MEMORANDUM – OFFICE OF THE VILLAGE MANAGER

TO: Northport Village Council

FROM: Jered Ottenwess, Village Manager/Zoning Administrator

DATE: February 12, 2026

RE: Village Manager/Zoning Administrator Report and Agenda Summary

3b. Village Manager/Zoning Administrator Report

VILLAGE MANAGER

Upcoming agenda items that I am working on include the following:

- Planning Commission public hearing on zoning amendments: March 11. If Planning Commission recommends approval, the amendments will come to the Village Council for possible adoption as early as March 19.
- I plan on scheduling ordinances for review and updates on a rolling basis. Upcoming discussions may include:
  - → Short-Term Rentals to make consistent with the Zoning Ordinance and consider adding a fee for registration.
  - → Repeal Ordinance 66B Subdivision Control
  - → Sidewalk ordinance, consider adding snow removal and maintenance responsibilities.
  - → Review draft sign ordinance.
- Awaiting correspondence from legal counsel regarding the Second Street encroachment issue.
- Site lease agreement for the wind turbine can come back to Village Council for action, possibly in March.
- Re-evaluate dark sky resolution of support from 2018 and consider updates and/or a policy regarding street lights.

ZONING ADMINISTRATOR

- I have processed 17 Short-Term Rental registrations for 2026 so far.
- No Land Use Permits issued since my last report.

7a. Amendment to Ordinance 94 – Water Ordinance

Packet Items: Ordinance 94 Municipal Water Ordinance, Amended 2026, Ordinance 94 MARKUP

Background:

The Village Council reviewed draft amendments to Ordinance 94 at the January 29 Regular Meeting and indicated support. The issue now comes before you for ordinance adoption.

Analysis:

The proposed amendment:

- Clarifies that if water main extension is required for a new connection, the property owner or developer must pay 100% of the extension cost.
- Adds requirement that all water main extensions be approved by the Village and performed under Village supervision, with ownership transferred to the Village upon completion.

- Revises Section 5 to clarify that the owner is responsible for all installation costs from the water main to the building, including excavation, tapping, and restoration.
- Explicitly states that only the Village or its authorized contractor may perform the main tap.
- Clarifies that the Village provides and installs the corporation stop and curb stop, and supplies the meter under the connection fee.
- Removes specific fees and rate schedules from the ordinance and replaced them with a provision authorizing the Village Council to set all rates and fees by resolution.
- Revises maintenance section to explicitly define the split in responsibility: the Village maintains the line up to and including the curb stop; the property owner maintains from the curb stop into the building.
- Recommends consistent terminology (e.g. "service line" instead of multiple terms) and general formatting/definition clean-up.

Recommended Motion:
"To adopt Ordinance 94 as presented"

7b. Rules of Procedure Amendment
Packet Items: Revised Village Council Rules of Procedure
Background:
The Village Council has discussed amendments to the Rules of Procedure at several recent meetings, including at the Regular Meeting on January 29, and indicated support for enacting them. The revised Rules now come before you for action.

Summary of Proposed, Draft Revisions:
- **Section B.2 – Agenda Format**: Update the meeting agenda outline to place liaison reports in a more contextually appropriate position.
- **Section B.2 – Agenda Items**: Include language that any council member may add items to the regular *and* work session agendas.
- **Section B.5 – Quorum**: Complete the previously unfinished sentence to clarify that any actions taken by a Committee of the Whole in the absence of a quorum are non-binding and advisory.
- **Section B.6 – Attendance at Meetings**: Define criteria for "excused" absences. Rewrite to comply with OMA limitations on remote participation, incorporating language on medical, military, and emergency exceptions, and clarifying that Trustees attending remotely outside these exceptions may not deliberate or vote.
- **Section E.4 – Remote Public Comment**: Add new policy section formally allowing public comment by electronic means (e.g. Zoom), while clarifying that this is a voluntary practice and not required under current law.

Recommend:
"To approve the amended Rules of Procedure as presented"

7c. Village Attorney RFQ
Packet Items: CMDA Legal Services Proposal, Olson & Howard Legal Services Proposal, Parker Harvey Legal Services Proposal

Background:
The Village Council directed me in December to publish a Request for Qualifications to procure legal services. The RFQ outlined the Village's expectations for general municipal counsel, including governance advice, ordinance drafting, contract review, land-use and zoning matters, public meetings and records compliance, intergovernmental agreements, and related litigation or specialty services.

The RFQ was publicly advertised, and the Village received multiple responsive proposals from qualified Michigan law firms with experience representing villages and other local units of government. The proposals are included in the Council packet for review.

At the January 29 Regular Meeting the Village Council tabled this matter.

Analysis:
Each proposal was reviewed for compliance with the RFQ and evaluated using the criteria identified in the RFQ, including demonstrated experience in Michigan municipal law, familiarity with general law villages and small communities, depth and stability of the proposed legal team, responsiveness and availability, proposed fee structure, and overall value to the Village

All responding firms appear to meet the minimum qualification requirements and propose experienced attorneys capable of providing comprehensive municipal legal services. The proposals reflect different firm structures, staffing models, and fee approaches, including hourly billing and monthly retainer options. As contemplated by the RFQ, the Council may elect to interview one or more firms prior to making a final appointment, or may proceed directly to selection based on the written proposals.

