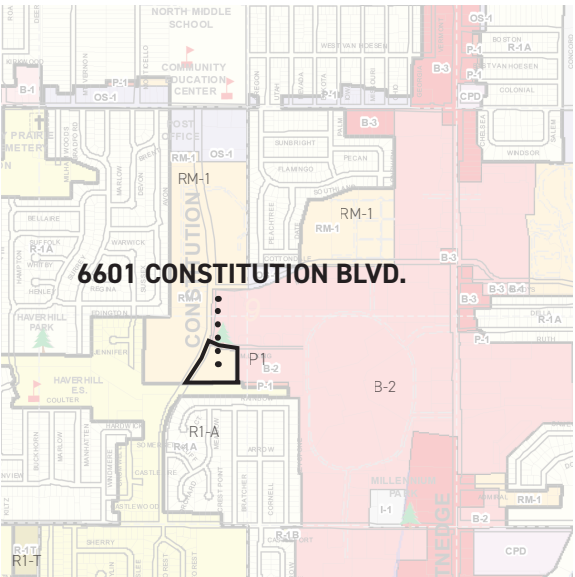
Some qualities we feel are key to a successful residential community and are targeting with this project include:

1. Sense of Community/Sense of Place – we are intentionally creating a strong architectural presence as well as establishing a key social hub on the property to imbue a unique and desirable living experience.
2. Connections/Paths – both internal movements of pedestrians and of vehicles have been carefully choreographed to optimize the experience.
3. Great Accommodations – from the moment you engage this development, its appeal will be apparent. Our front porches, balconies, resident park, well designed apartment layouts, and quality construction will be unmatched in the area.

Site and Context

Our site is the 4.45-acre vacant property located west of Celebration Cinema, south of the proposed MLK Park, and east of Crossroads Village. It is positioned on the southeast corner of Constitution Blvd. and MLK Drive and is bordered by the Consumers Energy easement and the Portage Multi-Use Recreational Trail system to its south.

The property is zoned RM-1 Multiple Family Residential. To the east, the parcel abuts properties zoned B-2 Community Business and to the south, a well-vegetated, 180-foot-wide consumers easement, through which the Portage Multi-Use Recreational Trail runs, buffers the parcel from properties zoned R-1 A One Family Residential. In addition, a 16.5-foot-wide utility easement runs along the western edge of the property.



Building Organization and Size

We have positioned three primary buildings on the site to optimize their relationships with the surrounding context and create a series of inviting dwellings.

Building A is a three-story (thirty-five-foot) building composed of townhouses, stacked flats, storage areas, and amenity spaces. This building uniquely bends around the northwest corner of the site and fronts on both Constitution Blvd. and MLK Drive. Communal spaces in Building A include a generous lobby which flows outward toward a resident “community porch”, indoor mail and package rooms, outdoor bike parking, and conditioned resident storage areas. Additionally, attached rear-access storage, pathway connections to surface parking, and an elevator make for comfortable circulation from the parking areas to the units. This building will have 33 units in total. All units will have in-unit laundry and either terraces or balconies.

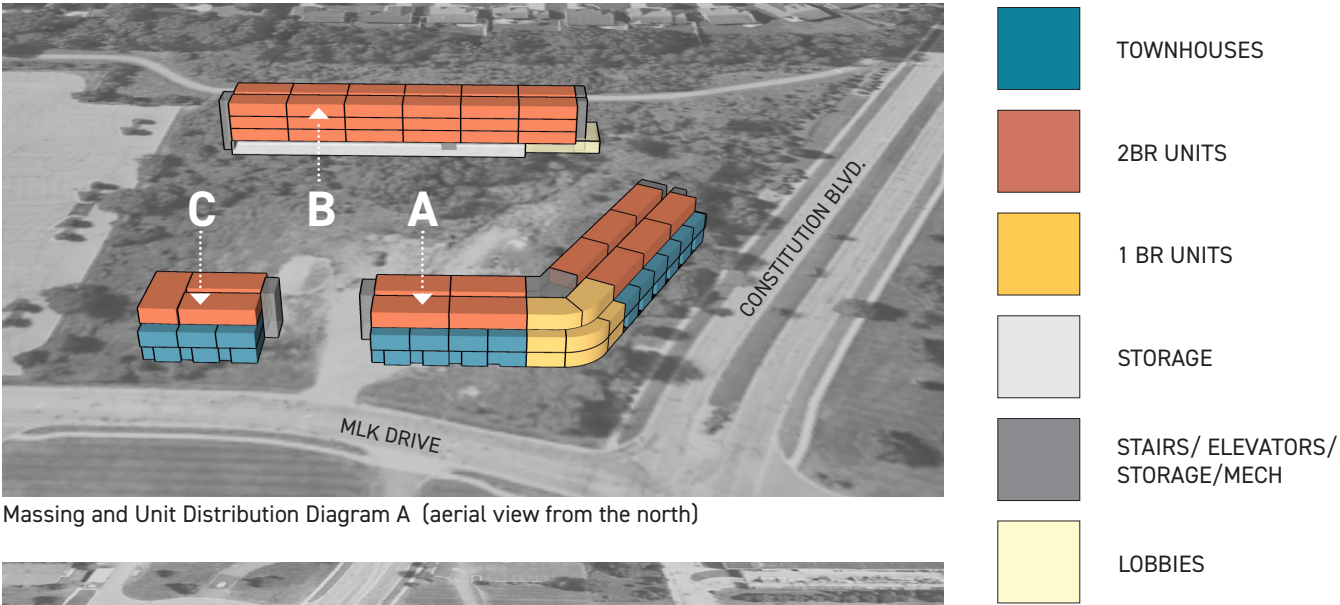
Building B is positioned to front on the adjacent trail and faces south towards the Consumers easement and wooded area. This building is a four-story (forty-five-foot) building with 54 total units, configured as one and two-bedroom garden-style units. As with Building A, this building will include a generous lobby which flows outward to a resident “community porch”, as well as have indoor mail and package rooms, outdoor bike parking, and conditioned resident storage. As with building A, it will also have covered storage, paths connecting to parking and around the site, and an elevator. In addition, building B features a leasing office, a co-working lounge.

Building C is a smaller building (three stories and thirty-five feet) than the other two, totaling 8 units. The building fronts MLK Drive and has a combination of townhomes and garden-style units. It is a walk-up building with an appropriately sized mail and package room, as well as outdoor bike parking, covered storage, terraces/balconies, storage space, and in-unit laundry.

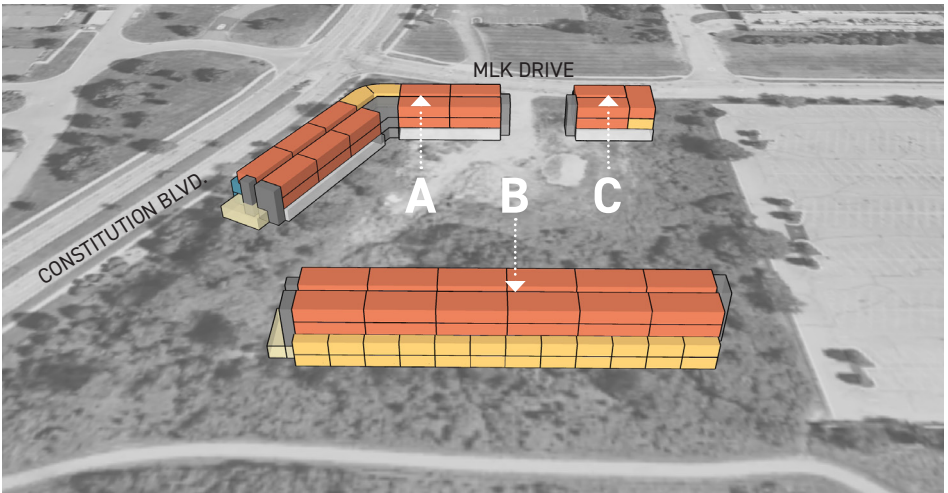
These buildings contain a grand total of 95 residential units. Within this 95-unit count are (13) two-bedroom, two-and-a-half bath townhouses, (15) ground-level, one-bedroom, one bath flats, (18) upper-level one-bedroom, one bath flats, and (49) upper-level two-bedroom, two-bath flats.

