

7:00 p.m. Call to Order.

Invocation: Pastor Rachel Laughlin of Prince of Peace Lutheran Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Special and Regular Meeting Minutes of January 9, 2018.
 - b. Pre-Council Meeting Notes of January 22, 2018.
2. Approve the Accounts Payable Register of January 23, 2018, as presented.
3. Award a construction contract to the low bidder, Severance Electric, Incorporated, of Kalamazoo, Michigan in the amount of \$423,574.54 for the new Stryker Way/Portage Road Traffic Signal and Intersection Improvements and authorize the City Manager to sign all other documents related to the contract on behalf of the city.
4. Approve Change Order #1 with Kamminga & Roodvoets, Incorporated, in the amount not to exceed \$236,286.96 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
5. Approve a two-year pricing agreement with ADP, LLC for electronic payroll processing and time and attendance software and hosting at a first-year cost of \$56,500 and a second-year cost of \$57,600 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
6. Approve a contract with Kalamazoo County to provide hazardous waste collection services at the Household Hazardous Waste Center for Portage residents for the 2018 calendar year in the amount of \$41,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
7. Approve the Small Cell Distributed Antenna System License Agreement between the City and Mobilitie, LLC, and authorize the City Manager to execute all documents related to this action on behalf of the city.
8. Approve Committee of the Whole meetings on February 13, February 27 and April 24, 2018 at 5:30 p.m.
9. December 2017 Environmental Report - Information Only.
10. Minutes of Boards & Commissions:
 - a. Youth Advisory Committee of December 4, 2017.
 - b. Zoning Board of Appeals of December 11, 2017.
 - c. Environmental Board of December 13, 2017.
 - d. Planning Commission of December 21, 2017.
11. Materials Transmitted.
 - a. Materials Transmitted of January 5, 2018.
 - b. Department Monthly Reports

B. Petitions and Statements of Citizens:

C. Communications:

1. Calendar of Meetings.

D. Public Hearings:

E. Regular Business Agenda:

1. Accept for first reading amendments to Chapter 14, Article 12, Businesses and Chapter 42, Article 4, Zoning, for Medical Marihuana Facilities and set a public hearing for February 27, 2018.

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
OF JANUARY 9, 2018 - BOARDS AND COMMISSIONS APPLICANTS**

Mayor Patricia Randall called the meeting to order at 5:15 p.m. The following Councilmembers were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban and Mayor Patricia Randall. Mayor Pro Tem Pearson was absent with excuse. Also present were City Manager Laurence Shaffer and City Clerk Adam Herringa.

At the invitation of Mayor Randall, current members of the Board of Review, Councilmember Knapp and Councilmember Ford reviewed the duties of the Board of Review, some of the requirements for serving on the Board of Review and emphasized the time commitment involved. Mayor Randall asked each applicant if he or she can commit to the time required and all answered in the affirmative. City Council interviewed the following applicants for Board of Review:

* From 5:15 p.m. to 5:35 p.m., City Council interviewed Patrick Buckley, Carol Eddy, Justin Gish, Keith Hearit, Leonard Lamberson, John Lobo, Roger Lonoza and Lyndsay Vainner.

At the invitation of Mayor Randall, Councilmember Urban reviewed the roles and responsibilities of the Zoning Board of Appeals. Councilmember Urban also explained that City Council has an established practice of reappointing members of Boards and Commissions who wish to continue to serve unless there are attendance concerns or a member reaches 3 terms or 10 years of service. City Council interviewed the following applicants for the Zoning Board of Appeals.

* From 5:35 p.m. to 5:45 p.m., City Council interviewed John Lobo, Roger Lonoza, and Jeffrey Wettig.

At the invitation of Mayor Randall, the Chairperson of the Environmental Board, Bill Beck, reviewed the roles, responsibilities, time commitment and current activities/focus of the Environmental Board. Mr. Beck also shared that he was representing Mr. Brian Harrison, a previously interviewed applicant for the Environmental Board who, though not appointed, had been participating with the Environmental Board in an unofficial capacity. City Council then interviewed the following applicants for the Environmental Board.

* From 5:45 p.m. to 6:00 p.m., City Council interviewed Tara Gish, Bryan Hamilton, John Lobo and Roger Lonoza.

At the invitation of Mayor Randall, the Park Board Vice-Chairperson, Jonathon Peer, provided an overview of the Park Board. City Council then interviewed the following applicants for the Park Board.

* From 6:00 p.m. to 6:10 p.m., City Council interviewed Tara Gish, Bryan Hamilton, John Lobo and Susan Williams.

Councilmember Urban stated that there are more applicants than available positions and encouraged those applicants not appointed to stay active and involved. Members of City Council encouraged applicants, if not appointed, to attend meetings of their preferred Board/Commission as the meetings are open to the public and the City is always looking for people willing to offer their time and energy.

City Council then reviewed potential appointments to the Board of Review, Zoning Board of Appeals, Environmental Board and Park Board. City Council did not interview for Public Media Network Board of Directors at this time.

ADJOURN: Mayor Randall adjourned the meeting at 6:18 p.m.

Adam Herringa, City Clerk

CITY COUNCIL MEETING MINUTES FROM JANUARY 9, 2018

The Regular Meeting was called to order by Mayor Randall at 7:00 p.m. At the request of Mayor Randall, Pastor Bill Abernathy of Berean Baptist Church gave the invocation and the audience then recited the Pledge of Allegiance. At the request of Mayor Randall, the City Clerk called the roll with the following members present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid and Terry Urban and Mayor Patricia Randall. Mayor Pro Tem Pearson was absent with excuse. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk Adam Herringa.

Mayor Randall stated that tonight's meeting is reflective of new meeting processes and procedures that are being implemented in an effort to utilize new technology and to be respectful of Councilmember and staff time. She continued by stating that the meeting format and agenda represents another step in the evolution of how City Council Meetings are conducted. Mayor Randall referenced the transition from paper to paperless agendas, increased availability of online meeting-related information, videos and other enhancements that increased transparency and accessibility.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Reid asked that Item A.4 regarding the Board of Review be removed from the Consent Agenda. Councilmember Urban asked that Item A.6, Copperleaf Phase 3, be removed from the Consent Agenda. Ms. Andrea Stork, 1515 Dogwood, asked that Items A.3 (Contract with AVB Construction), A.5 (Recreation and Open Space Plan Update), A.7 (Memorandum of Understanding for the Michigan Economic Development Corporation Redevelopment Ready Communities Program), and A.10 (Fee Waiver) be removed from the Consent Agenda. All items removed from the Consent Agenda were moved to the Regular Business Agenda (Section E).

Motion by Reid, seconded by Ford, to approve the Consent Agenda items as presented. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Committee of the Whole and Regular Meeting Minutes of December 19, 2017 and Pre-Council Meeting Minutes of January 8, 2018. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 9, 2018: Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of January 9, 2018. Upon a roll call vote, motion carried 6 to 0.

APPOINTMENT OF DIRECTOR OF TRANSPORTATION AND UTILITIES: Motion by Reid, seconded by Ford, to confirm the appointment of Kendra Gwin as the Director of Transportation & Utilities, effective January 10, 2018. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Ford, to receive minutes of the Environmental Board of November 8, 2017; Portage Public School Board Regular Meeting of November 27, 2017; Planning Commission of December 7, 2017 and Historic District Commission and Study Committee of December 6, 2017.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Ford, to receive the Materials Transmitted of December 15 and 19, 2017. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Mr. Alan Loveridge, 23965 88th Avenue, Marcellus, MI, encouraged City Council to take action to help prevent or discourage individuals utilizing medical marihuana from driving under the influence and suggested steps that could be taken in this regard. Mr. Loveridge encouraged City Council to review the matter with State Senator Tonya Schuitmaker.

COMMUNICATIONS:

CALENDAR OF MEETINGS: Motion by Ford, seconded by Knapp, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 6 to 0.

REGULAR BUSINESS AGENDA:

CONTRACT WITH AVB CONSTRUCTION: Mayor Randall invited Ms. Andrea Stork to the podium and Ms. Stork inquired as to what is entailed in the proposed contract. City Manager Shaffer reviewed the contract, the services that will be provided and the rationale behind hiring a construction manager to oversee the construction of a replacement to Fire Station No. 2. Ms. Stork inquired who would be constructing the replacement fire station and Mr. Shaffer replied that a construction firm has yet to be hired but stated that it would not be AVB as this would present a conflict of interest. At the request of Ms. Stork, City Manager Shaffer reviewed the location, timeline and construction plans for the fire station. Councilmember Reid inquired if the prohibition against AVB being the construction company was included in the contract. City Manager Shaffer stated that such specific language was not in the contract but could be incorporated and reiterated that AVB would not be both the manager and builder as this would present a conflict of interest. Motion by Reid, seconded by Ford to approve a contract with AVB Construction, LLC of Portage, Michigan, in the amount of \$87,600 for Fire Station No. 2 Construction Management Services and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

BOARD OF REVIEW: Mayor Randall invited Councilmember Reid to speak regarding this item and Councilmember Reid shared her concerns with recommending two pods for the Board of Review prior to knowing how many appeals there will be. Councilmember Ford stated that he served on the Board of Review in 2013 when there was a significant number of appeals. He expressed support for utilizing two pods and cited an increase in the Consumer Price Index as a potential cause for an uptick in the number of appeals. Councilmember Knapp shared that she served on the Board of Review for four years including last year. She stated that last year she believed one pod would have been sufficient, but in retrospect was appreciative that City Council decided to create two pods. She continued by stating that in 2017 it would have been difficult for one pod to manage all of the appeals. She closed by stating that people can file appeals all the way up until the March Board of Review which makes waiting until the number of appeals is known prior to selecting the number of pods difficult at best. Mayor Randall cited the implementation of the school bond millage as a factor that may result in more appeals. Councilmember Reid commented that it is important for every Councilmember to have the ability to express a differing opinion at the Regular Meeting. Motion by Reid, seconded by Ford, to approve the recommendations regarding the Board of Review as follows:

1. adopt the resolution setting the dates and times for the 2018 March Board of Review;
2. adopt the resolution establishing a policy and guidelines for poverty exemptions;
3. approve the use of two (three-member) Board of Reviews for the 2018 March Board of Review, and
4. appoint six members to the 2018 March Board of Review.

Upon a roll call vote, motion carried 4 to 2 with Councilmembers Burns, Ford, Knapp and Mayor Randall voting in favor and Councilmembers Reid and Urban opposed.

RECREATION AND OPEN SPACE PLAN UPDATE: Ms. Andrea Stork, 1515 Dogwood, asked for information pertaining to the proposed changes in the plan as compared to the last Recreation and Open Space Plan (hereinafter referred to as “the Plan”). City Manager Shaffer shared that future initiatives and potential city projects such as the acquisition of Michigan Department of Natural Resources Property are included in the proposed Plan. Mr. Shaffer also cited potential legal requirements for updating the Plan. Ms. Stork inquired if any zoning changes are incorporated in the Plan and Mr. Shaffer replied in the negative and continued that any changes to the Zoning Code would require a separate process from the Plan document. In response to Ms. Stork, City Manager Shaffer stated that the proposed Recreation and Open Space Plan Update is consistent with the Portage 2025 Visioning efforts. He continued by stating that both the Park Board and Environmental Board have been involved in the development of the Plan. Motion by Burns, seconded by Knapp, to receive the proposed 2018 Recreation and Open Space Plan Update and approve the distribution of the Plan update to the Planning Commissions of adjacent communities and to the Kalamazoo County Planning Commission. Upon a roll call vote, motion carried 6 to 0.

COPPERLEAF PHASE 3, 3800 WEST MILHAM AND 5710 ANGLING ROAD: Mayor Randall invited Councilmember Urban to speak regarding this item and Councilmember Urban stated that the agenda item calls for the approval of another step in the Copperleaf Development, a project he has consistently opposed. Mr. Urban stated that he would remain in opposition to this project. Mayor Randall expressed support for the project and complimented the developer on the work that has been accomplished so far. Motion by Ford, seconded by Burns, to approve the Final Preliminary Condominium Subdivision (detailed engineering plans) for Copperleaf Phase 3, 3800 West Milham Avenue and 5710 Angling Road. Upon a roll call vote, motion carried 5 to 1 with Councilmembers Burns, Ford, Knapp, Reid and Mayor Randall voting in favor and Councilmember Urban opposed.

MEMORANDUM OF UNDERSTANDING FOR THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION REDEVELOPMENT READY COMMUNITIES PROGRAM: Ms. Andrea Stork asked for background information on the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities Program. City Manager Shaffer reviewed the program and provided the rationale for why the City of Portage is looking to get involved. Councilmember Reid stated that she is excited for the program and asked that information about the program and the City’s involvement be available on the City website as the City moves along in the process of being certified as a “redevelopment ready community.” Motion by Reid, seconded by Burns, to approve the Joint Memorandum of Understanding for the Michigan Economic Development Corporation Redevelopment Ready Communities program. Upon a roll call vote, motion carried 6 to 0.

WAIVER OF WATER SHUTOFF PROCESSING FEE: Ms. Andrea Stork inquired as to why the fee associated with water shutoff processing for Mrs. Shirley Hayes, 6229 Marlow Street, was being proposed. City Manager Shaffer explained the circumstances surrounding the water being shutoff at this address along with the rationale for waiving the \$50 shutoff processing fee. Motion by Knapp, seconded by Reid, to waive the processing fee associated with water shut off processing in the amount of Fifty (\$50.00) Dollars for Mrs. Shirley Hayes, 6229 Marlow Street, Portage and authorize the City Manager to reimburse said fee to Mrs. Hayes. Upon a roll call vote, motion carried 6 to 0.

NEW BUSINESS:

BOARD AND COMMISSION APPOINTMENTS: Mayor Randall stated that at a meeting immediately preceding this Regular Meeting, City Council interviewed applicants for various Boards

and Commissions. Mayor Randall then asked City Clerk Herringa to read the appointments which were:

To appoint Carol Eddy, Pat Buckley and Leonard Lamberson as Members of Pod #1 with terms ending January 31, 2019, to the Board of Review; and appoint Lyndsay Vainner, Justin Gish and Keith Hearit as Members of Pod #2 with terms ending January 31, 2019, to the Board of Review.

To reappoint Linda Finch and Randall Schau with terms ending February 28, 2021, and reappoint Jeffrey Wettig as an Alternate Member with term ending February 28, 2021, to the Zoning Board of Appeals.

To appoint Brian Harrison with unfulfilled term ending October 1, 2019 and Roger Lonoza with unfulfilled term ending October 1, 2020, to the Environmental Board.

To appoint Tara Gish with unfulfilled term ending October 1, 2020, to the Park Board.

Motion by Burns, seconded by Reid, to appoint the named individuals to the Board of Review, Zoning Board of Appeals, Environmental Board and Park Board. Upon a roll call vote, motion carried 6 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns stated that this evening City Council made appointments to various boards and commissions and that he was pleased with the pool of applicants. He encouraged residents, including those not selected to a board or commission this evening, to stay involved as their energy and efforts are needed.

Councilmember Ford expressed gratitude to the Department of Public Services for their efforts in clearing streets of ice and snow especially over the holidays.

Councilmember Reid congratulated Kendra Gwin on her appointment as Director of Transportation and Utilities, thanked her for years of service and expressed confidence that Ms. Gwin will do an excellent job. Ms. Reid then shared where the public can access the Recreation and Open Space Plan Update and encouraged interested residents to attend related upcoming public hearings of the Park Board and Planning Commission.

City Manager Shaffer thanked Councilmember Ford for his comments on snow removal efforts and Mr. Shaffer also complimented the efforts of the Department of Public Services in this regard. Mr. Shaffer shared that the new Director of Transportation and Utilities is a critical member of City Administration, highly knowledgeable about the utility infrastructure in the City, very capable and dedicated and will be busy with many upcoming infrastructure improvement projects.

Mayor Randall congratulated Ms. Gwin on her appointment and echoed the snow removal compliments. She commented that she is proud of the efforts of the work crews as they transition from one project, such as snow plowing, to the next, such as curbside removal of Christmas trees. Mayor Randall expressed joy at the number of citizens interested in serving on Boards and Commissions and encouraged residents to attend meetings of Boards and Commissions as they are open to the public. Finally, Mayor Randall shared details on the upcoming City Council retreat and stated that it is open to the public.

ADJOURNMENT: Mayor Randall adjourned the meeting at 7:43 p.m.

Adam Herringa, City Clerk

**NOTES FROM THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JANUARY 22, 2018**

Mayor Randall called the meeting to order at 8:00 a.m. Mayor Patricia Randall and Councilmember Chris Burns were present and Councilmember Claudette Reid joined via the conference phone line. Mayor Pro Tem Jim Pearson and Councilmembers Richard Ford, Lori Knapp, and Terry Urban was absent with excuse. Also in attendance were Deputy City Manager Rob Boulis and City Clerk Adam Herringa. There was no quorum for a formal meeting.

Mayor Randall inquired if there were any questions or concerns regarding items on the proposed agenda. Councilmember Burns asked for an explanation regarding the funding of the Stryker Way/Portage Road Traffic Signal and Intersections Improvements project detailed in Item A.3. Deputy City Manager Boulis explained that a grant was submitted to MDOT for \$450,000, with a 40% city local match to be paid by Stryker. The City received a \$259,605 grant and Stryker will be covering the local match. Stryker will be repaid for their local match over a period of years via Tax Increment Financing.

With regard to Item A.4, a Change Order with Kamminga & Roodvoets, Incorporated, Councilmember Reid stated that the Change Order was around half of the original contract and wondered whether the change order should have been or could have been put out to bid. Councilmember Reid also inquired if there was a policy or process in place for when change orders would have to go out to bid. Deputy City Manager Boulis stated that he would research and respond. Councilmember Burns inquired if Texas Township had been made aware of the change and related cost as they are contributing a significant amount to the project. Mr. Boulis responded in the affirmative.

With regard to Item A.5, a pricing agreement with ADP for payroll processing and time and attendance software, Councilmember Reid inquired if this contract was a sole source or if the City had already committed to ADP and this was a continuation. Deputy City Manager Boulis replied that ADP was the city's provider for payroll and time and attendance. Putting the item out for bid, he stated, would potentially mean switching vendors. Mr. Boulis explained that the ADP system is utilized not only for full-time employees but also seasonal employees.

With regard to Item A.6, Household Hazardous Waste Collection, Mayor Randall stated she was pleased to see that Saturday collection services would be continued. Councilmember Reid stated that in the past the Kalamazoo County Household Hazardous Waste program would hold a special collection day in the community. Councilmember Reid noted that any special pick-up days were not included in the contract and wondered if any special collections are planned and how such a collection would be negotiated. It was then asked, along with year and participation data, if City Council could be provided with annual contract costs.

With regard to Item A.7, Small Cell Distributed Antenna System License Agreement with Mobilitie, Councilmember Reid inquired if there was a difference in the licensing, regulation and oversight between antennas located on public vs. private poles. Mr. Boulis stated that he would research and respond to the inquiry.

With regard to Item E.1, Councilmember Reid inquired if the City had given any consideration to the development of a merit-based review of applications for facilities located

with 1,000 feet of each other instead of a lottery. Deputy City Manager Boulis replied that there was significant discussion but the City found it difficult to come up with criteria that was not potentially subjective or enforceable in nature. Mayor Randall inquired if other cities were using or developing a merit-based system instead of a lottery.

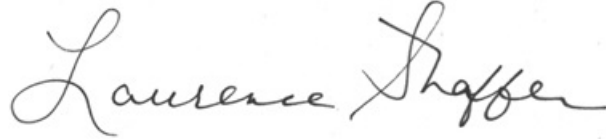
Mayor Randall summarized the questions raised at the meeting requiring follow up from City Administration.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:16 a.m.

Adam Herringa, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Approve the Accounts Payable Register of January 23, 2018, as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period January 5, 2018 through January 21, 2018 and notes \$380,727.02 in automated clearing house payments, \$530,325.05 in paper checks and \$40,146.94 in auto-pay payments for a grand total of \$951,199.01.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/05/2018 To: 1/21/2018

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
01/12/2018	8077(A)	A NEW LEAF	PLANT CARE	85.00
01/12/2018	8078(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMPORARY EMPLOYEES	20,447.90
01/12/2018	8079(A)	ALL CITY MANAGEMENT SERVICES, INC.	SCHOOL CROSSING GUARDS	6,501.60
01/12/2018	8080(A)	APOLLO FIRE APPARATUS REPAIR	FIRE REPAIR SUPPLIES	59.54
01/12/2018	8081(A)	B L HARROUN & SON INC.	FIRE SUPP SYS REPAIR	862.40
01/12/2018	8082(A)	BELL EQUIPMENT COMPANY	STREET SWEEPER RENTAL	21,315.80
01/12/2018	8083(A)	BYHOLT INC.	2 TONS SAND FOR DPS	594.75
01/12/2018	8084(A)	C D W GOVERNMENT, INC.	COMPUTER MONITORS	349.90
01/12/2018	8085(A)	C T S TELECOM, INC.	TELEPHONE SERVICES	2,919.02
01/12/2018	8086(A)	CARRIER & GABLE	TRAFFIC SIGNAL MAINT	3,480.00
01/12/2018	8087(A)	CENTRAL INTERCONNECT, INC.	WI-FI CABLING INSTALL	547.10
01/12/2018	8088(A)	CHARTER COMMUNICATIONS	CABLE TV	564.45
01/12/2018	8089(A)	CLEAN EARTH ENVIRONMENTAL SERV	SLUDGE REMOVAL SERV	2,600.00
01/12/2018	8090(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SERV	97.95
01/12/2018	8091(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING	979.81
01/12/2018	8092(A)	GLOBAL EQUIPMENT CO., INC.	LADDER & CHAIRS	755.70
01/12/2018	8093(A)	GLOBAL TELEMATIC SOLUTIONS LLC	GTS MONTHLY SUBSCRIP	625.00
01/12/2018	8094(A)	GORDON WATER SYSTEMS	WATER COOLER SERVICE	84.50
01/12/2018	8095(A)	GORNO FORD	NEW FLEET VEHICLES	40,207.00
01/12/2018	8096(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL AT MPIR	295.00
01/12/2018	8097(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	8,614.70
01/12/2018	8098(A)	HI-TECH ELECTRIC CO.	FIRE TRAINING ROOM ELECTRICAL	18,825.00
01/12/2018	8099(A)	HURLEY & STEWART, LLC	2018 STORM DRAINAGE	33,681.27
01/12/2018	8100(A)	HYDRO-CHEM SYSTEMS, INC.	BULK CLEANING FLUIDS	206.85
01/12/2018	8101(A)	INDUSCO SUPPLY CO., INC.	JANITORIAL SUPPLIES	144.74
01/12/2018	8102(A)	JACK DOHENY SUPPLIES INC.	VACTOR PARTS	568.60
01/12/2018	8103(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOM	385.00
01/12/2018	8104(A)	KLOSTERMAN DISTRIBUTING	MPIR CONCESSIONS	103.79
01/12/2018	8105(A)	KUSHNER & COMPANY, INC.	COBRA 2017-18	346.42
01/12/2018	8106(A)	LAKE MICHIGAN MAILERS, INC.	BARCODING MAIL	56.00
01/12/2018	8107(A)	LEWIS PAPER PLACE, INC.	COPY PAPER	1,250.00
01/12/2018	8108(A)	MAILFINANCE	QUARTERLY LEASE	733.77
01/12/2018	8109(A)	MAIN STREET PORTRAITS INC	FIRE ADMIN CERTIFICATE	935.00

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/05/2018 To: 1/21/2018

Check Date	Check	Vendor Name	Description	Amount
01/12/2018	8110(A)	MEJEUR ELECTRIC LLC	MILLENIUM PARK	948.00
01/12/2018	8111(A)	MICHIGAN OFFICE ENVIRONMENTS	OFFICE FURNITURE	325.20
01/12/2018	8112(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES	1,046.02
01/12/2018	8113(A)	ONE WAY PRODUCTS	CAN LINERS AND SUPPLIES	190.08
01/12/2018	8114(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	5,146.40
01/12/2018	8115(A)	PREMIER SAFETY	FIRE SCBA REPAIRS	709.56
01/12/2018	8116(A)	PROFESSIONAL BUILDING SERVICES LLC	JANITORIAL SERVICES	3,197.54
01/12/2018	8117(A)	R C M HEADSETS/R C M & ASSOC.	NEW HEADSET FOR DISP	109.00
01/12/2018	8118(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	18.99
01/12/2018	8119(A)	RIETH-RILEY CONSTRUCTION CO., INC	ASPHALT MATERIALS	861.40
01/12/2018	8120(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	110.26
01/12/2018	8121(A)	S B F ENTERPRISES, INC.	STMT PRINT & MAIL-PPT & UTILITY	1,471.18
01/12/2018	8122(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL LOOP	5,901.34
01/12/2018	8123(A)	SUEZ WATER ENVIRONMENTAL SERVICES	OPERATIONAL COSTS	169,637.53
01/12/2018	8124(A)	TECHNOLOGY SOLUTIONS	AS400 WO DATA TO BSA	875.00
01/12/2018	8125(A)	VIRIDIS DESIGN GROUP	OPEN SPACE PLAN	7,289.84
01/12/2018	8126(A)	W W GRAINGER INC	RANGER UNIFORMS	1,350.36
01/12/2018	8127(A)	WEST MICHIGAN INT'L LLC	REPAIR/MAINTENANCE	93.57
01/12/2018	8128(A)	WIGHTMAN & ASSOCIATES, INC.	ENGINEERING SERVICES	341.65
01/12/2018	8129(A)	WIGHTMAN & ASSOCIATES, INC.	ENGINEERING SERVICES	3,500.00
01/12/2018	8130(A)	WINDER POLICE EQUIPMENT, INC.	BUMPER	1,205.67
01/12/2018	8131(A)	WOLVERINE LAWN SERVICE, INC.	SNOW PLOWING	6,206.12
01/12/2018	8132(A)	WOLVERINE POWER SYSTEMS	EMERG SERVICE	246.25
01/12/2018	8133(A)	XEROX CORPORATION	XEROX MACHINE LEASE	722.50
			Total ACH Transactions:	380,727.02

Check Type: Paper Check

01/12/2018	304836	A T & T	TELEPHONE SERVICE	13,911.59
01/12/2018	304837	A-1 REFRIGERATION SALES & SERV	HEATING COIL/PUMP	2,559.14
01/12/2018	304838	ABILITY MEP LLC	HVAC ENGINEERING AND	2,009.72
01/12/2018	304839	ADP, INC.	BI-WEEKLY PAYROLL	795.55
01/12/2018	304840	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	2,071.80
01/12/2018	304841	AMERICAN WATER WORKS ASSOC.	2018 AWWA MEMBERSHIP	422.00
01/12/2018	304842	BALKEMA EXCAVATING, INC.	ASPHALT PREP WORK	5,865.56
01/12/2018	304843	BEST WAY DISPOSAL, INC.	17/18 CURBSIDE RECYCLING	46,716.59
01/12/2018	304844	BINDER PARK ZOOLOGICAL SOCIETY, INC	ZOOMOBILE EDUCATION	200.00

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/05/2018 To: 1/21/2018

Check Date	Check	Vendor Name	Description	Amount
01/12/2018	304845	BLUE, JOHN	TRAINING EXPENSES	40.00
01/12/2018	304846	CAMPBELL AUTO SUPPLY	FIRE APPARATUS MAINT	120.51
01/12/2018	304847	CAPITAL ADVANTAGE LEASING	PANASONIC TOUGHBOOKS	2,483.90
01/12/2018	304848	CAPITAL REAL ESTATE TAX SERVICES	OVER PAYMENT WINTER	430.32
01/12/2018	304849	CARTRIDGE WORLD	PRINTER MAINTENANCE	1,747.22
01/12/2018	304850	CENTER FOR PUBLIC SAFETY EXCELLENCE	FIRE ACCREDITATION	1,230.00
01/12/2018	304851	CHICK-FIL-A	COUNCIL DINNER	81.03
01/12/2018	304852	CHICKS PROPERTIES, LLC	OVERPYMT REFUND	29.93
01/12/2018	304853	CHOCOLATEA CO.	FOOD AND SERVICE	502.00
01/12/2018	304854	CINTAS CORP.	PANT RENTAL FOR INSP	599.55
01/12/2018	304855	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	294,555.86
01/12/2018	304856	CLEAN HARBORS SERVICE	BLOCK STATION MAINT	3,354.90
01/12/2018	304857	CONKLIN, MAKRINA	TUITION REIMBURSEMENT	800.00
01/12/2018	304858	CONSUMERS ENERGY	STREETLIGHTS	38,357.87
01/12/2018	304859	COSTAR REALTY INFORMATION, INC.	REALTY SALES INFORMATION	321.82
01/12/2018	304860	DELOOF CONSTRUCTION, INC.	OFFICE MODIFICATION	3,960.00
01/12/2018	304861	DEVON TITLE AGENCY	TITLE SEARCH	507.00
01/12/2018	304862	DEVON TITLE AGENCY	OVER PAYMENT FINAL	28.09
01/12/2018	304863	DEWOLF & ASSOCIATES	EMPLOYEE TRAINING	745.00
01/12/2018	304864	DUTCH VALLEY FOOD DISTRIBUTORS, INC	MPIR CONCESSIONS CID	80.10
01/12/2018	304865	EKEMA, JOSHUA	OVERPAYMENT REFUND	199.43
01/12/2018	304866	ENGINEERING SUPPLY & IMAGING	BOND PAPER	457.26
01/12/2018	304867	FADER EQUIPMENT, INC.	ELIASON PROJECT SUPP	374.55
01/12/2018	304868	FBINAA	MEMBERSHIP DUES	105.00
01/12/2018	304869	FLETCHER ENTERPRISES	PAINTING	2,340.00
01/12/2018	304870	GIPSON, TERESA	EMPLOYEE REIMBURSEMENT	10.15
01/12/2018	304871	GIPSON, TERESA	EMPLOYEE TRAINING	461.60
01/12/2018	304872	GLAS ASSOC. INC	BOND REFUND	200.00
01/12/2018	304873	GORDON FOOD SERVICE	MPIR CONCESSIONS	203.11
01/12/2018	304874	GOSS, RICHARD	STUART DEPOSIT REFUND	150.00
01/12/2018	304875	H.I.T.S.	EMPLOYEE TRAINING	250.00
01/12/2018	304876	HALT FIRE, INC.	FIRE APPARATUS MAINT	68.19
01/12/2018	304877	HERTZ, SHANNON	SHRM E-LEARNING	229.00
01/12/2018	304878	HESS, DERECK	TRAINING EXPENSES	475.00
01/12/2018	304879	HOME DEPOT	BUILDING REPAIR	903.56

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/05/2018 To: 1/21/2018

Check Date	Check	Vendor Name	Description	Amount
01/12/2018	304880	HYDRODYNAMICS, INC	REPLACE LIFT STATION PUMP	6,563.54
01/12/2018	304881	I.A.P.E.	MEMBERSHIP DUES	50.00
01/12/2018	304882	I.A.P.E.	MEMBERSHIP DUES	50.00
01/12/2018	304883	I.A.P.E.	MEMBERSHIP DUES	50.00
01/12/2018	304884	INSTITUTE OF TRANSPORTATION	ITE 2018 MEMBERSHIP	265.50
01/12/2018	304885	KALAMAZOO BASEBALL LLC	MASCOT APPEARANCE	40.00
01/12/2018	304887	KALAMAZOO OIL COMPANY	FUEL FOR SMALL EQUIP	160.25
01/12/2018	304888	KALAMAZOO SPORTSWEAR	SILK SCREEN SERVICES	163.75
01/12/2018	304889	KISINGER, PATRICIA	REFUND - SUDDEN ILLNESS	35.00
01/12/2018	304890	KISINGER, PATRICIA	TRIP REFUND	65.00
01/12/2018	304891	KISINGER, PATRICIA	TRIP REFUND	85.00
01/12/2018	304892	KISINGER, PATRICIA	TRIP REFUND	100.00
01/12/2018	304893	KISINGER, PATRICIA	TRIP REFUND	105.00
01/12/2018	304894	KLECKNER, RONALD	OVERPAYMENT REFUND	150.83
01/12/2018	304895	KLOOSTER, FRAN	PROGRAM REFUND	79.78
01/12/2018	304896	KOSTIC, LEE	ICE SKATING LESSONS	24.00
01/12/2018	304897	KZOO TIRE COMPANY	TIRES	815.00
01/12/2018	304898	LANGUAGE LINE, INC	LANGUAGE LINE USAGE	23.03
01/12/2018	304899	LERETA	OVER PAYMENT WINTER	1,689.74
01/12/2018	304900	LERMA, INC.	MEMBERSHIP DUES	50.00
01/12/2018	304901	LEXISNEXIS RISK SOLUTIONS	ACCURINT CHARGES	300.00
01/12/2018	304902	LOEBIG, ELIZABETH	KVCC JOB FAIR/SHRM	369.00
01/12/2018	304903	MALLARD COVE OWNER LLC	OVER PAYMENT SUMMER	2,353.03
01/12/2018	304904	MCKENNA ASSOCIATES	MASTER PLAN UPDATE	420.00
01/12/2018	304905	MCNALLY ELEVATOR CO.	ELEVATOR MAINT	129.75
01/12/2018	304906	MENARDS, INC	MAILBOX POST	97.79
01/12/2018	304907	MERCANTILE BANK OF MI	OVER PAYMENT WINTER	171.97
01/12/2018	304908	METRO COURT REPORTS, INC.	TRANSCRIPTS	722.70
01/12/2018	304909	MICH ASSOC OF CHIEFS OF POLICE	EMPLOYEE TRAINING	305.00
01/12/2018	304910	MICH ASSOC OF CHIEFS OF POLICE	EMPLOYEE TRAINING	280.00
01/12/2018	304911	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIRS	2,930.18
01/12/2018	304912	MIGALA CARPET ONE, INC.	CARPET	235.00
01/12/2018	304913	MILLER, SANDRA	HAYLOFT RENTAL FEE	770.00
01/12/2018	304914	MML UNEMPLOYMENT FUND	MML UNEMPLOYMENT	43.55
01/12/2018	304915	MTA	2018 BOR TRAINING	925.20

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/05/2018 To: 1/21/2018

Check Date	Check	Vendor Name	Description	Amount
01/12/2018	304916	MULDERS LANDSCAPE SUPPLIES INC	SNOW PLOW OPERATORS	9,025.00
01/12/2018	304917	MYERS, JAMES	TRAINING EXPENSES	145.00
01/12/2018	304918	NGUYEN, DUNG	DAMAGED MAILBOX REIM	44.00
01/12/2018	304919	NILES, VALORIE	REFUND/PAYMENT	35.47
01/12/2018	304920	NOMAD TECHNOLOGIES, INC.	CHAMBERS PODIUM MAINT.	1,526.87
01/12/2018	304921	NYE UNIFORMS	MISC UNIFORMS	585.86
01/12/2018	304922	OFFICE DEPOT, INC.	OFFICE SUPPLIES	775.46
01/12/2018	304924	ON TIME SETTLEMENT SERVICES	OVER PAYMENT WINTER	27.17
01/12/2018	304925	PARIS CLEANERS	UNIIFORM CLEANING	1,149.52
01/12/2018	304926	PATCH PLAQUES	DEPT SEAL	583.90
01/12/2018	304927	PENNZAR PROMOTIONS	MAGIC SHOW	250.00
01/12/2018	304928	PRINTING SERVICES INC	TRAD HOLIDAY BANNERS	336.00
01/12/2018	304929	PURITY CYLINDER GASES, INC	SHOP SUPPLIES	626.10
01/12/2018	304930	R W LAPINE INC.	DPS FURNACE	16,800.00
01/12/2018	304931	RATHCO SAFETY SUPPLY, INC.	SIGNS AND SIGN MATERIAL	1,827.25
01/12/2018	304932	RED THE UNIFORM TAILOR	FIRE OPS UNIFORMS	110.00
01/12/2018	304933	RENDA, LEO	DAMAGED MAILBOX	44.00
01/12/2018	304934	RENEWED EARTH, INC.	LEAF AND BRUSH REMOVAL	9,083.33
01/12/2018	304935	RESTORATIVE LAKE SCIENCES, LLC	2018 WEST LAKE WEEDS	1,500.00
01/12/2018	304936	RITSEMA, JULIA	SCHRIER REFUND	100.00
01/12/2018	304937	RYAN, JOHN	COOKING CLASS SUPPLIES	342.38
01/12/2018	304938	SACKETT'S FIREPLACE LLC	OUTDOOR HEATER	3,903.96
01/12/2018	304939	SCHAU, RANDALL	PROGRAM INSTRUCTOR	75.00
01/12/2018	304940	SCHWARTZ, JUSTIN	TRAINING EXPENSES	125.00
01/12/2018	304942	Sperling Construction	BOND REFUND	300.00
01/12/2018	304943	SPRINT PCS	TRACKING CELL PHONE	60.00
01/12/2018	304944	STATE OF MICHIGAN	LICENSE PLATES - DPS	78.00
01/12/2018	304945	STATE OF MICHIGAN (DEQ) WATER DIV.	PERMIT APPLICATION	400.00
01/12/2018	304946	STIFLER, LINDSEY	DAMAGED MAILBOX REIMBURSE	44.00
01/12/2018	304947	TOORNMAN, BARRY	OVERPYMT REFUND	9.91
01/12/2018	304948	TRACTOR SUPPLY CORP.	MPIR SUPPLIES	83.47
01/12/2018	304949	TYLER TECHNOLOGIES, INC	EMPLOYEE TRAINING	925.00
01/12/2018	304950	TYLER TECHNOLOGIES, INC	EMPLOYEE TRAINING	925.00
01/12/2018	304951	U S POSTAL SERVICE	POSTAGE METER REFILL	3,000.00
01/12/2018	304952	UNITED PARCEL SERVICE	WEEKLY DELIVERY	12.35

ACCOUNTS PAYABLE REGISTER

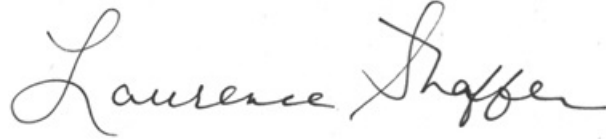
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Check Dates From: 1/05/2018 To: 1/21/2018

Check Date	Check	Vendor Name	Description	Amount
01/12/2018	304953	VARTEC, LLC	DICTATORS	4,821.00
01/12/2018	304954	VERIZON WIRELESS SERVICES, LLC	CELL PHONES	2,376.00
01/12/2018	304955	W D GRAHAM BLDERS INC	BOND REFUND	100.00
01/12/2018	304956	WATKINS, ROSS & CO.	ACTUARIAL SERVICES	8,050.00
01/12/2018	304957	WATSON, MICHELLE	GINGERBREAD HOUSE	25.00
01/12/2018	304958	WENTWORTH, JORDAN	TRAINING EXPENSES	310.61
01/12/2018	304959	WRAPS N SIGNS	VEHICLE STRIPES	1,399.00
01/12/2018	304960	ZEIGLER MOTORSPORTS	MAINTENANCE PARTS	21.95
01/12/2018	304961	HAYS, SHIRLEY AND DALE	REFUND PER COUNCIL	50.00
01/12/2018	304962	KALAMAZOO COUNTY TREASURER	2018 DOG LICENSES	2,240.00
01/15/2018	304963	DASHMASTER LLC	CITY COUNCIL RETREAT	4,500.00
			Total Paper Checks:	530,325.05
Check Type: Auto-Pay Payments				
01/05/2018	5955	CONSUMERS ENERGY	GAS-ELECTRIC	4,257.22
01/10/2018	5979	CONSUMERS ENERGY	GAS-ELECTRIC	4,379.13
01/15/2018	6003	CONSUMERS ENERGY	GAS-ELECTRIC	1,106.78
01/16/2018	6008	CONSUMERS ENERGY	GAS-ELECTRIC	11,593.81
01/16/2018	5980	RANDALL BROWN & ASSOC	RETAINER FEE	18,810.00
			Total Auto-Pay Payments:	40,146.94
			Grand Total:	951,199.01

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Stryker Way/Portage Road Traffic Signal and Intersection Project - Tabulation of Proposals

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a construction contract to the low bidder, Severance Electric, Incorporated, of Kalamazoo, Michigan in the amount of \$423,574.54 for the new Stryker Way/Portage Road Traffic Signal and Intersection Improvements and authorize the City Manager to sign all other documents related to the contract on behalf of the city.