Recommendation:
I have experience working with one of the lead attorneys from CMDA. In addition, based on their proposals, I believe CMDA would be the best fit for the Village. I recommend selecting CMDA to serve as Village Attorney and authorize negotiation of a professional services agreement consistent with the RFQ, for subsequent Council approval.

Recommended Motion:
"To direct the Village Manager to negotiate a service agreement with CMDA"

7d. Machin Engineering Service Agreement – Rose Street Culvert
Packet Items: Machin Engineering Agreement for Professional Services - Rose Street Culvert
Background:
The Village recently engaged with Machin Engineering to prepare a Construction Feasibility Review, which determined that sanitary sewer and potable water line relocation and replacement would be a necessary part of this project. EGLE requires a permit for this activity and the permit must include engineered plans. Therefore, the Village must engage a licensed engineer to complete the plans.

Machin Engineering has presented an Agreement for Professional Services to design and prepare plans for the sewer and water line relocations involved for a price not to exceed $17,900. Machin will also assist the Village with submitting and obtaining the necessary EGLE permits. Machin has experience working on this project and a good relationship with staff. Although this is another

unexpected cost associated with this grant-funded project, sufficient funds are available in the Major Street and Water Funds.

Recommended Motion:
"To approve the Agreement for Professional Services with Machin Engineering at a cost not to exceed $17,900 with funds available in the Major Street and Water Funds"

7e. Nagonaba Water Leak Repair – KAL Excavating Estimate
Packet Items: KAL Excavating Estimate
Background:
As we prepare for the 2026 construction season, we have obtained an estimate to complete an important water line repair to a suspected leak on E Nagonaba. DPW needs assistance to remove and replace the sidewalk. The estimated cost is $7,500 and requires Council approval.

Analysis:

- KAL's estimate will complete the majority of the work associated with the water line repair. DPW will be able to complete any ancillary work items and coordinate with the Village Tree Committee/Bob Newell to replace the street tree in that location.
- The Water Fund has a current cash balance of $356,000.

Recommended Motion:
"To approve the KAL Excavating estimate as presented, with funds available in the Water Fund"

7f. Marina Dock Lift Work Estimate – 45th Parallel Marine
Packet Items: 45th Parallel Marine Estimate
Background:
As you have learned from the Harbormaster's recent reports, lake levels on Lakes Michigan and Huron are expected to remain (historically) low this season, which causes obvious challenges for the marina. We have obtained an estimate from 45th Parallel Marine to lower docks for a cost of $23,486. They have estimated additional work to "reconstruct/fabricate new brackets/sleeves" to allow 21 other docks to be raised and lowered, which do not currently have that capability, for a cost of $5,000 per dock or $105,000 total. **I recommend approving an expenditure of $23,486 based on the estimate and revisiting the "single pile docks" closer to season opening.**

Current cash balance in the Marina Fund: $347,000

Recommended Motion:
"To approve the estimate from 45th Parallel Marine as presented at a cost not to exceed $23,486 with funds available in the Marina Fund"

8a. 110 Waukazoo Property Transfer
Packet Items: 110 Waukazoo Survey+Easement
Background:
New Bohemian Café owners Kevin and Amy Murphy contacted me recently to inquire about the possibility of acquiring ownership of the three-foot easement that runs along the northern portion of Lot 27 and is owned by the Village. The Village acquired Lot 27 as a donation from Northport

Creek LLC in 2013, which includes the easement that runs with the land. The three-foot strip of land subject to the easement functions as part of New Bohemian Café's property and is the location of a portion of their driveway and outdoor seating area. Kevin and Amy are contemplating future improvements to and use of the site and would benefit from having clear use of the easement area. I believe the most efficient way to effectuate a transfer would be by quit claim deed.

Note that Village Ordinance 131 requires Land Division Committee approval for any boundary adjustment.

This item is scheduled for discussion. If there is support for transferring the property that is subject to the easement, I would like to consult with a title agency to confirm my proposed approach and prepare a resolution for action at a future meeting after Land Division Committee review and approval.

Analysis:
The Village owns the northern portion of Lot 28, including the three-foot strip located along its northern boundary adjacent to the south ½ of Lot 28. This narrow strip is encumbered by a recorded easement but has not been used by the Village for any public purpose. It is not part of a platted street or alley, does not function as a public right-of-way, and no public utilities are located within the easement area.

In practice, the three-foot strip functions as part of the adjoining private property. Continued Village ownership serves no operational or public function and creates an unnecessary encumbrance affecting both parcels. Conveyance of the three-foot strip to the owners of the south ½ of Lot 28 would clarify the boundary, eliminate a remnant from the 2013 donation that no longer serves a municipal purpose, and have no adverse impact on Village infrastructure or access. Because the land would merge with the adjacent parcel upon conveyance and would not create a new buildable lot, the transaction does not implicate the Land Division Act.

Discussion:
Please provide any feedback, questions, requests for additional information, etc. and let me know if/how you would like to proceed.