With 95 units on 4.45 acres of land, the development will total 22.8 units/acre, which exceeds the otherwise applicable zoning regulations for the property regarding density. However, this density allows us to offer a wide variety of unit types, at achievable rent rates, in this great location. This density will also help to make an impact toward addressing the “mismatch” between available rental properties and demand for rental properties that is outlined in the 2020 City of Portage Residential Market Analysis. The project will offer desirable, high quality one and two-bedroom flats, as well as townhouses and one-bedroom units with independent, exterior doors and decks, all of which are high demand unit types according to the study.

Additionally, the parcel is well situated to accommodate higher density ratios, with walkable proximity to nearby businesses and a significant amount of natural buffer space between the buildings and neighboring properties provided by the Consumers easement and trail system to the south, a wide boulevard to the west, and the new park to the north.



Massing and Unit Distribution Diagram A (aerial view from the north)



Massing and Unit Distribution Diagram B (aerial view from the South)

Unit Types

The development will offer townhouses and stacked flat apartments as residential options.

The townhouse is our most luxurious option, with two levels of living, two bedrooms and two- and one-half bathrooms. These units will feature a small office area, true laundry rooms, and comfortable, well-landscaped street facing front porches with independent front doors.

Our ground-level one-bedroom unit options offer a unique and exciting relationship to the natural landscape. All these units are within building B and front the recreational trail with ample decks, allowing the living space to extend into the outdoors. These units are sure to attract pet owners and nature lovers alike.

Finally, our upper level one and two-bedroom units feature spacious open floor plans, decks or terraces on all units, and are designed to provide ample natural light to the living spaces.

Exterior Design

The project’s aesthetic aims to establish a modern, elegant, high quality appearance consistent with the expectations of the target market. Our material palette will include brick, deep-neutral tones of pre-finished siding and masonry, ample windows, and accents of natural wood-tones. Materials and building lines will be modern and upscale.

On all three buildings, we have intentionally stepped-back the building massing between levels two and three to accentuate the difference in unit types, to lower the visual perception of the building, and to provide terraces for the third floor units.

The result is a high quality, attractive, premier living experience that will cater to young professionals, young families and empty nesters who seek a distinctive and more exclusive housing option within the Portage community.

Landscaping and Common Open Space

Generous landscaping across the site will make for an inviting outdoor experience. A tree-lined meandering site entry will create a strong sense of place from the first moment. Then, in the resident park, which serves as our common open space, a series of grassy mounds will shape a unique environment and will add subtle divisions in the sense of scale of the overall park, establishing it as a comfortable social environment. A selection of the large existing trees in this area will be preserved, adding shade to the park, and a small pavilion will be added to create a destination for small neighborhood concerts and performances. Walking paths with ample landscaping connecting to the trail system will offer yet another appealing amenity for residents and will contribute to a wonderful and more complete living experience. Finally, a series of grills and picnic tables will be provided to set the space up to be a great outdoor social environment! All common open space, walks, drives, and parking areas will be well-maintained by the complex.

The exterior “front yards” and entryway sequences will also receive attractive landscaping and plentiful trees, and landscaping zones within and surrounding the parking area will create a comfortable entry-sequence. The form and location of the buildings act as the main visual buffers between the street sightlines and parking but will be supplemented with adequate shrubbery where necessary.

The project’s organization of greenspaces does require modification of zoning rules otherwise applicable to the parcel as it does not provide 30’ of rear yard setback from each of the buildings. However, the plan does provide an equivalent amount of greenspace beyond the garages, rear parking spaces, and entry drives along the backsides of the buildings. In the design of this building, rear-access storage spaces make for a nice amenity for the tenants and greenspace, with ample trees, is provided beyond this space. No ground level units face the parking area and upper units have views over the parking areas to the wooded greenspace.

Finally, three trash dumpsters will be conveniently positioned with proper architectural and landscape screening.

Setbacks and Building Heights

Along Constitution Blvd the primary building face of Building A is set back twenty-eight feet and two inches from the property line. Porches project seven feet and six inches beyond the building face, resulting in a setback to those elements of twenty feet. Along MLK, the primary building faces of Building A and C are set back thirty feet at their closest point to the property line, and the decks project seven feet and six inches from there, resulting in a setback to the porches of twenty-two feet and six inches.

Finally, along the south side of the parcel, the primary building face of Building B is set back twenty-two feet and ten inches from the property line. Building B’s porches project seven feet and six inches beyond the building face, resulting in a setback from the property line to those elements of fifteen feet and four inches. The typical distance between the decks and the recreation trail is estimated to be fifty-seven feet. Overall, when considering the porch projections, these distances are shallower than the otherwise applicable 30-foot setback for RM-1 zone, however they lend themselves well to creating the sense of neighborhood that we are aiming for in the project and allow us to provide ample parking and greenspace on the interior of the site.

Buildings A and C are designed to be 35-feet tall and building B is designed to be 45-feet tall. Building B’s height does require modification from the zoning code otherwise applicable to the site. This building is situated deeply within the site to allow for gradation in heights up to this tallest point and has significant space around it on all sides to avoid casting undesired shadows on neighboring properties or adjacent buildings.



Parking, Traffic, and Transit

The site will be accessed from MLK Drive to the north, thus preserving the nature of Constitution Blvd. as a collector lane. With Constitution Blvd. at 4 lanes of traffic, we believe the surrounding streets are sufficient to provide capacity for the density.

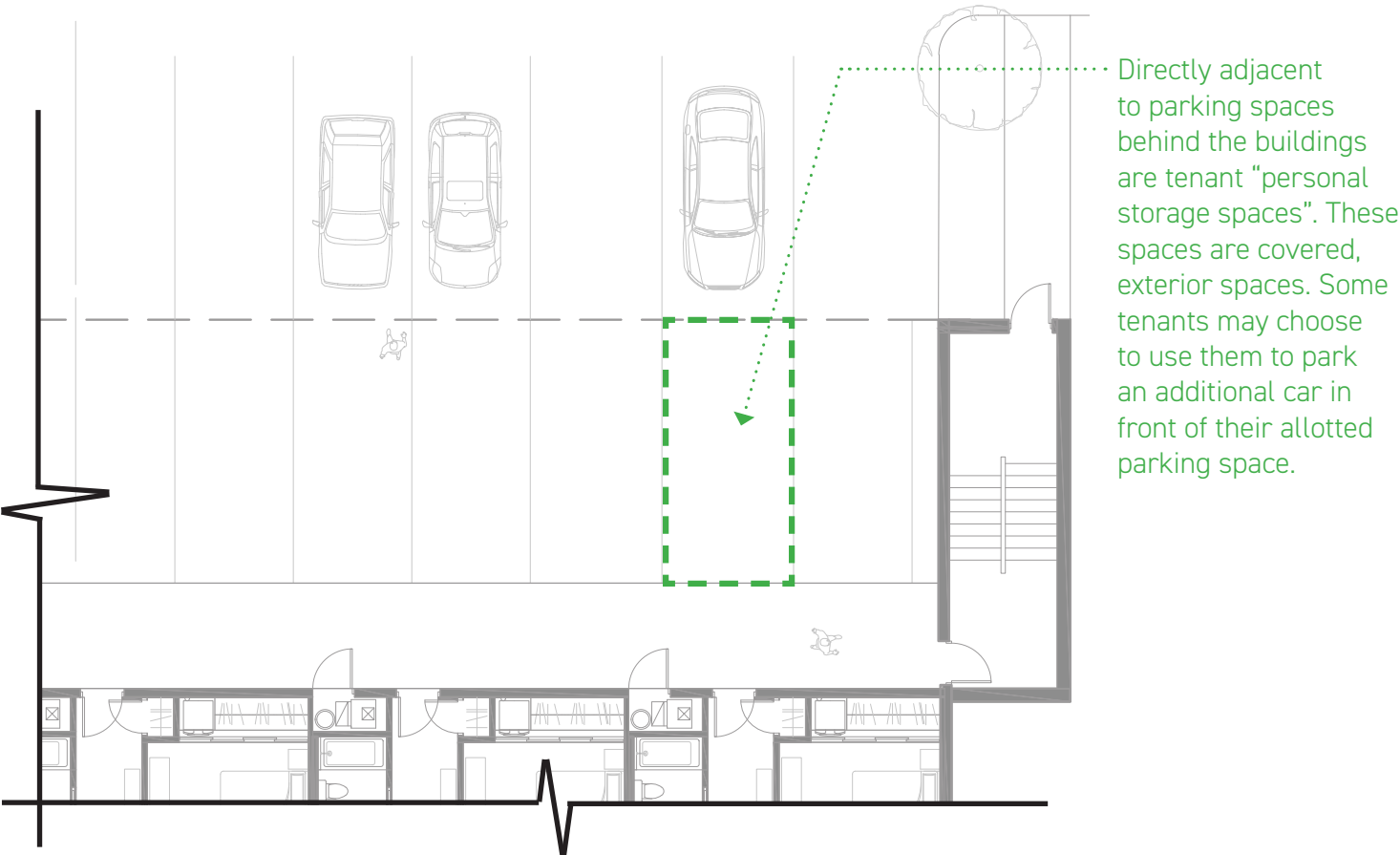
The project provides a total of 143 parking spaces on the site. Each of the three buildings has embedded / covered storage areas on the back side of the first floor of the building. This makes for an especially nice feature for tenants as they will not have to walk outside between their car and the building during the cold and/or rainy months. The remainder of the site parking (other than the garage parking in Buildings A, B, and C) is initially planned as surface parking, however, future garages may be considered. These 143 parking spaces equate to a ratio of 1.51 vehicles per unit, which aligns with our typical design target of 1.5 spaces per unit. Our experience has indicated that this ratio sufficiently serves the balance of 1 BR units and 2BR units provided in the development. Additionally, this ratio balances the provision of adequate parking with our desire to maximize green space. Transit needs can also be supplemented with convenient access to the bus system, with a stop already existing on MLK Drive, as well as with bicycle parking provisions at each building.