Stryker Instruments began construction of a new 485,000-square-foot research and development facility at 1941 Stryker Way in July 2017. In conjunction with the construction of the new facility, Stryker constructed a new public street named Stryker Way that runs from Portage Road to Lovers Lane. With the construction of this new road, a traffic signal and southbound right-turn lane are also planned at the intersection of Portage Road and Stryker Way. Stryker Instruments, the Kalamazoo County Brownfield Authority and the City of Portage entered into a Development Agreement approved by City Council on February 14, 2017 to allow Stryker Way to utilize tax increment financing to pay for Stryker's expenses associated with the road and traffic signal construction. Subsequent to this approval, the City of Portage identified a grant opportunity through the Michigan Department of Transportation (MDOT) that would offset the cost to Stryker for the traffic signal and related improvements. On March 14, 2017, Council approved a resolution to submit a grant to MDOT for \$450,000, with a 40% city local match to be paid by Stryker. The city received a \$259,605 grant and on November 7, 2017 Council approved a contract with MDOT for the city's local match of the construction of the traffic signal.

Traffic signal design for the intersection of Portage Road and Stryker Way has been completed and on December 7, 2017 four bids were received for traffic signal installation and intersection improvements. The low bid in the amount of \$423,574.54 was submitted by Severance Electric, Incorporated, of Kalamazoo, Michigan. Severance has successfully completed many signal installations for the city and is the current traffic signal maintenance vendor. On December 18, 2017, the city received notice to proceed with the award of the construction contract from MDOT.

Therefore, it is recommended that City Council award a construction contract to the low bidder, Severance Electric, Incorporated, in the amount of \$423,574.54 for the new Stryker Way/Portage Road Traffic Signal and Intersection Improvements and authorize the City Manager to sign all other documents related to the contract on behalf of the city.

FUNDING: Funds not covered by the grant will be funded by Stryker Instruments.

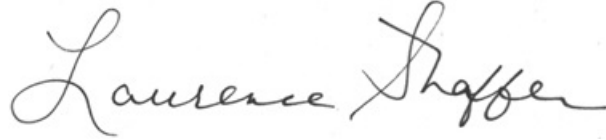
Attachments: 1. Bid Tabulation

BID TABULATION
STRYKER WAY AT PORTAGE ROAD INTERSECTION

<u>Bidder</u>	<u>Bid</u>
Severance Electric 4140 Rollridge Kalamazoo, MI 49004	\$423,574.54
J. Ranck Electric, Inc. 1993 Gover Parkway Mt. Pleasant, MI 48858	\$440,144.04
Hoffman Brothers, Inc. 8475 Verona Road Battle Creek, MI 49014	\$454,000.00
Lounsbury Excavating, Inc. 32673 E. Red Arrow Hwy. Paw Paw, MI 49079	\$464,809.00

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: South 12th Street (South) Lift Station Force Main Replacement Change Order #1

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve Change Order #1 with Kamminga & Roodvoets, Incorporated, in the amount not to exceed \$236,286.96 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The fiscal year 2013-2014 Capital Improvement Program budget includes funding to facilitate assessment of the South 12th Street (South) lift station and associated force main. The lift station and force main were built in the 1970's and the continued reliability and efficiency of the facility is part of ongoing asset management. The existing force main for the lift station transfers sewage from South 12th Street to the trunk sewer near Cooley Drive on West Centre Avenue. In researching the condition of the force main pipe under US-131 it was determined that the cost to assess the condition of the pipe was almost equal to the cost of pipe replacement.

The Michigan Department of Transportation (MDOT) resurfaced and lowered US-131 at the West Centre Avenue crossing in 2016. Subsequently, the Council approved the replacement of the force main pipe under US-131 where the lowering and resurfacing of the road took place and where there have been two breaks on the force main. On March 28, 2017, City Council awarded a construction contract to Kamminga & Roodvoets, Incorporated for the South 12th Street (South) Lift Station Force Main Replacement Project. The new force main has been installed from the lift station east under US-131 to its terminus east of Angling Road. During this work, however, the contractor was required to deviate the route of the force main pipe and casing around identified endangered plant species in the right-of-way of US-131. The additional cost of this work totals \$46,574.96.

The South 12th Street (South) lift station receives waste water flow from the Texas Township and a small area west of US-131 in the City of Portage, which then flows through to the City of Kalamazoo. The City of Portage receives a credit from the City of Kalamazoo for the thru flow from the Texas Township, which is currently estimated by the City of Kalamazoo. In order to determine an accurate reading of thru flow at this lift station, it is recommended that a waste water meter be installed before final connections in the lift station building and the terminus are completed. A proposal was received from Kamminga & Roodvoets, Incorporated for the installation of a waste water meter and associated piping in the amount of \$189,712. The City Administration has reviewed the proposal and determines the price to be fair value for the work required. The City of Kalamazoo has agreed to contribute \$50,000 to the purchase and installation of the waste water meter, leaving a balance of \$139,712.

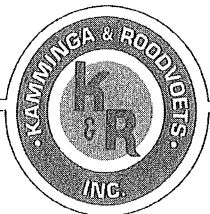
In accordance with the June 11, 2013 Sanitary Transport Agreement with the Township of Texas, the township is obligated to pay 94.35% of the costs of the South 12th Street (South) Lift Station Force Main Replacement Project. The table below provides the funding details for the costs associated with proposed Change Order #1.

Deviation of Force Main Pipe and Casing	\$46,574.96
Installation of Waste Water Meter	\$189,712.00
Total of Change Order #1	<u>\$236,286.96</u>
City of Kalamazoo Contribution	<u>\$(50,000.00)</u>
	<u>\$186,286.96</u>
Texas Township Contribution (94.35%)	\$175,761.75
City of Portage Contribution	\$10,525.21

Therefore, it is recommended that City Council approve Change Order #1 to Kamminga & Roodvoets, Incorporated, in the amount not to exceed \$236,286.96 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds are budgeted in the 2013-2014 Capital Improvement Program Sanitary Sewer fund for this expenditure.

Attachments: 1. Change Order #1



Kamminga & Roodvoets, Inc.

MICHIGAN OFFICE • 3435 Broadmoor, S.E. • Grand Rapids, MI 49512 • Ph. (616) 949-0800 • Fax (616) 949-1894
FLORIDA OFFICE • 5219 Cone Road • Tampa, FL 33610 • Ph. (813) 623-3031 • Fax (813) 628-4490
— AN EQUAL OPPORTUNITY EMPLOYER —

January 3, 2018
11719

Mr. Tom Wheat, P.E.
Prein & Newhof
7123 Stadium Drive
Kalamazoo, MI 49009

Re: 12th Street Pump Station Forcemain Reconstruction
Bulletin No. 1 Pricing

Mr. Wheat:

Per your request, Kamminga&Roodvoets has investigated Bulletin No. 1 and the related work. The original scope of work at the pump station was to remove the existing discharge piping downstream of the connection of the final pump and replace with (2) 90-degree bends, a spool piece and a wall pipe. Our understanding of the general scope of work for Bulletin No. 1 is to replace all discharge piping downstream of the three control valves (including the addition of a magnetic flow meter) and to replace the suction isolation valves and a portion of the suction lines. The FIT would be supplied with the flow meter but, installation of the FIT and wiring would be by others.

To facilitate this work, it would be our intent to core holes on the exterior of the pump station on both sides of the drywell to allow placing a temporary beam to aid in the replacement of the piping and valves in the pump station. A site visit revealed that there is some type of small diameter piping connected from the existing control valve actuator to the control valves except, that one of the lines has this tapped into the discharge piping. It would be our intent to re-establish the small diameter piping to the new discharge piping but, the Owner would be responsible to perform any testing or calibrating necessary on this line/valve. Several supports and brackets are shown on the drawings. It is assumed that any small diameter piping, conduits, etc. that need relocation to allow for placement of these supports would be additional or relocation of the support to eliminate the conflict would be allowed. Finally, it is our intent to coat the new piping and supports per Bulletin No. 1 and to touch up the areas of the walls where penetrations occur. The entirety of the walls will not receive new coatings.

Kamminga & Roodvoets is willing to perform the work described in Bulletin No. 1 per the conditions above at an additional cost of \$189,712.00. The original amount in the contract for the work at the pump station would still be required. This amount is comprised of roughly \$37,712 in labor and equipment and \$152,000 in materials and subcontractor cost. With the revised design, there is one 20" diameter bend and a 20" spool piece that are not returnable that would be the property of the Owner.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Timothy M. Bergstrom – Estimator

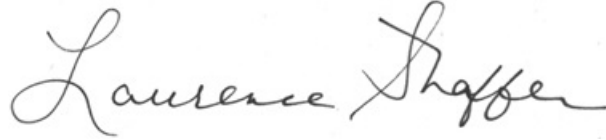
Kamminga & Roodvoets, Inc.

Change Order

For (project):						Change No.		1	
12th St. Pump Station Force Main Reconstruction									
From (Contractor):						Date:		January 11, 2018	
Kamminga & Roodvoets, Inc.									
ITEM		VALUE				CHANGE			
Item No.	Description of Change	Quantity Change	Unit	Unit Price	Total Value	Decrease in Contract Price	Increase in Contract Price		
1	Southerly Route: Additional fittings, clearing and depth	1	LS	\$27,467.96	\$27,467.96		27,467.96		
2	Additional length of pipe - HDPE Pipe (Item 2), 30 LF @ \$150/LF	30	LF	\$150.00	\$4,500.00		4,500.00		
3	Additional length of 36" x 0.312 Steel Casing (Item 4), 49 LF @ \$333/LF	49	LF	\$333.00	\$16,317.00		16,317.00		
4	Credit for not restoring Angling Road	1	LS	-\$1,710.00	-\$1,710.00	1,710.00			
5	Additional costs for pump station meter bypass and interior piping upgrades. Bulletin No. 1	1	LS	\$189,712.00	\$189,712.00		189,712.00		
Change Totals						\$1,710.00	\$237,996.96		
Net Change In Contract Price							\$236,286.96		

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: ADP Payroll Processing and Time and Attendance Services Pricing Agreement

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services
William Furry, Director of Finance

ACTION RECOMMENDED: Approve a two-year pricing agreement with ADP, LLC for electronic payroll processing and time and attendance software and hosting at a first-year cost of \$56,500 and a second-year cost of \$57,600 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

In 2015, the city migrated to the automated ADP electronic time and attendance system in order to simplify compliance, control labor costs, and improve productivity. As a result of automation, productivity and labor costs were reduced by approximately 39 percent.

The ADP, LLC pricing agreement, which combines both the payroll processing and time and attendance software, as well as data hosting, will expire on January 30, 2018. The city has successfully negotiated a new two-year pricing agreement with ADP, LLC for the continuation of the same services with no cost increase in the first year of the agreement and a two percent (2%) cost increase in the second year of the agreement. Annual costs may fluctuate slightly as a result of employee count changes.

Therefore, it is recommended that City Council accept the two-year pricing agreement with ADP, LLC for electronic payroll processing and time and attendance software and hosting at a cost of \$56,500 for the first year and \$57,600 for the second year and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds have been allocated in the Finance Department operating accounts for the FY 2017-2018 budget, with the balance to be programmed in future General Fund budgets.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Household Hazardous Waste - Intergovernmental Cooperation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

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 2018 calendar year in the amount of \$41,000 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.

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.

The collection program in general provides for three drop-off days per week and ten Saturdays per year. In reviewing historical data, an amount of \$41,000 will be sufficient to address the costs associated with the HHW contract for January 1, 2018 through December 31, 2018. Participation in the last five years has increased by 35% as more and more Portage residents realize the value of safe disposal for hazardous materials and the value of recycling electronics rather than throwing them in the trash. This amount also includes an increase in the disposal cost charged by ERG Environmental Services from \$.60/pound to \$0.64/pound.

Participation Numbers for Portage Residents

Year	Participation
2012	1571
2013	1725
2014	2029
2015	2287
2016	2330
2017	1880*

**through 3rd Quarter 2017*

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 2018 calendar year in the amount of \$41,000 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 budgeted and available in the Fiscal Year 2017-2018 budget and funds for the remainder of the contract will be included in the Fiscal Year 2018-2019 budget.

Attachments: 1. 2018 HHW Agreement



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

January 9, 2018

City of Portage
Attn.: Ray Waurio, Deputy Director
7900 S Westnedge Ave
Portage, MI 49002

Dear HHW Center Contract Partner:

Please find attached the amendment to the original contract for services for the 2018 calendar year. In 2017, the amount of funding allotted by your municipality was \$ 41,000.00 . When making allotments for 2018, please consider the following items:

1. The contract with ERG Environmental Services has been extended for another year and disposal costs increased from \$0.60/pound to \$0.64/pound.
2. The contract with Valley City has been extended for 2018 and the fees for recycling electronic waste were not increased. In the past, electronic recycling costs were extremely low because all the components were in demand. However, more CRT glass as well as plastic is being collected than is being re-used so there remains a high cost for recycling CRT monitors and TVs.
3. Operation costs for 2018 will be billed and subtracted in January from the funding allotment you provide. The remainder of the allotment is used for disposal costs and is billed to you each quarter. Participation has continued to steadily increase which in turn increases disposal costs. We recommend an increase in your 2018 allotment to prevent running out of funds later in the year. Remember, the County does not actually hold any of the allotment. If there is unused funding at the end of 2018, that money remains with your municipality.

Please return both copies filled out and signed. Once executed, we will return one signed amendment to you for your records. We look forward to another successful year of collections and working with your municipality toward the common goal of groundwater protection and landfill use reduction.

Sincerely,
Jennifer Kosak, REHS
Facility Manager, Kalamazoo County Household Hazardous Waste Center
269-383-8741
jlkosa@kalcounty.com

HEALTH AND COMMUNITY SERVICES DEPARTMENT
Environmental Health Unit - Household Hazardous Waste

1301 Lamont Avenue | Kalamazoo, MI 49048
Phone: 269.373.5211 | www.kalcounty.com/hcs

**AMENDMENT #2 TO THE AGREEMENT
BETWEEN THE COUNTY OF KALAMAZOO
BY AND THROUGH ITS HEALTH AND COMMUNITY SERVICES DEPARTMENT**

AND

City of Portage

The County of Kalamazoo and City of Portage having previously entered into an AGREEMENT dated 2/2/2016, for the purpose of providing household hazardous waste disposal services; said AGREEMENT was amended on 2/7/2017; do now hereby approve and agree to amend the existing AMENDMENT as follows:

a) Section C. FINANCIAL REQUIREMENTS

1. Under the terms of this Agreement, the MUNICIPALITY will provide funding to a maximum amount of \$ ~~41,000~~ (C.1.) to the County for services at the HHW Center. Of this total, the following allocations will be made:
 2. a. \$ 16,310.00 of the total amount in C.1. will be invoiced in January of 2018 for operating costs. This amount equates to a per household equivalent participation rate of \$7.00 (20% of operational costs) applied to 2016 household equivalent participation volume. Operational costs are non-refundable regardless of actual participation at the HHW Center and shall be paid in full within thirty (30) days of receipt of HCS FMA billing invoice.
 - b. \$ ~~41,000~~ of the total amount in C.1. will be reserved for service fees and disposal costs of items directly from **MUNICIPALITY Buildings and Offices** which will be accepted by appointment only. HCS FMA will submit a quarterly invoice and will indicate charges, if any, for use of the HHW Center by the MUNICIPALITY. The MUNICIPALITY shall pay the invoice amount to the County within thirty (30) days of the invoice date.
 - c. The remainder of the total amount of C.1. minus amounts in C.2.a. and C.2.b. will be used for disposal costs associated with the disposal of household hazardous wastes from the MUNICIPALITY's **citizens**. Costs charged to the MUNICIPALITY for utilization of the household hazardous waste collection services by its citizens will be based upon the number of household equivalents from the MUNICIPALITY and disposal costs during the billing period.
3. The County will provide an itemized quarterly report to each participating MUNICIPALITY in the Household Hazardous Waste program. The report will serve as the basis for accounting of the funds provided to the County for the HHW Center. The quarterly report will be provided within forty-five (45) days of the end of the quarter.

b) Section K. PERIOD OF AGREEMENT

The term of this Agreement shall be from January 1, 2018 through December 31, 2018, unless terminated earlier as provided.

The individual or officer signing this AMENDMENT certifies by his/her signature that he/she is authorized to sign this AMENDMENT on behalf of the responsible governing board, official or agency. All other terms of the previously approved AGREEMENT remain unchanged and are reincorporated herein as if fully set forth in this AMENDMENT.

FOR THE MUNICIPALITY

_____ Printed or Typed Name	_____ Title	APPROVED AS TO FORM DATE <u>1/11/2018</u> <u>[Signature]</u> CITY ATTORNEY
_____ Signature	_____ Date	

_____ Printed or Typed Name	_____ Title
_____ Signature	_____ Date

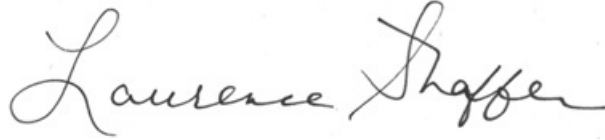
FOR THE COUNTY OF KALAMAZOO

_____ Chair, Board of Commissioners	_____ Date
--	---------------

_____ Timothy A. Snow, County Clerk/Register	_____ Date
---	---------------

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Mobilitie Distributed Antenna System Small Cell License Agreement

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services
Vicki Georgeau, Director of Community Development
Randy Brown, City Attorney

ACTION RECOMMENDED: Approve the Small Cell Distributed Antenna System License Agreement between the City and Mobilitie, LLC, and authorize the City Manager to execute all documents related to this action on behalf of the city.

Consumer and business demand for wireless data is on the rise due to technological advancements and the burgeoning Internet of Things (IoT). In the past four years, mobile devices have gone from 40 to 70 percent of total internet usage. According to AT&T, wireless usage on the AT&T network has increased more than 150,000 percent since 2007. This constant increase in mobile traffic and demands for higher data rates are directly impacting future network deployments for telecommunications providers. Network densification, which utilizes strategically placed small cell distributed antenna systems (DAS) along the existing network, allows telecommunications providers to boost network capacity in high-use or capacity-strained areas. DAS has been used at indoor venues for many years, but is just now beginning to be deployed in dense urban outdoor environments where capacity or coverage is an issue.

The typical DAS facility consists of two low-profile antennas and ancillary equipment attached to an existing pole or structure, like an existing electric or light pole. The number of DAS facilities installed within a city is based on several factors such as city size and topography, number of telecommunications providers operating in the city and known areas experiencing capacity and coverage issues. Based on these factors, it is estimated that a combined total of 25 DAS facilities will be constructed within the city over the next five years. Telecommunications providers that are interested in deploying DAS facilities will be required to apply for a Small Cell Distributed Antenna System License Agreement. However, it is expected that the State of Michigan Legislature will, at some point in the future, develop a uniform licensing agreement that cities will be required to use.

Mobilitie, LLC, a wireless infrastructure provider from Chicago, Illinois, is proposing to install and operate a small cell Distributed Antenna System (DAS) in the City of Portage, initially consisting of antennas and ancillary equipment mounted on two AT&T utility poles located in the city right-of-way near 6835 South Westnedge Avenue and near 300 West Milham Avenue. Once installed, the DAS will be used to enhance cellular wireless coverage and capacity for Mobilitie, LLC clients, such as Sprint or Verizon.

The License Agreement developed by the city, with assistance from special telecommunications attorney Michael Watza of Kitch Attorneys of Detroit, Michigan, establishes the rules on location and design of the DAS facilities in order to protect public rights-of-ways, community safety and aesthetics. The Agreement includes several restrictions pertaining to the height, appearance and physical locations of the DAS facilities, which include antennas, poles, ancillary equipment and support structures. The Agreement also establishes a fee schedule consisting of a one-time application processing fee and annual fees for each DAS facility in operation. The plans and specifications submitted as Exhibit A of the Agreement are for illustrative purposes, but are representative of the design for the first two proposed DAS sites, which will be subsequently approved as part of the permitting process. In addition to the first two DAS sites referenced above, the License Agreement will allow additional DAS sites after administrative review and approval.

The applicant has met all licensing requirements in order to begin the permitting process. The License has been approved to form by the city attorney and signed by Mobilitie LLC. The term of the License Agreement is five (5) years.

It is recommended that City Council approve the Small Cell Distributed Antenna System License Agreement between the city and Mobilitie, LLC, and authorize the City Manager to execute all documents related to this action.

FUNDING: Revenue of a \$5,000 one-time agreement processing fee and annual licensing fees per small cell/DAS sites located within the public right-of-way.

Attachments: 1. License Agreement and Pole Example

DAS/SMALL CELL LICENSE AGREEMENT

BETWEEN

THE CITY OF PORTAGE

and

Mobilitie, LLC

THIS LICENSE AGREEMENT ("AGREEMENT") DATED AS OF THIS ____ DAY OF _____, IS ENTERED INTO BY AND BETWEEN THE CITY OF PORTAGE, A MUNICIPAL CORPORATION ("CITY"), AND Mobilitie, LLC, A NEVADA LIMITED LIABILITY COMPANY ("Licensee" OR "Mobilitie").

WHEREAS, the City has made significant investments of time and resources in the acquisition and maintenance of the public ways and such investment has enhanced the utility and value of the public ways; and

WHEREAS, the public ways within the City are used by and useful to private enterprises including Licensee and others engaged in providing telecommunications services to citizens, institutions, and businesses located in the City; and

WHEREAS, the right to access and/or occupy portions of such public ways for limited times, for the business of providing wireless telecommunications services, is a valuable economic privilege; and

WHEREAS, beneficial competition between providers of communications services can be furthered by the City's provision of grants of location and rights to use the public ways on non-discriminatory and competitively neutral terms and conditions; and

WHEREAS, Licensee is a private enterprise engaged in installing, operating and maintaining facilities for carriers to provide various wireless telecommunications services within the City by means of wireless or fiber connections through or other Distributed Antenna Systems or other Small Cell Facilities (DAS/Small Cells or DAS Small Cell Networks); and

WHEREAS, Licensee desires to physically install and occupy portions of the public way to install additional utility poles, or to utilize existing third-party utility poles, or city owned light, or other city owned poles for use of its LICENSED DAS/Small Cells; and

WHEREAS, Licensee is agreeing to compensate the City for installation and/or operation of all antennas, supporting structures for antennas, equipment shelters, poles or houses associated with DAS/Small Cells in exchange for a grant of location and the right to use and physically occupy portions of the public way for the limited purposes and times set forth below;

WHEREAS, the City grants this license pursuant to its authority to manage its public spaces;

NOW THEREFORE BE IT RESOLVED, in consideration of the terms and conditions contained in this Agreement, the City and Licensee do hereby agree:

THIS AGREEMENT IS MADE WITH REFERENCE TO THE FOLLOWING FACTS AND CIRCUMSTANCES:

1. DEFINITIONS

Except as otherwise defined herein, the following terms shall, when capitalized, have the meanings given below:

1.1 “Agency” means any governmental agency or quasi-governmental agency other than City, including, but not limited to, the Federal Communications Commission (FCC) and the Michigan Public Service Commission, or Local Community Stabilization Authority.

1.2 “Ancillary Equipment” means equipment deployed by Licensee in the Rights-of-Way, pursuant to this Agreement, which may be owned by Licensee or Licensee’s customer.

1.3 “Grant” when used with reference to grant or authorization of the City, means the prior written authorization of the City of Portage.

1.4 “Business Day” means any Day other than a Saturday, Sunday, or Day observed as an official holiday by the City.

1.5 “Day” means any calendar day, unless a Business Day is specified. For the purposes hereof, if the time in which an act is to be performed falls on a Day other than a Business Day, the time for performance shall be extended to the following Business Day. For the purposes hereof, the time in which an act is to be performed shall be computed by excluding the first Day and including the last.

1.6 “FCC” means the Federal Communications Commission.

1.7 “Hazardous Material” means any substance, waste or material which, because of its quantity, concentration or physical or chemical characteristics is in fact or deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.

1.8 “Law” or “Laws” means any federal, state or local statute, ordinance, resolution, regulation, rule, tariff, administrative order, certificate, order, or other lawful requirement in effect either at the time of execution of this Agreement or at any time during the period the DAS/Small Cells are located in the Public Rights-of-Ways.

1.9 “DAS/Small Cells” means any and all telecommunication facilities or related equipment installed and/or operated by Licensee for the provision of commercial mobile radio service (“CMRS”) carriers and including cables, antennas, brackets, devices, conduits, poles, shelters, houses, cabinets and all other related equipment to be deployed, installed and/or operated by Licensee as described and illustrated in Exhibit A attached hereto.

1.10 “Person” means an individual, a corporation, a partnership, a sole proprietorship, a joint venture, a business trust, or any other form of business association or government agency.

1.11 “Public Ways” or “Public Rights-of-Way” means the areas in, upon, above, along, across, under, and over the public streets, sidewalks, roads, lanes, courts, ways, alleys, boulevards, buildings and any other public places owned by and within the City as the same now or may hereafter exist and which are under the permitting jurisdiction of the City.

1.12 “Release” when used with respect to Hazardous Material means any actual or imminent spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into or inside any existing improvements or any improvements constructed hereunder by or on behalf of Licensee.

1.13 “Services” means those services provided by or through DAS/Small Cells as specifically identified in the attached detailed plans and specifications See Exhibit. A. If the City grants the provision of any other services by Licensee, upon such grant, the definition of “Services” shall automatically be revised to include any such grant of additional services. Services shall not include the provision of cable television-type services, or the distribution of video programming directly to subscribers to a cable system as defined in the Federal Cable Act, 47 U.S.C. §§ 521, et. seq.

1.14 “Poles” means light poles, wooden power poles, highway sign poles, utility poles, lighting fixtures or other similar poles located in the Public Way owned by the City, Mobilitie or third parties and may refer to such support structures in the singular or plural, as appropriate to the context in which used. The term poles excludes any historically or architecturally significant poles owned by the City located on public ways or, other similar street features.

2. TERM OF AGREEMENT

2.1 Demise and Term. Licensor hereby grants Licensee, a personal, non-exclusive revocable license to erect and use equipment as described herein in the Right of Way as approved in this License Agreement commencing on date of execution of this Agreement and continuing for five (5) years.

2.2 Renewal. Unless terminated under other provisions of this Agreement, the Agreement will renew at Licensee’s option with at least 60 days but no more than 180 days’ notice in

advance of the expiration of the initial term, for up to one (1) renewal term of five (5) years at the expiration of the initial term provided: (a) Licensee is in full compliance with all terms of the License as of the last day of the then current term; (b) has not demonstrated a pattern of repeated or cumulative breaches and defaults of the terms of the License Agreement during the expiring term; and (c) Licensee agrees to confer with Licensor and make the changes to this Agreement as needed or desired considering possible changes in technology and/or the law. Unless modified as described, the renewal term as described shall be on the same terms and conditions as contained in this License Agreement.

3. DESCRIPTION OF WORK

3.1 Installation of DAS/SMALL CELL NETWORKS. During the term of this Agreement, Licensee is authorized, on a non-exclusive basis, to locate and install utility poles, light poles, or to attach to third party or city owned Poles to house and operate a DAS/Small Cell Network in the utility public right of way or other third party or City owned or controlled property, as more particularly identified in Exhibit A. This agreement does not grant the right to use any Poles not owned by the City.. Licensee shall make separate arrangements with third party Pole owners to use any Poles not owned by the City. Prior to initial installation of the DAS/Small Cell equipment upon any Pole in the City, Licensee shall obtain written City authorization, in accord with the City's Rules, as set forth on Exhibit D ("Rules"), for such installation upon such specific property or pole and shall provide the City with written evidence of such authorization, if received from a third-party Pole owner. Upon receipt of the City's written authorization for use of a Pole, Exhibit A shall be automatically amended to include each newly authorized Pole.

3.1.1 Location of DAS/Small Cell Networks. The City may grant or deny the location and installation of any DAS/Small Cell equipment on a pole prior to installation, based on the rules and this License; provided, however, that such grant shall not be subject to additional conditions, not expressly contained in the Rules or this License unless Licensee is provided thirty (30) days written notice of the adoption of any additional rules and condition to be added to the Rules. Such grant or denial shall not be unreasonably withheld or delayed.

3.1.2 Map and List of DAS/Small Cell Equipment. Licensee shall maintain in a form acceptable to the City, a current map and list of the location of all Facilities used by Licensee for its DAS/Small Cell Network pursuant to this Agreement and located in public ways; Licensee shall provide such list to the City within ten (10) Business Days upon receipt of request for same; and Licensee shall, whether or not requested by the City, provide an updated list and map promptly after any change is made in regard to the locations of the specific poles specified by Licensee in such lists and maps. Licensee shall obtain all required permits and grants of the City and any of its departments or agencies, and any other Agency with jurisdiction over the DAS/Small Cells, services or the property on which the DAS/Small Cells are or will be located, prior to performing any work under this Agreement and shall comply with all of the terms and conditions set forth in these permits. Licensee shall not mount, construct, install, maintain, locate, operate, place, protect, reconstruct, reinstall, remove, repair, or replace any DAS/Small

Cells on any pole, except as expressly authorized by and in strict compliance with this Agreement, and shall not without further and separate authorization, otherwise locate more than one Small Cell installation on any single pole.

3.1.3 Changes to DAS/Small Cell Networks or Their Location on Poles Located on Public Ways. If Licensee proposes to install or alter its equipment or the DAS/Small Cell or its location on the poles located on public Rights-of-Way in a manner that deviates in any material way from the specifications attached hereto as Exhibit A, in particular, if the proposed alteration would enlarge the exterior dimensions of the installation, then Licensee shall first obtain a grant for the use and installation of the modified equipment from the owners of the poles located on Public Rights-of-Way and shall provide the City with written evidence of such authorization. If the altered installation deviates in any material way from the Rules, or the terms of this License, Licensee shall apply for the City's approval prior to installation or alteration.

3.1.4 Individual Site Termination. Licensee may elect to terminate specific sites and/or attachments at any time. Licensor shall not be obligated to refund any payment for a terminated site. Licensee will notify the City of any such terminations with an updated map within fifteen (15) days after such terminations are made.

3.1.5 Provision of Services. The DAS/Small Cell Network installed pursuant to this Agreement shall be used for providing the Services. If Licensee proposes to make a material change to the nature and character of the Services not expressly permitted under this Agreement, Licensee shall notify the City in writing of this intended change not less than one hundred and eighty (180) days prior to the proposed date of change to the Services. The City may either (i) accept the proposed change in Service on mutually agreeable terms and conditions or (ii) require that the Services not be changed but rather continue to be provided as contemplated herein.

3.1.6 Restoration of Work Site Areas. Upon the completion of each task or phase of work to be performed by Licensee under this Agreement, Licensee shall promptly restore all work site areas to a condition reasonably satisfactory to the City and in accordance with construction standards as specified by the City, ordinary wear and tear not caused by Licensee or the DAS/Small Cells Networks excepted. The provisions of this paragraph shall survive the expiration, completion or earlier termination of this Agreement.

3.2 Removal of DAS/Small Cell Network. Upon one hundred and eighty (180) days' written notice by the City prior to the expiration or earlier termination of this Agreement for cause, pursuant to Section 9.2, Licensee shall promptly, safely and carefully remove the DAS/Small Cell Network from all poles and other places located in Public Rights-of-Way. Such obligation of Licensee shall survive the expiration or earlier termination of this Agreement. If Licensee fails to complete this removal work on or before the one hundred and eighty (180) days subsequent to the issuance of notice pursuant to this Section 3.2, then the City, upon written notice to Licensee, shall have the right at the City's sole election, but not the obligation, to remove the DAS/Small Cell Network and charge Licensee for the actual costs

and expenses, including, without limitation, reasonable and actual administrative costs. Licensee shall pay to the City all costs billed and expenses incurred by the City in performing any removal work for storage of Licensee's property after removal (including any portion of the DAS/Small Cell Networks) within fifteen (15) Business Days after the date on which Licensee receives a written invoice for the charges. If Licensee fails to pay the invoiced amount within thirty (30) days after receipt of the invoice, the City may, in its discretion, obtain reimbursement for the above by making a claim under Licensee's performance bond. After the City receives the reimbursement payment from Licensee for the removal work performed by the City, the City shall promptly return to Licensee the property belonging to Licensee and removed by the City pursuant to this Section 3.2 at no liability to the City. If the City does not receive the reimbursement payment from Licensee within such fifteen (15) Business Days, or if City does not elect to remove such items at the City's cost after Licensee's failure to so remove prior to one hundred and eighty (180) days subsequent to the issuance of notice pursuant to this Section 3.2, any items of Licensee's property, including without limitation the DAS/Small Cell Networks, remaining on or about the Public Rights-of-Way or stored by the City after the City's removal thereof may, at the City's option, be deemed abandoned and the City may dispose of such property in any manner allowed by Law, and in accordance with any legal rights of persons other than the City who own light poles located in the public way and used by LICENSEE. Alternatively, the City may elect to take title to such abandoned property, whether the City is provided by the LICENSEE, an instrument satisfactory to the City transferring to the City the ownership of such property, or not. The provisions of this paragraph shall survive the expiration or earlier termination of this Agreement.

3.3 Risk of Loss or Damage. Licensee acknowledges and agrees that Licensee bears all risk of loss or damage of its equipment and materials, including, without limitation, the DAS/Small Cell Networks, installed in the Public Rights-of-Way pursuant to this Agreement from any cause, and the City shall not be liable for any cost of repair to damaged DAS/Small Cell Networks, including, without limitation, damage caused by the City's removal of DAS/Small Cell Networks, except to the extent that such loss or damage was caused by the willful misconduct of the City, including without limitation, each of its commissions, boards, departments, officers, agents, employees and contractors.

3.4 Removal or Relocation of DAS/Small Cell Network at City's Request. Licensee understands and acknowledges that the City in an emergency may request Licensee to remove its facilities on short notice, at the reasonable discretion of the city, but otherwise the City may require Licensee to remove or relocate upon a written request from the City on sixty (60) Days' notice at Licensee's sole cost and expense, portions of the DAS/Small Cell Network whenever City reasonably determines that the removal or relocation is needed: (1) to facilitate or accommodate the construction, completion, repair, relocation, or maintenance of a City project, or utility company projects (2) because the DAS/Small Cell Network interferes with or adversely affects proper operation of the public light poles, traffic signals, communications systems or other facilities, (3) because of a sale or vacation of the public right of way by the City, (4) because there is a change in use of the public right of way by the City provided such use affects similarly situated LICENSED users in the public right of way, (5) because there is damage to and/or a planned removal of the light pole, or (6) to preserve

and protect the public health and safety, in a manner not inconsistent with 47 U.S.C. § 332(c)(7). Licensee shall at its own cost and expense remove, relocate and/or adjust the DAS/Small Cell Network, or any part thereof, to such other location or locations in the Public Rights-of-Way, or in such manner, as appropriate, as may be designated or granted, in writing and in advance, by the City. Such removal, relocation, adjustment shall be completed within the time prescribed by the City in its written request and in accordance with the terms of this Agreement. Licensee shall not be in default hereunder if it has taken appropriate action as directed by the City to obtain such grant. If Licensee fails to remove, relocate, adjust or support any portion of the DAS/Small Cell Network as described by the City within the prescribed time, City may take all reasonable, necessary, and appropriate action, as stated in Section 3.2.

4. PERMIT, LIMITATIONS AND RESTRICTIONS

4.1 Limited Authorization. This Agreement does not authorize the placement of DAS/Small Cell Networks or any other equipment on sites, structures or facilities other than those specifically identified on Exhibit A. Placement of the DAS/Small Cell Networks shall comply with the terms of the Rules. The Agreement does not relieve Licensee of its burden of seeking any necessary permission from other governmental agencies which may have jurisdiction regarding Licensee's proposed use. Licensee further acknowledges that it cannot use any historically or architecturally significant poles located on the public rights-of-way or other street furniture, except as may be otherwise expressly authorized in a specific permit issued by the City.

4.2 Limited Uses. Licensee represents, warrants and covenants that its DAS/Small Cell Networks installed pursuant to this Agreement will be utilized as support for the rendering of wireless telecommunication services, including wireless services, and Licensee is not authorized to and shall not use the DAS/Small Cell Networks to offer or provide any other services not specified herein.

4.3 Reservation of Powers. The City reserves any and all powers it may have, now or in the future under applicable local, state, or federal law, to regulate the DAS/Small Cell Networks, their use, or the use of the Public Rights-of-Way or of other City property. Licensee shall be subject to all present and future rules, regulations, and ordinances of the City and its Boards and Commissions. Nothing in this Agreement shall be construed as a waiver of any codes, ordinances or regulations of the City or of the City's right to require Licensee to secure the appropriate permits or authorizations for exercising the rights set forth in this Agreement.

4.4 Licensee's Sole Expense. Notwithstanding any other provision of this Agreement, the construction, operation, maintenance, removal and replacement of DAS/Small Cell Networks, and all other activities permitted hereunder and all fees or obligations of Licensee under this Agreement, shall be Licensee's sole responsibility at Licensee's sole cost and expense.

4.5 Permit. Licensee shall obtain, at its sole expense, all permits as are required by City or any other Agency with jurisdiction over Licensee to perform the work and ongoing use, as

described in this Agreement, of poles located on the Public Rights-of-Way, including as applicable, but not limited to, a Metro Act Permit, pursuant to 2002 PA 48; MCL 484.3101, et. seq.

4.6 No Real Property Interest Created. Neither Licensee's use of the Public Rights-of-Way, nor anything contained in this Agreement, shall be deemed to grant, convey, create, or vest in Licensee a real property interest in any portion of the Public Rights-of-Way or any other City property, including but not limited to, any fee or leasehold interest in any land or easement. Licensee, on behalf of itself and any permitted successor, lessee, or assign, recognizes and understands that this Agreement may create an interest subject to taxation and that Licensee, its successor, lessee or assign may be subject to the payment of such taxes.

4.7 All Rights Nonexclusive. Notwithstanding any other provision of this Agreement, any and all rights expressly or impliedly granted to Licensee under this Agreement shall be non-exclusive, and shall be subject and subordinate to (1) the continuing right of the City to use, and to allow any other Person or Persons to use, any and all parts of the Public Rights-of-Way, exclusively or concurrently with any other Person or Persons, and (2) the public easement for streets and any and all other deeds, easements, dedications, conditions, covenants, restrictions, encumbrances and claims of title (collectively, "Encumbrances") which may affect the Public Rights-of-Way now or at any time during the term of this Agreement, including without limitation any Encumbrances granted, created or allowed by the City at any time.

4.8 Collocation. This License does not grant or approve any collocation rights to any person or entity, related or unrelated to the Licensee. By this License, Licensee is only authorized to install two (2) DAS/Small Cells with Ancillary Equipment, including two antennas per installation. Additional DAS/Small Cell with Ancillary Equipment installations require new and additional licensure at the City's Sole discretion. Licensee will allow third parties to attach to its pole owned by Licensee when technically and structurally feasible at a cost and at terms to be determined between Licensee and said third parties and only if the third-party has an executed agreement with the city. The City retains its police powers over the equipment owned by third parties.

4.9 Ancillary Equipment. The parties agree and acknowledge that, notwithstanding anything in this Agreement to the contrary, certain ancillary equipment deployed by Licensee in the Rights-of-Way pursuant to this Agreement may be owned and/or operated by Licensee's third-party wireless carrier customers ("Carriers") Licensee. All Equipment however, shall be installed and maintained by Licensee pursuant to license agreements between Licensee and such Carrier. Such Ancillary Equipment shall be treated as Licensee's Facilities for all purposes under this Agreement and (i) Licensee shall remain responsible and liable for all obligations under the Agreement with respect to such ancillary equipment and maintain all insurance required, (ii) Licensee shall be the City's sole point of contact regarding such Ancillary Equipment shall be Licensee, and (iii) Licensee shall have the right to remove and relocate the Ancillary Equipment. Licensee shall not grant such Carriers with rights of access to such Ancillary Equipment.

5. WAIVERS AND INDEMNIFICATION

5.1 Non-Liability of City Officials, Employees and Agents. Except for losses occasioned by the willful misconduct of an elective or appointive board, commission, member, officer, employee or other agent of the City shall be personally liable to Licensee, its successors and assigns, in the event of any default or breach by the City or for any amount which may become due to Licensee, its successors and assigns, or for any obligation of City under this Agreement.

5.2 Obligation to Indemnify the City. Licensee, its successors and assigns, shall hold harmless, defend, protect and indemnify the City, including, without limitation, each of its commissions, departments, officers, agents, employees and contractors, from and against any and all actions, losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs, judgments or suits including, without limitation, reasonable attorneys' fees and costs (collectively, "Claims") of any kind allegedly arising directly or indirectly from: (i) any act by, omission by, or negligence of the Licensee or its contractors or subcontractors, or the officers, agents, or employees of any of them, while engaged in the performance of the work or conduct of the activities authorized by this Agreement, or while in or about the Public Rights-of-Way or any other City property for any reason connected in any way whatsoever with the performance of the work, conduct of the activities or presence of the DAS/Small Cell Networks authorized by this Agreement, or allegedly resulting directly or indirectly from the presence, construction, installation, maintenance, replacement, removal or repair of the DAS/Small Cell Networks, (ii) any accident, damage, death or injury to any contractor, subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work, conduct of the activities or presence of the DAS/Small Cell Networks authorized by this Agreement, or while in or about the Public Rights-of-Way, for any reason connected with the performance of the work or conduct of the activities authorized by this Agreement, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Agreement, (iii) any accident, damage, death or injury, to real or personal property, good will, and Person(s) in, upon or in any way allegedly connected with the work or activities authorized by this Agreement or the presence of the DAS/Small Cell Networks from any cause or claims arising at any time including, without limitation, injuries or damages allegedly caused, directly or indirectly, in whole or in part, by radio wave transmission or electromagnetic fields emitted by the DAS/Small Cell Networks, (iv) any Release, or threatened Release, of any Hazardous Material caused in whole or in part by Licensee in, under, on or about the property subject to this Agreement or into the environment, or resulting directly or indirectly from the DAS/Small Cell Networks or the work or activities authorized by this Agreement, (v) any violation by Licensee of the terms and conditions hereof or any permit or grant issued by Commissioner or any Agency in connection with the DAS/Small Cell Networks or Services or pursuant hereto, or any misrepresentation made herein or in any document given by either party in connection herewith, and (vi) any direct or indirect RF interference by Licensee or the DAS/Small Cell Networks affecting entities which installed the facilities experiencing RF interference before the date on which Licensee installed the allegedly interfering facility. This indemnification obligation from Licensee to the City shall specifically extend (i) to any

and all health and safety related claims (ii) any and all inverse condemnation or similar claims, (iii) any and all claims arising out of a third-party action under 4.9 and 12.4.2 against the City or any of its commissions, departments, officers, agents, employees and contractors.

5.3 Scope of Indemnity. Licensee shall hold harmless, indemnify and defend the City as required in this Section 5, including without limitation, each of its commissions, boards, departments, officers, agents, employees and contractors, except only for claims resulting from the gross negligence, or willful misconduct of the City, including without limitation, each of its commissions, departments, officers, agents, employees and contractors. Licensee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered in writing to the other party and continues at all times thereafter. Licensee agrees that the indemnification obligations assumed under this Agreement shall survive expiration or other termination of this Agreement.

5.4 No Liability for Damage, Death or Bodily Injury. Neither City nor any of its commissions, departments, boards, officers, agents or employees shall be liable for any damage to the property of Licensee, or third-party owner of any equipment on the site, its officers, agents, employees, contractors or subcontractors, or their employees, or for any bodily injury or death to such persons, resulting or arising from the DAS/Small Cell Networks or activities authorized by this Agreement, the condition of any City property subject to this Agreement or Licensee's use of any City property, except as otherwise provided herein.

5.5 Waiver of Claims regarding Fitness Municipal Properties or Structures Located in Public Ways. Licensee acknowledges that the City has made no warranties or representations regarding the fitness, availability or suitability of any Municipal properties or structures for the installation of the DAS/Small Cell Networks, or for any other activities permitted under this Agreement, and that, except as expressly provided herein, any performance of work or costs incurred by Licensee or provision of Services contemplated under this Agreement by Licensee is at Licensee's sole risk. Licensee on behalf of itself and its successors and assigns, waives its right to recover from, and forever releases and discharges, the City and its agents, and their respective heirs, successors, administrators, personal representatives and assigns, from any and all Claims, whether direct or indirect, known or unknown, foreseen and unforeseen, that may arise on account of or in any way be connected with the physical or environmental condition of the light poles located on public ways, other City property affected by this Agreement or any law or regulation applicable thereto.

5.6 Waiver of All Claims. Licensee acknowledges that this Agreement is terminable by the City under certain limited circumstances as provided herein, and in view of such fact Licensee expressly assumes the risk of making any expenditures in connection with this Agreement, even if such expenditures are substantial, and Licensee expressly assumes the risk of selling its Services which may be affected by the termination of this Agreement. Without limiting any indemnification obligations of Licensee or other waivers contained in this Agreement and as a material part of the consideration for this Agreement, Licensee fully

RELEASES, WAIVES AND DISCHARGES forever any and all claims, demands, rights, and causes of action against, and covenants not to sue, City, its departments, commissions, officers, boards, Commissioners and employees, and all persons acting by, through or under each of them, under any present or future Laws, including, but not limited to, any claim for inverse condemnation or the payment of just compensation under the law of eminent domain, or otherwise at equity, in the event that the City exercises its right to terminate this Agreement, as specifically provided herein.

5.7 No Liability for Consequential or Incidental Damages. Both parties expressly acknowledge and agree that neither party will be liable to the other party for any consequential or incidental damages, including, but not limited to, lost profits and loss of good will, arising out of termination of this Agreement or disruption to the DAS/Small Cell Networks or Licensee's permitted activities hereunder. Neither party would be willing to enter into this Agreement in the absence of a waiver of liability for consequential or incidental damages due to the acts or omissions of the other party or its agents. Accordingly, without limiting any indemnification obligations of either party or other waivers contained in this Agreement and as a material part of the consideration for this Agreement, each party fully RELEASES, WAIVES AND DISCHARGES forever any and all claims, demands, rights, and causes of action for consequential and incidental damages (including without limitation, lost profits and loss of good will), and covenants not to sue for such damages, City, its departments, boards, commissions, officers, Commissioners and employees, and all persons acting by, through or under each of them, arising out of this Agreement or the work and activities authorized hereunder, including, without limitation, any interference with uses conducted by either party pursuant to this Agreement, regardless of the cause, and whether or not due to the negligence or gross negligence of the respective parties or their agents.

5.8 No Interference. Licensee shall not unreasonably interfere in any manner with the existence and operation of any and all public and private facilities existing now or in the future, including but not limited to sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electric and telephone wires, electroliners, cable television, pre-existing telecommunications facilities, public safety communications, electric utility, and municipal property without the express grant of the owner or owners of the affected property or properties, except as permitted by applicable Laws or this Agreement. To the extent such harmful interference is caused by Licensee's operations, Licensee shall be responsible for repair and restoration of any damage caused directly by such interference to public or private facilities. The City agrees to require the inclusion of the same prohibition on interference as that stated above in all similar type agreements the City may enter into after the date hereof in order to protect Licensee's operations from interference.

6. INSURANCE

6.1 Amounts and Coverages. Licensee will maintain in force, during the full term of this Agreement, insurance in the following amounts and coverages:

6.1.1 Workers Compensation, with Employer's Liability limits of not less than One million dollars (\$1,000,000) each accident.

6.1.2 Commercial General Liability Insurance with limits not less than five million dollars (\$5,000,000) each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Owners and Contractors' Protective, Broad form Property Damage, Products Completed Operations.

6.1.3 Business Automobile Liability Insurance with limits not less than one million dollars (\$1,000,000) each occurrence Combined Single Limit for Bodily Injury and Property Damage, including owned, non-owned and hired auto coverage, as applicable.

6.2 Required Provisions. General Liability and Automobile Liability Insurance shall be endorsed to provide for the following:

6.2.1 Name as additional insureds: the City, its officers, agents and employees.

6.2.2 That such policies are primary insurance to any other insurance available to the additional insureds, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought.

6.3 Advance Notice of Cancellation. All policies shall be endorsed to provide: thirty (30) days advance written notice to City of cancellation or intended non-renewal, mailed to the following address:

Purchasing Manager
City of Portage
Address:
Phone:
Email:

6.4 Claims-Made Policies. Should any of the required insurance be provided under a claims-made form, Licensee shall maintain such coverage continuously throughout the term of this Agreement and, without lapse, for a period of six (6) years beyond the Agreement expiration, to the effect that, should any occurrences during the Agreement term give rise to claims made after expiration of the Agreement, such claims shall be covered by such claims-made policies.

6.5 General Aggregate Limit. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general aggregate limit shall double the occurrence or claims limits specified above.

6.6 Receipt of Certificates of Insurance. Certificates of insurance, in the form and with insurers reasonably satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Agreement, and attached hereto as Exhibit C.

6.7 Effect of Approval of Insurance. Approval of the insurance by the City shall not relieve or decrease the liability of Licensee hereunder.

6.8 Effect of Lapse of Insurance. This Agreement shall terminate immediately, after written notice to Licensee and an opportunity to cure of three(3) business days, upon any lapse of required insurance coverage.

7. LICENSE FEE, RECORD and DEPOSITS

In connection with the work to be performed and activities to be conducted by Licensee under this Agreement.

7.1 Right-of-Way Fees for Installation and operation of wireless DAS/Small Cell related Metro Act exempt facilities including antennas, supporting structures for antennas, poles equipment shelters or houses . Initial Entry Fee: In order to compensate the City for the costs associated with Licensee's initial entry upon and deployment of DAS/Small Cell related Metro Act exempt facilities including antennas, supporting structures for antennas, poles equipment shelters or houses within the Public Rights-of-Way, Licensee shall pay to the City the following: Five thousand dollars (\$5000.00) one-time payment.

7.2 The annual rate schedule is included in Exhibit D. Beginning at the time a permit is obtained, Licensee shall be responsible for paying the annual fee for any site in operation on January 1 of each year.

7.2.1 The parties to this agreement do not intend, and this agreement does not of itself, grant the utilization of any jointly owned or third party owned properties. This agreement is subject to collocation priority requirements as referenced in sections 3.1.1 and 4.9.

7.2.2 This agreement anticipates and authorizes only one DAS/Small Cell with ancillary equipment per Pole and that every DAS/Small Cell with ancillary equipment, installed by Mobilite in City Rights of Way or public places, shall be subject to a license fee as identified in this section.

7.2.3 The parties to this agreement do not intend, and this agreement does not grant, the utilization of any City owned public places, buildings or structures other than certain Poles in the City Rights of Way as specifically identified in Exhibit. A.

7.3 Late Payment Charge. If Licensee fails to pay any undisputed amounts payable under this Agreement within thirty (30) days following the due date thereof, and after written notice of such non-payment, such unpaid amount shall be subject to a late payment charge equal to ten (10%) of the unpaid amount in each instance. The late payment charge has been agreed upon by the City and Licensee, after negotiation, as a reasonable estimate of the additional administrative costs and detriment that the City will incur as a result of any such failure by Licensee, the actual costs thereof being extremely difficult if not impossible to determine.

7.4 Other Payments and Documentation. In addition to all other fees to be paid to the City hereunder, Licensee shall timely pay to the City all applicable deposit fees, permit fees, engineering fees and other fees or amounts, required to be paid by Licensee to the City in connection with obtaining permits or performing work under this Agreement, and as required by any federal, state or local law, statute, ordinance, rule or regulation. Licensee therefore acknowledges and agrees that this Agreement alone is not sufficient in and of itself as authorization from the City for the installation and operation of the DAS/Small Cell Networks and that additional documentation may be required by the City.

7.5 Security Deposit/Bond. Prior to performing any work necessary under this Agreement, Licensee will deliver to the City a valid performance bond in the sum of fifty thousand dollars (\$50,000.00), issued by a surety company acceptable to the City's Controller in the form attached hereto as Exhibit B. Licensee agrees and acknowledges that it will obtain a bond which allows for the use of the bond to cover all costs associated with the project not covered by any insurance policies including but not limited to: interest, charges by the City to remove DAS/Small Cell Networks and unpaid permit and administrative fees. Licensee shall keep such bond, at its expense, in full force and effect (The bond can be renewed from year to year) until the thirtieth (30th) day after the Expiration Date or other termination hereof, to insure the faithful performance by Licensee of all of the covenants, terms and conditions of this Agreement. Such bond shall provide thirty (30) days prior written notice to the city of cancellation or material change thereof. In the event of any non-extension of the bond, Licensee shall replace such security with another form permitted hereunder at least ten (10) days prior to expiration and if Licensee fails to do so the City shall be entitled to present its written demand for payment of the entire face amount of such bond and to hold the funds so obtained as the Security Deposit required hereunder. Any unused portion of the funds so obtained by the City shall be returned to Licensee upon replacement of the bond or deposit of cash security in the full amount required hereunder. Such bond submitted pursuant to the requirements of a related Metro Permit shall satisfy the bond requirements of this agreement.

8. WORK STANDARDS

8.1 Performance of Work. Licensee shall use and exercise due care, caution, skill and expertise in performing all work under this Agreement and shall take all reasonable steps to safeguard and maintain in clean and workmanlike manner, all work site areas, including, without limitation, the light poles located on Public Rights-of-Way and other existing facilities and property. All work to be undertaken by Licensee in the Public Rights-of-Ways shall at all times be performed by workers in accordance with generally accepted industry practice and in conformance with all local, state and federal ordinances, rules and regulations.

8.2 Work Plan. Prior to performing any work necessary under this Agreement, Licensee shall present a map and written proposal describing the work to be performed and the facilities, methods and materials (if any) to be installed ("Work Plan") to the City for review and will not perform any work until it has received City Authorization of the Work

Plan. In addition, prior to conducting any work in the Public Rights-of-Way, Licensee shall provide to the City a current emergency response plan identifying staff who have authority to resolve, twenty-four (24) hours a day, seven (7) days a week, problems or complaints resulting, directly or indirectly, from the DAS/Small Cell Network installed pursuant to this Agreement. As soon as is reasonably practical following installation of the DAS/Small Cell Network, Licensee shall deliver as-built drawings to City Hall.

8.3 No Underground Work Without Written Authorization. Licensee hereby represents, warrants and covenants that Licensee shall perform no excavation, trenching, coring, boring, or digging into the ground or installation of any equipment or other material into the ground, or any other underground work in connection with the work to be performed or Services to be provided by Licensee under this Agreement, except to the extent expressly approved by the city. Licensee further represents, warrants and covenants that it shall not otherwise disturb or disrupt the operation or maintenance of any sanitary sewers, storm drains, gas or water mains, or other underground conduits, cables, mains, or facilities.

8.4 Repair or Replacement of Damaged Facilities or Property. Upon written request, Licensee agrees to repair or replace to City's reasonable satisfaction any City-owned facilities or City-owned property that the City determines has been damaged, destroyed, defaced or otherwise injured as a result of the work performed or Services provided by Licensee under this Agreement. Licensee shall perform such work at no expense to the City, except to the extent such damage, destruction, defacement, or injury was caused by the sole negligence or willful misconduct of City.

8.5 Modification of Work Plans. If during the term of this Agreement, the City determines that the public health or safety requires a modification of or a departure from the Work Plan submitted by Licensee and granted, the City shall have the authority to identify, specify and delineate the modification or departure required, and Licensee shall perform the work allowed under this Agreement in accordance with the City-specified modification or departure at Licensee's sole expense. The City shall provide Licensee with a written description of the required modification or departure, the public health or safety issue necessitating the modification or departure, and the time within which Licensee shall make, complete or maintain the modification or departure required.

9. TERMINATION

9.1 Immediate Termination upon Notice in Certain Circumstances. In addition to all other remedies provided by Law or in equity, either party may terminate this Agreement immediately upon written notice to the other party in the event of either of the following:

9.1.1 By City after written notice to Licensee and after opportunity to meet with representatives of the City, if the City reasonably determines that Licensee's continued use of the Public Rights-of-Way will adversely affect public health or safety;

9.1.2 By either party (the “Non-Defaulting Party”) if the other party has failed to perform any of its material obligations under this Agreement; provided, however, that if the Defaulting Party's failure to perform under or comply with this Agreement (other than Licensee’s failure to make timely payments) is capable of being cured, and if a specific notice or cure period or time for performance of such obligation is not otherwise specified in this Agreement, then the Non-Defaulting Party shall provide the Defaulting Party with a notice of the Defaulting Party's failure to perform or comply and provide the Defaulting Party with sixty (60) days from the date of the notice to cure the failure to perform or comply to the Non-Defaulting Party's reasonable satisfaction unless such cure cannot be reasonably performed within sixty (60) days in which case commencement of efforts to cure shall be satisfactory.

9.2 Effect of Termination. In the event of termination of this Agreement as herein provided, Licensee shall immediately cease all work performed under this Agreement, excepting only that work necessary for Licensee to remove all DAS/Small Cell Networks from the Public Rights-of-Way as provided in Section 3.2 above. Termination of this Agreement by the City as herein provided shall constitute the withdrawal of any grant, consent or authorization of the City for Licensee to perform any construction or other work under this Agreement in the Public Rights-of-way or on public property excepting only that work necessary for Licensee to remove all DAS/Small Cell Networks and leave all work site areas in a clean and safe condition and in accordance with Section 3. Upon any such early termination, the City shall promptly remit to Licensee a prorated portion of the annual license fee paid to the City, if any.

10. NOTICES

Except as otherwise expressly provided in this Agreement, any notice given hereunder shall be effective only if in writing and given by delivering the notice in person, or by sending it first-class mail or certified mail with a return receipt requested, postage prepaid, or reliable commercial overnight courier, return receipt requested, with postage prepaid, to:

City Clerk
City of Portage
7900 South Westnedge Avenue,
City of Portage, Michigan 49002

With a copy to counsel:

Licensee
Mobilitie, LLC
660 Newport Center Drive
Suite 200
Newport Beach, CA 92660
Attention: Legal Department

With a Copy to:
Mobilitie, LLC
660 Newport Center Drive
Suite 200
Newport Beach, CA 92660
Attention: Asset Management

or to such other address as either CITY or Licensee may designate as its new address for such purpose by notice given to the other in accordance with the provisions of this Section at least ten (10) days prior to the effective date of such change.

11. COMPLIANCE WITH LAWS

11.1 Both Parties shall comply with all present and future Laws.

11.2 All facilities installed pursuant to this Agreement shall be constructed to comply with all federal, state and local laws, construction codes and applicable wireless telecommunications requirements.

12. MISCELLANEOUS

12.1 Amendments. Neither this Agreement nor any term or provisions hereof may be changed, waived, discharged or terminated, except by a written instrument signed by the parties hereto.

12.2 Representations and Warranties. Each of the persons executing this Agreement on behalf of Licensee does hereby covenant, represent and warrant that, to the best of his or her knowledge, (a) Licensee is a duly authorized and existing Nevada corporation, has and is qualified to do business in the State of Nevada, and has full right and authority to enter into this Agreement, (b) each and all of the persons signing on behalf of Licensee is authorized to do so, (c) all financial statements and reports previously provided to the City by Licensee are true and complete in all material respects and accurately reflect the financial condition of Licensee as of the date such statements were provided to the City, and Licensee's financial condition as of the date it executes this Agreement is not materially worse than that reflected in the most recent of such financial statements and reports, and (d) the DAS/Small Cell Networks installed pursuant to this Agreement shall comply with all applicable FCC standards regarding radio frequencies and electromagnetic field emissions. Upon the City's written request, Licensee shall provide the City with evidence reasonably satisfactory to the City confirming the foregoing representations and warranties. Licensee further warrants all the work performed by it or its subcontractors or anyone acting on behalf of licensee, against workmanship and product defects and any and all related costs, fees and damages to appurtenant or otherwise affected City facilities and property.

12.3 Interpretation of Agreement. This Agreement has been negotiated at arm's-length and between persons sophisticated and knowledgeable in the matters dealt with herein and shall

be interpreted to achieve the intents and purposes of the parties, without any presumption against the party responsible for drafting any part of this Agreement. Use of the word “including” or similar words shall not be construed to limit any general term, statement or other matter in this Agreement, whether or not language of non-limitation, such as “without limitation” or similar words, are used.

12.4 Assignment; Successors and Assigns.

12.4.1 Neither this Agreement nor any part of Licensee's rights hereto may be assigned, pledged or hypothecated, in whole or in part, without the express written consent of the City, which consent shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding the foregoing, the transfer of the rights and obligations of Licensee hereunder to a parent, subsidiary, successor, or financially viable affiliate shall not be deemed an assignment for the purposes of this Agreement, provided that Licensee deliver to the City the following: (1) Bond issued in the name of transferee; (2) Assignment and Assumption Agreement between City and transferee; (3) Certificate of Insurance naming transferee as insured.

12.4.2 In the event Licensee files a petition in bankruptcy pursuant to 11 U.S.C. Sections 101, et seq., the assignment of this Agreement shall be governed by the provisions of the Bankruptcy Code. An assignment of this Agreement is only enforceable against the City if Licensee or its trustee in bankruptcy complies with the provisions of 11 U.S.C. Section 365, including obtaining the authorization from the Bankruptcy Court. City hereby expressly reserves all of its defenses to any proposed assignment of this Agreement. Any person or entity to which the Bankruptcy Court authorizes the assignment of this Agreement shall be deemed without further act to have assumed all of the obligations of Licensee arising under this AGREEMENT on and after the date of such assignment. Any such assignee shall upon demand execute and deliver to City an instrument confirming such assumption. Any monies or other considerations payable or otherwise to be delivered in connection with such assignment shall be paid to City, shall be the exclusive property of City, and shall not constitute property of Licensee or of the estate of Licensee within the meaning of the Bankruptcy Code.

12.4.3 Installation and use of Ancillary Equipment, as contemplated by Section 4.9 of this Agreement, shall not be considered an assignment or sublease of this Agreement, so long as the installation and use is in strict accord with Section 4.9.

12.5 Severability.

12.5.1 The parties to this Agreement understand that federal, state, local laws and regulations, including, but not limited to those issued by the Federal Communication Commission or successor agency as well as any binding judicial interpretations (collectively “Laws”), may be evolving on many of the issues identified herein. The parties elect to enter into this Agreement at this time fully intending to conduct themselves according to such Agreement and accepting that subsequent changes in the

Law may occur that place a particular party in a different legal position than may be the case at present. The parties acknowledge that they are executing this Agreement at this time intending to be held to its terms for the duration of the Agreement notwithstanding the potential for such changes in applicable Law during the term of this Agreement. This section shall not apply to any new Law which is expressly given retroactive application to any then current Agreement.

12.5.2 If any provision of this Agreement or the application thereof to any person, entity or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such provision to persons, entities or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each other provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by Law.

12.6 Governing Law. This Agreement shall be construed and enforced in accordance with the Laws of the State of Michigan.

12.7 Entire Agreement. This instrument (including the exhibits hereto, which are made a part of this Agreement) contains the entire agreement between the parties and supersedes all prior written or oral negotiations, discussions, understandings and agreements. The parties further intend that this Agreement shall constitute the complete and exclusive statement of its terms and that no extrinsic evidence whatsoever (including prior drafts of this Agreement and any changes therefrom) may be introduced in any judicial, administrative or other legal proceeding involving this Agreement.

12.8 Time of Essence. Time is of the essence with respect to all provisions of this Agreement in which a definite time for performance is specified.

12.9 Cumulative Remedies. All rights and remedies of either party hereto set forth in this Agreement shall be cumulative, except as may otherwise be provided herein and not to the exclusion of any others unless specifically excluded.

12.10 Relationship of Parties. The City is not, and none of the provisions in this Agreement shall be deemed to render the City, a partner in Licensee's business, or joint venturer or member in any joint enterprise with Licensee. Neither party shall act as the agent of the other party in any respect hereunder, and neither party shall have any authority to commit or bind the other party without such party's prior written consent as provided herein. This Agreement is not intended nor shall it be construed to create any third party beneficiary rights in any third party, unless otherwise expressly provided.

12.11 Non-Discrimination. Licensee agrees and shall require all agents conducting business in Michigan on its behalf to agree not to discriminate on the basis of race, sex, religious creed, national origin, sexual preference, color, disability or age in connection with this agreement under local, state and federal laws.

CITY OF PORTAGE, a Michigan municipal corporation

By: _____
Title: _____
Dated: _____

APPROVED AS TO FORM

DATE 12/21/2017

CITY ATTORNEY

Mobilitie, LLC, a Nevada limited liability company

By:  (Chris Glass)
Title: SVP, GENERAL COUNSEL
Dated: 11/9/17

EXHIBIT A

DAS/SMALL CELL NETWORK PLANS AND SPECS

The network plans and specs to be provided concurrent with permit applications for each proposed site.



This document is proprietary and confidential. In some cases, the potential sites shown on this map are pre-engineering locations that have not been vetted for network engineering, construction, and utility resource access. Candidate location as of date created. Generated by David Greetham

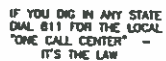
mobilitie
intelligent infrastructure

MOBILITIE GIS | November 03, 2017

9MIB002873-D/DE90XS1WL-D

LATITUDE/LONGITUDE:
42.230189/-85.591925

ADDRESS:
300-308 W MILHAM AVE
CITY, STATE, ZIP:
PORTAGE, MI 49024



THE VALUES SHOWN HEREON ARE FOR THE CONTRACTORS CONFORMANCE ONLY. THERE MAY BE OTHER VALUES NOT SHOWN ON THESE PLANS. THE ENGINEER/SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL THE VALUES WITHIN THE LIMITS OF THE WORK. ALL ERRORS WISE TO THE (C) VALUES OF THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

DO NOT SCALE DRAWINGS

CONTRACTORS SHALL VERIFY ALL PLANS, (E) DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OF EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

PRIOR TO ANY CONSTRUCTION WORK, CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES. ALL UTILITIES SHALL BE MARKED.

THIS DESIGN IS SUBJECT TO ANY JURISDICTIONAL AND OWNER APPROVALS INCLUDING JURISDICTIONAL REQUIREMENTS, RE EQUIPMENT CONFIGURATION, AND FINAL UTILITY COORDINATION WITH PUBLIC POWER AND UTILITY PROVIDERS/ CONTRACTOR TO CONFIRM FINAL REQUIREMENTS WITH OWNER.