Each of the 54 building-embedded storage spaces is paired with the abutting exterior surface parking space. Each covered storage space is let to a single 2-bedroom unit along with their parking space. This means that the covered storage space and the exterior surface parking space behind will always be let to the same unit. Tenants sharing the unit coordinate their schedules, storage and parking.

While this arrangement can park two full cars, we have not included the covered storage area towards the parking count of 143 and ratio of 1.51. If applied as additional parking the total parking would increase to 197 with a ratio of 2.07. Also, if applied, the arrangement saves a great deal of space and is not a-typical in newer developments. Tenants report that once they get used to the necessary communication, it is not difficult to coordinate.

Utilities

Paved or concrete parking areas and drive aisles will direct storm water run-off to the on-site private storm sewer drains and storm sewer piping. Storm water run-off will be disposed of by a combination of storm water treatment and infiltration. The storm sewer system will comply with City requirements and the City’s Storm Water Design Criteria Manual. Design of the system is pending, and the design will be subject to City review and approval.



If required, new fire hydrants will be installed on-site at locations approved by the City of Portage. These fire hydrants would be served by public water mains which would be designed and installed in accordance with City requirements, and appropriate easements would be granted to the City. It is anticipated that each building will be served by a six inch private sanitary sewer lead, draining to the City’s public sanitary sewer system.

The site will be served with underground natural gas, electric, telephone, and/or cable TV lines and design of these utilities will be done in the future by each private utility company.

Timeline

We aim to begin construction in the Spring of 2023 and execute construction over an 18-month timeline. The project will not be phased. Units can be available as early as the fall of 2024!

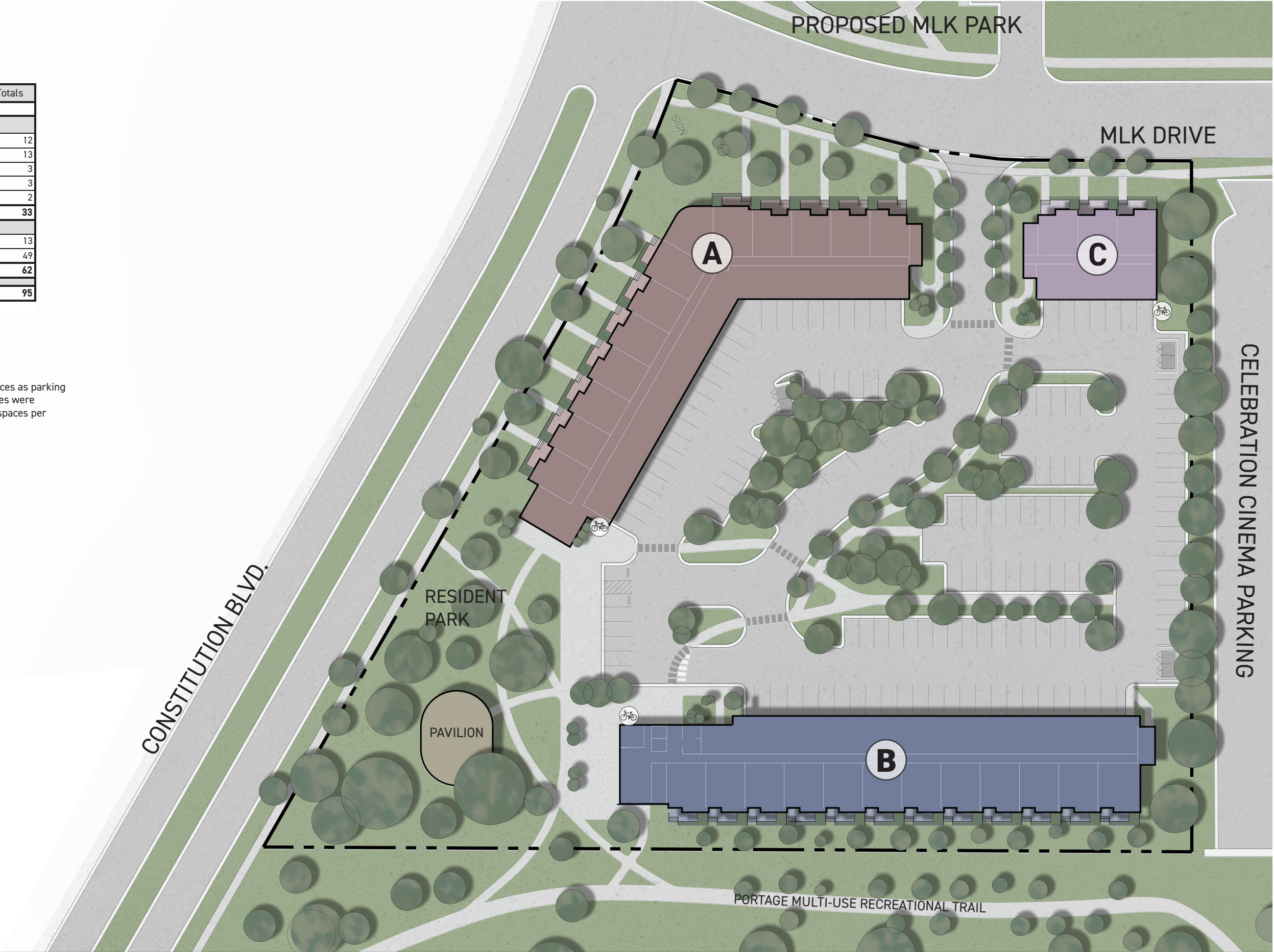
Project Breakdown

Unit Type	Building			Totals
	A	B	C	
1 BRS				
1BR Personal Entry		12		12
1BR Upper Unit		12	1	13
1BR Rounded Ground		3		3
1BR Rounded Level 2		3		3
1BR Rounded Level 3		2		2
Total 1 BRS	8	24	1	33
2 BRS				
2 BR 2.5 Ba. Townhouse		10	3	13
2 BR 2 Ba. Flat		15	30	49
Total 2 BRs	25	30	7	62
Total Units	33	54	8	95

Parking

Parking Space Type	#
Parking Spaces	148
Parking: Unit Ratio	1.56

*Some tenants may choose to use personal storage spaces as parking spaces for secondary vehicles. If personal sotrage spaces were included in parking counts, the total ratio would be 2.0 spaces per unit.