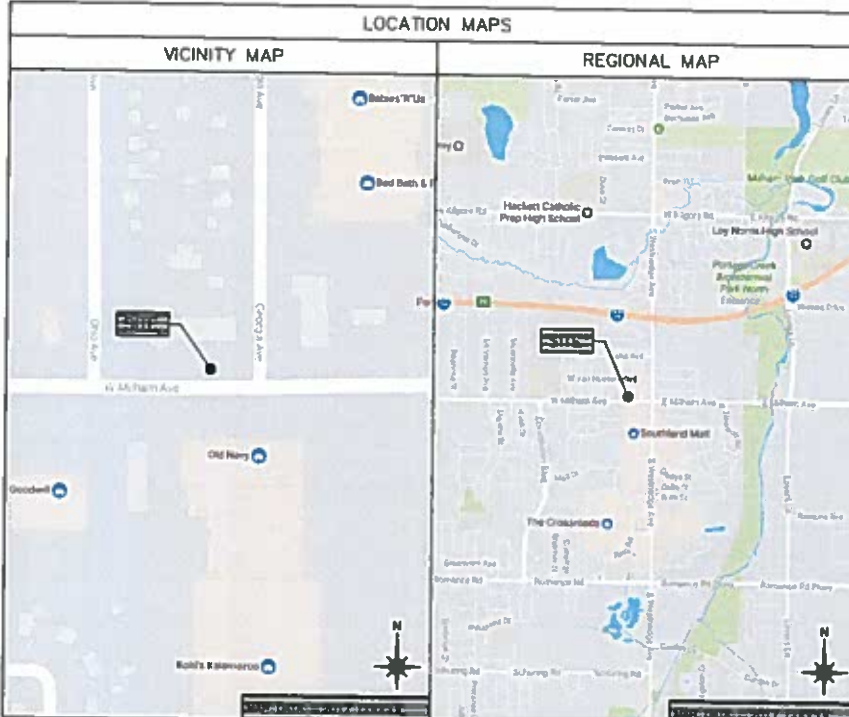
SITE INFORMATION

SITE ID:	RM8002873-D
CASCADE ID:	DEB0X51ML-D
LATITUDE:	42.230189
LONGITUDE:	-85.591825
ADDRESS:	300-308 W MILHAM AVE
CITY, STATE, ZIP:	PORTAGE, IN 48024
COUNTY:	KALAMAZOO
JURISDICTION:	PORTAGE CITY
PROPERTY OWNER:	PUBLIC RIGHT-OF-WAY
POLE OWNER:	AT&T
APPLICANT:	MOBILE, LLC 120 S RIVERSIDE PLAZA SUITE 1800 CHICAGO, IL 60606 PHONE: (312) 636-5400

ARCHITECT

PETER LICHOMSKI, ARCHITECT 49030 PONTIAC TRAIL, SUITE 400 WIXOM, MI 48393	CONTACT: PETER LICHOMSKI PROJECT MANAGER TEL: (248) 705-9212 PROJECT: DE90XS1WL-D
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LOCATION MAPS



PROJECT DESCRIPTION

POLE OWNER TO REPLACE POLE AS PART OF MAKE READY WORK. END USER TO ATTACH SMALL CELL EQUIPMENT TO REPLACED WOOD POLE WITHIN AN EXISTING RIGHT OF WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING:

- REMOVE EXISTING WOOD UTILITY POLE
- INSTALL A NEW WOOD UTILITY POLE WITH PROPOSED SMALL CELL EQUIPMENT

CODES

INTERNATIONAL BUILDING CODE
NATIONAL ELECTRICAL SAFETY CODE
TIA/EIA-222-G-2 OR LATEST EDITION
LOCAL BUILDING/PLANNING CODE

DRAWING INDEX

[illegible]

120 S RIVERSIDE PLAZA,
SUITE 1800
CHICAGO, IL 60606
PHONE: (312) 638-5400

PROJECT NO:	9400002573-D
DRAWN BY:	DM
CHECKED BY:	PL

B	PL 22.17	REVISION
C	PL 28.17	REVISION
D	PL 10.17	REVISION
A	02.17.10	FOR REVIEW

DE90XS1WL-D
9MIB002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE

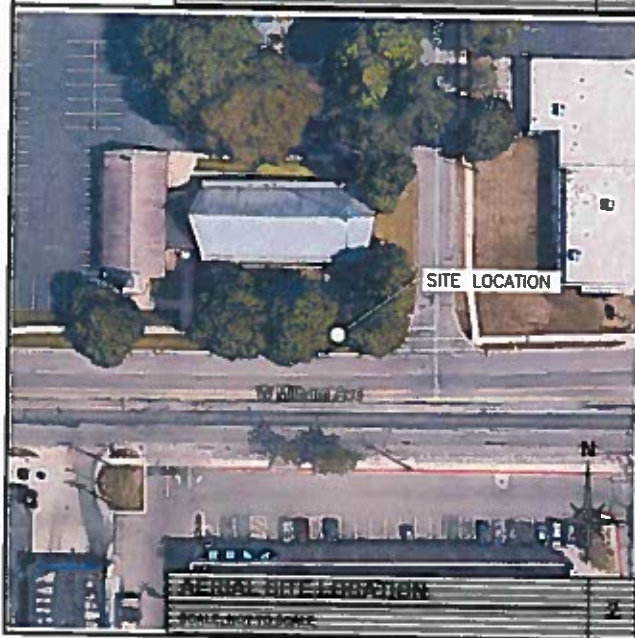
TITLE SHEET

SHEET NUMBER
T-1

(E) WOOD UTILITY POLE (#DE09 35 GD 5) TO BE REPLACED BY AT&T PRIOR TO CONSTRUCTION

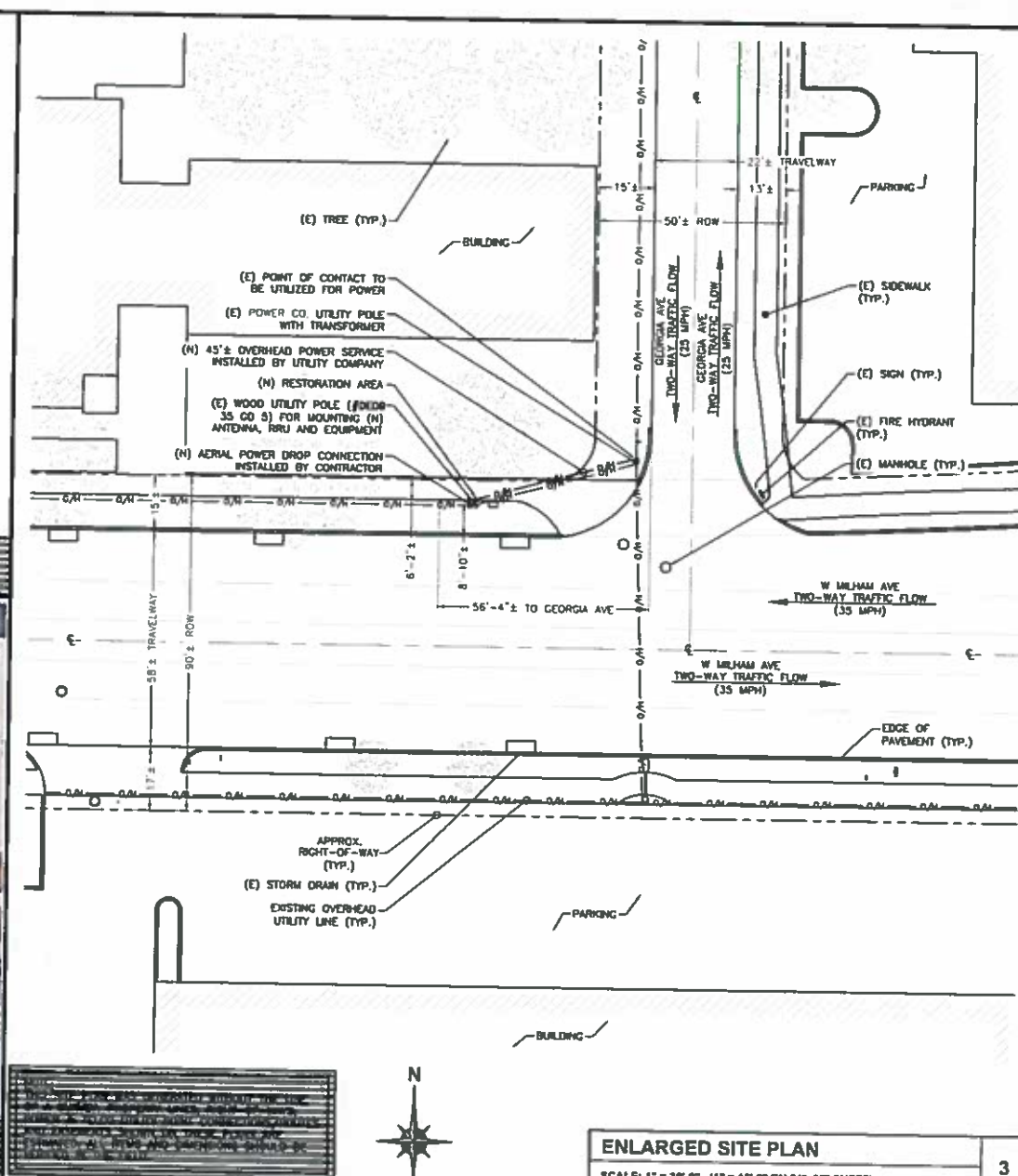


EXHIBIT PHOTO



SITE LOCATION

AERIAL SITE LOCATION



ENLARGED SITE PLAN

SCALE: 1" = 30'-0" (1" = 15'-0" ON 24"x36" SHEET)

mobilitie
infrastructure

120 S RIVERSIDE PLAZA,
SUITE 1800
CHICAGO, IL 60606
PHONE: (312) 636-5400

PROJECT NO: 9MB002873-D

DRAWN BY: DH

CHECKED BY: PL

1	PL 01/27	REVISION
2	PL 01/27	REVISION
3	PL 01/27	REVISION
4	PL 01/27	FOR REVIEW

DE90XS1WL-D
9MB002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
EXHIBIT PHOTO & SITE PLAN

SHEET NUMBER
SP-1

PROJECT NO: 94R002873-D

DRAWN BY: DH

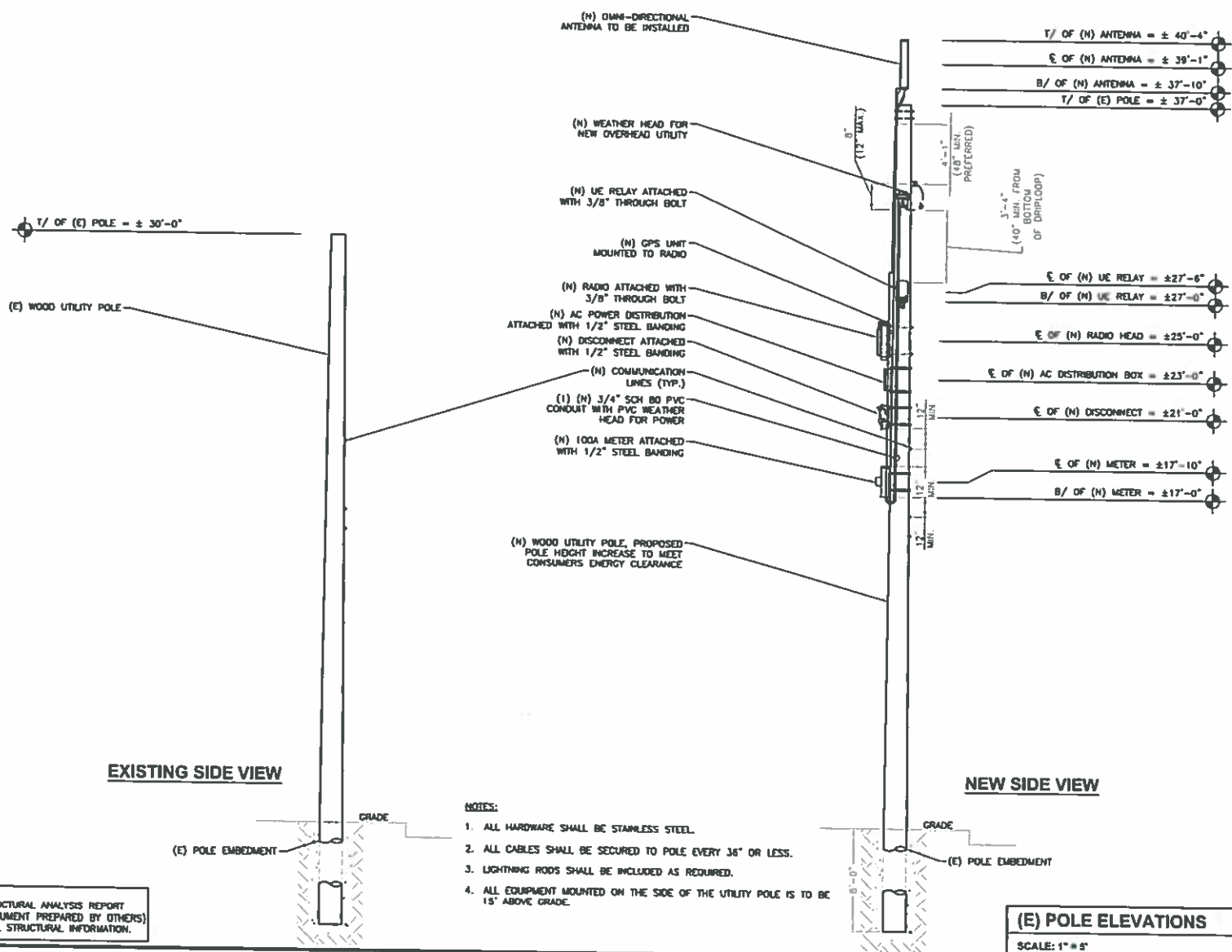
CHECKED BY: PL

B	PL/PL/17	REVISION
C	PL/PL/17	REVISION
D	PL/PL/17	REVISION
E	PL/PL/17	FOR REVIEW

DE90XS1WL-D
94R002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
POLE ELEVATIONS

SHEET NUMBER
EV-1



NOTE:
REFER TO STRUCTURAL ANALYSIS REPORT
(SEPARATE DOCUMENT PREPARED BY OTHERS)
FOR ADDITIONAL STRUCTURAL INFORMATION.

PROJECT NO: 948002873-D

DRAWN BY: DH

CHECKED BY: PL

9	11.30.17	REVIEW
8	10.30.17	REVIEW
7	09.08.17	REVIEW
6	08.17.17	FOR REVIEW

DE90XS1WL-D
948002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
POLE ELEVATIONS

SHEET NUMBER
EV-1

1

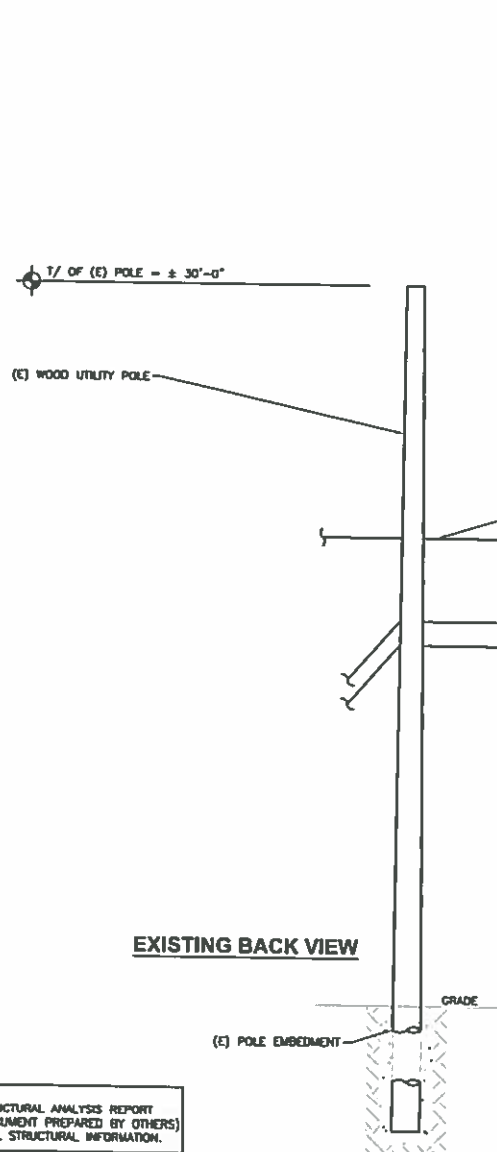
(E) POLE ELEVATIONS

SCALE: 1" = 5'

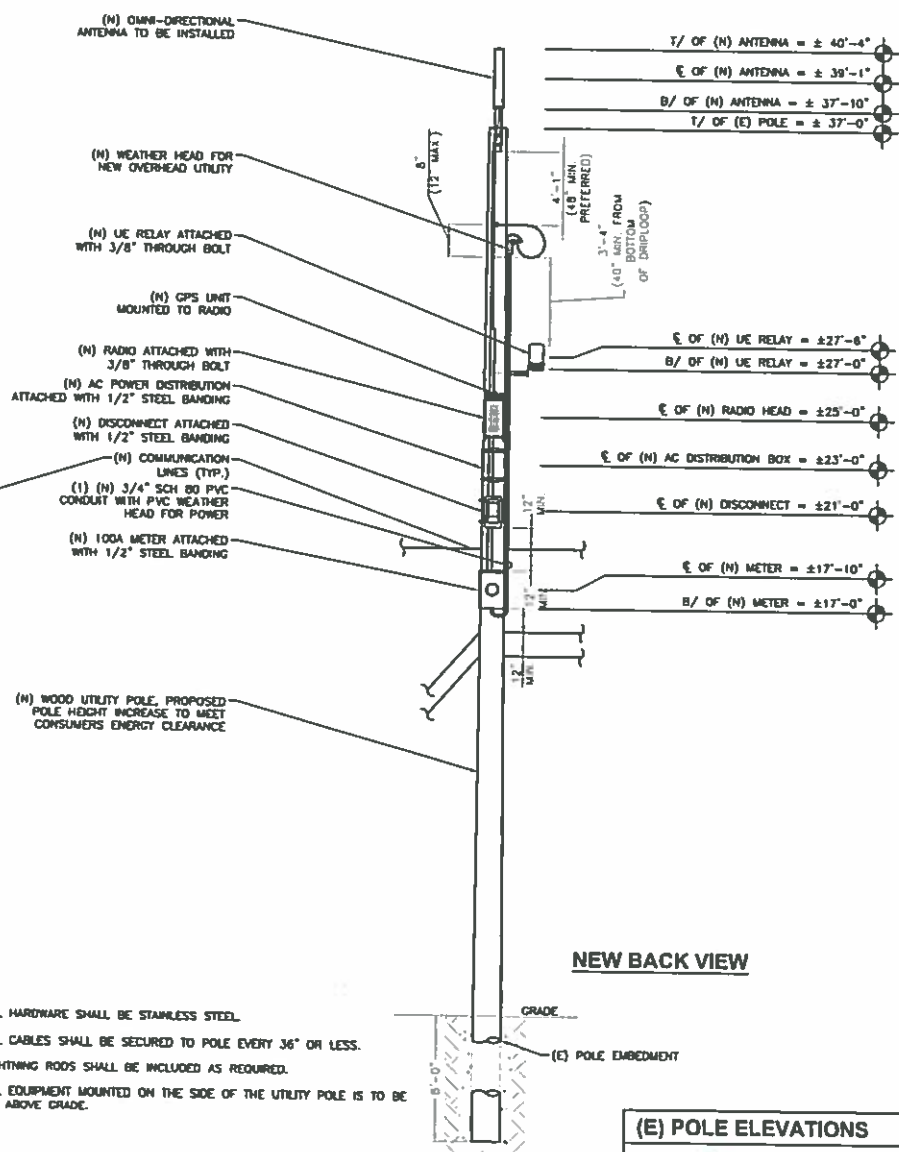
NOTES:

1. ALL HARDWARE SHALL BE STAINLESS STEEL.
2. ALL CABLES SHALL BE SECURED TO POLE EVERY 36" OR LESS.
3. LIGHTNING RODS SHALL BE INCLUDED AS REQUIRED.
4. ALL EQUIPMENT MOUNTED ON THE SIDE OF THE UTILITY POLE IS TO BE 15' ABOVE GRADE.

EXISTING BACK VIEW

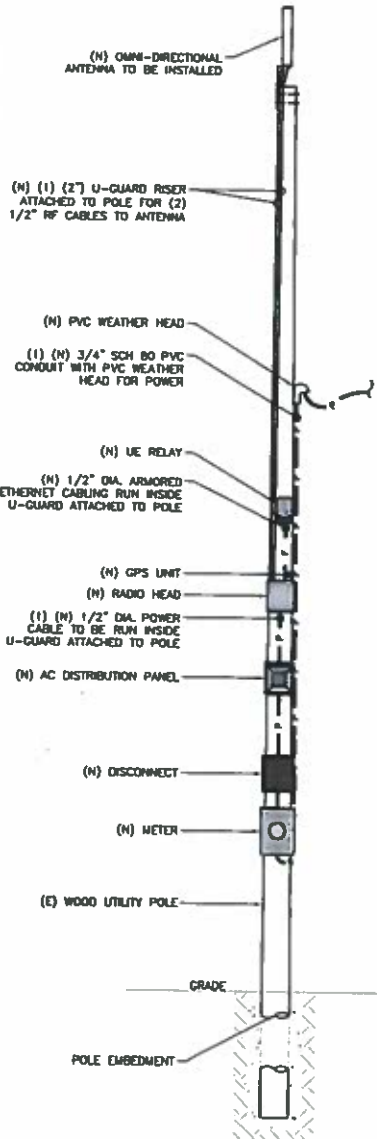


NEW BACK VIEW



NOTE:
REFER TO STRUCTURAL ANALYSIS REPORT
(SEPARATE DOCUMENT PREPARED BY OTHERS)
FOR ADDITIONAL STRUCTURAL INFORMATION.

NOTE:
(C) POLE MOUNTED EQUIPMENT
NOT SHOWN FOR CLARITY.



CABLING NOTES:

- A) WOOD, CONCRETE AND EXISTING METALLIC POLES
 - 1) FROM GRADE LINE TO 11'-0" ABOVE GRADE, ALL CABLES/CONDUCTORS EXCEPT GROUNDING CONDUCTOR MUST RUN IN RIGID GALVANIZED STEEL CONDUIT (RGS)
 - 2) GROUNDING CONDUCTORS IN EXPOSED LOCATIONS MUST BE INSTALLED IN PVC.
 - 3) IN EARTH INSTALL PVC CONDUIT FOR BACKHAUL AND ELECTRICAL SERVICE. TRANSITION TO RGS AT GRADE LINE.
 - 4) ABOVE 11'-0" ALL CABLES (POWER, ETHERNET, COAXIAL) MUST RUN IN PVC UTILITY POLE RISER.
 - 5) AT MAJOR EQUIPMENT, EXTEND UTILITY DUCT IMMEDIATELY ADJACENT TO THE EQUIPMENT. INSTALL CABLES IN THE UTILITY POLE RISER CREATING CABLE DRIP LOOPS NOT LESS THAN THE CABLE BENDING RADIUS.
 - 6) INSIDE THE UTILITY POLE RISER, UTILIZE 1/2" COAX BLOCKS WITH LAG SCREWS TO SUPPORT COAX, RADIO AND MW POWER, RF COAX, AND ETHERNET CABLES TO WITHIN 12" OF THE EQUIPMENT BEING SERVED AND ON INTERVALS NOT TO EXCEED 4'.
 - 7) FOR UNDERGROUND HFC/PUBLIC BACKHAUL, ROUTE ETHERNET CABLE IN CONDUIT UP THE POLE AND ENTER THE UTILITY POLE RISER. SEAL EXPOSED END OF CONDUIT WITH A CABLE TERMINATION FITTING.
 - 8) BY APPROVAL IN SELECT CASES LIQUID-TIGHT FLEXIBLE METALLIC CONDUIT (LFMC) MAY BE USED IN LENGTHS NOT TO EXCEED 30' TO EXTEND THE ELECTRICAL SERVICE CONDUIT TO THE AC DISTRIBUTION BOX. EXAMPLE: UTILITY-REQUIRED DISCONNECT ON POLE W/ AC DISTRIBUTION BOX ON OPPOSITE SIDE OF POLE. NOT REQUIRED FOR COAX.
- B) NEW METALLIC POLES
 - 1) PROCURE NEW POLES WITH SUITABLE HAND HOLES SUCH THAT HAND HOLES EXIST AT ALL EQUIPMENT LOCATIONS.
- C) WHERE REQUIRED, INSTALL POLE BASE SUCH THAT THE ELECTRICAL FEED AND BACKHAUL (IF UNDERGROUND) CIRCUIT ENTER THE POLE THROUGH THE POLE BASE.

TYPICAL PLUMBING DIAGRAM -FOR REFERENCE ONLY

SCALE: NOT TO SCALE

1

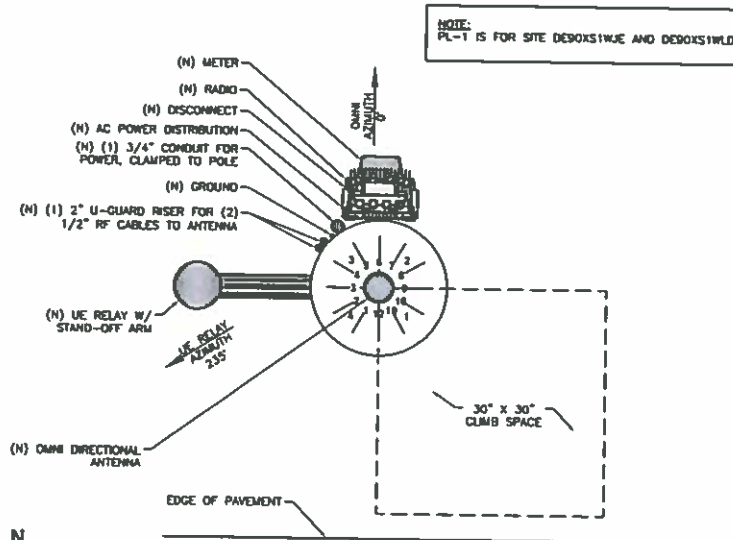
BILL OF MATERIALS						
QTY	DESCRIPTION	MANUFACTURER	MODEL NUMBER	AZMUTH	CABLE	DIMENSIONS (HxWxD)
1	ANTENNA	ALPHA WIRELESS	AW3477-S	0°	25 ±	30.7" x 4.7" DIAMETER
1	UE RELAY	AIRSPAN	IR480-SPB-ST-1-P-Q	235°	3' ±	13" x 7" DIAMETER
1	GPS	TALLYSMAN	GPS-ANT-3	-	-	2" x 2.6" DIAMETER
1	RADIO	AIRSPAN	HAR40-EFCH-U41-B06AP1	-	3' ±	20.1" x 9" x 8.9"
1	AC DISTRIBUTION PANEL	TRANSACTOR	1101-1207-1D12	-	1' ±	12" x 12" x 4"
1	MEMA TYPE-3R DISCONNECT	SIEMENS	GF222HR (EXAMPLE)	-	1' ±	15.45" x 8.7" x 5.95"
1	METER SOCKET	MILBANK	U4801-XL-S19 (EXAMPLE)	-	77 ±	19" x 13" x 4.84"

RFDS REVISION TYPE: FINAL
RFDS REVISION NUMBER: 5.9
RFDS REVISION TIMESTAMP: 2017-11-08

BILL OF MATERIALS

SCALE: NOT TO SCALE

2



NOTE:
PL-T IS FOR SITE DE90XS1WJE AND DE90XS1WLD



ANTENNA AZMUTH: 0°
UE RELAY AZMUTH: 235°

TYPICAL RISER DIAGRAM -FOR REFERENCE ONLY

SCALE: NOT TO SCALE

3

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multimedia infrastructure

120 S RIVERSIDE PLAZA,
SUITE 1800
CHICAGO, IL 60606
PHONE: (312) 636-5400

PROJECT NO: 9488002873-D

DRAWN BY: DH

CHECKED BY: PL

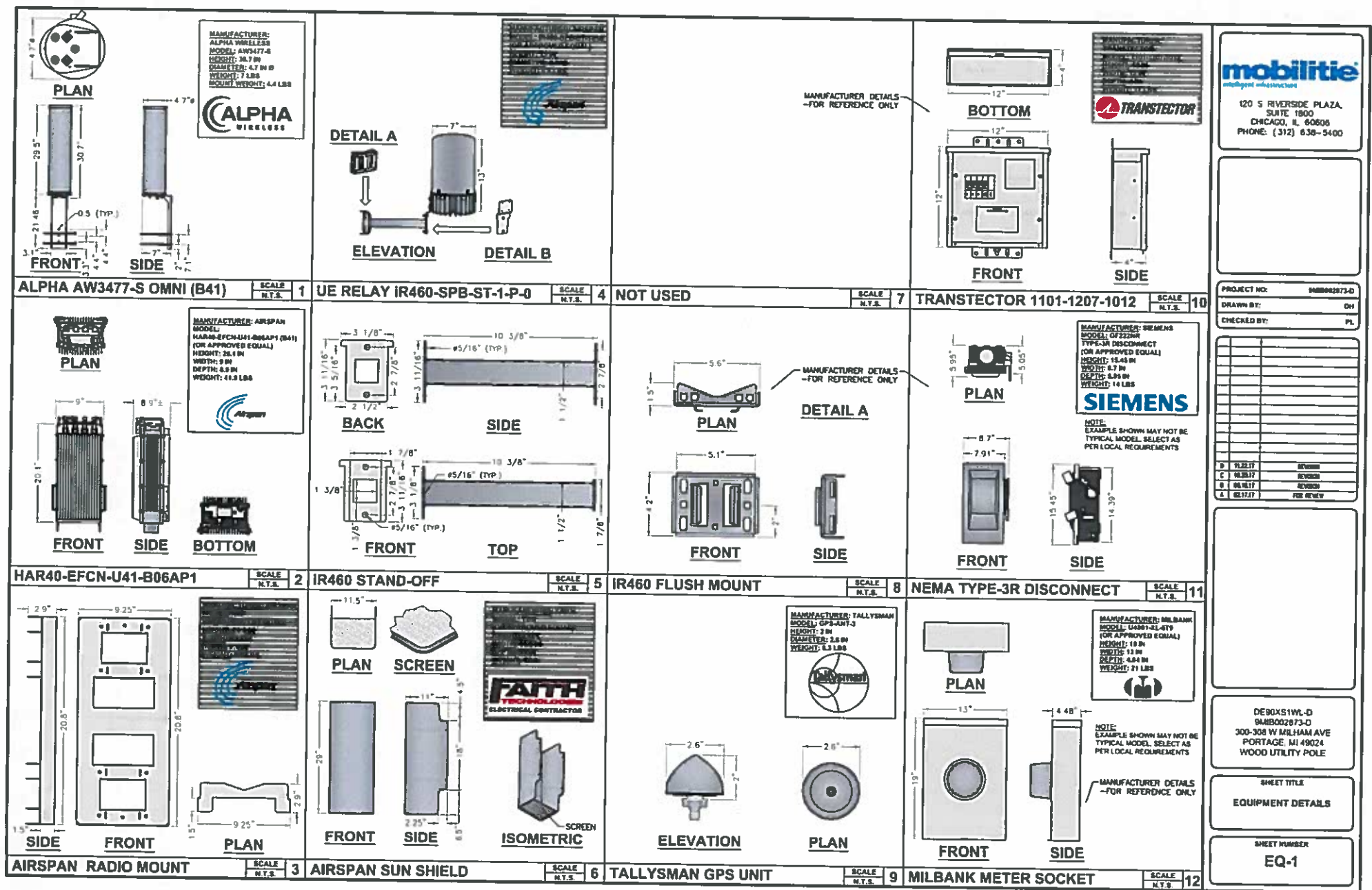
8 PL9217 REVIEWED
9 ML9217 REVIEWED
10 BL9217 REVIEWED
11 SL9217 FOR REVIEW

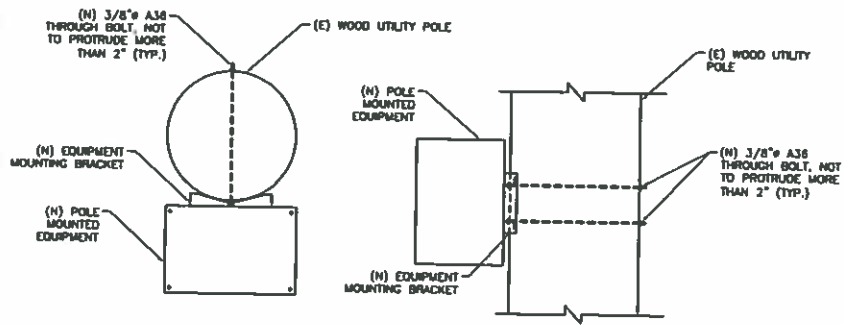
DE90XS1WLD-D
9488002873-D
300-308 W MILWAUKEE AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
PLUMBING & RISER DIAGRAM

SHEET NUMBER

PL-1





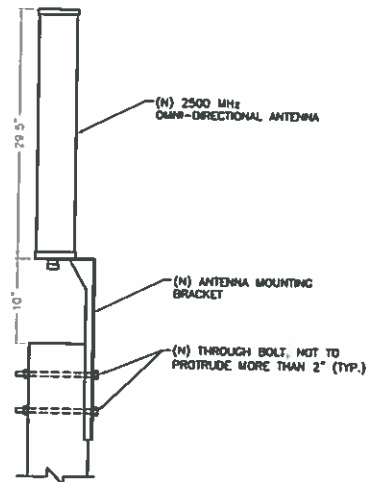
TOP VIEW

SIDE VIEW

EQUIPMENT MOUNTING DETAIL

SCALE: NOT TO SCALE

1



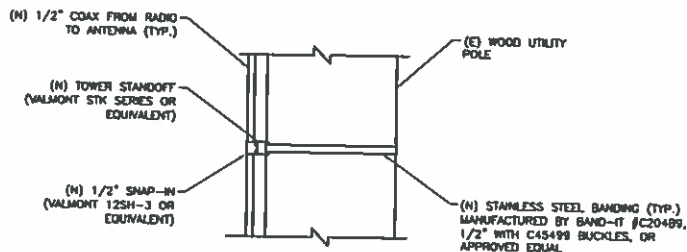
NOTE:

1. MOUNTING BRACKET ACCOMMODATES POLE SIZES FROM 3" TO 10" DIAMETER.
2. JACOBS HAS NOT PERFORMED A STRUCTURAL EVALUATION FOR THE MOUNTING BRACKET. REFER TO THE MANUFACTURER FOR ADDITIONAL INFORMATION.

ANTENNA MOUNTING DETAIL

SCALE: NOT TO SCALE

3

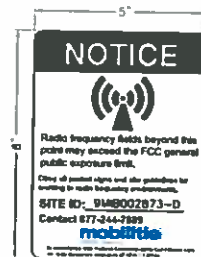


NOTE:
SPACE SNAP-INS PER
CABLE MANUFACTURER'S
SPECIFICATIONS

CABLE MOUNTING DETAIL

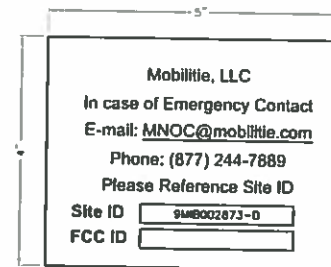
SCALE: NOT TO SCALE

2



ANTENNA SIGNAGE:
ON WOOD POLES - SIGN ON ALUMINUM WITH SS SCREW TO THE POLE
ON METAL POLES - ADHESIVE VINYL OR PLACARD STRAPPED WITH SS TIES
ON CONCRETE / COMPOSITE - PLACARD STRAPPED WITH SS TIES
SIGN PLACEMENT:
AFFIX TO THE STRUCTURE 3'-4' BELOW THE COMMERCIAL RF ANTENNA(S)
SIZE APPROX. 8" x 5"

ANTENNA SIGNAGE



OWNER / OPERATOR NOTE:
SITE ID LABEL TO BE AFFIXED AT OR NEAR THE POINT OF POWER CONNECTION WITH T245241 LABELING TAPE OR EQUIVALENT BLACK ON WHITE LABELING TAPE OF AT LEAST 18mm WIDTH WITH EXTRA-STRENGTH ADHESIVE. USE ANY COMPATIBLE P-TOUCH LABEL MAKER. TEXT SHOULD BE PRINTED IN ALL CAPS WITH A MINIMUM HEIGHT OF 1/2".

EMERGENCY CONTACT SIGN

POLE MOUNTED SIGNS

SCALE: NOT TO SCALE

4

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multimedia solutions

120 S RIVERSIDE PLAZA,
SUITE 1800
CHICAGO, IL 60606
PHONE: (312) 638-5400

PROJECT NO: 9MB002873-D

DRAWN BY: DH

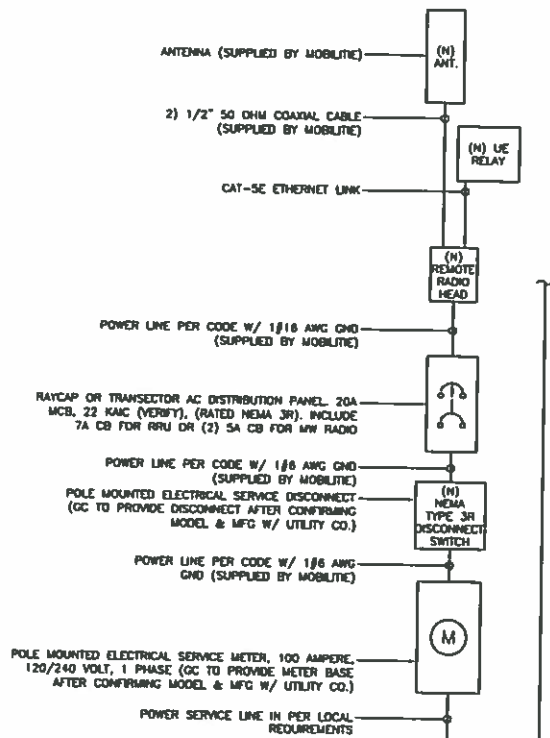
CHECKED BY: PL

B	11.02.17	REVISION
C	11.02.17	REVISION
D	11.02.17	REVISION
A	11.02.17	FOR REVIEW

DE90XS1VL-D
9MB002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
EQUIPMENT DETAILS

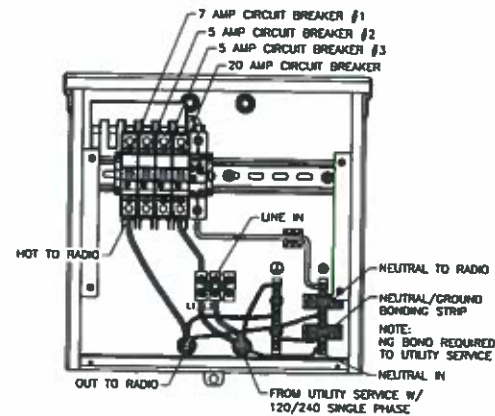
SHEET NUMBER
EQ-2



TYPICAL ONE-LINE DIAGRAM - FOR REFERENCE ONLY

SCALE: NOT TO SCALE

1



**TRANSECTOR EXPORT
AC DISTRIBUTION BOX**

TYPICAL BREAKER SCHEDULE - FOR REFERENCE ONLY

SCALE: NOT TO SCALE

2

NOTES:

1. NOMINAL POWER IS CALCULATED AS 80% OF OEM DOCUMENTED MAXIMUM POWER.
2. CALCULATIONS FOR UE W/ MOKA DO NOT NEED TO INCLUDE THE POWER FOR THE UE ANTENNA AS IT IS INCLUDED IN THE MAX POWER FIGURE. CALCULATIONS FOR UE W/ AIRSPAN MUST INCLUDE UE AS IT IS NOT INCLUDED.
3. KVA IS CALCULATED FROM THE CONSUMPTION VALUE ASSUMING A PF=1. MAXIMUM POWER WAS USED FOR KVA. WHERE MAXIMUM WAS NOTED BY THE OEM THE QUOTED FIGURE WAS USED. WHERE AVERAGE/NOMINAL POWER WAS NOTED BY THE OEM MAXIMUM POWER WAS CALCULATED BY INCREASING AVERAGE/NOMINAL POWER BY A FACTOR OF 50%.

Airspan Scenario 2 AH4000 High Power Radio and UE Backhaul

Unit	Sub-Description	Max Power (W)	Max Current (A)	KVA	kWh/Yr
AirHarmony 4000	LTE Base Station	540	4.50	0.54	4730.4
Airspan 1R460	UE Relay	N/A	N/A	N/A	N/A
Total		540	4.50	0.54	4730.4

TYPICAL LOAD CALCULATIONS - FOR REFERENCE ONLY

SCALE: NOT TO SCALE

3

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intelligent solutions

120 S RIVERSIDE PLAZA,
SUITE 1800
CHICAGO, IL 60606
PHONE: (312) 638-5400

PROJECT NO: 9AIB002873-D

DRAWN BY: DH

CHECKED BY: PL

B	11.02.17	REVISION
C	10.25.17	REVISION
D	08.16.17	REVISION
A	08.17.17	FOR REVIEW

DEB0X51WL-D
9AIB002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
ELECTRICAL DETAILS

SHEET NUMBER

E-1

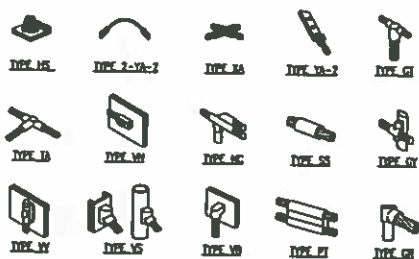
(N) #6 AWG STRANDED BLACK-JACKETED OR TIN COATED BARE WIRE (TYP.)