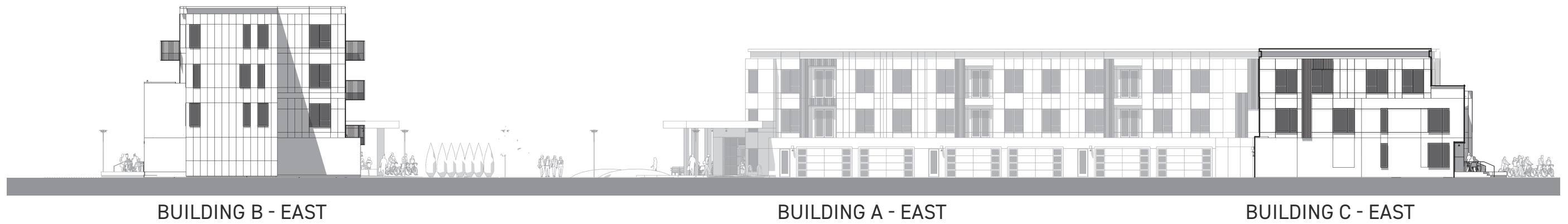


BUILDING B - SOUTH



BUILDING B - NORTH









CONSTITUTION BOULEVARD - BUILDING A



SW PARK - BUILDING B LOBBY AND TERRACE



PATH BETWEEN BUILDINGS A & B



SW PARK ON CONSTITUTION BOULEVARD - BUILDINGS A AND B



SOUTH WALKING PATH AT BUILDING B

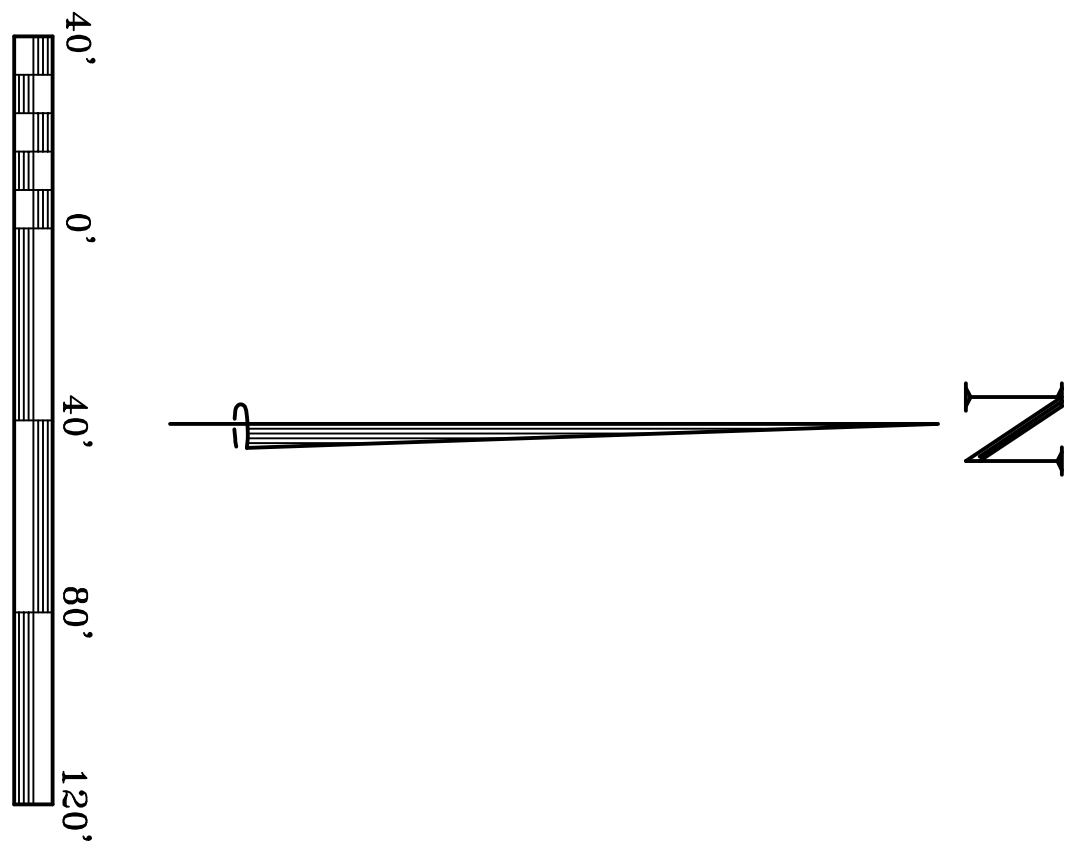


SOUTH WALKING PATH AT BUILDING B



BUILDING B LOBBY AND TERRACE - BUILDING A IN BACK GROUND

TENTATIVE PLAN for Proposed
KINGS LANDING in PORTAGE, MICHIGAN



NOTE: DESIGN OF STORM SEWER SYSTEM AND STORM WATER DISPOSAL SYSTEM ARE PENDING. DISPOSAL SYSTEM WILL LIKELY BE AN UNDERGROUND SYSTEM. LOCATION WILL DEPEND ON SITE GRADING, PROPOSED UTILITIES, STORM SEWER LAYOUT, SURFACE FEATURES, AND OTHER FACTORS. STORM WATER WILL REQUIRE TREATMENT. SYSTEM SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CITY OF PORTAGE'S STORM WATER DESIGN CRITERIA MANUAL. DETAILS WILL BE SHOWN ON PENDING FINAL PLAN.

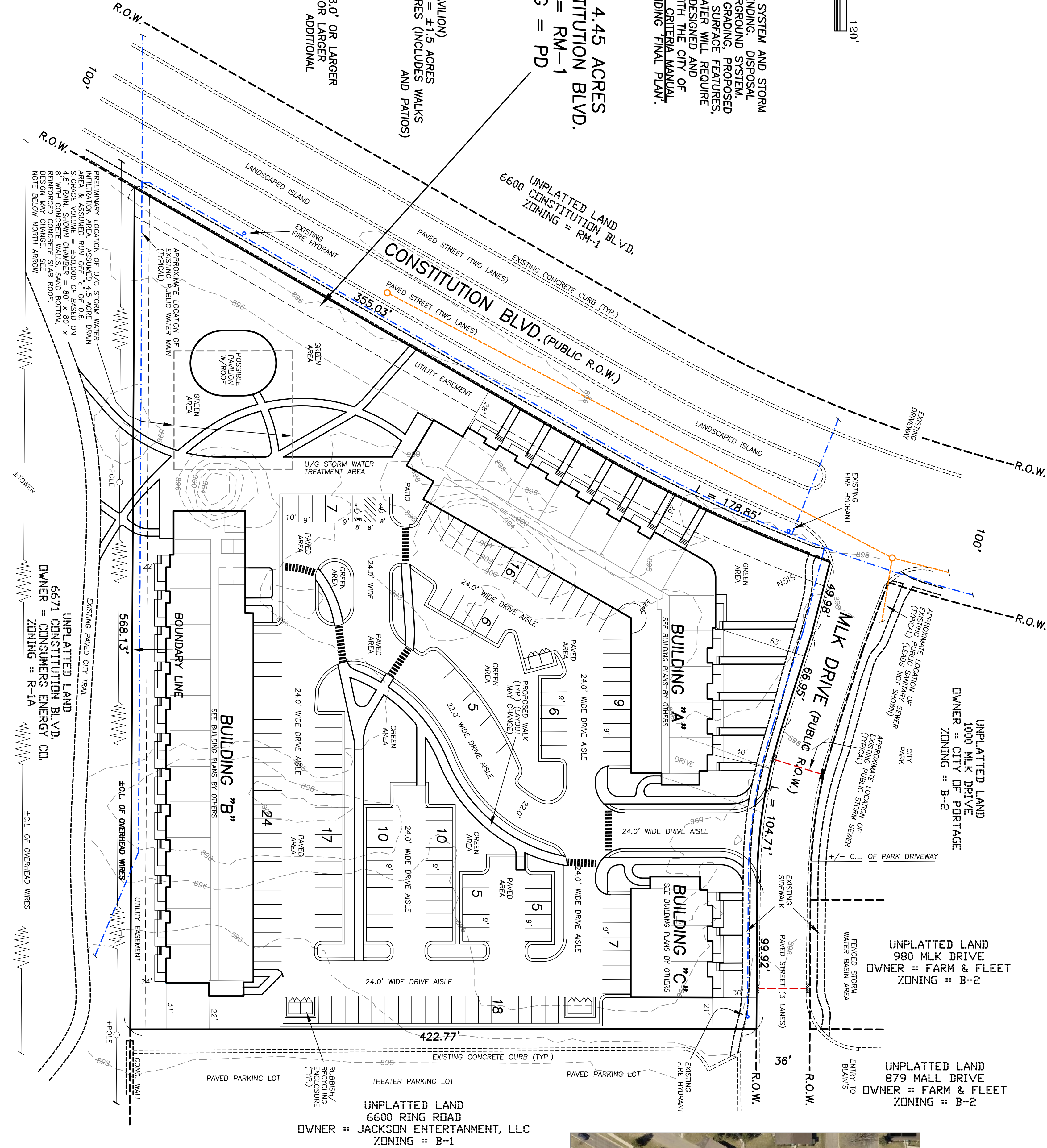
SUBJECT PROPERTY = 4.45 ACRES
ADDRESS = 6600 CONSTITUTION BLVD.
CURRENT ZONING = RM-1
PROPOSED ZONING = PD