THIN WALL C-TAP WITH BLACK DYE INDEX

#6 AWG SOLID TIN COATED MAIN GROUND CONDUCTOR

SCALE: NOT TO SCALE

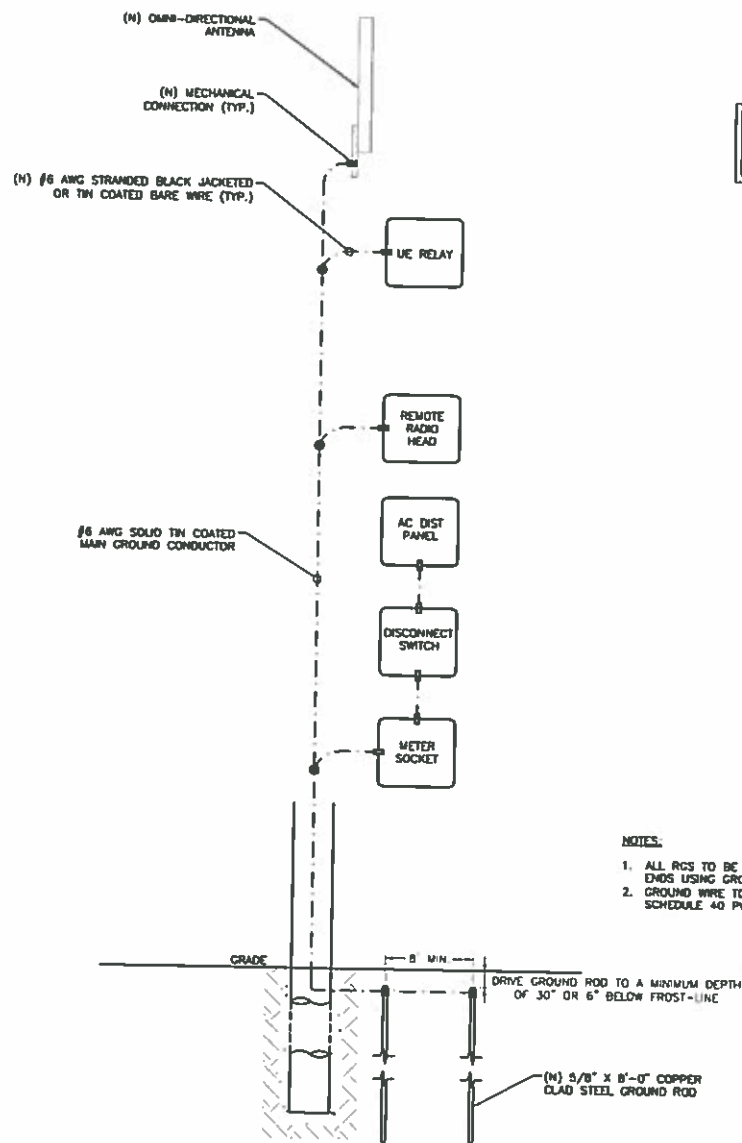
1



ERCO EXOTHERMIC "MOLD TYPES" SHOWN HERE ARE EXAMPLES. CONSULT WITH PROJECT MANAGER FOR SPECIFIC MOLDS TO BE USED FOR THIS PROJECT.

SCALE: NOT TO SCALE

2



SCALE: NOT TO SCALE

•

- CATHODE CONNECTION
- MECHANICAL CONNECTION
- COMPRESSION CONNECTION

NOTE:
GROUNDING RISER FOR DIAGRAMMATIC
PURPOSES ONLY. SEE ELEVATION DRAWING
FOR EQUIPMENT AND ANTENNA LOCATIONS.

mobilitie
ontwikkelt mobiel werk

120 S RIVERSIDE PLAZA,
SUITE 1800
CHICAGO, IL 60606
PHONE: (312) 638-5400

PROJECT NO: 040002271-D

DRAWN BY: DH

CHECKED BY: A

D	17.02.17	REVISED
C	18.03.17	REVISED
B	08.05.17	REVISED
A	02.11.17	FOR REVIEW

DE90XS1WL-D
9MB002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

INDEX TITLE

GROUNDING DETAILS

SHEET NUMBER

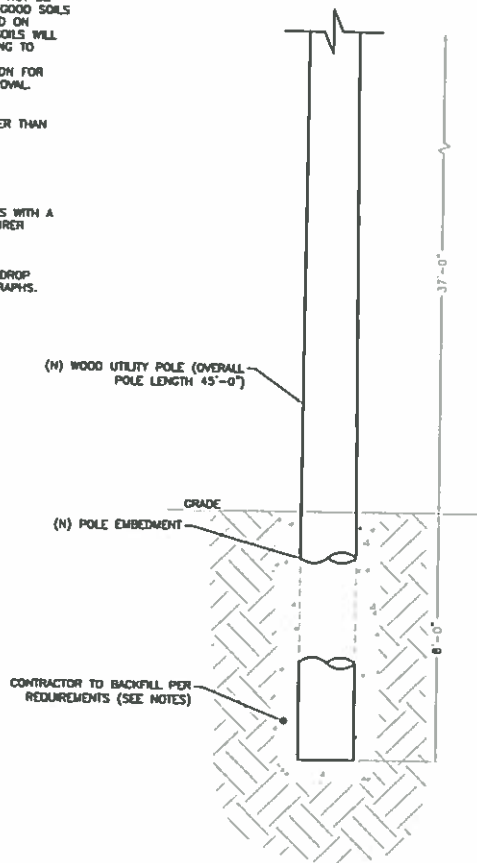
G-1

GENERAL CONSTRUCTION NOTES:

1. PRIOR TO ANY CONSTRUCTION WORK, CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES. ALL UTILITIES SHALL BE MARKED.
2. BACKFILL OF THE POLES SHALL BE PERFORMED BASED ON THE WATER TABLE. FLOWABLE FILL MIXTURES PURCHASED FROM CONCRETE PLANTS WILL BE USED INSTEAD OF FOAM IN WATER TABLE AREAS.
 - A: NORMAL SOILS ORDER OF PREFERENCE - FOAM, FLOWABLE FILL, CONCRETE, COMPACTED AGGREGATES
 - B: HIGH WATER TABLE SOILS ORDER OF PREFERENCE - FLOWABLE FILL, CONCRETE, COMPACTED AGGREGATES.
3. NON-NATIVE SOILS SHALL BE REMOVED FROM BORE AREA AND SHALL NOT BE REUSED FOR BACKFILL. EMBED DEPTHS SHOWN ARE GENERALLY FOR GOOD SOILS AND UTILITY WOOD POLES. EMBED DEPTHS SHALL BE ADJUSTED BASED ON ACTUAL SOIL CONDITIONS AND FINAL POLE CLASS SELECTION. POOR SOILS WILL REQUIRE DEEPER EMBEDS. SOIL CONDITIONS ARE CLASSIFIED ACCORDING TO BEARING CAPACITY: "POOR": 0 TO 2,500 PSI, "AVERAGE": 2,501 PSI TO 8,000 PSI, "GOOD": GREATER THAN 8,000 PSI. GUYING IS AN OPTION FOR REDUCING EMBED DEPTHS BUT REQUIRES MOBILITE CM WRITTEN APPROVAL.
4. FOUNDATION HOLE SHALL BE EXCAVATED TO A MINIMUM OF 12" LARGER THAN POLE BASE DIAMETER TO ALLOW FOR SUITABLE BACKFILL PLACEMENT.
5. REMOVE EXCESS WATER FROM HOLE BEFORE INSTALLING POLE.
6. CONTRACTOR SHALL PREPARE LIFT PLANS FOR POLE SETTING ACTIVITIES WITH A BOOM TRUCK OR CRANE. ATTACH LIFTING SLING PER POLE MANUFACTURER RECOMMENDATIONS.
7. IF REQUIRED BY MOBILITE CM, CONTRACTOR SHALL PERFORM A TAPE DROP MEASUREMENT OF EXCAVATED HOLE AND WITNESS DROP WITH PHOTOGRAPHS.

NOTE:
SEE GN-3 FOUNDATION, EXCAVATION AND BACKFILL FOR ADDITIONAL NOTES.

NOTE:
REFER TO STRUCTURAL ANALYSIS REPORT (SEPARATE DOCUMENT) FOR ADDITIONAL STRUCTURAL INFORMATION.



CLASS 1 POLE DIAMETER TABLE		
OVERALL POLE LENGTH	DIAMETER SIX FEET FROM BUTT	MIN. CIRC. SIX FEET FROM BUTT
20'-0"	9.9"	31.0"
25'-0"	10.7"	33.5"
30'-0"	11.6"	36.5"
35'-0"	12.4"	39.0"
40'-0"	13.1"	41.0"
45'-0"	13.7"	43.0"
50'-0"	14.3"	45.0"
55'-0"	14.8"	46.5"
60'-0"	15.3"	48.0"
65'-0"	15.8"	49.5"
70'-0"	16.2"	51.0"
75'-0"	16.7"	52.5"
80'-0"	17.2"	54.0"
85'-0"	17.6"	55.0"
90'-0"	17.8"	56.0"

NOTE:
FOR OVERALL POLE LENGTHS BETWEEN TWO VALUES, SELECT THE HIGHER POLE ON TABLE.

WOOD POLE LENGTH TABLE			
OVERALL POLE LENGTH	MINIMUM EMBED (10%+2')	REQUIRED EMBED TO MEET 5' INCREMENT	POLE HEIGHT ABOVE GROUND
25'-0"	4'-6"	5'-0"	20'-0"
30'-0"	5'-0"	6'-0"	21'-0"
35'-0"	5'-0"	7'-0"	22'-0"
40'-0"	5'-0"	8'-0"	23'-0"
45'-0"	5'-0"	9'-0"	24'-0"
50'-0"	5'-0"	10'-0"	25'-0"
55'-0"	5'-6"	11'-0"	26'-0"
60'-0"	5'-6"	12'-0"	27'-0"
65'-0"	5'-6"	13'-0"	28'-0"
70'-0"	5'-6"	14'-0"	29'-0"
75'-0"	6'-0"	15'-0"	30'-0"
80'-0"	6'-0"	16'-0"	31'-0"
85'-0"	6'-0"	17'-0"	32'-0"
90'-0"	6'-0"	18'-0"	33'-0"
95'-0"	6'-0"	19'-0"	34'-0"
100'-0"	6'-6"	20'-0"	35'-0"
105'-0"	6'-6"	21'-0"	36'-0"
110'-0"	6'-6"	22'-0"	37'-0"
115'-0"	6'-6"	23'-0"	38'-0"
120'-0"	7'-0"	24'-0"	39'-0"
125'-0"	7'-0"	25'-0"	40'-0"
130'-0"	7'-0"	26'-0"	41'-0"
135'-0"	7'-0"	27'-0"	42'-0"
140'-0"	7'-0"	28'-0"	43'-0"
145'-0"	7'-6"	29'-0"	44'-0"
150'-0"	7'-6"	30'-0"	45'-0"
155'-0"	7'-6"	31'-0"	46'-0"
160'-0"	7'-6"	32'-0"	47'-0"
165'-0"	8'-0"	33'-0"	48'-0"
170'-0"	8'-0"	34'-0"	49'-0"
175'-0"	8'-0"	35'-0"	50'-0"
180'-0"	8'-0"	36'-0"	51'-0"
185'-0"	8'-0"	37'-0"	52'-0"
190'-0"	8'-6"	38'-0"	53'-0"
195'-0"	8'-6"	39'-0"	54'-0"
200'-0"	8'-6"	40'-0"	55'-0"
205'-0"	8'-6"	41'-0"	56'-0"
210'-0"	9'-0"	42'-0"	57'-0"
215'-0"	9'-0"	43'-0"	58'-0"
220'-0"	9'-0"	44'-0"	59'-0"
225'-0"	9'-0"	45'-0"	60'-0"
230'-0"	9'-0"	46'-0"	61'-0"
235'-0"	9'-6"	47'-0"	62'-0"
240'-0"	9'-6"	48'-0"	63'-0"
245'-0"	9'-6"	49'-0"	64'-0"
250'-0"	9'-6"	50'-0"	65'-0"
255'-0"	10'-0"	51'-0"	66'-0"
260'-0"	10'-0"	52'-0"	67'-0"
265'-0"	10'-0"	53'-0"	68'-0"
270'-0"	10'-0"	54'-0"	69'-0"
275'-0"	10'-0"	55'-0"	70'-0"
280'-0"	10'-0"	56'-0"	71'-0"
285'-0"	10'-6"	57'-0"	72'-0"
290'-0"	10'-6"	58'-0"	73'-0"
295'-0"	10'-6"	59'-0"	74'-0"
300'-0"	11'-0"	60'-0"	75'-0"

NOTE:
FOR ABOVE GRADE HEIGHTS BETWEEN TWO VALUES, SELECT THE HIGHER POLE ON TABLE.

FOAM TABLE		Hole Depth (Feet)									
Pole Diameter (Inches)		4	5	6	7	8	9	10	11	12	13
5" Hole Diameter											
5.0	1	1									
6.2	1	1									
10" Hole Diameter											
7.0	6	8	9	11	12	13	14				
8.0	6	7	8	10	11	12	13	14			
9.0	6	7	8	9	11	12	13	14			
10.0	5	6	8	9	9	11	12				
11.0	5	6	7	8	9	10	11				
12.0	4	5	6	7	8	9	10				
13.0	4	4	5	6	7	8	9	10			
14.0	3	4	4	5	6	7	8	9			
15.0	3	3	4	4	5	6	7	8			
16.0	2	2	3	3	4	5	6	7			
24" Hole Diameter											
12.0	10	12	14	17	19	20	24				
13.0	9	11	14	16	18	19	22				
14.0	9	11	13	15	17	18	21				
15.0	8	10	12	14	16	17	19				
16.0	7	9	11	13	15	16	18				
17.0	7	8	10	11	13	14	16				
18.0	6	7	9	10	11	13	14				
19.0	5	6	7	9	10	10	12				
20.0	4	5	6	7	8	8	10				
21.0	2	3	3	4	5	5	5				
30" Hole Diameter											
18.0			32	37	43	45	53				
19.0			30	34	39	43	48				
20.0			27	31	36	38	44				
21.0			24	28	32	34	39				
22.0			21	24	27	29	33				
23.0			17	20	23	24	27				
24.0			13	15	16	19	21				
25.0			9	11	12	13	15				
48" Hole Diameter											
24.0	36	44	47	55	61	66	77				
26.0	33	39	40	47	52	56	65				
28.0	27	31	33	39	42	46	54				
30.0	21	24	25	30	33	36	41				
32.0	14	16	17	20	22	24	28				
34.0	8	9	9	10	11	12	15				

POLE EMBEDMENT DETAILS

SCALE: NOT TO SCALE

mobilitie
engineered infrastructure

120 S RIVERSIDE PLAZA,
SUITE 1800
CHICAGO, IL 60606
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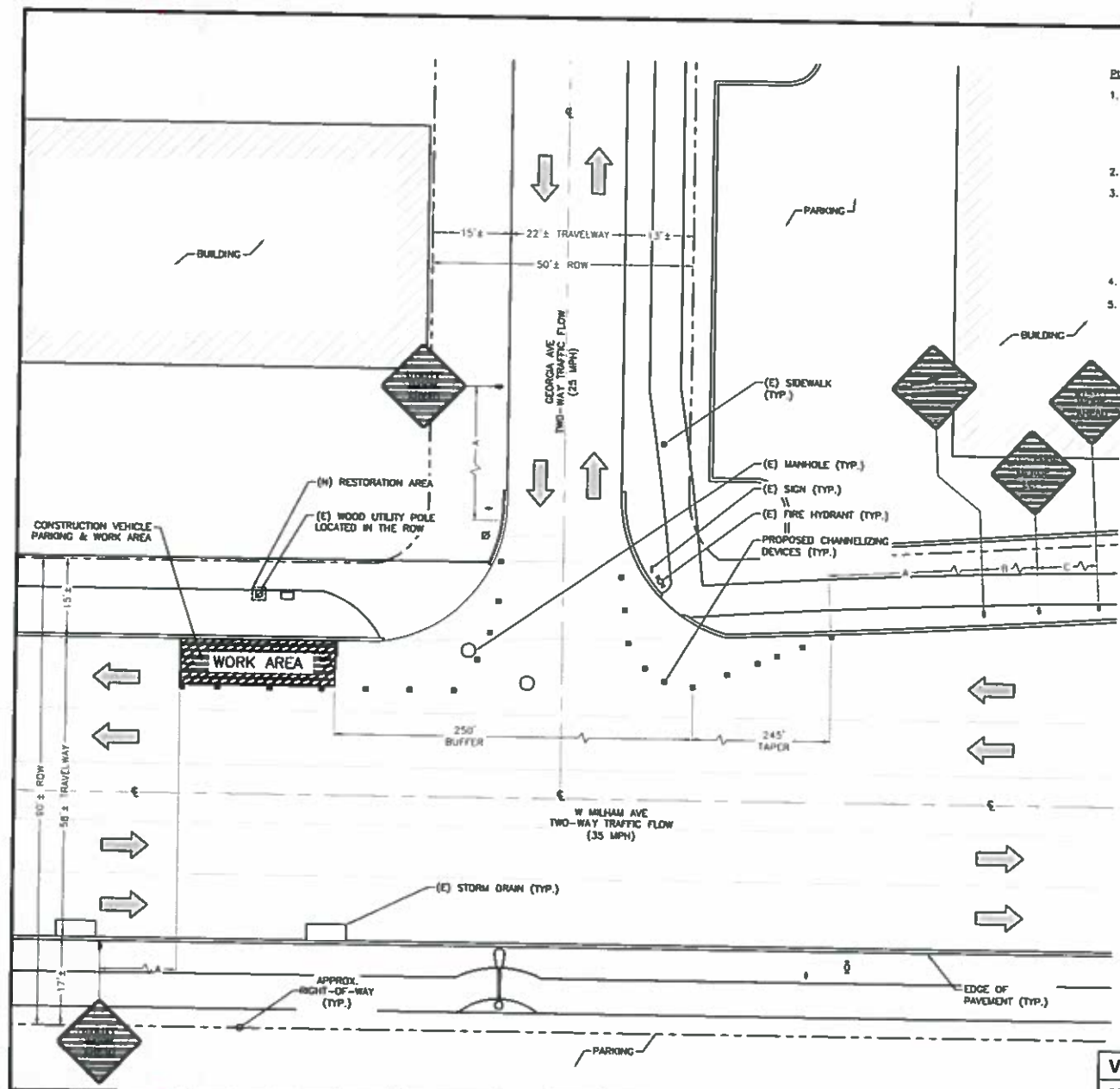
PROJECT NO: 94MB002873-D
DRAWN BY: DH
CHECKED BY: PL

9 11.22.17 REVIEW
10 11.22.17 REVIEW
11 11.22.17 FOR REVIEW

DE90XS1WL-D
94MB002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
POLE EMBEDMENT DETAILS

SHEET NUMBER
S-1



PLAN NOTES:

1. PLANS DEPICTED ARE GENERAL GUIDELINES FOR TEMPORARY VEHICULAR TRAFFIC CONTROL PLANS (TCP) TO INCLUDE PEDESTRIAN AND WORKER SAFETY. CONTRACTOR IS REQUIRED TO HAVE PREPARED A SITE-SPECIFIC TCP FOR REVIEW AND APPROVAL BY THE HIGHWAY AUTHORITY HAVING JURISDICTION. IF REQUIRED, THE FIRM PREPARING THE TCP SHALL BE AUTHORIZED OR CERTIFIED BY THE AUTHORITY HAVING JURISDICTION.
2. EXTEND CHANNELIZATION DEVICES INTO SHOULDER WHERE APPLICABLE.
3. DISTANCES AS INDICATED IN TABLE 1 SHOULD BE INCREASED FOR CONDITIONS THAT WOULD AFFECT STOPPING DISTANCE SUCH AS DOWNGRADES OR LIMITED SIGHT DISTANCES. DISTANCES CAN BE DECREASED FOR LOW-SPEED (RESIDENTIAL) AREAS WITH APPROVAL BY THE AUTHORITY HAVING JURISDICTION. NIGHT-TIME WORK IS PROHIBITED UNLESS IT IS REQUIRED AS A CONDITION OF APPROVAL BY THE HIGHWAY AND LOCAL AUTHORITY HAVING JURISDICTION.
4. SHOULDER TAPERS SHOULD BE 1/3 OF THE ON-STREET TAPER LENGTH.
5. MAINTAIN A MINIMUM LANE WIDTH OF 10'

— SIGN — FLAGGER

STATION	START	END	TYPE	REMARKS
1	100	110	1	100
2	110	120	2	110
3	120	130	3	120
4	130	140	4	130
5	140	150	5	140
6	150	160	6	150
7	160	170	7	160
8	170	180	8	170
9	180	190	9	180
10	190	200	10	190
11	200	210	11	200
12	210	220	12	210
13	220	230	13	220
14	230	240	14	230
15	240	250	15	240
16	250	260	16	250
17	260	270	17	260
18	270	280	18	270
19	280	290	19	280
20	290	300	20	290
21	300	310	21	300
22	310	320	22	310
23	320	330	23	320
24	330	340	24	330
25	340	350	25	340
26	350	360	26	350
27	360	370	27	360
28	370	380	28	370
29	380	390	29	380
30	390	400	30	390
31	400	410	31	400
32	410	420	32	410
33	420	430	33	420
34	430	440	34	430
35	440	450	35	440
36	450	460	36	450
37	460	470	37	460
38	470	480	38	470
39	480	490	39	480
40	490	500	40	490
41	500	510	41	500
42	510	520	42	510
43	520	530	43	520
44	530	540	44	530
45	540	550	45	540
46	550	560	46	550
47	560	570	47	560
48	570	580	48	570
49	580	590	49	580
50	590	600	50	590
51	600	610	51	600
52	610	620	52	610
53	620	630	53	620
54	630	640	54	630
55	640	650	55	640
56	650	660	56	650
57	660	670	57	660
58	670	680	58	670
59	680	690	59	680
60	690	700	60	690
61	700	710	61	700
62	710	720	62	710
63	720	730	63	720
64	730	740	64	730
65	740	750	65	740
66	750	760	66	750
67	760	770	67	760
68	770	780	68	770
69	780	790	69	780
70	790	800	70	790
71	800	810	71	800
72	810	820	72	810
73	820	830	73	820
74	830	840	74	830
75	840	850	75	840
76	850	860	76	850
77	860	870	77	860
78	870	880	78	870
79	880	890	79	880
80	890	900	80	890
81	900	910	81	900
82	910	920	82	910
83	920	930	83	920
84	930	940	84	930
85	940	950	85	940
86	950	960	86	950
87	960	970	87	960
88	970	980	88	970
89	980	990	89	980
90	990	1000	90	990

VEHICULAR TRAFFIC CONTROL PLAN

SCALE: NOT TO SCALE

mobilitie
engineering infrastructure

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PROJECT NO: 980802873-D
DRAWN BY: DH
CHECKED BY: PL

REVISION
REVISION
REVISION
TOP REVIEW

DE90XS1WL-D
980802873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
VEHICULAR TRAFFIC
CONTROL PLAN

SHEET NUMBER

TC-1

1. ALL TEMPORARY TRAFFIC CONTROL SIGNAGE, LAYOUTS AND PROCEDURES SHALL COMPLY WITH LOCAL JURISDICTIONAL REQUIREMENTS AND MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), LATEST EDITION, WHICHEVER IS MORE STRINGENT.

- [illegible]

PROVIDE PEDESTRIAN/
WORKER SAFETY CONTROL
DEVICES IF REQUIRED

SCALE: NOT TO SCALE

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CHECKED BY: P1

[illegible]

DE90XS1WL-D
9MIB002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

PEDESTRIAN SAFETY PLAN

TC-2

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE LOCAL BUILDING CODE, THE LATEST ADOPTED EDITION AND ALL OTHER APPLICABLE CODES AND ORDINANCES.

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE LOCAL BUILDING CODE, THE LATEST ADOPTED EDITION AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
2. CONTRACTOR SHALL CONSTRUCT SITE IN ACCORDANCE WITH THESE DRAWINGS AND LATEST MOBILE CONSTRUCTION STANDARDS. THE SPECIFICATION IS THE RULING DOCUMENT AND ANY DISCREPANCIES BETWEEN THE SPECIFICATION AND THE CONSTRUCTION DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER OR MOBILE CM PRIOR TO THE COMMENCEMENT OF WORK.
3. CONTRACTOR SHALL VISIT THE JOB SITE AND SHALL FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE (H) WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED, AS SHOWN, PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER OR MOBILE CM PRIOR TO THE COMMENCEMENT OF WORK. NO COMPENSATION WILL BE AWARDED BASED ON CLAIM OF LACK OF KNOWLEDGE OF FIELD CONDITIONS.
4. IT IS NOT THE INTENT OF THESE PLANS TO SHOW EVERY MINOR DETAIL OF CONSTRUCTION. CONTRACTOR IS REQUIRED TO FURNISH AND INSTALL ANY/ALL ITEMS FOR A COMPLETE AND FULLY FUNCTIONAL SYSTEM SUBJECT ONLY TO OWNER-SUPPLIED ITEMS. CONTRACTOR SHALL PROVIDE ANY/ALL REQUIREMENTS FOR THE EQUIPMENT TO BE PLACED IN PROPER WORKING ORDER.
5. PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY UNLESS OTHERWISE NOTED. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT AND APPURTENANCES, AND LABOR NECESSARY TO EFFECT ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS. OWNER PROVIDED AND CONTRACTOR INSTALLED MATERIALS WILL INCLUDE THE FOLLOWING, UNLESS NOTED OTHERWISE:
 - A) TRANSMITTER
 - B) UHF ANTENNA AND MOUNTING BRACKETS, GPS UNIT AND KU BACKHAUL
 - C) UHF COAX AND HANGERS
 - D) INTEGRATED LOAD CENTER
6. DIMENSIONS SHOWN ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL TO FIELD VERIFY DIMENSIONS. SHOULD THERE BE ANY QUESTIONS REGARDING THE CONTRACT DOCUMENTS, (E) CONDITIONS AND/OR DESIGN INTENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPORTING ANY DISCREPANCIES TO THE ATTENTION OF THE MOBILE CM, IN WRITING, PRIOR TO THE COMMENCEMENT OF WORK.
7. DETAILS PROVIDED ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT. MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS, SITE CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
8. CONTRACTOR SHALL PAY FOR APPLICABLE PERMITS, FEES, INSPECTIONS AND TESTING. CONTRACTOR IS TO OBTAIN PERMITS AND APPROVED SUBMITTALS PRIOR TO ORDERING MATERIALS AND THE COMMENCEMENT OF WORK.
9. THE TERM "PROVIDE" USED IN CONSTRUCTION DOCUMENTS AND SPECIFICATIONS, INDICATES THAT THE CONTRACTOR SHALL FURNISH AND INSTALL.
10. CONTRACTOR SHALL RECEIVE CLARIFICATION IN WRITING, AND SHALL RECEIVE IN WRITING AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
11. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING ACCEPTED INDUSTRY-STANDARD SKILLS AND ATTENTION. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER CONTRACT, UNLESS OTHERWISE NOTED.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THEIR WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK.
13. CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS UNLESS SPECIFICALLY OTHERWISE INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
14. CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT (E) SURFACES, EQUIPMENT, IMPROVEMENTS, PIPING ETC. AND IMMEDIATE REPAIR, TO THE NEW CONDITION, ANY DAMAGE THAT OCCURS DURING CONSTRUCTION AT THE SOLE COST OF THE CONTRACTOR.
15. IN DRILLING HOLES, OR CORING, INTO CONCRETE WHETHER FOR FASTENING OR ANCHORING PURPOSES, OR PENETRATIONS THROUGH THE FLOOR FOR CONDUIT RUNS, PIPE RUNS, ETC., MUST BE CLEARLY UNDERSTOOD THAT REINFORCING STEEL SHALL NOT BE DRILLED INTO, CUT OR DAMAGED UNDER ANY CIRCUMSTANCES (UNLESS NOTED OTHERWISE). LOCATIONS OF REINFORCING STEEL ARE NOT DEFINITELY KNOWN AND THEREFORE MUST BE LOCATED BY THE CONTRACTOR USING APPROPRIATE METHODS AND EQUIPMENT PRIOR TO ANY DRILLING OR CORING OPERATIONS IN (E) CONCRETE.
16. CONTRACTOR SHALL REPAIR, TO NEW CONDITION, ALL (E) WALL SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND IN WITH ADJACENT SURFACES.
17. CONTRACTOR SHALL SEAL PENETRATIONS THROUGH FIRE RATED ASSEMBLIES OR MATERIALS WITH U.L. LISTED AND FIRE CODE APPROVED SEALING MATERIALS AND SYSTEMS THAT MEET OR EXCEED THE RATING OF THE ASSEMBLY IN WHICH THE NEW PENETRATION IS PLACED.
18. CONTRACTOR SHALL KEEP CONTRACT AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DIRT, DEBRIS, AND RUBBISH. EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION OF CONSTRUCTION.
19. MINIMUM BEND RADIUS OF ANTENNA CABLES SHALL BE IN ACCORDANCE WITH CABLE MANUFACTURERS RECOMMENDATIONS.
20. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO (E) SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION SHALL BE IN CONFORMANCE WITH JURISDICTIONAL OR STATE AND LOCAL GUIDELINES FOR EROSION AND SEDIMENT CONTROL AND COORDINATED WITH LOCAL REGULATORY AUTHORITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF ANY EROSION CONTROL MEASURES, RECORD-KEEPING, MONITORING, AND REPORTING TO THE OWNER AND REGULATORY AUTHORITIES.
21. ALL CONSTRUCTION WORK IS TO ADHERE TO APPLICANT'S INTEGRATED CONSTRUCTION STANDARDS UNLESS STATE OR LOCAL CODE IS MORE STRINGENT.
22. THE INTENT OF THE PLANS AND SPECIFICATIONS IS TO PERFORM THE CONSTRUCTION IN ACCORDANCE PER STATE, BUILDING STANDARDS CODE AND STATE CODE OF REGULATIONS. SHOULD ANY CONDITIONS DEVELOP NOT COVERED BY THE APPROVED PLANS AND SPECIFICATIONS WHEREIN THE FINISHED WORK WILL NOT COMPLY PER STATE CODE OF REGULATIONS, A SCOPE OF WORK DETAILING AND SPECIFYING THE REQUIRED WORK SHALL BE SUBMITTED TO AND APPROVED BY THE JURISDICTION BEFORE PROCEEDING WITH THE WORK. A CHANGE ORDER FOR THAT SCOPE SHALL BE SUBMITTED TO THE MOBILE CM PRIOR TO PROCEEDING WITH THE WORK.
23. ADEQUATE AND REQUIRED LIABILITY INSURANCE SHALL BE PROVIDED BY THE CONTRACTOR FOR PROTECTION AGAINST PUBLIC LOSS AND ANY/ALL PROPERTY DAMAGE FOR THE DURATION OF WORK.
24. CONTRACTOR SHALL GUARANTEE ANY/ALL MATERIALS AND WORK FREE FROM DEFECTS FOR A PERIOD OF NOT LESS THAN ONE YEAR FROM DATE OF ACCEPTANCE. ANY CORRECTIVE WORK SHALL BE COMPLETED AT THE SOLE COST OF THE CONTRACTOR.

1. ELECTRICAL CONTRACTOR SHALL SUPPLY AND INSTALL ANY/ALL ELECTRICAL WORK INDICATED. ANY/ALL CONSTRUCTION SHALL BE IN ACCORDANCE W/DRAWINGS AND ANY/ALL APPLICABLE SPECIFICATIONS. IF ANY PROBLEMS ARE ENCOUNTERED BY COMPLYING WITH THESE REQUIREMENTS, CONTRACTOR SHALL NOTIFY MOBILE CO AS SOON AS POSSIBLE, AFTER THE DISCOVERY OF THE PROBLEMS, AND SHALL NOT PROCEED WITH THAT PORTION OF WORK, UNTIL THE MOBILE CO HAS DIRECTED THE CORRECTIVE ACTIONS TO BE TAKEN.

2. ELECTRICAL CONTRACTOR SHALL VISIT THE JOB SITE AND FAMILIARIZE THEMSELVES WITH ANY/ALL CONDITIONS AFFECTING ELECTRICAL AND COMMUNICATION INSTALLATION AND MAKE PROVISIONS AS TO THE COST THEREOF. ALL (E) CONDITIONS OF ELECTRICAL EQUIP. ETC., THAT ARE PART OF THE FINAL SYSTEM, SHALL BE VERIFIED BY THE CONTRACTOR, PRIOR TO THE SUBMITTING OF THEIR BID. FAILURE TO COMPLY WITH THIS PARAGRAPH WILL IN NO WAY RELIEVE CONTRACTOR OF PERFORMING ALL WORK NECESSARY FOR A COMPLETE AND WORKING SYSTEM.
3. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE NEC, ALL CODES AND ORDINANCES OF THE LOCAL JURISDICTION, AND POWER & TELEPHONE COMPANIES HAVING JURISDICTION AND SHALL INCLUDE BUT ARE NOT BE LIMITED TO:
 - A) UL - UNDERWRITERS LABORATORIES
 - B) NEC - NATIONAL ELECTRICAL CODE
 - C) NEMA - NATIONAL ELECTRICAL MANUFACTURERS ASSOC.
 - D) OSHA - OCCUPATIONAL SAFETY AND HEALTH ACT
 - E) SBC - STANDARD BUILDING CODE
 - F) NFPA - NATIONAL FIRE PROTECTION AGENCY
 - G) ANSI - AMERICAN NATIONAL STANDARDS INSTITUTE
 - H) IEEE - INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS
 - I) ASTM - AMERICAN SOCIETY FOR TESTING MATERIALS
4. REFER TO SITE PLANS AND ELEVATIONS FOR EXACT LOCATIONS OF ALL EQUIPMENT, AND CONFIRM WITH MOBILE CM ANY SIZES AND LOCATIONS WHEN NEEDED.
5. (E) SERVICES: CONTRACTOR SHALL NOT INTERRUPT (E) SERVICES WITHOUT WRITTEN PERMISSION OF THE OWNER.
6. CONTRACTOR SHALL COMPLY WITH LOCAL UTILITY COMPANY ANY/ALL REQUIREMENTS SUCH AS THE: LUG SIZE RESTRICTIONS, CONDUIT ENTRY, SIZE OF TRANSFORMERS, SCHEDULED DOWNTIME FOR THE OWNERS' CONFIRMATION, ETC., ANY/ALL CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE MOBILE CM, PRIOR TO BEGINNING ANY WORK.
7. MINIMUM WIRE SIZE SHALL BE #12 AWG, NOT INCLUDING CONTROL WIRING, UNLESS NOTED OTHERWISE. ALL CONDUCTORS SHALL BE COPPER WITH THIN INSULATION, UNLESS OTHERWISE NOTED.
8. OUTLET BOXES SHALL BE PRESSED STEEL IN DRY LOCATIONS, CAST ALLOY WITH THREADED HUBS IN WET/DAMP LOCATIONS AND SPECIAL ENCLOSURES FOR OTHER CLASSIFIED AREAS.
9. IT IS NOT THE INTENT OF THESE PLANS TO SHOW EVERY MINOR DETAIL OF THE CONSTRUCTION. CONTRACTOR IS EXPECTED TO FURNISH AND INSTALL ALL ITEMS FOR A COMPLETE ELECTRICAL SYSTEM AND PROVIDE ALL REQUIREMENTS FOR THE EQUIPMENT TO BE PLACED IN PROPER WORKING ORDER.
10. ELECTRICAL SYSTEM SHALL BE AS COMPLETELY AND EFFECTIVELY GROUNDED, AS REQUIRED BY SPECIFICATIONS, SET FORTH BY APPLICANT.
11. ALL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICAL CONTRACTOR IN A FIRST CLASS, WORKMANLIKE MANNER. THE COMPLETED SYSTEM SHALL BE FULLY FUNCTIONAL, AND SHALL BE APPROVED BY THE MOBILE CM AND LOCAL JURISDICTION. ANY DEFICIENCIES SHALL BE CORRECTED BY AN ELECTRICAL CONTRACTOR AT THE SOLE COST OF THE CONTRACTOR.
12. ALL WORK SHALL BE COORDINATED WITH OTHER TRADES TO AVOID INTERFERENCE WITH THE PROGRESS OF CONSTRUCTION.

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WOOD UTILITY POLE

SHEET TITLE

GENERAL NOTES

SHEET NUMBER
GN-1

ELECTRICAL NOTES CONT'D

13. THE CORRECTION OF ANY DEFECTS SHALL BE COMPLETED BY THE CONTRACTOR WITHOUT ANY ADDITIONAL CHARGE AND SHALL INCLUDE THE REPLACEMENT OR THE REPAIR OF ANY OTHER PHASE OF THE INSTALLATION, WHICH MAY HAVE BEEN DAMAGED THEREIN.
14. CONTRACTOR SHALL PROVIDE AND INSTALL CONDUIT, CONDUCTORS, PULL WIRES, BOXES, COVER PLATES AND DEVICES FOR ALL OUTLETS AS INDICATED.
15. DITCHING AND BACK FILL: CONTRACTOR SHALL PROVIDE FOR ALL UNDERGROUND INSTALLED CONDUIT AND/OR CABLES INCLUDING EXCAVATION AND BACKFILLING AND COMPACTION. REFER TO NOTES AND REQUIREMENTS EXCAVATION, AND BACKFILLING.
16. MATERIALS, PRODUCTS AND EQUIPMENT, INCLUDING ALL COMPONENTS THEREOF, SHALL BE NEW AND SHALL APPEAR ON THE LIST OF U.L. APPROVED ITEMS AND SHALL MEET OR EXCEED THE REQUIREMENTS OF THE NEC, NEMA AND IEC.
17. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR MANUFACTURER'S CATALOG INFORMATION OF ANY/ALL EQUIPMENT AND ALL OTHER ELECTRICAL ITEMS FOR APPROVAL BY THE MOBILITE CM PRIOR TO INSTALLATION.
18. ANY CUTTING OR PATCHING DEEMED NECESSARY FOR ELECTRICAL WORK IS THE ELECTRICAL CONTRACTOR'S RESPONSIBILITY AND SHALL BE INCLUDED IN THE COST FOR WORK AND RETURNED TO THE SATISFACTION OF THE MOBILITE CM UPON FINAL ACCEPTANCE.
19. THE ELECTRICAL CONTRACTOR SHALL LABEL ALL PANELS WITH ONLY TYPEWRITTEN DIRECTORIES. ALL ELECTRICAL WIRING SHALL BE THE RESPONSIBILITY OF THE ELECTRICAL CONTRACTOR.
20. DISCONNECT SWITCHES SHALL BE UL-RATED, H.P. RATED HEAVY-DUTY, QUICK-MAKE AND QUICK-BREAK ENCLOSURES, AS REQUIRED BY EXPOSURE TYPE.
21. ALL CONNECTIONS SHALL BE MADE WITH A PROTECTIVE COATING OF AN ANTI-OXIDE COMPOUND KNOWN AS "NO-OXIDE A" BY DEARBORNE CHEMICAL CO. COAT ALL WIRE SURFACES BEFORE CONNECTING EXPOSED COPPER SURFACES, INCLUDING GROUND BARS, SHALL BE TREATED - NO SUBSTITUTIONS.
22. RACEWAYS: CONDUIT SHALL BE SCHEDULE 80 PVC MEETING OR EXCEEDING NEMA TC2 - 1990. CONTRACTOR SHALL PLUG AND CAP EACH END OF SPIRE AND EMPTY CONDUITS AND PROVIDE TWO SEPARATE PULL STRINGS - 200 LBS TEST POLYETHYLENE CORD. ALL CONDUIT BENDS SHALL BE A MINIMUM OF 2 FT. RADIUS. RGS CONDUITS WHEN SPECIFIED, SHALL MEET UL-6 FOR GALVANIZED STEEL. ALL FITTINGS SHALL BE SUITABLE FOR USE WITH THREADED RIGID CONDUIT. COAT ALL THREADS WITH "BRITE ZINC" OR "COLD GALV".
23. SUPPORT OF ALL ELECTRICAL WORK SHALL BE AS REQUIRED BY NEC.
24. CONDUCTORS: CONTRACTOR SHALL USE 98% CONDUCTIVITY COPPER WITH TYPE THIN INSULATION, UNLESS OTHERWISE NOTED, 600 VOLT, COLOR CODED. USE SOLID CONDUCTORS FOR WIRE UP TO AND INCLUDING NO. 8 AWG. USE STRANDED CONDUCTORS FOR WIRE ABOVE NO. 8 AWG.
25. CONNECTORS FOR POWER CONDUCTORS: CONTRACTOR SHALL USE PRESSURE TIED TWIST-ON CONNECTORS FOR NO. 10 AWG AND SMALLER. USE SOLDERLESS MECHANICAL TERMINAL LUGS FOR NO. 8 AWG AND LARGER.
26. SERVICE: AS SPECIFIED ON THE DRAWINGS. OWNER OR OWNER'S AGENT WILL APPLY FOR POWER. ALL PROVISIONS FOR TEMPORARY POWER WILL BE OBTAINED BY THE CONTRACTOR.
27. TELEPHONE OR FIBER SERVICE: CONTRACTOR SHALL PROVIDE EMPTY CONDUITS WITH PULL STRINGS AS INDICATED ON DRAWINGS.
28. ELECTRICAL AND TELCO/FIBER RACEWAYS TO BE BURIED A MINIMUM DEPTH OF 30", UNLESS OTHERWISE NOTED.
29. CONTRACTOR SHALL PLACE 6" WIDE DETECTABLE WARNING TAPE AT A DEPTH OF 6" BELOW GROUND AND DIRECTLY ABOVE ELECTRICAL AND TELCO SERVICE CONDUITS. CAUTION TAPE TO READ "CAUTION BURIED ELECTRIC" OR "BURIED TELCOM".
30. ALL BOLTS SHALL BE 3-16 STAINLESS STEEL.

GROUNDING NOTES:

1. ALL HARDWARE SHALL BE 3-16 STAINLESS STEEL, INCLUDING LOCK WASHERS. COAT ALL SURFACES WITH AN ANTI-OXIDANT COMPOUND, AS SPECIFIED, BEFORE WATING. ALL HARDWARE SHALL BE STAINLESS STEEL 3/8 INCH DIAMETER OR SIZED TO MATCH COMPONENTS OR LOG SIZE.
2. FOR GROUND BOND TO STEEL ONLY: INSERT A CADMIUM FLAT WASHER BETWEEN LUG AND STEEL. COAT ALL SURFACES WITH AN ANTI-OXIDANT COMPOUND BEFORE WATING.
3. ALL STEEL CONDUIT SHALL BE BONDED AT BOTH ENDS WITH GROUNDING BUSHING.
4. ALL ELECTRICAL AND GROUNDING AT THE POLE SITE SHALL COMPLY WITH THE NATIONAL ELECTRICAL CODE (NEC), NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 780 (LATEST EDITION), AND MANUFACTURER.
5. ALL DETAILS ARE SHOWN IN GENERAL TERMS. ACTUAL GROUNDING INSTALLATION AND CONSTRUCTION MAY VARY DUE TO SITE SPECIFIC CONDITIONS.
6. GROUND ALL ANTENNA BASES, FRAMES, CABLE RUNS, AND OTHER METALLIC COMPONENTS USING #8 GROUND WIRES. FOLLOW ANTENNA AND BTS MANUFACTURER'S PRACTICES FOR GROUNDING REQUIREMENTS.
7. ALL GROUND CONNECTIONS SHALL BE #8 AWG, UNLESS OTHERWISE NOTED. USE SOLID COPPER, BLACK JACKETED WIRE ON NON WOOD POLES AND SOLID TINNED COPPER, BARE (NO JACKET) WIRES ON WOOD POLES. BLACK WIRES WILL USE A SINGLE STRIPS OF GREEN ELECTRICAL TAPE WITHIN 12" OF THE CONNECTION POINTS TO IDENTIFY AS GROUNDING WIRE.
8. NOTIFY ARCHITECT/ENGINEER IF THERE ARE ANY DIFFICULTIES INSTALLING GROUNDING SYSTEM DUE TO SITE SOIL CONDITIONS.
9. ALL HORIZONTALLY RUN GROUNDING CONDUCTORS SHALL BE INSTALLED A MINIMUM OF 30" BELOW GRADE/ 6" BELOW FROST-LINE IN TRENCH, UNLESS OTHERWISE NOTED. BACK FILL SHALL BE COMPACTED AS REQUIRED BY ARCHITECT/ENGINEER.
10. ALL GROUND CONDUCTORS SHALL BE RUN AS STRAIGHT AND SHORT AS POSSIBLE, WITH A MINIMUM 12" BENDING RADIUS NOT LESS THAN 90 DEGREES.
11. ACCEPTABLE CONNECTIONS FOR GROUNDING SYSTEM SHALL BE:
 - A. BURNDY, HY-GRADE U.L. LISTED CONNECTORS FOR OUTDOOR USE OR AS APPROVED BY APPLICANT PROJECT MANAGER.
 - B. CADWELD, EXOTHERMIC WELDS (WELDED CONNECTIONS).
 - C. ONE (1) OR (2) HOLES TINNED COPPER COMPRESSION (LONG BARREL) FITTINGS.
12. ALL CRIMPED CONNECTIONS SHALL HAVE EMBOSSED MANUFACTURER'S DIAMARK VISIBLE AT THE CRIMP (RESULTING FROM USE OF PROPER CRIMPING DEVICES) AND WEATHER-PROOFED WITH HEAT SHRINK.
13. ALL CONNECTION HARDWARE SHALL BE TYPE 3-16 STAINLESS STEEL (NOT ATTRACTED TO MAGNETS).
14. ELECTRICAL SERVICE EQUIPMENT GROUNDING SHALL COMPLY WITH NEC, ARTICLE 250-82 AND SHALL BOND ALL (E) AND NEW GROUNDING ELECTRODES. NEW GROUNDING ELECTRODE SHALL INCLUDE BUT NOT LIMITED TO GROUND RODS.

TESTING AND EQUIPMENT TURN UP REQUIREMENTS:

1. RF CABLE, DATA CABLE, RADIO EQUIPMENT AND BACK HAUL EQUIPMENT TESTING WILL COMPLY WITH CURRENT INDUSTRY STANDARDS AND OR THOSE STANDARDS OF THE EQUIPMENT MANUFACTURER OR PROVIDED TO THE CONTRACTOR PRIOR TO TESTING.
2. CONTRACTOR WILL USE THE APPROPRIATE CALIBRATED TESTING EQUIPMENT IN THE TESTING OF RF CABLE, DATA CABLE, RADIO EQUIPMENT AND BACK HAUL EQUIPMENT THAT MEET INDUSTRY STANDARDS OF THE MANUFACTURER OR THOSE STANDARDS PROVIDED TO THE CONTRACTOR PRIOR TO TESTING.

3. CONTRACTOR TO VERIFY AND RECORD ALL TEST RESULTS AND PROVIDE THESE RESULTS WITHIN THE FINAL CLOSE OUT PACKAGE.
4. ALL PERSONNEL INVOLVED IN THE TESTING OF RF CABLE, DATA CABLE, RADIO EQUIPMENT AND BACK HAUL EQUIPMENT WILL BE REQUIRED TO HAVE BEEN TRAINED AND OR CERTIFIED IN THE PROPER TESTING OF RF CABLE, DATA CABLE, RADIO EQUIPMENT AND BACK HAUL EQUIPMENT.
5. ALL TEST RESULTS SHALL BE TIME STAMPED, RECORDED AND PRESENTED PRIOR TO ENERGIZING AND TURN UP OF ANY EQUIPMENT.
6. GPS EQUIPMENT (WHEN REQUIRED) IS NOT TO BE TESTED OR ATTACHED TO ANY CABLING DURING TESTING, DOING SO WILL DAMAGE THE GPS UNIT.
7. PRIOR TO TESTING IF THE CONTRACTOR HAS ANY QUESTIONS ABOUT THE TESTING PROCEDURES THEY ARE TO CALL AND OBTAIN ASSISTANCE FROM A QUALIFIED DESIGNATED TESTING REPRESENTATIVE.
8. EQUIPMENT IS NOT TO BE ENERGIZED UNTIL ALL TESTING HAS BEEN COMPLETED, APPROVED AND THE APPROPRIATE AUTHORITY HAS BEEN NOTIFIED AND GIVES APPROVAL TO ENERGIZE THE EQUIPMENT.

SITE WORK NOTES:

1. DO NOT EXCAVATE OR DISTURB BEYOND THE PROPERTY LINES OR LEASE LINES, UNLESS OTHERWISE NOTED.
2. SIZE, LOCATION AND TYPE OF ANY UNDERGROUND UTILITIES OR IMPROVEMENTS SHALL BE ACCURATELY NOTED AND PLACED ON AS-BUILT DRAWINGS BY GENERAL CONTRACTOR AND ISSUED TO ARCHITECT/ENGINEER AT COMPLETION OF PROJECT.
3. ALL (E) UTILITIES, FACILITIES, CONDITIONS AND THEIR DIMENSIONS SHOWN ON PLANS HAVE BEEN PLOTTED FROM AVAILABLE RECORDS. THE ENGINEER AND OWNER ASSUME NO RESPONSIBILITY WHATSOEVER AS TO THE SUFFICIENCY OR ACCURACY OF THE INFORMATION SHOWN ON THE PLANS OR THE MANNER OF THEIR REMOVAL OR ADJUSTMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING EXACT LOCATION OF ALL (E) UTILITIES AND FACILITIES PRIOR TO START OF CONSTRUCTION. CONTRACTOR SHALL ALSO OBTAIN FROM EACH UTILITY COMPANY DETAILED INFORMATION RELATIVE TO WORKING SCHEDULES AND METHODS OF REMOVING OR ADJUSTING (E) UTILITIES.
4. CONTRACTOR SHALL VERIFY ALL (E) UTILITIES BOTH HORIZONTALLY AND VERTICALLY PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES OR DOUBTS AS TO THE INTERPRETATION OF PLANS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT/ENGINEER OR MOBILITE CM FOR RESOLUTION AND INSTRUCTION, AND NO FURTHER WORK SHALL BE PERFORMED UNTIL THE DISCREPANCY IS CHECKED AND CORRECTED BY THE ARCHITECT/ENGINEER. FAILURE TO SECURE SUCH INSTRUCTION MEANS CONTRACTOR WILL HAVE WORKED AT THEIR OWN RISK AND EXPENSE. CONTRACTOR SHALL CALL LOCAL UTILITY LOCATE HOT LINE, SUCH AS 811, FOR UTILITY LOCATIONS A MINIMUM OF 48 HOURS PRIOR TO START OF CONSTRUCTION.
5. ALL NEW AND (E) UTILITY STRUCTURES ON SITE AND IN AREAS TO BE DISTURBED BY CONSTRUCTION SHALL BE ADJUSTED TO FINISH ELEVATIONS PRIOR TO FINAL INSPECTION OF WORK. ANY COST RELATED TO ADJUSTING (E) STRUCTURES SHALL BE BORNE SOLELY BY THE CONTRACTOR.
6. GRADING OF THE SITE WORK AREA IS TO BE SMOOTH AND CONTINUOUS IN SLOPE AND IS TO FEATHER INTO (E) GRADES AT THE GRADING LIMITS.
7. ALL TEMPORARY EXCAVATIONS FOR THE INSTALLATION OF FOUNDATIONS, UTILITIES, ETC., SHALL BE PROPERLY LAID BACK OR BRACED IN ACCORDANCE WITH CORRECT OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.

mobilitie
mobility solutions

120 S RIVERSIDE PLAZA,
SUITE 1800
CHICAGO, IL 60606
PHONE: (312) 638-5400

PROJECT NO: 000002873-D
DRAWN BY: DH
CHECKED BY: PL

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8 11/22/17 REVISION
9 12/22/17 REVISION
10 01/18/17 REVISION
11 01/17/17 FOR REVIEW

DE90X51WL-D
000002873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
GENERAL NOTES

SHEET NUMBER
GN-2

SITE WORK NOTES CONT'D

8. STRUCTURAL FILLS SUPPORTING PAVEMENTS SHALL BE COMPACTED TO 95% OF MAXIMUM STANDARD PROCTOR DRY DENSITY, UNLESS OTHERWISE NOTED.
9. NEW GRADES NOT IN BUILDING AND DRIVEWAY IMPROVEMENT AREA TO BE ACHIEVED BY FILLING WITH APPROVED CLEAN FILL AND COMPACTED TO 95% OF STANDARD PROCTOR DENSITY.
10. ALL FILL SHALL BE PLACED IN UNIFORM LIFTS. THE LIFT THICKNESS SHOULD NOT EXCEED THAT WHICH CAN BE PROPERLY COMPACTED THROUGHOUT ITS ENTIRE DEPTH WITH THE EQUIPMENT AVAILABLE.
11. ANY FILLS PLACED ON (E) SLOPES THAT ARE STEEPER THAN 10 HORIZONTAL TO 1 VERTICAL SHALL BE PROPERLY BENCHED INTO THE (E) SLOPE AS DIRECTED BY A GEOTECHNICAL ENGINEER.
12. CONTRACTOR SHALL CLEAN ENTIRE SITE AFTER CONSTRUCTION SUCH THAT NO DEBRIS, PAPER, TRASH, WEEDS, BRUSH, EXCESS FILL, OR ANY OTHER DEPOSITS WILL REMAIN. ALL MATERIALS COLLECTED DURING CLEANING OPERATIONS SHALL BE DISPOSED OF OFF-SITE BY THE GENERAL CONTRACTOR.
13. ALL TREES AND SHRUBS WHICH ARE NOT IN DIRECT CONFLICT WITH THE IMPROVEMENTS SHALL BE PROTECTED BY THE GENERAL CONTRACTOR.
14. ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY GENERAL CONTRACTOR WITH LOCAL UTILITY COMPANY, TELEPHONE COMPANY, AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THIS LOCATION.

ENVIRONMENTAL NOTES:

1. ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH ISSUED PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYMENT OF FINES AND PROPER CLEAN UP FOR AREAS IN VIOLATION.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS DURING CONSTRUCTION FOR PROTECTION OF ADJACENT PROPERTIES, ROADWAYS AND WATERWAYS. ALL EROSION AND SEDIMENTATION CONTROLS SHALL BE MAINTAINED IN PLACE THROUGH FINAL JURISDICTIONAL INSPECTION & RELEASE OF SITE.
3. CONTRACTOR SHALL INSTALL/CONSTRUCT ALL NECESSARY SEDIMENT/SILT CONTROL FENCING AND PROTECTIVE MEASURES AS REQUIRED BY THE LOCAL JURISDICTION WITHIN THE LIMITS OF SITE DISTURBANCE PRIOR TO CONSTRUCTION.
4. NO SEDIMENT SHALL BE ALLOWED TO EXIT THE PROPERTY. THE CONTRACTOR IS RESPONSIBLE FOR TAKING ADEQUATE MEASURES FOR CONTROLLING EROSION. ADDITIONAL SEDIMENT CONTROL FENCING MAY BE REQUIRED IN ANY AREAS SUBJECT TO EROSION.
5. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING POSITIVE DRAINAGE ON THE SITE AT ALL TIMES WITH SILT AND EROSION CONTROL MEASURES MAINTAINED ON THE DOWNSTREAM SIDE OF SITE DRAINAGE. ANY DAMAGE TO ADJACENT PROPERTY AS A RESULT OF EROSION WILL BE CORRECTED AT THE CONTRACTORS EXPENSE.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR DAILY INSPECTIONS AND ANY REPAIRS OF ALL SEDIMENT CONTROL MEASURES INCLUDING SEDIMENT REMOVAL AS NECESSARY.
7. CLEARING OF VEGETATION AND TREE REMOVAL SHALL BE ONLY AS PERMITTED AND BE HELD TO A MINIMUM. ONLY TREES NECESSARY FOR CONSTRUCTION OF THE FACILITIES SHALL BE REMOVED.
8. SEEDING AND MULCHING AND/OR SOODING OF THE SITE WILL BE ACCOMPLISHED AS SOON AS POSSIBLE AFTER COMPLETION OF THE PROJECT FACILITIES AFFECTING LAND DISTURBANCE.
9. CONTRACTOR SHALL PROVIDE ALL EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED BY LOCAL, COUNTY AND STATE CODES AND ORDINANCES TO PROTECT EMBANKMENTS FROM SOIL LOSS AND TO PREVENT ACCUMULATION OF SOIL AND SILT IN STREAMS AND DRAINAGE PATHS LEAVING THE CONSTRUCTION AREA. THIS MAY INCLUDE, BUT IS NOT LIMITED TO SUCH MEASURES AS SILT FENCES, STRAW BALE SEDIMENT BARRIERS, AND CHECK DAMS.
10. RIP RAP OF SIZES INDICATED SHALL CONSIST OF CLEAN, HARD, SOUND, DURABLE, UNIFORM IN QUALITY STONE FREE OF ANY DETRIMENTAL QUANTITY OF SOFT, FRAGILE, THIN, ELONGATED OR LAMINATED PIECES, DISINTEGRATED MATERIAL, ORGANIC MATTER, OIL, ALKALI, OR OTHER DELETERIOUS SUBSTANCES.

11. GC TO PLACE FILTER MATERIAL AT ALL CATCH BASINS ADJACENT TO CONSTRUCTION SITE TO PREVENT SOLID WASTE CONTAMINATION FROM ENTERING SEWER SYSTEM

FOUNDATION, EXCAVATION AND BACKFILL NOTES:

1. ALL FINAL GRADED SLOPES SHALL BE A MAXIMUM OF 3 HORIZONTAL TO 1 VERTICAL, UNLESS OTHERWISE NOTED.
2. BACKFILL OF THE POLES SHALL BE PERFORMED BASED ON THE WATER TABLE. FLOWABLE FILL MIXTURES PURCHASED FROM CONCRETE PLANTS WILL BE USED INSTEAD OF FOAM IN WATER TABLE AREAS.
 - A: NORMAL SOILS ORDER OF PREFERENCE - FOAM, FLOWABLE FILL, CONCRETE, COMPACTED AGGREGATES
 - B: HIGH WATER TABLE SOILS ORDER OF PREFERENCES - FLOWABLE FILL, CONCRETE, COMPACTED AGGREGATES.
3. ALL EXCAVATIONS PREPARED FOR PLACEMENT OF CONCRETE SHALL BE OF UNDISTURBED SOILS, SUBSTANTIALLY HORIZONTAL AND FREE FROM ANY LOOSE, UNSUITABLE MATERIAL OR FROZEN SOILS, AND WITHOUT THE PRESENCE OF POUNDING WATER. DEWATERING FOR EXCESS GROUND WATER SHALL BE PROVIDED WHEN REQUIRED. COMPACTION OF SOILS UNDER CONCRETE PAD FOUNDATIONS SHALL NOT BE LESS THAN 95% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY FOR THE SOIL IN ACCORDANCE WITH ASTM D1557.
4. CONCRETE FOUNDATIONS SHALL NOT BE PLACED ON ORGANIC OR UNSUITABLE MATERIAL. IF ADEQUATE BEARING CAPACITY IS NOT ACHIEVED AT THE DESIGNED EXCAVATION DEPTH, THE UNSATISFACTORY SOIL SHALL BE EXCAVATED TO ITS FULL DEPTH AND EITHER BE REPLACED WITH MECHANICALLY COMPACTED GRANULAR MATERIAL OR THE EXCAVATION SHALL BE FILLED WITH CONCRETE OF THE SAME TYPE SPECIFIED FOR THE FOUNDATION. CRUSHED LIME STONE (#57) MAY BE USED TO STABILIZE THE BOTTOM OF THE EXCAVATION. ANY STONE SUB BASE MATERIAL, IF USED, SHALL NOT SUBSTITUTE FOR REQUIRED THICKNESS OF CONCRETE.
5. ALL EXCAVATIONS SHALL BE CLEAN OF UNSUITABLE MATERIAL SUCH AS VEGETATION, TRASH, DEBRIS, AND SO FORTH PRIOR TO BACK FILLING. BACK FILL SHALL CONSIST OF APPROVED MATERIALS SUCH AS EARTH, LOAM, SANDY CLAY, SAND AND GRAVEL, OR SOFT SHALE, FREE FROM CLODS OR LARGE STONES OVER 2 1/2" MAX DIMENSIONS. ALL BACK FILL SHALL BE PLACED IN COMPACTED LAYERS.
6. ALL FILL MATERIALS AND FOUNDATION BACK FILL SHALL BE PLACED IN MAXIMUM 6" THICK LIFTS BEFORE COMPACTION. EACH LIFT SHALL BE WETTED IF REQUIRED AND COMPACTED TO NOT LESS THAN 95% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY FOR SOIL IN ACCORDANCE WITH ASTM D1557.
7. NEWLY PLACED CONCRETE FOUNDATIONS SHALL CURE A MINIMUM OF 72 HRS PRIOR TO BACK FILLING.
8. FINISHED GRADING SHALL BE SLOPED TO PROVIDE POSITIVE DRAINAGE AND PREVENT STANDING WATER. THE FINAL (FINISH) ELEVATION OF SLAB FOUNDATIONS SHALL SLOPE AWAY IN ALL DIRECTIONS FROM THE CENTER. FINISH GRADE OF CONCRETE PADS SHALL BE A MAXIMUM OF 4 INCHES ABOVE FINAL FINISH GRADE ELEVATIONS. PROVIDE SURFACE FILL GRAVEL TO ESTABLISH SPECIFIED ELEVATIONS WHERE REQUIRED.
9. NEWLY GRADED GRAVEL SURFACE AREAS TO RECEIVE GRAVEL SHALL BE COVERED WITH GEOTEXTILE FABRIC TYPE: TYPAR-3401 AS MANUFACTURED BY TYPAR GEOSYNTHETICS OR AN APPROVED EQUIVALENT, SHOWN ON PLANS. THE GEOTEXTILE FABRIC SHALL BE BLACK IN COLOR TO CONTROL THE RECURRENT OF VEGETATIVE GROWTH AND EXTEND TO WITHIN 1 FOOT OUTSIDE THE SITE FENCING OR ELECTRICAL GROUNDING SYSTEM PERIMETER WHICH EVER IS GREATER. ALL FABRIC SHALL BE COVERED WITH A MINIMUM OF 4" DEEP COMPACTED STONE OR GRAVEL AS SPECIFIED. I.E. FOOT TYPE NO. 57 FOR FENCED COMPOUND; FOOT TYPE NO. 67 FOR ACCESS DRIVE AREA, UNLESS OTHERWISE NOTED.
10. IN ALL AREAS TO RECEIVE FILL: REMOVE ALL VEGETATION, TOPSOIL, DEBRIS, WET AND UNSATISFACTORY SOIL MATERIALS, OBSTRUCTIONS, AND DELETERIOUS MATERIALS FROM GROUND SURFACE. PLOW STRIP OR BREAK UP SLOPED SURFACES STEEPER THAN 1 VERTICAL TO 4 HORIZONTAL SUCH THAT FILL MATERIAL WILL BOND WITH (E)/PREPARED SOIL SURFACE.
11. WHEN SUB GRADE OR PREPARED GROUND SURFACE HAS A DENSITY LESS THAN THAT REQUIRED FOR THE FILL MATERIAL, SCARIFY THE GROUND SURFACE TO DEPTH REQUIRED, PULVERIZE, MOISTURE-CONDITION AND/OR AERATE THE SOILS AND RECOMPACT TO THE REQUIRED DENSITY PRIOR TO PLACEMENT OF FILLS.

12. IN AREAS WHICH (E) GRAVEL SURFACING IS REMOVED OR DISTURBED DURING CONSTRUCTION OPERATIONS, REPLACE GRAVEL SURFACING TO MATCH ADJACENT GRAVEL SURFACING AND RESTORED TO THE SAME THICKNESS AND COMPACTION AS SPECIFIED. ALL RESTORED GRAVEL SURFACING SHALL BE FREE FROM CORRUGATIONS AND WAVES.

13. (E) GRAVEL SURFACING MAY NOT BE REUSED

14. GRAVEL SUB SURFACE SHALL BE PREPARED TO REQUIRED COMPACTION AND SUB GRADE ELEVATIONS BEFORE GRAVEL SURFACING IS PLACED AND/OR RESTORED. ANY LOOSE OR DISTURBED MATERIALS SHALL BE THOROUGHLY COMPACTED AND ANY DEPRESSIONS IN THE SUB GRADE SHALL BE FILLED AND COMPACTED WITH APPROVED SELECTED MATERIAL. GRAVEL SURFACING MATERIAL SHALL NOT BE USED FOR FILLING DEPRESSIONS IN THE SUB GRADE.

15. PROTECT (E) GRAVEL SURFACING AND SUB GRADE IN AREAS WHERE EQUIPMENT LOADS WILL OPERATE. USE PLANKING 'MATS' OR OTHER SUITABLE PROTECTION DESIGNED TO SPREAD EQUIPMENT LOADS AS MAY BE NECESSARY. REPAIR ANY DAMAGE TO (E) GRAVEL SURFACING OR SUB GRADE WHERE SUCH DAMAGE IS DUE TO THE CONTRACTORS OPERATIONS.

16. DAMAGE TO (E) STRUCTURES AND/OR UTILITIES RESULTING FROM CONTRACTORS NEGLIGENCE SHALL BE REPAIRED AND/ OR REPLACED TO THE OWNERS SATISFACTION AT NO ADDITIONAL COST TO THE CONTRACT.

17. ALL SUITABLE BORROW MATERIAL FOR BACK FILL OF THE SITE SHALL BE INCLUDED IN THE BID. EXCESS TOPSOIL AND UNSUITABLE MATERIAL SHALL BE DISPOSED OF OFF SITE AT LOCATIONS APPROVED BY GOVERNING AGENCIES AT NO ADDITIONAL COST TO THE CONTRACT.

UNDER SEAL NOTE & COMMENTS:

CONSISTENT WITH APPLICABLE LICENSING LAWS THIS SEAL CERTIFIES ONLY THAT THE ARCHITECTURAL DESIGN WORK WAS PREPARED EITHER PERSONALLY BY ME OR UNDER MY IMMEDIATE AND DIRECT SUPERVISION AND CONTROL. THE SEAL IS NOT INTENDED TO AND DOES NOT IN FACT ATTEST TO ANY ENGINEERING WORK THAT WOULD FALL OUTSIDE THE SCOPE OF WHAT THE APPLICABLE LICENSING LAWS WOULD PERMIT AS THE PRACTICE OF ARCHITECTURE. SHOULD THE DETERMINATION BE MADE THAT THIS WORK IS NOT THE EXCLUSIVE PRACTICE OF ARCHITECTURE AS THAT PRACTICE IS DEFINED BY APPLICABLE LAW, OR SHOULD THE DETERMINATION BE MADE THAT ANY OVERLAP IN RESPECTIVE DISCIPLINES FALLS OUTSIDE THAT SCOPE IN WHICH AN ARCHITECT IS PERMITTED TO PRACTICE, OR SHOULD THE DETERMINATION BE MADE THAT ADDITIONAL INFORMATION OR SEALS ARE REQUIRED, PLEASE CONTACT THE INDIVIDUAL WHOSE SEAL APPEARS HERE AT YOUR CONVENIENCE.

mobilitie
infrastructure solutions

120 S RIVERSIDE PLAZA,
SUITE 1600
CHICAGO, IL 60606
PHONE: (312) 636-5400

PROJECT NO: 0408062873-D

DRAWN BY: DH

CHECKED BY: PL

1	PL 01/17	REVISION
2	PL 02/17	REVISION
3	PL 03/17	REVISION
4	PL 04/17	REVISION
5	PL 05/17	FOR REVIEW

DES00X51WL-D
0408062873-D
300-308 W MILHAM AVE
PORTAGE, MI 49024
WOOD UTILITY POLE

SHEET TITLE
GENERAL NOTES

SHEET NUMBER
GN-3

Portage City Site List

	Site IDs	Latitude	Longitude	Address	Heights (ft)	Installation
1	9MIB002871-E DE90XS1WJE	42.217215	-85.589251	6835-6841 S Westnedge Ave, Portage, MI 49002	37 (Antenna) 33 (Utility Pole)	Small Cell Collocation, Pole Owner to Replace Pole, End User to Attach to Replaced Wood Utility Pole
2	9MIB002873-D DE90XS1WLD	42.230189	-85.591925	300-308 W Milham Ave, Portage, MI 49024, USA	33.3 (Antenna) 30 (Utility Pole)	Small Cell Collocation, Pole Owner to Replace Pole, End User to Attach to Replaced Wood Utility Pole



NOTE: This application is for a revision to an existing job so AT&T does not issue a 2nd permit. Due to municipal requirement, Mobilitie to install all accessory equipment at least 15' above grade. AT&T to replace pole.

Form P-2
09/13

Pole Data Sheet

A (Applicant) Applicant Contact Name David Greetham Applicant E-Mail dgreetham@mobilitie.com Sheet 1 of
Customer Application Number 9MIB002873D Applicant Phone 312-638-5477
Municipality Portage City County Kalamazoo Wire Center KM Applicant Map No

B (AT&T) FS/MR Project Number A015JDD ASAC Tracking No.
Planning Engineer Design Engineer TB1973 Construction Supervisor

C (AT&T ENG) Estimated Make Ready Costs Engineering Cost Material Cost
Referred to CWO for POWER POLE MR ☐ Construction Cost ACAS Reg. Contractor Cost
Number of AT&T poles requested to contact this application Total Estimated Make Ready Cost

D (Applicant) No. AT&T-Owned Poles Contacted This Request 1 No. of Equipment Placed This Request 4 No. of Anchors/Down Guys Placed This Request 0
No. Jointly-Used Poles Contacted This Request 0 No. of Antennas Placed This Request 1 No. of Power Supply Placed This Request 1
No. Jointly-Owned Poles Contacted This Request 0 No. of Brackets Placed This Request Power Co Proposal No. TBD
Total Poles 1

To Be Completed By Applicant						To Be Completed By Surveyor							
Pole Number Tag	Location Address Cross Street X,Y Coordinates	Proposed Attachment type	Proposed Height of Attachment	Weight per foot or each?	Pulling Tension	POLE OWNER	Make Ready Req'd? (Y or N)	Pre-Existing Violation? (Y or N)	Billable to Applicant? (Y or N)	Approved Height of Attachment	Other Attacher Work Req'd? (Y or N)	Field Review Notes – Action Items Examples to Include but Not Limited to: -Description of Make Ready Work -Lower/Raise Attachment, Replace Pole -Material Required -Violation Information -CWO Action -3rd Party Action Required	Estimated Make Read Cost Total in Section C
ATT 404	300 W Milham Ave, Portage, MI 49024 W Milham Ave & Georgia Ave 42.230189, -85.591925	Remote Radio Unit	Center line is at 25'	41.9 lbs	N/A		Y	N	Y	Y	N	- MATERIAL - 40'3 POLE - PLACE POLE - REMOVE POLE - TRANSFER CABLES	\$ [REDACTED]
ATT 404	300 W Milham Ave, Portage, MI 49024 W Milham Ave & Georgia Ave 42.230189, -85.591925	Antenna	30'-10"	7 lbs	N/A		Y	N	Y	Y	N	- TRANSFER GUYS	\$ [REDACTED]
ATT 404	300 W Milham Ave, Portage, MI 49024 W Milham Ave & Georgia Ave. 42.230189, -85.591925	UE Relay	27'-6"	8.8 lbs	N/A		Y	N	Y	Y	N		\$ [REDACTED]



Pole Data Sheet

Form P-2
09/13

ATT 404	300 W Milham Ave, Portage, MI 49024 W Milham Ave & Georgia Ave 42 230189, -85 591925	AC Distributio n	23'	17 lbs	N/A		Y	N	Y	Y	N		\$
													\$
													\$
													\$
													\$

NOTE: In order to process your request, all necessary drawings and/or maps must be attached when sent via email. If they cannot be sent electronically, please contact the Structure Access Center at either ASAC@att.com or 888-395-2722 for the appropriate Engineer's mailing address. Please do not send request forms directly to the Engineer as it will delay the start of your request.



Estimate for Make Ready Work/Billing Authorization

(To be completed by AT&T)

Form A-1

08/06

Pursuant to your Structure Access Request, number 50300, an estimate of charges for additional Make Ready work has been prepared. Following is a summary of the charges, which will apply for work indicated on the attached data sheet(s) (C-2 or P-2):

<u>Make Ready</u>		
<i>Administration</i>	<i>Hours</i>	<i>Cost</i>
Engineering		\$
Material		\$
Construction		\$
Contractor		\$
Total		

It is understood that this will be the total cost for the work unless extraordinary expenses are incurred or changes are requested by Applicant that increase the costs.

Required Deposit [REDACTED]

Applicant must return Billing Authorization (This form with bottom half completed) and the required deposit for desired work within 45 days for Make Ready work to keep the Structure Access Request active. Payments should be mailed to AT&T/ASAC; 220 Wisconsin Avenue; Waukesha, WI 53186.

By: John Garrity
(Signed)

2628966552
(Contact Info)

ASAC Manager
(Title)

11/2/17
(Date)

Billing Authorization

(To be completed by Applicant)

Pursuant to Structure Access Request, number 50300, AT&T is authorized to proceed as indicated and bill all applicable charges:

☐ AT&T to complete the indicated Make Ready work required. Required deposit is attached _____.

☐ Applicant requests no additional work be done at this time and that the Structure Access Request be canceled,
and a final bill be rendered for work performed.

By: _____
(Signed - Applicant)

() - _____
(Telephone number) (ext #)

(Title)

(Date)

EXHIBIT B

BOND

Bond No.

Construction Bond

KNOW ALL PERSONS BY THESE PRESENTS: That we _____,
a corporation duly organized under the laws of the State of Nevada, as Principal and The Hanover Insurance
Company, as Surety, are held and firmly bound unto _____
as Oblige, in the amount of _____
Dollars (\$_____) for the payment of which, well and truly to be made, we bind ourselves, our heirs,
executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of
the Surety being limited to the penal sum of this bond regardless of the number of years the bond is in effect.

WHEREAS the above bound Principal contemplates constructing communications facilities in the public right
of way within the jurisdiction of said Oblige, and that has been issued a license/permit by said Oblige for this
purpose. The above mentioned license/permit sets forth the terms and conditions which govern the access and
use of the right of way and said license/permit is hereby specifically referred to and made part of this bond, with
like force and effect as if herein at length set forth.