SITE DATA:
-PARCEL AREA = 4.45 ACRES
-BUILDING AREAS = ±0.92 ACRE (EXCLUDING PAVLION)
-PARKING LOT PAVEMENT & CONCRETE & CURB ±1.5 ACRES
-OPEN SPACE = 4.45 - 0.92 - 1.5 = ±2.0 ACRES (INCLUDES WALKS AND PATIOS)
-# OF DWELLING UNITS = 95

PARKING SPACE DATA:
-# OF EXTERIOR SPACES = ±143
-ALL BARRIER FREE SPACES MEASURE 8.0' BY 18.0' OR LARGER
-ALL STANDARD SPACES MEASURE 9.0' BY 18.0' OR LARGER
-SHOWN ARE 2 EXTERIOR BARRIER FREE SPACES. ADDITIONAL BARRIER FREE SPACES WILL BE ADDED.

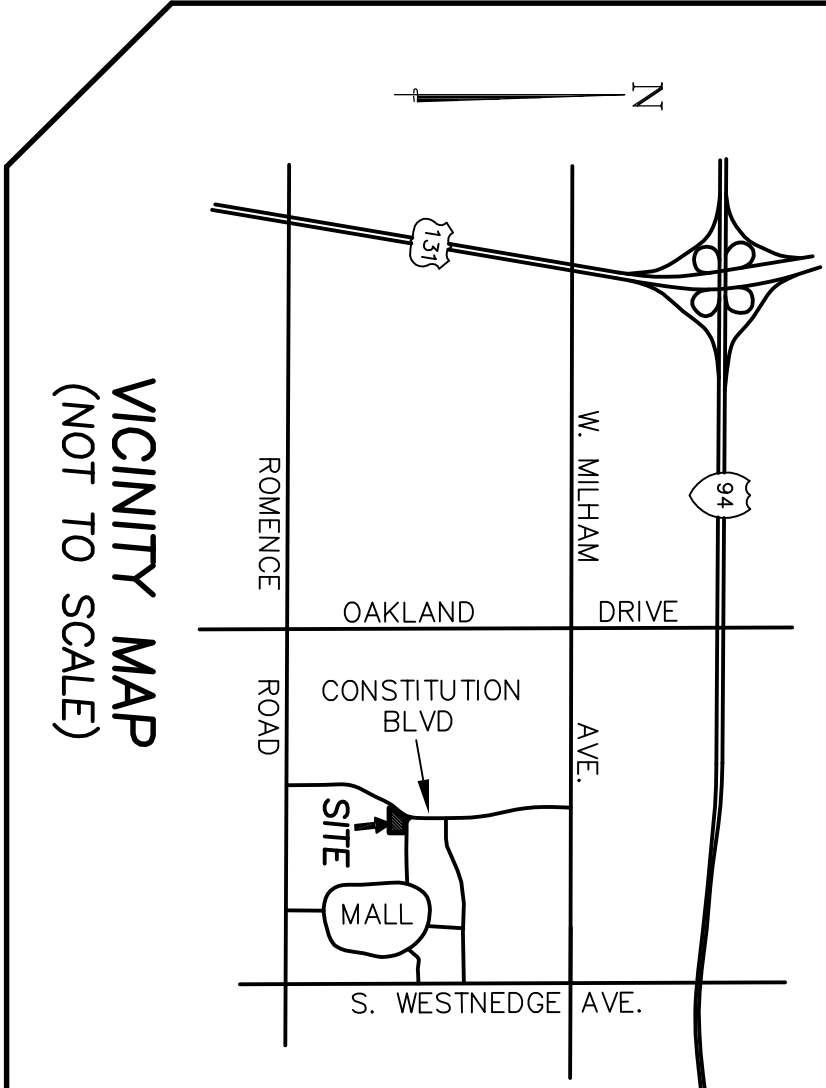
FIRE DEPT. NOTES

COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT BE LOCATED WITHIN 100' OF ANY EXISTING OR PROPOSED FIRE HYDRANT AND ALL WEATHER ROAD SURFACE IS IN PLACE.
THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE AVAILABLE FIRE FLOW SOURCE TO THE BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF THE SPECIFIED TYPE. 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 SHALL BE POSTED ON ONE SIDE AS A FIRE LANE.
ALL STREETS WILL BE WIDE ENOUGH TO ALLOW PARKING ON ONE SIDE OF THE STREET PER THE FIRE CODE.



PARCEL DESCRIPTION (PER CITY WEBSITE):
SEC9 T3S R11W PART W/2 DECS AS COM 66292 FT N & 164161 FT W & 58382 FT S & 29874 FT W & 493 FT S OF E1/4 COR S 36 FT W 870 FT S TO POB, TH S DBEG 1.30° E 422.77 TO N LN CONSUMER ROW, TH N 80DEG 4220' W 568.19' TH N 29DEG 5324' E 355.03' TH NERLY 718.65' ALG S 70DEG 4642' E 49.98' TH S 72DEG 1444' E 66.95' TH SERVO COORD 71.202660 CURVE LENGTH 343.72' CENTRAL ANGLE 170DEG 27'15" AND CHORD S 80DEG 58'19" E 104.30' TH S 89DEG 41'56" E 99.92' TO POB. (4.45 AC)

NOTE: IN GENERAL, EXISTING IMPROVEMENTS HAVE BEEN SHOWN WITH A DASHED LINETYPE. PROPOSED IMPROVEMENTS HAVE BEEN SHOWN WITH A SOLID LINETYPE.



AERIAL PHOTOGRAPH OF PROPERTY
SCALE: 1" = 100'

- GENERAL NOTES:
1) CURRENT CITY ZONING = RM-1. PROPOSED ZONING = PD.
2) PARCEL AREA = 4.45 ACRES. TREES AND BRUSH.
3) SITE IS COVERED WITH SMALL TREES AND BRUSH.
4) SITE LANDSCAPING SHALL BE PROVIDED BUT HAS NOT BEEN SHOWN ON THIS PLAN.
5) SEE BUILDING PLANS BY OTHERS.
6) ANY ON-SITE FIRE HYDRANTS SHALL BE PROVIDED AS REQUIRED.
7) ANY ON-SITE WATER MAIN SHALL BE PUBLIC WATER MAIN WITHIN AN EASEMENT TO THE CITY OF PORTAGE.
8) BUILDINGS SHALL CONNECT TO CITY WATER SYSTEM AND CITY SANITARY SEWER SYSTEM.
9) BUILDINGS SHALL BE SPRINKLED.
10) EXISTING WATER MAINS AND/OR SANITARY SEWERS ARE LOCATED NORTH, SOUTH, AND/OR WEST OF THE SUBJECT PROPERTY.
11) STORM SEWER SYSTEM AND STORM WATER DISPOSAL SYSTEM SHALL BE PRIVATE. DESIGN IS PENDING.
12) SHOWN LAYOUT IS SUBJECT TO ADJUSTMENT.