NOW, THEREFORE, if the principal does and shall well and truly observe, perform, fulfill, and keep its
obligations as set forth in the above mentioned license/permit, then this obligation is void otherwise to remain in
full force and bond is continuous until cancelled and effect unless cancelled as set forth below:

1. It shall be a condition precedent to any right of recovery hereunder that, in the event of any default on the part of
the Principal, a written statement of the particular facts of such default shall be, within Thirty (30) days, delivered
to Surety at its Home Office located at 440 Lincoln Street, Worcester, MA 01653 by registered mail to the Surety
and the Surety shall not be obligated to perform Principals obligation until sixty (60) days after Surety's receipt of
such statement.
2. The surety may cancel this bond at any time by giving ninety (90) days notice, by registered mail or overnight
courier service to _____ (Oblige).
3. No action, suit, or proceeding shall be maintained against the Surety on this bond unless the action is brought
within twelve (12) months of the cancellation date of this bond.
4. Regardless of the number of years this bond may be renewed; in no event shall the liability of the Surety exceed
the penal sum of this bond.
5. It is understood that the non-renewal of this bond by the Surety, or failure or inability of the Principal to file a
replacement bond shall not constitute a loss recoverable by the Oblige under this bond.

Signed, sealed, and witnessed this _____ day of _____, _____.

Principal

Witness

Surety

Witness Karen Ritto

Daniel Huckabay, Attorney-in-Fact

Exhibit C
Insurance Certificates



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/07/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Silverstone Insurance Services Jetton & Assoc Ins Svs Inc P.O. Box 1200 (Lic #0C04829) Rancho Cucamonga, CA 91729-1200 Brent Jetton, AAI, CIC		CONTACT NAME Brent Jetton, AAI, CIC PHONE (A/C, No, Ext) 909-980-4211 FAX (A/C, No) 909-980-4785 E-MAIL ADDRESS		
INSURED Mobilite, LLC 660 Newport Center Dr. #200 Newport Beach, CA 92660		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A: Federal Insurance Company		20281
		INSURER B: Great American E&S Ins Co		37532
		INSURER C: Underwriters Lloyds London IL		15792
		INSURER D:		
		INSURER E:		
INSURER F:				

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☐ ☐ GEN'L AGGREGATE LIMIT APPLIES PER ☐ POLICY ☐ PROJECT ☐ LOC	X	36036868	11/11/2017	11/11/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS	X	73591570	11/11/2017	11/11/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED \$ RETENTION \$		79897229	11/11/2017	11/11/2018	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 Follow Form
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N ☒ N	N/A	71749062	11/11/2017	11/11/2018	☒ WC STATUTORY LIMITS ☐ OTHER E L EACH ACCIDENT \$ 1,000,000 E L DISEASE - EA EMPLOYEE \$ 1,000,000 E L DISEASE - POLICY LIMIT \$ 1,000,000
B	Pollution Liab		PRE315985702	11/11/2017	11/11/2018	EaCim/Agg 5,000,000
C	Professional Liab		PMOBI000916-1	11/11/2017	11/11/2018	EaCim/Agg 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
City of Portage, its officers, agents and employees are named as additional insureds with respects to general liability and auto liability. *30 Days NOC

CERTIFICATE HOLDER

CANCELLATION

CITY OF PORTAGE City of Portage 7900 South Westnedge Ave Portage, MI 49002	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

Endorsement

<i>Policy Period</i>	November 11 2017 to November 11, 2018
<i>Effective Date</i>	November 11, 2017
<i>Policy Number</i>	3603-68-68 PLE
<i>Insured</i>	Mobilitie, LLC
<i>Name of Company</i>	FEDERAL INSURANCE COMPANY
<i>Date Issued</i>	NOVEMBER 18, 2016

This Endorsement applies to the following forms:

GENERAL LIABILITY

Under Who Is An Insured, the following provision is added.

Who Is An Insured**Additional Insured -
Scheduled Person
Or Organization**

Persons or organizations shown in the Schedule are **insureds**; but they are **insureds** only if you are obligated pursuant to a contract or agreement to provide them with such insurance as is afforded by this policy.

However, the person or organization is an **insured** only:

- if and then only to the extent the person or organization is described in the Schedule;
- to the extent such contract or agreement requires the person or organization to be afforded status as an **insured**;
- for activities that did not occur, in whole or in part, before the execution of the contract or agreement; and
- with respect to damages, loss, cost or expense for injury or damage to which this insurance applies.

No person or organization is an **insured** under this provision:

- that is more specifically identified under any other provision of the Who Is An Insured section (regardless of any limitation applicable thereto).
- with respect to any assumption of liability (of another person or organization) by them in a contract or agreement. This limitation does not apply to the liability for damages, loss, cost or expense for injury or damage, to which this insurance applies, that the person or organization would have in the absence of such contract or agreement.

Liability Endorsement
(continued)

Under Conditions, the following provision is added to the condition titled Other Insurance.

Conditions**Other Insurance –
Primary, Noncontributory
Insurance – Scheduled
Person Or Organization**

If you are obligated, pursuant to a contract or agreement, to provide the person or organization shown in the Schedule with primary insurance such as is afforded by this policy, then in such case this insurance is primary and we will not seek contribution from insurance available to such person or organization.

Schedule

Persons or organizations that you are obligated, pursuant to a contract or agreement, to provide with such insurance as is afforded by this policy.

All other terms and conditions remain unchanged.

Authorized Representative



POLICY NUMBER 73591570

COMMERCIAL AUTO
16-02-0316 Ed. 10 14

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NON-CONTRIBUTORY LIABILITY INSURANCE

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

Named Insured: Mobilitie, LLC

Endorsement Effective Date: 08/10/2017

SCHEDULE

Name(s) Of Person(s) Or Organization(s):

Where required by written contract.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Item 5. – "Other Insurance" of Item B. – "General Conditions" under Section IV – "Business Auto Conditions":

e. Regardless of the provisions of Paragraph 5.a. through d. above, for any liability arising out of the ownership, maintenance, use, rental, lease, loan, hire or borrowing by an "insured" of a covered "auto" for which an "insured" is contractually obligated to provide primary insurance coverage to a client, this Coverage Form will be primary and non-contributory with respect to the Persons or Organizations in the schedule, regardless of the availability or existence of other collectible insurance under any other Coverage Form or policy that applies on a primary basis.

Exhibit D

Rules, including Fee Schedule

RULES ON LOCATION AND DESIGN OF SMALL CELL/DAS FACILITIES

1. Location on existing poles, structures and buildings is preferred over construction of new antenna support structures, and require the following:
 - A. Written permission from the owner of the support structure must be submitted to the city.
 - B. The replacement of an existing support structure shall be permitted if it matches the appearance of the support structure.
 - C. Location will be not permitted on city traffic signal poles or mast arms.
 - D. Antennas shall not project more than five feet above the top of a support structure.
 - E. Antennas mounted on the side of a support structure shall be flush mounted to the support structure or not extend more than twelve (12) inches horizontally from the support structure.
 - F. Accessory antenna equipment shall be located in a fully enclosed, locked box or similar enclosure located below grade, or if mounted on the support structure, at least 15 feet above grade. Accessory antenna equipment shall also be located on the support structure parallel to the support structure as opposed to perpendicular.
 - G. Not more than two Small Cell or DAS installations per support structure including two antennas per installation, are permitted without specific consent from the city.
 - H. There must be at least 400 feet between a small cell/DAS facility and any other such facility.
 - I. All Small Cell/DAS facilities must comply with local electrical and mechanical code of ordinances.
2. If location on an existing pole, structure or building is not possible or technically feasible, the applicant must provide:
 - A. (i.) Written confirmation from the owner of support structures within a radius of one hundred feet (100') around the proposed location as to why the support structure each of them owns is is not available for installation for the Small Cell/DAS facilities;

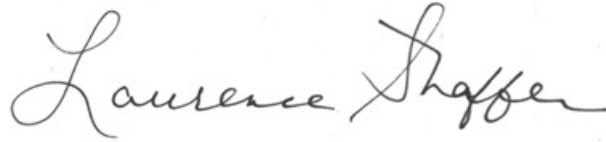
(ii.) Written confirmation from the adjacent private property owners within a radius of one hundred feet (100') of the proposed site as to why the location on any existing support structure on their property is not feasible; or
 - B. A written explanation of the reasons another antenna support structure is a technically infeasible location for the Small Cell/DAS facilities;
 - C. Where location on an existing pole, structure or building is determined not feasible, the following shall apply to new support structures:
 - i. New antenna support structures shall not exceed 35 feet in height
 - ii. New antennasupport structures shall not create a vision obstruction at street intersections and access driveways (i.e. no support structures within a 25-foot clear vision triangle at street intersections and a 10-foot clear vision triangle at access drives.

- iii. All antenna support structures shall be located at least 18 inches from the back of curb or pavement edge and 18 inches from the inside of a public sidewalk.
 - iv. New antenna support structures shall be made of metal and powder-coated with black paint, consistent with city standards for traffic signal poles and mast arms, or galvanized steel painted neutral color matching other poles and structures in the surrounding area.
 - v. New antenna support structures shall not be located where existing utilities are located underground, or in residential zoning districts, except where the applicant can demonstrate in writing that no other options are available. In the case where the applicant demonstrates to the satisfaction of the city that there are no other options, the following standards shall apply:
 - a. (i.) Antenna support structures shall incorporate a low profile stealth design, consistent with a decorative light pole;
 - (ii.) Any accessory antenna equipment shall be located below grade, or utilize a design where the equipment is painted to match the support structure and cables and wires are internal to the support structure, similar to the low profile design illustrated in the attached photo.
 - b. No new antenna support structure shall be located in the ROW adjacent to an existing parcel with an existing residential dwelling. Support structures shall otherwise be located adjacent to non-residential uses such as churches, day care centers, public utility buildings, public or private storm water retention areas and similar uses.
 - c. Not more than two Small Cell/DAS installations including two antennas per installation are permitted.
 - d. There must be at least 400 feet between a support structure housing any Small Cell/DAS facility and any other such support structure.
 - e. All Small Cell/DAS facilities must comply with local electrical and mechanical code of ordinances.
3. Fees: Each Small Cell/DAS site will require a separate fee and only one antenna per site per carrier is permitted. This fee structure is provides incentives for location on existing poles, structures and buildings and discourages antennas in residential areas or areas where utilities are located underground. The following fee schedule shall apply:
- A. \$500/year for access to the city's rights-of-way;
 - B. \$600/year for each city-owned support structure used as a Small Cell/DAS location;
 - C. \$1,200/year for antennas on new support structures; and
 - D. \$2,400/year for antennas on new support structures in residential areas or areas where utilities are otherwise located underground.
 - E. The above fees shall be due annually to the City of Portage on July 1st.
4. All road and right-of-way restoration is the responsibility of the applicant and/or contractor.

5. Licensee shall comply with any amendment to these Rules with thirty (30) days written notice of adoption.
6. If any provision contained in these Rules conflicts with any provision contained in a DAS/Small Cell License Agreement between a Licensee and the City, the provision contained in these Rules shall control.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2018 Committee of the Whole Meetings

SUPPORTING PERSONNEL: Laurence Shaffer, City Manager

ACTION RECOMMENDED: Approve Committee of the Whole meetings on February 13, February 27 and April 24, 2018 at 5:30 p.m.

Following the January 12, 2018 City Council Retreat session, it was requested that several Committee of the Whole (COW) meetings be scheduled to discuss various topics of concern.

As such, it is recommended that COW meetings be established according to the following schedule:

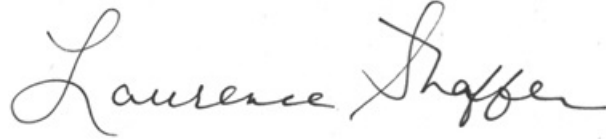
<u>Date:</u>	<u>Topic:</u>
February 13, 2018 5:30 p.m. - 6:30 p.m.	Electronic participation by City Council members at City Council meetings
February 27, 2018 5:30 p.m. - 6:30 p.m.	Expansion and improvements of the Senior Center - How does the present plan incorporate the needs of the Portage Seniors with the needs of the community at large?
April 24, 2018 5:30 p.m. - 6:30 p.m.	Social Media - What initiative might be introduced to create a greater sense of community through the use of social media?

FUNDING: N/A

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: December 2017 Environmental Report

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Information Only

Attached please find the December 2017 Summary Environmental Activity Report from Department of Transportation & Utilities Director, Kendra Gwin. New material or material of specific interest to City Council is presented in italics.

City Council has a quality of environment goal to “enhance environmental quality and protect natural resources.” The summary report is intended for informational purposes and to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

FUNDING: N/A

Attachments: 1. December 2017 Environmental Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
December 2017 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. General groundwater quality continues to improve. Initial groundwater and methane results indicate no off-site impact. AHC has completed their contract. <i>The City is working with Attorney Brown to obtain a Hold Harmless Agreement for four properties in the influence area to have connected to municipal water.</i>
Site Inspection / Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	Coordination with property owners and City or State agencies ongoing. <i>Review of 5 site/building plans and/or plats completed in December 2017.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>Sanitary sewer hookup permits issued in December 2017: 8 residential; 2 commercial.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district in 2014. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. The Association elected to use Restorative Lake Sciences, LLC for consulting services in 2015 and to renew the contract with Restorative Lake Sciences for 2017.
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	Nova Consultants was awarded a four-year contract by City Council on April 29, 2014 for a four year program to monitor groundwater levels in the city. Monthly sampling at two retention basins continues.

Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	Current Wellhead Protection was originally approved in 2001. Update of the program as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber is complete. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the Oakland Drive compost site. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. No significant change in groundwater impacts. Sampling was completed in June 2017.
National Pollution Discharge Elimination System (NPDES) Permit Implementation	Five year plan to implement the current NPDES stormwater permit.	Received NPDES general permit on August 15, 2001. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. New permit application process announced in November 2014. New permit application was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Program implementation is ongoing.
	Kalamazoo River Mainstream Watershed Management Plan	Draft of watershed plan submitted to MDEQ on December 30, 2005. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

	Portage River Watershed Management Plan	Draft watershed plan submitted to MDEQ on December 30, 2005. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant for watershed update was awarded to Calhoun County Conversation District. No new developments.
	Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.	On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled “Storm Water Illicit Discharges and Connections.” Continued outfall sampling is required by permit and will be budgeted accordingly. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Report submitted to MDEQ as part of the annual report. Follow-up reporting on IDEP procedures submitted on August 25, 2016. Program implementation is ongoing.
Garden Lane Water Treatment Plant	Native Prairie Restoration	Native prairie burn completed in March 2016. Staff assisting the Environmental Board with invasive species control. City staff are working together to implement a management program for future burns. Procedures are being implemented and resources identified so that the fire department will have the ability to administer and control native prairie burns.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Emergency spill response contract for 2017-18 with Terra Contracting is in process.
Deer Management	Assist the Environmental Board with the impact of the native deer population in the city.	The city has contracted with the Kalamazoo Nature Center to install and monitor deer exclosures. The exclosures were constructed as a local boy scout project and will help assess damage from deer in the areas they are placed. The agreement concerning deer exclosures between the city and the Kalamazoo Nature Centre expiring March 1, 2017 was extended through October 1, 2017. The Kalamazoo Nature Center provided an update in September 2017. Investigation work in conjunction with the board is ongoing.

Internal Environmental Efforts	Summarize internal city environmental efforts including recycling, building improvements, and hybrid vehicle inclusion.	Environmental efforts in the City of Portage are ongoing. <i>During the month of December the remainder of the DPS front office administration area was converted over to LED lighting. Light switches in all DPS offices were also changed over to occupancy sensors.</i>
Environmental Board	Summarize efforts of the Environmental Board projects.	The Environmental Board is currently providing assistance and expertise, as needed, to the Parks Department on their Land Management Plan. The Board is also looking into opportunities to educate the community on environmental topics.

Submitted by: Jamie Harmon, Assistant City Engineer

Monday, December 4, 2017 6:30 p.m.

YAC Meetings Minutes

- I. Call to Order
- II. Introductions and Attendance
 - a. Favorite winter activity
- III. Reports from Liaisons
 - a. None
- IV. Social Host Ordinance Update
 - a. Looking for YAC members to help with the presentation
 - b. Wait for more revisions
- V. Arbor Day Event
 - a. Friday, April 27, 2017
 - b. Work with Bill Strong of KMB and Portage Parks
 - c. Tree planting event
- VI. Movie Community Night in August
 - a. Star Wars
 - b. Coco
 - c. Wonder
 - d. Starstruck
 - e. Compile more suggestions next meeting
- VII. Snow Party
 - a. Saturday, February 3rd - 12:00 – 3:00 (Volunteers arrive at 11:30)
 - b. Oakland Drive Park
 - c. Cardboard sled, snowman building and bonfire
 - d. Discuss vendors next meeting – Chocolate Tea?
- VIII. Volunteering at Portage Community Center
 - a. Monday, December 18 – Christmas basket distribution
 - b. December 19, 20, 21 – Adopt a Family: Gift pickup, Wrap presents, Loading cars
 - c. 3:00 – 5:00
- IX. Next Meeting: January, 15 - 6:30pm

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 11, 2017

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

MEMBERS PRESENT: Randall Schau, Jay Eichstaedt, Linda Finch, Alexander Philipp, Natalie Rowe, Jeff Wettig (alt), Linda Fry (alt)

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

MEMBERS EXCUSED: Veronica Demaio, John Byrnes

APPROVAL OF THE MINUTES: Eichstaedt moved and Rowe seconded a motion to approve the November 13, 2017 minutes as submitted. Upon voice vote, the motion was approved 7-0.

OLD BUSINESS:

ZBA #17-13; 9244 Chapel Street: Linda Fry stated she had a potential conflict of interest and left the chambers. Chair Schau noted that the Board had less than seven voting members on this item and inquired if the applicant wished to proceed. The applicant requested the matter be postponed. Rowe moved, Eichstaedt seconded a motion to postpone the item until the January 8, 2018 meeting. Upon voice vote the motion passed 6-0.

NEW BUSINESS:

None

STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

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Environmental Board Minutes, December 13, 2017

Meeting called to order at 7:00pm.

Members Present: Chair William Beck, Martha Dahlinger, William Strong, Deirdre Courtney, Dave Solberg, Jerry Kroehn, Assistant City Engineer Jamie Harmon, and Secretary Tim Winslow.

Excused Members: Brian Harrison (potential new member), Student Advisory Member Owen Gwyn

Guests: None.

Jerry made a motion to approve the minutes, seconded by Deirdre. Motion passes.

Project Team Updates

Bill met with Jerry and Martha regarding the resident education plan for the land management plan. They decided that it was important to focus on residents including the schools, businesses, organizations, and the government as well. They are going to focus on these four groups. The group will focus on educating these other groups on the following areas: environmental pollutants, invasive species and native species balance, impervious surface impact on water systems, air quality, water quality, and population density/sustainable growth.

The Land Management Support Plan team and Martha Dahlinger met with Kathleen Hoyle and Sarah Reding regarding the Kalamazoo Nature Center's progress regarding the land management plan on December 5th. The team just wanted an update on the project in general and to see where the Kalamazoo Nature Center was in their plan. The KNC has already started surveying and inventorying the parks regarding what invasive species were present and where. The KNC hopes to have a fairly good draft of their plan in early summer of 2018.

David asks if they hinted at what they would be prioritizing when they come out with this land management plan. Deirdre and Bill S. mentioned that it seemed like they would be prioritizing the West Lake, Bishop's Bog, Eliason, and Schrier Park corridor. They also would be providing the Environmental Board a preview of the plan around April 2018 probably as well so we could provide input.

Martha mentions that she has some past plans and cost estimates regarding invasive species removal in the parks. Bill mentions that she should put some of this material up on the Google Drive for all of the Environmental Board to see.

Jamie mentions that Kathleen would like to not only see this land management plan developed but also that it is actually used and that the recommendations are followed in the end. David mentions that knowing these recommendations as soon as possible would help us greatly. It would be good for the board to start preparing the City Council and City in general regarding what resources these projects will take.

Next Tuesday, December 19th Bill will providing the Environmental Board's update to the City Council. It would be good if a few environmental board members attended this meeting. There will be three new city council members as well at this meeting that will not know what the board is undertaking. So this will be an important meeting for us to attend.

Jerry asks if the land management plan will consider the invasive species on land owned by the City that is not part of the parks. Bill answers that at this time the land management plan will not be considering these properties but that in the end this plan will probably influence the city how they address other City-owned properties as well.

Bill mentions that we will also have two new members on the Board in January as well hopefully.

The board will also want to look at potentially putting more articles in the Portager if the space is available. Martha plans to write one up after she does some research. Jamie can look at the past articles that Kathy wrote for us and see if some of these articles can still be used. These articles are also on our Google Drive.

New Projects

We decided as a board who would be on what teams. Martha, Bill Strong, and Dave will be on the Stream/Natural Shoreline project team. Tim, Deirdre, and Jerry will be on the Business Incentives to Make More Environmentally Friendly Decisions project team. The board broke up into these teams for the remainder of the meeting to start working on these goals.

Each team worked on creating their project impact statements for their teams.

Announcements

Martha mentions that the potential sale of part or all of the Gourdneck State Game Area should continue to be on our radar just in case it happens at some point.

Bill S. made a motion to adjourn, seconded by David. Motion passes.

/s/ Tim Winslow

PLANNING COMMISSION

December 21, 2017

The City of Portage Planning Commission meeting of December 21, 2017 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Senior City Planner and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll: Patterson (yes), Shoup (yes), Stoffer (yes), Schimmel (yes), Bosch (yes); Harrell-Page (arrived at 7:08pm); Place (yes), Joshi (yes) and Corradini (yes). All Planning Commissioners were present.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the December 7, 2017 regular meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. Special Land Use Permit Amendment: Jungle Joes (outdoor miniature golf course), 7255 South Sprinkle Road. Mr. West summarized the Department of Community Development staff report dated December 15, 2017 regarding a request from Mr. Jeffrey Rozek to amend a previously approved Special Land Use Permit to allow establishment of an 18-hole outdoor miniature golf course along the north side of the existing Jungle Joes indoor recreational facility located at 7255 South Sprinkle Road. Mr. West summarized the original 2006 approval that allowed establishment of the Jungle Joes indoor recreational facility at the site, along with other similar approvals of indoor recreational facilities within the I-1, light industrial zoning district. Mr. West summarized the various features and elements of the outdoor miniature golf course, and then discussed the intent of the light industrial zoning district and uses typically allowed. Mr. West stated the addition of an outdoor miniature golf course at the subject site with permanent structures and improvements represents a use that has not typically been allowed in the I-1 zoning district and may set a precedent for similar requests in the future. Mr. West indicated that entertainment centers such as Airway Lanes (Portage Road) and the former Putters (South Westnedge Avenue) and Lazerland (Portage Road) that include outdoor recreational uses such as miniature golf, rope courses, batting cages and go-carts have historically located and are better suited in the B-3, general business zoning district. Finally, Mr. West stated that the inclusion of these types of outdoor recreational uses within the I-1 district may be considered in conflict with and detrimental to existing or future industrial investment in the surrounding area, particularly if the outdoor recreation use was to be abandoned and not removed from the property. For these reasons, Mr. West indicated the request was viewed as problematic and was not recommended for approval.

Mr. Jeffrey Rozek (applicant/owner) was present to support the application and explain the seasonality of his current indoor business. Mr. Rozek stated it was important for him to diversify and offer an outdoor summer-time activity in order to help the business survive. Mr. Rozek discussed the other recreational uses which surround his site and stated that he did not believe the addition of an outdoor miniature golf course would be detrimental to the industrial corridor. The Commission, staff and applicant next discussed various aspects of the proposed outdoor miniature golf course including the location on the site, the nature of the individual structures and features, surrounding land uses, the suitability of the use within the light industrial zoning district and potential impacts on other properties within the Sprinkle Road Industrial Corridor.

The public hearing was then opened by Chairman Stoffer. No citizens spoke regarding the proposed special land use permit. A motion was made by Commissioner Bosch, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 9-0.

The Commission and staff continued discussions of the proposed outdoor miniature golf course. Attorney Brown advised the Commission that any motion to either deny or approve the request should include a detailed discussion of the specific circumstances associated with the site and request along with a finding of the standards in the ordinance. Mr. West read the general standards of review for special land uses (Section 42-462) from the Zoning Code and also Section 42-280.C.10 from the Zoning Code which allowed Planning Commission consideration of the request in the I-1 zoning district. Commissioner Patterson stated that he believes there are three primary issues associated with the request for an outdoor miniature golf course at the Jungle Joes site: 1) The appearance of the use and suitability within the light industrial district; 2) Whether approving the request would set precedence for other similar outdoor recreational uses in the light industrial district and 3) Impacts of the outdoor miniature golf course if the use was to be abandoned at some future date and not removed. After further discussion, the Commission agreed that adjourning the request to a future meeting and allowing the applicant and staff to provide additional information would be helpful in the Planning Commission deliberations. A motion was then made by Commissioner Schimmel, seconded by Commissioner Place, to adjourn the Special Land Use Permit Amendment for Jungle Joes (outdoor miniature golf course), 7255 South Sprinkle Road, to the January 18, 2018 meeting. The motion was unanimously approved 9-0.

OLD BUSINESS:

1. Accessory Building Re-Approval (Hotchkiss), 543 East Osterhout Avenue. Mr. West discussed the September 21, 2017 Planning Commission accessory building approval which allowed the owner of 543 East Osterhout Avenue (Rusty Hotchkiss) to construct a 2,433 square foot ranch dwelling and 936 square foot attached garage, together with an existing 1,800 square foot detached pole barn, that would result in the total square footage of all accessory buildings exceeding the ground floor area of the main residence by 303 square feet. While finalizing building plans, Mr. West indicated the applicant discovered slight inconsistencies in the square footage of existing and proposed structures at the site that were not consistent with the original approval: The existing pole barn is actually 2,136 square feet (not 1,800 square feet) and the proposed ranch-style house is actually 2,348 square feet (not 2,433 square feet). As a result, Mr. West stated a new application has been submitted by Mr. Hotchkiss requesting approval to construct a 2,348 square foot ranch-style house and 936 square foot attached garage that together, with the existing 2,136 square foot pole barn, would result in the total area of all accessory buildings exceeding the ground floor area of the main residence by 724 square feet. Consistent with the original approval, Mr. West indicated the existing pole barn and proposed garage would be utilized for storage of personal items including a pontoon boat, travel trailer, tractor and personal vehicles and will not be used for any business related purposes. Mr. West described the characteristics of the parcel and proposed setback distances from adjacent property lines and single family residences and indicated staff was supportive of the re-approval request. Mr. West also referred the Commission to a December 21, 2017 email communication from Phil DeHann of 655 Cliffwood, contained in the final agenda packet, which was supportive of the re-approval request.

Mr. Rusty Hotchkiss (applicant/owner) was present to support the application and explain how the inconsistencies were discovered during the building permit application process. No citizens spoke in regard to the proposed accessory building. A motion was then made by Commissioner Bosch, seconded by

Commissioner Shoup, to re-approve the Accessory Building application for Mr. Rusty Hotchkiss, 543 East Osterhout Avenue, to allow the total square footage of accessory buildings to exceed the ground floor area of the primary residence by 724 square feet. The motion was unanimously approved 9-0.

2. Neighborhood and Community Enhancement Program – subcommittee recommendation. Mr. Forth summarized the staff report dated December 15, 2017 regarding the subcommittee recommendation involving six Neighborhood and Community Enhancement Program projects submitted for funding consideration. Mr. Forth provided a brief overview of the six project and indicated the subcommittee is recommending the Towhee Street Lights, Oakland Drive Refuge Island and Lexington Green Streetlight Enhancement be approved for funding. The total cost for all projects is estimated at approximately \$17,000. Subject to Planning Commission concurrence of the subcommittee recommendation, the information will be forwarded to the City Manager for final approval. Mr. Forth noted that all applicants were invited to attend tonight's meeting and present/discuss their proposed projects.

With regard to the Towhee Streetlight project, Commissioner Patterson stated he has installed LED lights (4,000 kelvin) in his Woodland at Austin Lake project and the LED lights provide adequate illumination and are more appealing than the high pressure sodium lights. Commissioner Patterson also stated he believes the Oakland Drive Refuge Island proposal is an excellent project. Commissioner Patterson asked if the Lexington Green project (tree trimming around existing streetlights to increase the area of illumination) is a regular city maintenance activity. Mr. Forth stated funds are not annually budgeted for this type of activity. Commissioner Schimmel suggested that consideration be given to replacing the street lights in the Lexington Green neighborhood given the low cost estimate provided by Consumers Energy for the Towhee Street project. Mr. Forth noted the streetlights in Lexington Green are a cobra head style mounted on power poles, which is different than the Towhee Street neighborhood.

There being no further discussion, a motion was made by Commissioner Harrell-Page, seconded by Commissioner Patterson, to recommend to the City Manager that funding be provided for the Towhee Street Lights, Oakland Drive Refuge Island and Lexington Green Tree Trimming. The motion was unanimously approved 9-0.

NEW BUSINESS:

1. 2018 Recreation and Open Space Plan Amendment. Mr. Forth summarized the staff report dated December 21, 2017 regarding an effort by the Department of Parks, Recreation and Senior Citizen Services to update of the 2013 Recreation and Open Space Plan. The Recreation and Open Space Plan is a component of the Comprehensive Plan and is updated every five years and amended, as necessary, to provide a valuable planning tool and fulfill Michigan Department of Natural Resources (MDNR) requirements for park acquisition and development grants. Mr. Forth stated at this step in the update process, the Michigan Planning Enabling Act requires the Planning Commission to review the draft plan and if acceptable, recommend to City Council the Plan be distributed to adjacent communities and county for review/comment. Following this review period, the Planning Commission will conduct a public hearing in February 2018 prior to final adoption on City Council.

Mr. Forth introduced Kathleen Hoyle, Director of the Department of Parks, Recreation and Senior Citizen Services. Ms. Hoyle summarized the proposed 2018 Recreation and Open Space Plan, including the major changes since adoption of the 2013 Plan.

Following a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend that City Council approve the distribution of the plan to adjacent communities and the county. The motion was unanimously approved 9-0.

STATEMENT OF CITIZENS/COMMISSIONERS:

Mr. Kyle Barker (1210 Crown Street, Kalamazoo, Michigan) spoke and asked whether the Planning Commission workshop meeting regarding the proposed Medical Marihuana Ordinance was opened to the public. Chairman Stoffer responded in the affirmative.

Chairman Stoffer discussed the importance of having a full Planning Commission in attendance for the next couple meetings where the issue of a proposed medical marihuana ordinance would be discussed and asked if any Commissioners needed to be excused from the January 4th or 18th meetings. Commissioner Joshi indicated that she would not be present at the January 18, 2018 meeting.

8:40 p.m. - The Commission took a short recess.
8:45 p.m. - The Commission reconvened in Conference Room #1.

NEW BUSINESS:

1. Proposed Medical Marihuana Ordinances – staff presentation. Community Development Director Georgeau and Assistant City Attorney Bear provided the Planning Commission with an overview of the proposed Medical Marihuana Ordinances, which includes a requirements to obtain a business license, changes to the Zoning Ordinance to regulate location of the five different types of medical marihuana facilities and minor changes to the Home Occupation Ordinance. Attorney Bear provided a brief overview of the state laws intended to regulate medical marihuana facilities and summarized each of the five types of facilities. Mr. Bear also summarized the licensing provisions and the process to enact the ordinances.

Ms. Georgeau summarized the prior meetings of City Council regarding their discussions to allow medical marihuana facilities in the community. Ms. Georgeau provided a brief overview on the process to obtain a business license and Zoning Code amendments, including where the various facilities can be located and spacing requirements. Ms. Georgeau indicated a public hearing is scheduled for the January 4, 2018 Planning Commission meeting. The Commission and Ms. Georgeau discussed the various components of business license and Zoning Code requirements.

Mr. Kyle Barker (1210 Crown Street, Kalamazoo, Michigan), stated he represents clients with \$10 million of capital investment. Mr. Barker believes the separation distance between facilities is excessive and will result in inflated land values for these types of uses.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 10:15 p.m.

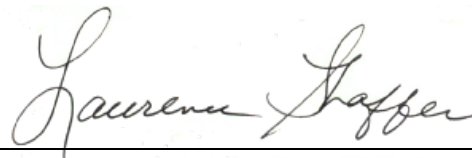
Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

MATERIALS TRANSMITTED

Friday, January 5, 2018

1. **SUPPLEMENTAL INFORMATION REGARDING ITEM A.5 ON THE JANUARY 9, 2018 CITY COUNCIL AGENDA:** Communication from the City Manager regarding the City of Portage Recreation and Open Space Plan draft for 2018 – 2022.



Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 2, 2018

FROM: Meshia Rose, Deputy City Assessor

Meshia Rose

SUBJECT: December 2017 Department Operations Report

The following information summarizes the operations of the City Assessor's Office during December 2017:

- **2017 December Board of Review:** The December Board of review was held on December 12, 2017. The purpose of the December BOR is to correct any errors or mutual mistakes of fact that are discovered after the mailing of the December tax billings. The 2017 corrections primarily consisted of principal residence exemption corrections, amended personal property filings and delayed poverty exemption and veteran exemption application submissions. After the December BOR changes were processed, the changes were communicated to the Finance Department and the Kalamazoo County Treasurer and notices sent to the appropriate taxpayers.
- **2018 Assessment Roll Preparation:** Staff are currently in the final stages of preparing the 2018 assessment roll. This consists of the reassessment of all classes of real property in accordance with the 2017 county equalization tentative ratios, the processing of the numerous land divisions and parcel combinations, ownership changes, homestead exemption applications and rescinds, establishment of economic condition factors and the appraisal of any new construction that has taken place during 2017. The majority of time spent in the final stages of preparing for the assessment roll involves data entering new construction that was completed throughout the year which otherwise could not be entered until the finalization of economic condition factors. In addition, staff completed the following continuous activities during the month of December:
 - 52 property inspections initiated by the issuance of building permits.
 - 118 property reviews completed as part of the reappraisal or sales verification process.
 - 112 deed transactions processed along with any accompanying Property Transfer Affidavit and Principal Residence Exemption Forms.
- **Personal Property Tax Returns:** Staff completed the annual personal property canvass for 2018 as required by statute. Following, forms for the reporting of taxable personal property were mailed to approximately 1,819 businesses and manufacturers on December 22, 2017. However, on December 28, 2017 Public Acts 261-264 of 2017 were signed into law which effectively changed the deadline for filing the Small Business Taxpayer

exemption from February 10, 2018 to February 20, 2018 and allows the assessor to accept either a facsimile or electronic signature. The deadline to file a Personal Property Statement Form 632 remains February 20, 2018. Consequently, this creates a narrow preparation/filing time window which intensifies the activity that takes place in the Assessor's Office in order to timely mail assessment notices. Taxpayers who fail to file a return will be issued estimated assessments as required by statute.

- **2017 Assessment Change Notices:** It is estimated that we will be ready to send assessment change notices for residential properties by February 12, 2018. Commercial and industrial parcels will be mailed their assessment notices no later than February 24, 2018 for both real and personal. In addition to notification of the previously mentioned assessment changes, the mailing will also notify the taxpayers of their property classification, the change in Taxable Value and their appeal rights before the City of Portage Board of Review in early March.
- **Customer Service:** The staff of the City Assessor's Office provided a high level of customer service during the month of December. Prompt and courteous service was provided in response to the numerous telephone calls and personal visits from realtors, developers, private appraisers, title companies, and taxpayers. Specifically, a lot of time and effort was spent helping those taxpayers who sought Veteran and Poverty Exemptions at the December Board of Review.

Please contact me if you have any questions concerning the information presented above.

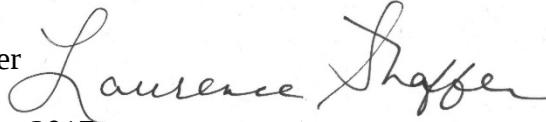
CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: 12/29/2017

FROM: Laurence Shaffer, City Manager



SUBJECT: Monthly Report – December 2017

The following summarizes some of the activities in which staff of the Office of the City Manager were involved during the month of December 2017.

1. City Council:

- Coordinated and/or prepared agenda and other materials for the following meetings:
 - City Council Regular Meetings on December 5 and 19.
 - Pre-Council meetings on December 4 and 18.
 - Special City Council Meeting on December 12.
 - Committee of the Whole Meeting December 19.

2. Represented the City of Portage in the following activities, among others:

- Presented at “The Listening Post” event regarding current openings for advisory boards and commissions on December 1.
- Met with former Kalamazoo County Administrator Peter Battani on December 1.
- Met with State Representative Brandt Iden on December 4.
- Attended the ribbon cutting and dedication of the model train display from Seth Giem’s train barn at City Hall on December 4.
- Attended the Discover Kalamazoo annual meeting on December 6.
- Participated in PPOA 312 arbitration on December 7.
- Met with Joe Gesmundo of AVB on December 7.
- Attended the West Centre Design Open House on December 11.
- Met with Councilmember Knapp on December 12.
- Met with representatives of WMU Performing Arts Department on December 13.
- Met with Pat Wright of Holt Fire on December 14.
- Attended a meeting regarding Construction Manager Proposals for Fire Station #2 on December 14.

- Attended the KCCDA Board of Directors Meeting on December 14.
- Met with Wayne Stoffer from the Planning Commission on December 15.
- Met with Shelia Hotchkinson of Green Earth Hydro on December 18.
- Participated in a phone conference with Keith Hopkins of Hopkins Fundraising Consulting on December 20.
- Attended the property donation closing for 5223 Woodmont on December 21.