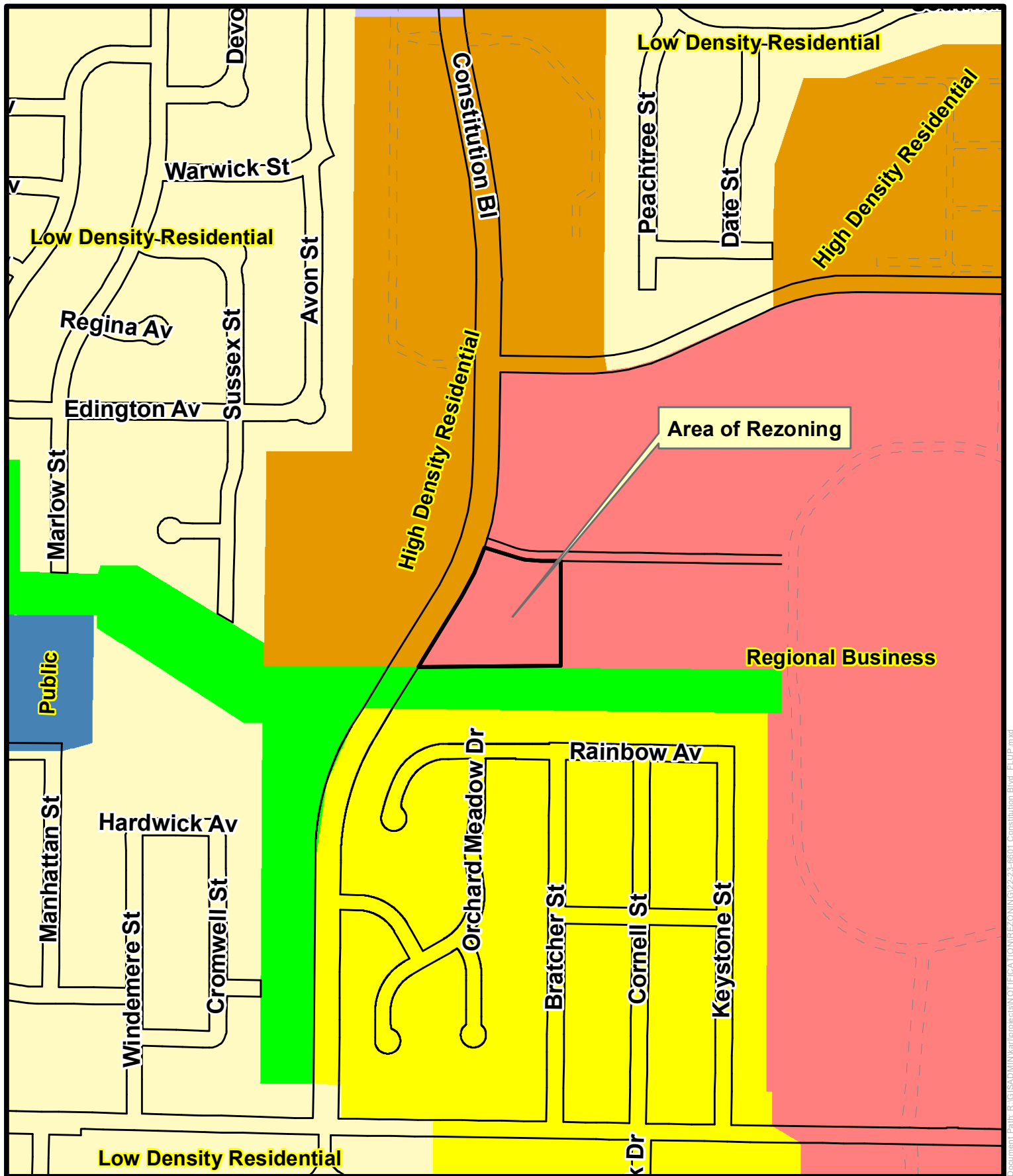
ARCHITECT:
INTEGRATED ARCHITECTURE
840 OTTAWA AVENUE NW
GRAND RAPIDS, MI 49503
(616) 559-4721

PROJECT MANAGER:
VENEKIASSEN CONSTRUCTION
5000 KENDRICK ST. SE
GRAND RAPIDS, MI 49512
(616) 957-3733

OWNER & APPLICANT:
VILLAGE GREEN PROPERTIES
PO BOX 2470
PORTAGE, MI 49081
(269) 323-2441

TENTATIVE PLAN for KINGS LANDING	
PART OF THE SW 1/4 OF SECTION 9, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN	
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Integrated, Watson & McEachern, Inc.	
1208 East William Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165	
DATE: 9/23/2022	SHEET: 1
REVISED: 11/04/2022 REVISED: 10/13/2022	JOB No.: 22-219





- Notification_parcel
- Low Density Residential
- Single-Family Detached-Medium Density Residential
- Medium-Density Residential
- High Density Residential
- Local Business
- Regional Business
- General Business
- Office
- Shaver Road Business Corridor
- Research, Development & Technology
- General Industrial
- Park / Recreation
- Gourdneck State Game Area
- Public
- City Centre

Future Land Use Map Rezoning: 22/23 - 6 6601 Constitution Boulevard



1 inch = 500 feet
Date: 11/8/2022

From: [Kelly Peterson](#)
To: ["jaimeannmichelle1@gmail.com"](mailto:jaimeannmichelle1@gmail.com)
Cc: [Eric Feldt](#)
Subject: RE: Online Form Submission #10743 for Contact Us
Date: Wednesday, November 23, 2022 10:50:00 AM

Thank you for your email regarding this proposed project. Your email will be transmitted to the Planning Commission for consideration. If you wish to attend and/or provide in-person comment at the public hearing for the rezoning and tentative plan for 6601 Constitution Blvd, the Planning Commission meeting will be held on December 1, 2022 at 7:00pm at City Hall (7900 S. Westnedge Ave). The agenda will be available at [this link](#) prior to the meeting.

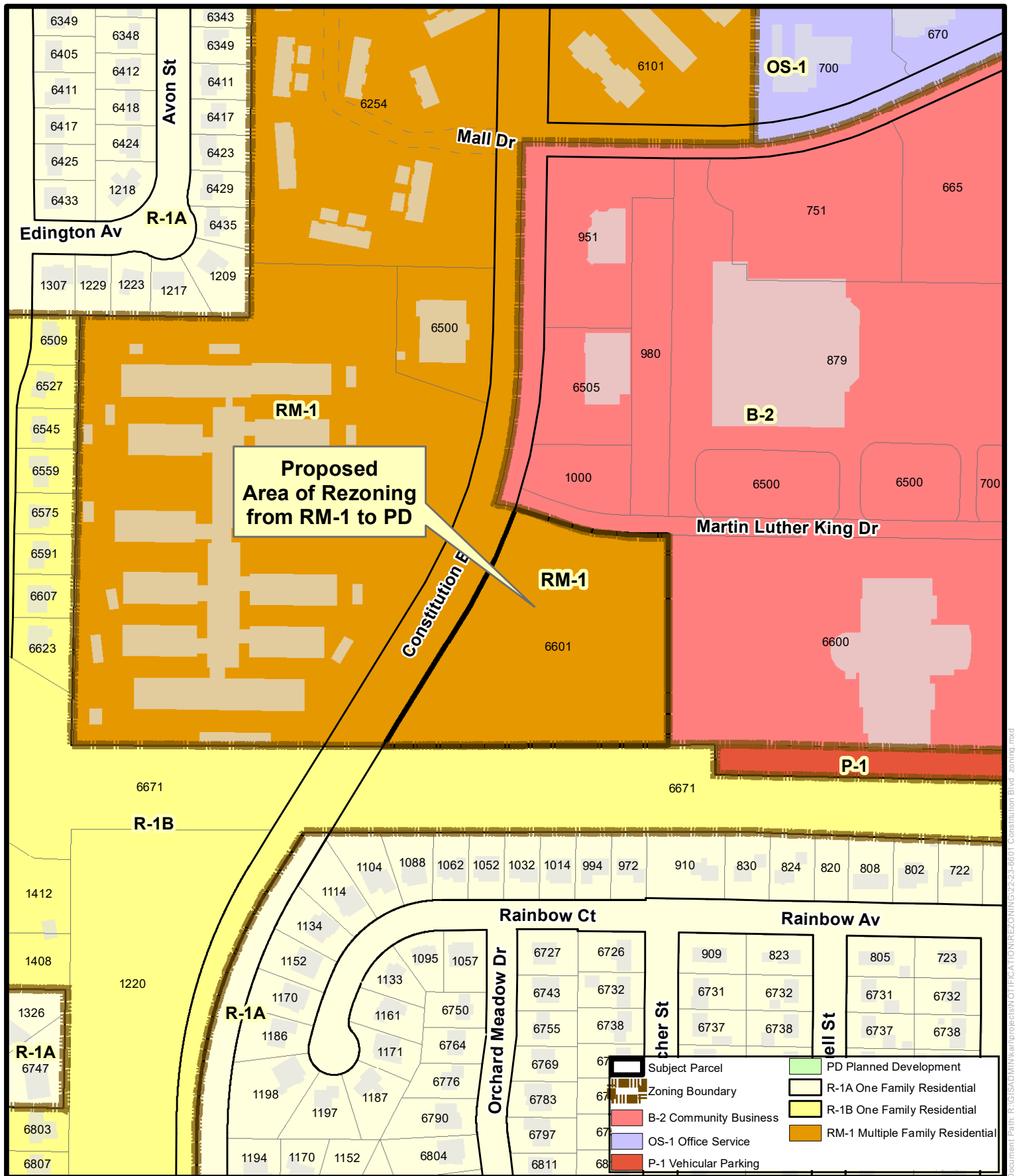
From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, November 16, 2022 12:35 AM
To: Tamara Stephens <stephent@portagemi.gov>; Kelly Peterson <petersok@portagemi.gov>; Jonathon Hallberg <hallberj@portagemi.gov>
Subject: Online Form Submission #10743 for Contact Us

Contact Us

DO NOT USE THIS FORM TO REPORT A POLICE, FIRE OR MEDICAL EMERGENCY - DIAL 9-1-1. To report a non-emergency crime, please call non-emergency dispatch at (269) 488-8911.

Which department do you wish to contact?	Community Development
Your First Name	Michelle
Last Name	M.
Email Address	jaimeannmichelle1@gmail.com
Subject	Apartment being built off of MLK Drive — PLEASE DON'T ALLOW THIS
Your Message	I live in the neighborhood by the site that Village Green is trying to rezone into a PD planned development (it's the site off MLK Drive and by Celebrations Cinema). Many of my neighbors are upset by this, mainly because it's already such a cramped and tiny space to build an apartment on. It's going to add soooo much traffic to the otherwise easy to navigate area. The site is so small I don't even know how they will fit a parking lot, and the street doesn't have room for side parking. And the apartment construction will be really noisy too. Please, please don't rezone it. Local wildlife also like to chill there as well.

Email not displaying correctly? [View it in your browser.](#)





**Proposed
Area of Rezoning**

Aerial Photography Map **Rezoning: 22/23 - 6** **6601 Constitution Boulevard**

 Subject Parcels



1 inch = 350 feet
 Date: 11/8/2022

Staff's Site Pictures – November 11, 2022



Figure 1. Looking east along MLK Dr. Subject site to the right of sidewalk. Celebration Cinema Crossroads & IMAX is shown in background.



Figure 2. Looking west at subject site across MLK Drive. Metro bus stop sign can be seen across street.



Figure 3. Looking south at intersection of MLK Dr. & Constitution Blvd. Wooded area is in subject site. Sidewalks and pedestrian crossing, and fire hydrant can be seen in image.



Figure 4. Looking west along City of Portage trail. Trail and overhead powerlines located within Consumers Energy property. Subject site is to the right (north) outside of picture.



Figure 5. Looking north along sidewalk of Constitution Blvd (street to left is outside picture). Wooded area in center of image is in subject site.



Figure 6. Looking east along MLK Drive. Subject site on right. Celebration Cinema Crossroads & IMAX in background. New Dr. Martin Luther King Jr. City Park is to the left (outside of picture).



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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

6601 CONSTITUTION BLVD

00009-045-K

SEC.9 T3S R11W PART W1/2 DESC AS COM 662.92 FT N & 1641.61 FT W & 583.82 FT S & 298.74 FT W & 493 FT S OF E1/4 COR S 36 FT W 870 FT S TO POB, TH S 0DEG 1'30" E 422.77' TO N LN CONSUMER ROW, TH N 89DEG 42'20" W 568.19', TH N 29DEG 53'24" E 355.03', TH NERLY 178.85' ALG ARC CURVE LFT RADIUS 1050', CENTRAL ANGLE 9DEG 45'34" AND CHORD N 25DEG 8'15" E 178.64', TH S 75DEG 40'42" E 49.98', TH S 72DEG 14'41" E 66.95', TH SERLY 104.71' ALG ARC CURVE LFT RADIUS 343.72', CENTRAL ANGLE 17DEG 27'15" AND CHORD S 80DEG 58'19" E 104.30', TH S 89DEG 41'56" E 99.92' TO POB. (4.45 AC)

From RM-1 Multifamily Residential District to Planned Development District

FIRST READING:

SECOND READING:

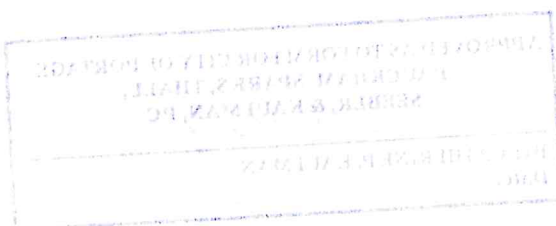
EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2022.

Erica Eklov, City Clerk



Approved as to Form:

Date: 12-6-2022

By: *Anthean G. Gump*
City Attorney

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2022, and will become effective _____, 2022.

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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

6601 CONSTITUTION BLVD

00009-045-K

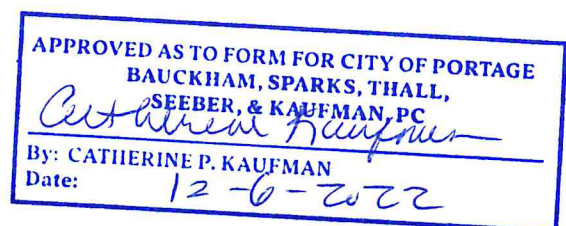
SEC.9 T3S R11W PART W1/2 DESC AS COM 662.92 FT N & 1641.61 FT W & 583.82 FT S & 298.74 FT W & 493 FT S OF E1/4 COR S 36 FT W 870 FT S TO POB, TH S 0DEG 1'30" E 422.77' TO N LN CONSUMER ROW, TH N 89DEG 42'20" W 568.19', TH N 29DEG 53'24" E 355.03', TH NERLY 178.85' ALG ARC CURVE LFT RADIUS 1050', CENTRAL ANGLE 9DEG 45'34" AND CHORD N 25DEG 8'15" E 178.64', TH S 75DEG 40'42" E 49.98', TH S 72DEG 14'41" E 66.95', TH SERLY 104.71' ALG ARC CURVE LFT RADIUS 343.72', CENTRAL ANGLE 17DEG 27'15" AND CHORD S 80DEG 58'19" E 104.30', TH S 89DEG 41'56" E 99.92' TO POB. (4.45 AC)

From RM-1 Multifamily Residential District to Planned Development District

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

Dated: _____

Erica Eklov, City Clerk



**FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE**

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2022, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2022, at 7:00 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

6601 CONSTITUTION BLVD

00009-045-K

SEC.9 T3S R11W PART W1/2 DESC AS COM 662.92 FT N & 1641.61 FT W & 583.82 FT S & 298.74 FT W & 493 FT S OF E1/4 COR S 36 FT W 870 FT S TO POB, TH S 0DEG 1'30" E 422.77' TO N LN CONSUMER ROW, TH N 89DEG 42'20" W 568.19', TH N 29DEG 53'24" E 355.03', TH NERLY 178.85' ALG ARC CURVE LFT RADIUS 1050', CENTRAL ANGLE 9DEG 45'34" AND CHORD N 25DEG 8'15" E 178.64', TH S 75DEG 40'42" E 49.98', TH S 72DEG 14'41" E 66.95', TH SERLY 104.71' ALG ARC CURVE LFT RADIUS 343.72', CENTRAL ANGLE 17DEG 27'15" AND CHORD S 80DEG 58'19" E 104.30', TH S 89DEG 41'56" E 99.92' TO POB. (4.45 AC)

From RM-1 Multifamily Residential District to Planned Development District

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: _____

Erica Eklov, City Clerk

APPROVED AS TO FORM FOR CITY OF PORTAGE

BAUCKHAM, SPARKS, THALL,

SEEBER, & KAUFMAN, PC

By: CATHERINE P. KAUFMAN

Date: 12-6-2022

c CITY OF PORTAGE PLANNING COMMISSION

Thursday, December 1, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of December 1, 2022, was called to order by Chair Corradini at 7:00 p.m.

IN ATTENDANCE

- Eric Feldt, City Planner/Project Manager
- Seth Koches, Assistant Attorney
- Biqi Zhao, Deputy Director of Planning and Zoning
- Pat McGinnis, City Manager

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (excused); Youngs (yes); Casper (excused); and Freiman (yes).

Commissioner Baldwin motioned to excuse Commissioners Adams and Casper; Commissioner Freiman supported the motion. Motion carried 7-0.

APPROVAL OF MINUTES

Motion by Commissioner Youngs, seconded by Commissioner Pezzoli to approve the Planning Commission Meeting Minutes of November 17, 2022, as submitted. Motion carried 7-0.

PUBLIC HEARINGS

1. A Tentative Plan and Rezoning Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitutional Boulevard.

Mr. Feldt provided a presentation of the project, stating that the proposal consists of three buildings with varying heights, 95 new apartment units comprised of townhouses and regular apartment-style units with internal and external connecting pedestrian pathways and connections to existing city water and sewer, and a proposed private storm water basin. He showed the applicant's site drawings and illustrations, recent pictures of the site, and explained pertinent code sections. The proposed Tentative Plan and Rezoning was found by staff to meet applicable zoning regulations it was recommended that the Planning Commission recommend project approval to the City Council with a condition that a traffic study be conducted prior to Final PD Plan approval.

Applicant and property owner representative, Joshua Weiner, 700 Mall Drive, Portage, MI spoke in support of the project, stating M.C. Weiner's investments in the community over the years. He shared various factors in support of the project including: the project fulfilling housing needs in the community; providing a different housing design supported by a market study; and assigned parking within the project. Mr. Weiner indicated that his company is seeking multiple development incentives,

and the project is conceptual at this point and may change. He expressed his opinion that for various reasons he believed a traffic study is not needed for the project.

The applicant's architect, Mike Corby, Integrated Architecture, explained the distances between the proposed southern apartment building and southern lot line to the existing Consumer's Energy power lines located to the further south.

Chair Corradini opened public hearing. Public testimonies are as follows:

- 1) Zack Baker, 994 Rainbow Court, Portage, MI, expressed concerns about parking and perceived impacts to the adjacent bike path, perceived impacts on Portage's small-town identity, perceived issues with the project's density, and supported future housing.
- 2) Pat McGinnis, 77 Sandpiper, Portage, MI, attending the meeting in his capacity as City Manager of the City of Portage, expressed support for future housing in the community and high-density housing for the betterment of the Crossroads Mall and immediate area. City Manager McGinnis expressed the Administration's support of the proposed project.
- 3) Jamie Thake, 1062 Rainbow Court, Portage, MI, expressed concerns about perceived impacts to traffic safety, supported a traffic study for the project, expressed concerns about pedestrian safety along nearby sidewalks and street crossings, concerns about the project's parking and perceived high rents pushing tenants to rely on cars to access jobs, and concerns about perceived loss of vegetation and wildlife in the area.
- 4) Andrew Thake, 1062 Rainbow Court, Portage, MI, voiced concerns about perceived traffic, parking, and the Metro bus service cannot accommodate residents' needs due to its infrequency and limited schedule.
- 5) Borath Goyle, 6940 Crest Point Court, Portage, MI, indicated his employment with Consumer's Energy and expressed perceived concerns about the adjacent power lines affecting the project, concerns about perceived traffic and parking especially during winter months, and expressed support for a traffic study related to the project.

There being no further public comments. Commissioner Baldwin Motion motioned to close public hearing and the motion was supported by Vice Chair Joshi. Motion carried 7-0 upon a voice vote.

Mr. Feldt clarified that a traffic study is recommended by staff as a condition under the Tentative Plan and Rezoning and would be submitted with the future Final Planned Development Plan.

Commissioners deliberated on the project.

Vice Chair Joshi voiced concerns about perceived impacts of the adjacent power lines and was in support of the interior parking lot accommodating snow storage.

Chair Corradini voiced support of the project and development of the vacant site, stated traffic trip counts of adjacent streets, stated that the applicant would provide more detailed drawings in the future for the Final Plan submittal.

Commissioner Pezzoli presented research data that the World Health Organization (WHO) reported no present-time negative human health impacts from low-level electromagnetic fields, supported further research on this item.

Commissioners Fries voiced support of Commissioner's Pezzoli's statement, indicated disagreement of requiring a traffic study due to added costs and low traffic demand from the nearby mall, and would support the project without staff's condition since the project may change in the future.

Commissioner Fries made a motion to recommend to the City Council the approval of the Tentative Plan and Rezoning Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitutional Boulevard. The motion was seconded by Commission Pezzoli.

Upon roll call vote: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (excused); Youngs (yes); Casper (excused); and Freiman (yes). Motion carried 7-0.

SITE/FINAL PLANS

None.

NEW BUSINESS

None.

OLD BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS

Chairman Corradini acknowledged the city workers for leaf pick up and snow removal, announced the Christmas tree lighting on December 3, 2022, and reminded that the Master Plan update website "ForwardTogether.portage.mi.gov" was now live.

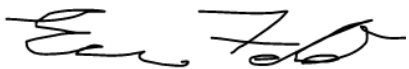
STATEMENT OF STAFF

Mr. Feldt provided updates on past private development projects.

ADJOURNMENT:

There being no further business to come before the Commission, Chair Corradini adjourned the meeting at 8:48 p.m.

Respectfully submitted,



Eric Feldt, AICP, CFM
City Planner/Project Manager



TO: Honorable Mayor and City Council
FROM: City of Portage Planning Commission
DATE: December 15, 2022

SUBJECT: Rezoning and Tentative Plan Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitutional Boulevard.

At the December 1, 2022 meeting, the Planning Commission reviewed and discussed the Rezoning and Tentative Plan Application # 22/23-6 from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project. The applicant and property owner's representative, Joshua Weiner, was present to support the proposed application and stated M.C. Weiner's investments in the community over the years. The applicant's architect, Mike Corby, Integrated Architecture, was present to answer the questions. Four members of the public provided testimony and expressed opposition to the project due to concerns about the perceived impacts on traffic, parking, adjacent power lines, and the natural environment. Pat McGinnis, attending the meeting in his capacity as City Manager of the City of Portage, expressed the Administration's support of the proposed project. The Planning Commission determined no further discussion was needed and voted to close the public hearing.

The Planning Commission voted 7-0 (unanimously) to recommend to City Council the approval of the Rezoning and Tentative Plan Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitutional Boulevard.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION

Dan Corradini
Chairman

Attachments: December 1, 2022 Planning Commission meeting minutes