3. Projects - Completed and Ongoing:

- Continued the transition and design of the new city website through CivicPlus.
- Continued review of medical marijuana related matters with city legal counsel.
- Continued oversight of planning, design and construction for various city construction projects and developments.
- Consulted with city staff regarding Information Technology projects, as well as current Community Development, Finance, Transportation & Utility and Assessing matters.

4. Public Information and Citizen Assistance:

- Mailed the December *Portager* and coordinated production of the January *Portager* newsletter.
- Continued oversight of the *PortageAlert* system and notifications for those who registered through the portal for updates.
- Coordinated responses to citizen concerns/requests regarding a variety of matters, including snow plowing, winter parking ordinance and blight concerns, etc.
- Updated and approved changes to the city website and city publications.
- Provided informational packets on Portage to citizens, realtors and businesses, as requested.
- Continued to collect and monitor Citizen Comment Card responses and submissions to the Online Customer Service Survey.
- Continued to collect and monitor SeeClickFix.com citizen concerns and questions, as well as ensure timely responses.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 11, 2018

FROM: Adam Herringa, City Clerk 

SUBJECT: December Monthly Report

ELECTIONS

Continued research into moving the election materials out of a rental storage unit and to a city location within the Department of Public Safety.

Continued processing additions, changes and deletions from the Qualified Voter File.

Attended county-wide election update meeting with clerks of other Kalamazoo County jurisdictions. Continued supplemental election and voter registration education, training and tutorials as required by the Secretary of State.

BOARDS AND COMMISSIONS

Participated and assisted with the Youth Advisory Committee in volunteer efforts at the Portage Community Center in advance of the Christmas holiday, reviewed a potential "Social Host" ordinance, and made plans for the February Snow Party.

Prepared materials and attended the Historic District Commission monthly meeting on December 6. Advised several district property owners and area realtors on property matters.

Prepared for the January 9th Board and Commission Interview Session of the City Council.

PUBLIC INFORMATION AND CITIZEN ASSISTANCE

Reviewed an electronic Freedom of Information Act cloud-based system to assist in the management and processing of FOIA requests.

Provided Notary Public Service to citizens upon request. Completed the application process for new Deputy City Clerk to become an additional notary for the department.

Provided help to citizens for phone and over-the-counter requests including voter information, guidance to appropriate departments and miscellaneous assistance.

Coordinated Freedom of Information Act (FOIA) requests, published legal notices and posted meeting notices.

Performed research for city departments on a variety of topics.

CEMETERIES

Processed two (2) grave openings/closings, including the preparation of invoices and Burial Rights Certificates. Updated cemetery maps, researched availability of lots for citizens in cooperation with the Department of Public Services and assisted with burials.

CITY COUNCIL AGENDAS

Developed a revised City Council agenda and meeting format. Following City Council approval, took steps to implement changes and modifications to the agenda and meeting process.

Staffed and assisted in the execution of two Pre-Council Meetings, two Regular City Council Meetings one Committee of the Whole Meeting and one Special Meeting. Provided notices, follow-up communications, filed Resolutions and took actions related to items passed by City Council at the December City Council Meetings.

Prepared the Minutes for the December City Council Meetings and assisted the City Manager's Office in preparation of the City Council Agendas.

OTHER

Reviewed affidavits in relation to possible compliance with the City of Portage Emergency Medical Marihuana Ordinance.

Met with a records management vendor regarding a potential new approach to electronic document management and retention needs for the City of Portage.

Trained Katie Benn on various aspects in her role as administrative assistant in the Office of the City Manager.

Conducted an orientation session for new employees.

Continued piloting an instant messaging platform in the Customer Service Task Force.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 12, 2018

FROM: Vicki Georgeau, ^{VB}Director of Community Development

SUBJECT: Monthly Customer Service Report for December 2017

Staff performed research, conducted reviews, and developed recommendations and information necessary for the efficient and effective delivery of community planning and development services, construction permitting and neighborhood programs. All areas involved considerable commitment of staff resources necessary to ensure appropriate customer service, the protection of the public health, safety and welfare and the provision of community development programs. These services were provided together with processing and responding to citizen information requests performed on a continuous basis.

PLANNING, DEVELOPMENT AND NEIGHBORHOOD SERVICES

Planning Commission

December 7, 2017 meeting:

1. Reviewed and approved a Site Plan for Cooley Townhouses, 3223 Cooley Drive.

December 21, 2017 meeting:

1. Convened a public hearing and then adjourned a Special Land Use Permit for Jungle Joes (outdoor miniature golf course), 7255 South Sprinkle Road, to the January 18, 2018 meeting.
2. Reviewed and re-approved an Accessory Building for Rusty Hotchkiss, 543 East Osterhout Avenue.
3. Reviewed and discussed subcommittee recommendations and then recommended to City Council funding for three Neighborhood and Community Enhancement Program projects (Towhee Street Lights, Oakland Drive Refuge Island and Lexington Green Tree Trimming).
4. Reviewed and then recommended to City Council the distribution of the 2018 Recreation and Open Space Plan Amendment to adjacent communities and the county.
5. Received a presentation from staff and the City Attorney regarding Proposed Medical Marihuana Ordinances.

Zoning Board of Appeals

December 11, 2017 meeting:

1. Postponed variance requests to construct an accessory building that exceeds the ground floor living area and maximum height requirement at 9244 Chapel Street to the January 8, 2018 meeting.

Human Services Board:

December 7, 2017 meeting:

1. Received presentation from Metro Transit regarding programs and services supported by the agency along with current funding sources and future millage proposals.

OTHER BOARD ACTIVITIES

- Downtown Development Authority - The Authority did not meet in December 2017.
- Local Development Finance Authority - The Authority did not meet in December 2017.
- Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority – The Authority did not meet in December 2017.

Citizen Information Requests:

During the month of December 2017, a total of 135 cases/violations were inspected in response to citizen service requests or staff field observations and include: 72 sidewalk-snow; 21 parking; 10 debris/refuse; 8 inoperable vehicles; 6 property maintenance; 6 zoning; 5 signs; 3 non permitted work; 2 housing maintenance; 1 building maintenance; 1 sidewalk-obstruction.

BUILDING AND HOUSING SERVICES

Construction Board of Appeals:

The Board met on December 12, 2017 in regard to a code interpretation and monitored smoke and heat detection system variance request for A'vie, 1416 West Milham Avenue.

Issued permits and conducted required building, electrical, plumbing and mechanical inspections to ensure compliance with local codes/ordinances. The following list shows major permits:

Type of Permit/Application	Number of Permits	Project Valuations
Single-family Detached	9	\$2,135,369
Single-family Attached	2	\$454,321
Residential Additions, Interior Remodels, Garages, Sheds, etc.	12	\$434,756
Commercial Additions, Interior Remodels, etc.	13	\$2,162,022
Permits Not on Report (i.e., demolition, electrical, plumbing, mechanical, driveway, sign, water use/sewer use, etc.).	173	N/A
Totals	209	\$5,186,468

CDBG Housing Assistance Programs

CDBG PROGRAMS				
Activity	Housing Rehabilitation	Water / Sewer	Emergency Repair	Down Payment Assistance
New Applications	0	0	0	0
Applications Approved	1	0	0	0
Loan Closings	1	0	N/A	1
Monthly Projects Completed	2	0	0	1
Projects Underway	2	0	0	0
FY YTD Projects Completed	7	0	1	2

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 16, 2018

FROM: William Furry, Director of Finance

WFF

SUBJECT: Monthly Report-December 2017

ACCOUNTING /PAYROLL

- During the month, 722 invoices for payment were processed. Bi-weekly Accounts Payable payments included 384 paper checks totaling \$2,590,067.92 and 185 vendor payments via the automated clearinghouse (ACH) totaling \$1,928,700.98. The count of ACH vendors at the end of the month was 365.
- Completed the 16/17 Comprehensive Annual Financial Report (CAFR), receiving an unqualified audit opinion. An electronic version of the CAFR was prepared for posting on the City's website, and paper copies are expected from audit firm Yeo and Yeo in January.
- A copy of the Comprehensive Annual Financial Report was submitted to the Government Finance Officers Association for review, in application to the Certificate of Achievement for Excellence in Financial Reporting program.
- Following issue of final Accounts Payable checks for 2017, a work file was printed in preparation of vendor payment audit prior to printing 1099 MISC forms. Initial figures indicate at least 163 forms will be mailed, covering approximately \$1.8 million in vendor payments.
- Processed 2 regular payrolls, creating 508 checks and deposit advices for 256 employees, with a total monthly payroll expenditure of \$1,069,134.39.
- Processed quarterly payments to city council members.
- Processed payments to UAW members for applicable cell phone allowance and IAFF members for holiday bonuses.
- Processed final quarterly taxable benefit of employer provided vehicles for affected employees according to AO 1.21 and IRS Commuting Rule.
- Reviewed payroll records to prepare for issuance of form W-2s to employees following final pay of 2017 on December 21st, including audit of year to date 457 contributions per federal limits.
- Performed special payroll maintenance for employees in preparation of 1st payroll of 2018 which includes the deletion of old and set up of new calendar year goals and deduction changes all pertaining to new elections of United Way and/or ICMA 457 deductions.
- Verified social security numbers for all newly hired employees in the 4th quarter.
- Continued to assist employees with ADP electronic time system issues/problems.

TREASURY

- Continued collection of 2017 summer taxes and special assessments, both with related penalty and interest.
- Mailed 46 delinquent special assessment notices for the Austin Lake assessment that was billed separately this year from the other special assessments.
- Treasury Supervisor completed semi-annual evaluations for Treasury staff.
- Treasury Specialist went to Small Claims Court for Delinquent Personal Property taxes.
- All Treasury staff attended Customer Service training.
- Processed and mailed 30 statements for general invoices and 35 delinquent personal property tax notices.
- Prepared and issued the following utility billing statements:
 - 5,438 regular quarterly bills (cycle 3); emailed 483 bills.
 - 114 final bills (all cycles); emailed 19 bills.
- Prepared and issued the following utility billing delinquency notices:
 - 554 delinquent notices (cycle 2).
 - 356 shut-off notices (cycle 2).
- Scheduled shut-off water service for 34 customers due to non-payment (shut-off date delayed to January 3, 2018 due to holidays). Water was not actually shutoff for these accounts due to frigid temperatures and fear of freezing pipes. Services not paid when weather warms up will be shut off at that time.
- Processed 141 requests to initiate or terminate water/sewer services to residences and businesses. Staff handles on average 10 such requests a day.
- Staff assisted citizens by answering 972 phone calls during December 2017. Since July 1, 2017, a total of 6,536 phone calls have been handled, averaging 53 per day.
- During December 2017, staff worked with 97 customers at the Treasury counter who wanted information only. On average, 5 such customer contacts are handled each business day.
- Treasury Specialist attended Customer Service Task Force meetings.

FINANCE/BUDGET

- Completed semi-annual employee performance evaluations.
- Assisted departments with budget questions.
- Prepared revenue estimates for the 2018/2019 operating budget.
- Provided revenue estimate to Director of Community Development for Human Services Board contribution estimate per A.O. 5.14.
- Prepared BS&A budget entry instructions and communicated to departments.
- Created budget preparation schedule for the review and approval of the City Manager.
- Approved final CAFR draft after continued review of the draft and communication of necessary changes to Yeo & Yeo.
- Prepared and filed the following state-required reports: Act 51 Street Financial Report (MDOT); the F-65 Annual Local Unit Fiscal Report (Department of Treasury); bond qualifying statements; the new Retirement System Annual Report as required by Michigan Public Act 202 of 2017, the report is also posted on the City's website.

- Responded to Government Finance Officers Association (GFOA) comments on the 2015-2016 CAFR and submitted the 2016-2017 CAFR to the GFOA for the Certificate of Achievement for Excellence in Financial Reporting program.
- Summarized information for Capital Improvement Program (CIP) in preparation for CIP review meetings. Began review of 2018-2028 CIP program and attended CIP review meetings with the Director of Community Development, City Manager, and Deputy City Manager.
- All Finance staff attended the City's Customer Service training.
- The Deputy Director of Accounting/Budget attended the Generally Accepted Accounting Principles update webinar by the Government Finance Officers Association.
- Cashed in maturing investments, analyzed cash position and reinvested called bonds.
- Prepared monthly investment scorecard, input investment activity into SymPro software, generated monthly SymPro reports, and performed the JPMorgan Chase monthly risk analysis for the investment committee report.
- Prepared and reviewed monthly bank reconciliations.
- Completed automated clearing house, wire, and transfer banking transactions and related journal entries, as needed and requested.
- Communicated with departments regarding discrepancies between purchase orders that have been received but not paid to discover and clear up any potential unpaid invoices.
- Worked with software provider, BS&A, on various issues.
- Prepared and posted several budget amendments.
- Prepared and approved various journal entries as needed to reconcile and maintain the general ledger.
- Reviewed and approved all invoices prior to payment.
- Responded to questions from various departments regarding purchase orders, invoices, general ledger, or budget status.

BENEFITS/COMPENSATION

- Continued to monitor, research, and implement requirements of the Affordable Care Act (ACA).
- Compiled and submitted data to comply with Employer-Provided Health Insurance Offer and Coverage reporting as required under the ACA.
- Continued to track City share of health insurance premium limits as provided for by PA-152.
- Calculated health insurance taxes and fees required under the ACA.
- Calculated and approved monthly payments for employee fringe benefit plans (medical, vision, dental, life and long-term disability insurance, flexible spending accounts, pension contributions, etc.).
- Completed process to establish new 401 Plan for City Manager, transfer funds, and consolidate plans.
- Began preparation of City-wide benefit budget for FY 2018/2019.
- Continued to administer Defined Benefit Plan, including locating and coordinating benefit payments for terminated vested participants.
- Continued process for IRS required restatement of Defined Benefit Plan.
- Continued 2018 health insurance renewal process for Blue Cross Blue Shield of Michigan and Blue Care Network; approved December 5, 2017.
- Continued preparations for 2018 Benefit Open Enrollment Period.

- Continued process for upcoming life and long-term disability renewal with The Hartford.
- Administered contractual wage adjustments per applicable labor agreements.
- Administered contractual bonus payments per applicable labor agreements.
- Responded to various employment verifications for employees.

WORKERS' COMPENSATION

- Continued with aggressive case management on a number of work related injury claims. Special attention continues to be directed toward high reserve cases. Focus also directed toward lost-time cases with emphasis placed on returning employees to restricted duty assignments.
- Continued to assist supervisory personnel with employees in restricted duty assignments.
- Provided information to the City third party administrator for the processing of workers' compensation claims.
- Provided direction to third party administrator in regard to workers' compensation claims.
- Prepared and submitted wage data for workers' compensation excess insurance carrier, Midwest Employers Casualty Company, to fulfill contract obligation.
- Compiled and submitted wage data for workers' compensation excess insurance carrier, Midwest Employers Casualty Company, to fulfill contract obligation.
- Updated the OSHA 300 Log.

01/16/2018

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 12/31/2017

FUND	DESCRIPTION	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
Totals for dept 1001-City Council		122,320	123,520	44,139	36%
Totals for dept 1085-City Council-Human Services		139,330	139,380	35,563	26%
Totals for dept 1501-District Court		68,250	68,250	34,428	50%
Totals for dept 1720-City Manager		600,300	600,300	229,987	38%
Totals for dept 2001-Finance Accounting		437,716	437,716	165,250	38%
Totals for dept 2002-Finance & Budget		307,283	303,333	118,445	39%
Totals for dept 2053-Finance Treasury		154,207	154,207	66,817	43%
Totals for dept 2110-MIS		847,110	847,110	398,304	47%
Totals for dept 2133-MIS Public Information		55,142	55,142	22,638	41%
Totals for dept 2209-Assessor		444,076	444,076	139,913	32%
Totals for dept 2247-Assessor Board Of Review		35,403	35,403	7,525	21%
Totals for dept 2310-Attorney		226,728	226,728	112,860	50%
Totals for dept 2415-City Clerk		140,666	140,666	66,610	47%
Totals for dept 2416-City Clerk Records Management		75,170	75,170	28,595	38%
Totals for dept 2491-City Clerk Elections		175,582	175,582	80,604	46%
Totals for dept 2610-Human Resources		475,442	475,442	175,584	37%
Totals for dept 2733-Purchasing		83,845	83,845	31,819	38%
Totals for dept 2734-Purchasing Risk Management		29,302	29,302	8,110	28%
Totals for dept 2865-Parks Maintenance		1,252,864	1,252,864	604,512	48%
Totals for dept 2876-Cemeteries		74,326	74,326	27,002	36%
Totals for dept 2877-Parks & Rec - Parks		617,260	621,750	243,362	39%
Totals for dept 2878-Parks & Rec - Kalamazoo In Bloom		10,000	10,000	0	0%
Totals for dept 2880-Parks & Rec Rec - Admin		174,720	173,720	74,027	43%
Totals for dept 2882-Parks & Rec Rec - Team Sports		64,540	64,540	27,983	43%
Totals for dept 2885-Parks & Rec - Programs		4,000	7,000	5,392	77%
Totals for dept 2886-Parks & Rec Rec - Ramona Park		93,891	93,891	42,509	45%
Totals for dept 2887-Parks & Rec Rec - Special Events		41,000	41,000	27,916	68%
Totals for dept 2888-Parks & Rec - Ice Rink		106,893	106,893	27,069	25%
Totals for dept 3005-Police Administration		837,053	874,053	292,016	33%
Totals for dept 3006-Police Youth Services		502,931	502,931	186,093	37%
Totals for dept 3007-Police Investigation		785,060	785,060	341,002	43%
Totals for dept 3010-Police Patrol		5,323,698	5,308,698	1,988,340	37%
Totals for dept 3020-Police Training		117,735	117,735	57,278	49%

FUND	DESCRIPTION	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
	Totals for dept 3021-Police Training-Grant Funded	8,000	8,000	0	0%
	Totals for dept 3030-Police Public Safety Dispatch/ts	1,015,221	1,772,014	1,233,459	70%
	Totals for dept 3031-Police Emergency Sirens	23,676	17,676	6,687	38%
	Totals for dept 3035-Police 911 Cmrs PSAP	204,919	204,919	73,569	36%
	Totals for dept 3040-Police Records & PST	468,370	468,370	177,194	38%
	Totals for dept 3050-Police Drug Law Enforcement	319,101	319,101	140,388	44%
	Totals for dept 3065-Police Facility Management	101,400	101,400	37,977	37%
	Totals for dept 3310-Fire Admin	681,621	681,621	242,006	36%
	Totals for dept 3320-Fire Operations	3,994,823	3,980,691	1,770,867	44%
	Totals for dept 3330-Fire On Call Firefighters	120,037	120,037	30,924	26%
	Totals for dept 3331-Fire Emergency Operations	3,700	3,700	669	18%
	Totals for dept 3340-Fire Prevention	152,488	152,488	62,696	41%
	Totals for dept 3350-Fire Training	192,041	192,041	53,824	28%
	Totals for dept 3365-Fire Facility Management	98,400	98,400	12,175	12%
	Totals for dept 3710-Comm Dev Building Services	483,592	483,592	189,413	39%
	Totals for dept 3720-Comm Dev Planning & Development	311,937	315,887	133,485	42%
	Totals for dept 3730-Comm Dev Neighborhood Services	226,687	226,637	97,920	43%
	Totals for dept 3765-Comm Dev Building Maintenance	243,164	243,164	99,031	41%
	Totals for dept 4210-General Public Services	506,415	506,415	210,322	42%
	Totals for dept 6720-Senior Center	333,045	334,145	138,456	41%
	Totals for dept 6721-Senior Center Trips	284,777	284,777	222,648	78%
	Totals for dept 6725-Aging Mastery Program	0	1,640	64	0%
	Totals for dept 8050-Contingencies	50,000	50,000	0	0%
	Totals for dept 9610-Transfers Out	1,234,327	1,309,327	75,000	6%
	TOTAL - GENERAL FUND	25,481,584	26,325,675	10,720,466	41%

FUND	DESCRIPTION	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
202	Major Street Fund	3,914,345	5,834,344	1,366,760	23%
203	Local Streets Fund	1,356,319	1,506,319	514,496	34%
204	Municipal Streets Fund	1,675,990	1,675,990	0	0%
223	Curbside Recycling Fund	691,859	691,859	255,381	37%
226	Leaf Pickup / Spring Cleanup Fund	781,801	781,801	329,884	42%
230	CDBG Program Income Fund	110,000	110,000	32,730	30%
252	West Lake Weed Mgt	32,120	32,120	3,000	9%
296	Community Development Block Grant	223,000	216,112	115,463	53%
298	Cable Television Fund	911,600	936,350	218,753	23%
400	Capital Improvement General *	11,766,000	17,578,122	3,387,360	19%
490	Capital Improvement Sewer *	710,000	3,029,317	1,200,624	40%
491	Capital Improvement Water *	2,260,000	6,185,869	1,103,746	18%
590	Sewer Fund	8,078,430	8,505,187	3,139,400	37%
591	Water Fund	6,029,920	6,070,941	3,526,611	58%
TOTAL - ALL FUNDS		64,022,968	79,480,006	25,914,674	33%

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

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 10, 2018

FROM: Shannon Hertz, Director Human Resources 

SUBJECT: Human Resources Department Monthly Report – December 2017

RECRUITING

The following positions were filled in December:

- Administrative Assistant for CMO
- City Engineer
- Seasonal Recreation Attendants (7)
- Senior Center Building Coordinator (1)

The following positions have candidates identified:

- Administrative Assistant for Human Resources
- On- Call Firefighter
- Police Officer (PT)
- Radio Operators/Dispatch (January)

The following positions are open and/or recruitment efforts are ongoing:

- Plumber and/or Mechanical Inspector
- Police Officers
- Senior Center Building Coordinator (1)

Employment applications, assessments and recruitment activities:

- 9 Applications received, processed and screened
- 9 Number of passive candidates (have signed up for Job Alerts)
- 21 Number of un-submitted applications (partially completed by potential candidates)
- 19 In-person and phone interviews conducted
- 9 Individuals tested with lengthy and/or multiple assessments conducted
- 0 Career fairs attended

SAFETY, TRAINING AND DEVELOPMENT

December activities to promote the education, development, training and safety of employees included the following:

- Randomly tested 3 participants for the drug testing program
- Conducted on-boarding for 2 new/returning employees
- Attended 2 department-specific Safety meetings
- Citywide Customer Service training was completed. We brought in a speaker from Fred Pryor Seminars to host the training.
- Coordinated the collection of information needed for Police ID badges and created a badge template for retiree Police.

HEALTH MANAGEMENT PROGRAM

- Continued to administer Health Management Program (HMP) for Department Head, Non-Union, PPCOA, PPOA and UAW employee groups.
- Second planned activity “Drink More Water” began November 27, 2017, and was completed December 30th, 2017.

BENEFITS

- Provided benefit consultation to employees terminating, retiring and beginning employment.
- Assisted employees and retirees with various benefit matters, including claim resolution and dependent eligibility.
- Processed benefit changes as necessary, including calculation and submission of payroll deductions.
- Issued retiree health insurance invoices to 6 retirees and 2 unions.
- Monitored Flexible Spending Account (FSA) reimbursements processed by Kushner & Company for 28 participants for the 2017-2018 plan year.
- Performed administrative requirements to meet legal compliance in regard to the Family Medical Leave Act (FMLA). Processed 26 notifications for employees.
- Performed administrative requirements to meet legal compliance in regards to the Consolidated Omnibus Budget Reconciliation Act (COBRA) for 2 COBRA participants.
- Documented and monitored sick leave usage.
- Attended and prepared for 312 Arbitration hearing between the PPOA and the City.

CITY OF PORTAGE**COMMUNICATION**

TO: Laurence Shaffer, City Manager**DATE:** January 18, 2018**FROM:** Kathleen Hoyle, Director of Parks, Recreation and Senior Citizen Services**SUBJECT:** Monthly Operations Report for December 2017**PARKS & RECREATION:****PARK RESERVATIONS**

Amphitheatre	0	\$0
Central Park	0	\$0
Gazebo	0	\$0
Grain Elevator	0	\$0
Hayloft	0	\$0
Lakeview #1	0	\$0
Lakeview #2	0	\$0
Lakeview Softball	0	\$0
Ramona #1	0	\$0
Ramona #2	0	\$0
Ramona Softball #1	3	\$39.96
Ramona Softball #2	0	\$0
Ramona Soccer North	16	\$159.84
Ramona Soccer #5	0	\$0
Ramona Soccer #6	0	\$0
Ramona Football #1	6	\$202.50
Ramona Football #2	6	\$202.50
Ramona Football #3	6	\$202.50
Ramona Football #4	6	\$202.50
Schrier Park	3	\$880
Schrier Park Pavilion	0	\$0
Schoolhouse	1	\$50
Stuart Manor	0	\$0
South Westnedge #1	1	\$120
South Westnedge #2	1	\$120
South Westnedge #3	1	\$120
South Westnedge #4	1	\$120
South Westnedge #5	1	\$120
South Westnedge #6	1	\$120
Westfield	0	\$0
Westfield Softball	2	\$26.64
TOTAL	67	\$7,516.40

EVENTS

Traditional Holiday	3,500 Participants
Reading Rangers	5 Participants
Gingerbread House Workshop	42 Participants
Habitats of the World	20 Participants
Holiday Market	350 Participants
Painting in the Parks	Canceled Event
Evergreen for the Holidays	30 Participants
Santa Skate	200 Participants
Santa Tea	21 Participants
Christmas Eve Skate (FREE)	350 Participants
Circuit Training	Canceled due to weather
New Year's Eve Skate	300 Participants
Youth Photo Contest Entry's	3 Participants
Adult Photo Contest Entry's	28 Participants

Active Net Software

Online Activity Registration	27
Walk In Activity Registration	87

SENIOR CITIZEN SERVICES:

ATTENDANCE AND ACTIVITIES

Activity Type	Duplicated	Unduplicated
Events	1,597	511
Rides	67	15
Volunteers	268	146
Trips	152	140
Total Seniors Served	2084	615
Average served per day	80	

MEMBERSHIP STATISTICS

Total Active Memberships	Membership Renewals	New Memberships
1,432	42	20

Age Range	Count	Percent
Ages 55-59	11	1.8
Ages 60-64	33	5.4
Ages 65-69	89	14.5
Ages 70-74	121	19.7
Ages 75-79	126	20.5

Ages 80-84	104	16.9
Ages Below 55	7	1.1
Age Unknown	124	20.2
Totals	615	100

City/Town	Count	Percent
In Town	392	63.7
Out of Town	223	36.3
Totals	615	100

Ethnicity	Count	Percent
African American	13	2.1
Asian American	5	.8
Caucasian	495	80.5
Hispanic	4	.7
Native American	8	1.3
Unknown	90	14.5
Totals	615	100

Gender	Count	Percent
Female	447	72.7
Male	168	27.3
Totals	615	100

VOLUNTEERISM

Volunteer Service

Type	Hours	Pay Equivalent	Duplicated	Unduplicated
Admin. Support	10	217.90	3	3
Board Member	2	43.58	1	1
Club/Group Support	1399.25	30,489.66	208	121
Events/Programs	39.50	860.71	15	13
Health Services	2	43.58	2	2
Kitchen	12.60	274.52	11	5
Transportation	77.08	1,679.66	16	5
Travel	55.	1,198.46	13	8
Totals	1,597.43	\$34,808.07	268	146

TRAVEL PROGRAM

Category	Duplicated	Unduplicated
Day Trips	115	107
Extended Trips	37	37
Totals	152	140

FUNDRAISING

Income for the month of December was \$2,800 and includes transportation donations, fund raising and memberships.

OTHER SENIOR CENTER HIGHLIGHTS

- A New Member Breakfast was held on Thursday, December 14 with 48 in attendance.
- Over 40 people attended an information session for a Meditation series that will be held beginning in January 2018.

- A holiday luncheon was held on Thursday, December 21 with 96 in attendance. The PSC Choir performed and lunch was provided by MediLodge of Portage.
- A first-ever New Year's Celebration was held on Friday, December 29 which included refreshments, music provided by a DJ, and balloon drop. More than 25 people attended.

TO: Laurence Shaffer, City Manager**DATE:** January 15, 2018**FROM:** Nicholas J. Arnold, Public Safety Director – Police/Fire Chief **SUBJECT:** Monthly Report for December 2017**DECEMBER STATISTICS**

Police Incidents Dispatched	2,877
Fire Incidents Dispatched	511
9-1-1 Calls Received	2,644

SIGNIFICANT EVENTS

Police and fire/rescue units responded to the Woodbridge C Store on a report that a vehicle had crashed into the building. The driver of the vehicle fled on foot but was quickly located. The driver, a 17-year-old Portage male, began acting erratically and proceeded to assault the officer who had detained him and also attempted to steal the police cruiser. The suspect was subdued with a Taser and eventually taken into custody. It is believed the suspect was experiencing a psychotic episode from illicit drug use. The case is still under investigation.

Officers responded to a residence on a reported domestic violence incident. Officers learned that the male suspect had assaulted his girlfriend, causing a fracture to her nose, and then intentionally destroyed her cell phone. After being placed into custody, the suspect became combative with officers. Charges were subsequently authorized against the suspect for Attempted Resisting & Obstructing, Domestic Violence, and Malicious Destruction of Property.



On December 22, police and fire units were dispatched to an injury accident on northbound U.S. 131. A Ford Focus had left the freeway and collided head on with a tree in the median. Fire personnel worked for approximately 40 minutes to extricate the driver. Michael Wood, a 38-year-old resident of Schoolcraft, later died at Bronson Hospital from injuries sustained in the collision. The cause of the accident remains under investigation.

A resident reported that all the family members were feeling ill. Fire unit 1212 responded to the home to check for a possible carbon monoxide problem and to check the status of the residents. Upon entry into the residence, the air monitor spiked to 350 ppm immediately. The fire crew exited the structure immediately and obtained self-contained breathing apparatus before reentering the home. The boiler unit and hot water heater were shut down in the basement, and the home was

ventilated. The family members were transported by ambulance to Bronson Hospital for further evaluation. There were no working carbon monoxide monitors in the house at the time of the incident. Consumers Energy arrived on scene for further investigation.

Officers were dispatched for a home invasion complaint. The homeowner advised, when he returned home from work, he discovered a side window wide open. The homeowner then became concerned someone broke into his residence, and, after walking through his home, he determined that one handgun, two long guns, a small black safe, and a Snap-on Scanner were missing. Two days later, officers were dispatched to another home to investigate a 9-1-1 hang-up call. Upon arrival, the officers learned that two white males entered the home and held the homeowner at gunpoint. The suspects attempted to steal several pieces of electronics. Upon further investigation, detectives believe these two cases may be related and that the suspects involved in stealing the guns may be the same suspects involved in the robbery. Both cases are still being actively investigated by detectives.

NJA:JMH:jh

TO: Laurence Shaffer, City Manager**DATE:** January 12, 2018**FROM:** Rod Russell, Director of Public Services**SUBJECT:** Monthly Operations Report for December 2017**STREET MAINTENANCE ACTIVITIES**

- Removed 13,431.25 cubic yards of leaves during four rounds of the Fall Leaf Pickup Program
- Supported 53 residents who dropped off leaves at compost site
- Removed 33.7 inches of snow during Winter Maintenance Program
- Cleared snow from city owned sidewalks, trails and four city bridges
- Provided snow plow training for two new operators
- Conducted site preparation work at Eliason Trail Head Park for construction of new pavilion foundation
- Prepared materials for mailbox replacements
- Replaced or repaired damaged mailboxes caused during snow removal operations
- Removed fallen trees from Oakland Drive, Shaver Road and West Osterhout Avenue
- Replaced or repaired damaged and faded traffic control signs
- Cleaned up compost site upon completion of Leaf Pickup Program
- Repaired broken sewer manhole cover on Glenalmond Drive
- Cleaned and organized DPS garage facility
- Removed scrap metal from the DPS facility
- Repaired damaged split rail fencing in the parks
- Removed brush from Portage Creek Bicentennial Park Trail
- Removed low hanging limbs from city owned sidewalks as well as from major and local streets that could damage snow removal equipment
- Prepared new construction trailer by organizing interior and mounting air compressor and generator on exterior
- Supported Fleet & Facilities Division by installing heavy duty wing plow support brackets
- Repaired damaged storm water basin on Angling Road
- Continued training for two new large truck snow plow operators
- Restored damages to East Romence Bikeway which had occurred during paving last fall
- Removed and replaced stairs leading from lower to upper softball field parking lots at South Westnedge Park
- Removed leaves from parks and cemeteries
- Removed fallen tree from West Osterhout Avenue

- Supported Fleet and Facilities Division with transport of vehicles to auction facility
- Removed tree limbs blocking traffic controls signs
- Filled holes near street edges with asphalt millings
- Received construction materials for Eliason Trail Head pavilion
- Color coded chains and load binders for each specific trailer
- Removed trees from Oakland Drive Park storm water retention basins
- Removed brush from Oakland Drive Park north fence line
- Repaired split rail fencing along Oakland Drive Park north fence line
- Provided ice rink tractor training to Millennium Park Ice Rink groomer
- Supported Department of Parks & Recreation with Traditional Holiday event on 12/2
- Supported Fleet & Facilities Division with snow plow truck maintenance
- Supported Department of Public Safety Biggest Giver Food Drive event by transporting donations to Portage Community Center
- Supported Fleet & Facilities Division by preparing packer trucks to return to rental company

Weekly Curbside Recycling Program - The following summarizes total weights of recyclable materials collected during the month of December 2017 as well as Fiscal Year-to-Date totals:

WEEKLY CURBSIDE RECYCLING PROGRAM COLLECTION SUMMARY
TOTAL WEIGHT OF RECYCLABLE MATERIALS COLLECTED

		Tier I	Total	Tier II	Dumpster	Dumpster	Dumpster
Date	Total (tons)	Carts	Carts	Carts	2 Cyd	4 Cyd	6 Cyd
Dec-17	239.51	27	13,571	0	5	6	23
YTD Total	1,339.36	306	13,571	1,800	5	6	23

PARKS MAINTENANCE ACTIVITIES

- Prepared facilities for upcoming rentals
- Removed debris from trail system
- Repaired lighting issues in park facilities
- Removed trash and leaves from parks and city owned properties
- Prepared Millennium Park Ice Rink for winter operations
- Modified Millennium Park Ice Rink warming building to support skate rentals
- Installed lockers at Millennium Park Ice Rink warming building
- Removed graffiti from park trail benches
- Provided City Centre sidewalk snow removal training to new operators
- Removed 33.7 inches of snow from city owned properties and trails
- Prepared trash barrels for painting
- Repaired four deer exclosures for Kalamazoo Nature Center project
- Repaired malfunctioning park gates
- Hired contractor to install gas operated fire pit at Millennium Park Ice Rink

- Supported Department of Parks & Recreation with Traditional Holiday event on 12/2
- Supported three burials in city cemeteries

FLEET & FACILITIES DIVISION

The Fleet & Facilities Division generated 112 work orders for the month of December 2017. A total of \$12,489.90 was spent on billable labor hours while the parts costs were \$20,379.52. Outside contracted work was \$9,809.37.

December 2017	December 2016	
112	169	Work Orders
\$20,379.52	\$12,938.63	Parts Cost
\$12,489.90	\$14,871.87	Labor Cost
11	30	Preventative Maintenance (P.M.) Work Orders Completed
\$138.41	\$120.31	Average Cost per P.M
\$1,522.51	\$3,609.21	Total P.M. Cost
\$2,500.00	\$1,841.76	Contracted Repairs - Body & Paint
\$7,309.37	\$4,456.33	Contracted Repairs (not including body & paint)
\$4,235.19	\$13,875.92	Building Renovations

- Received one new Ford F-250 pickup equipped with utility body (currently being prepped to put in service)
- Maintained snow fleet for winter operations

BUILDING MAINTENANCE

- Custodial Operations
- City Hall, Police and Senior Center facility support services
- Energy efficiency upgrades to the DPS facility continued during the month of December to include:
 - DPS facility overhead doors replaced
 - Continued to update all 32 watt, 4-foot fluorescent bulbs with 15 watt LED replacements
 - Offices equipped with timers for automatic light shut off

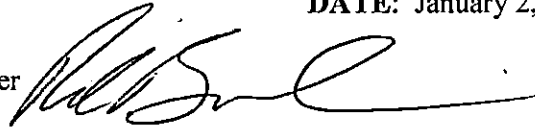
CITY OF PORTAGE

COMMUNICATION

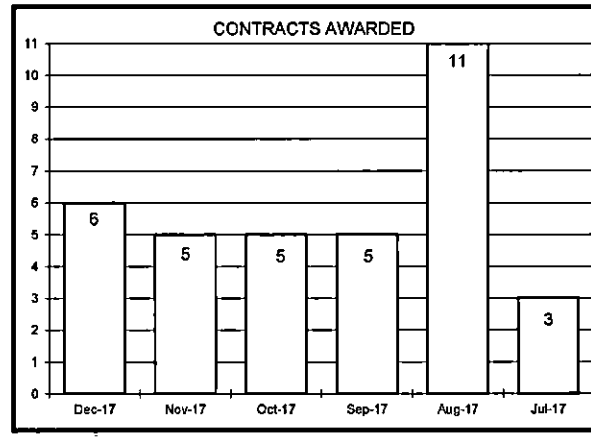
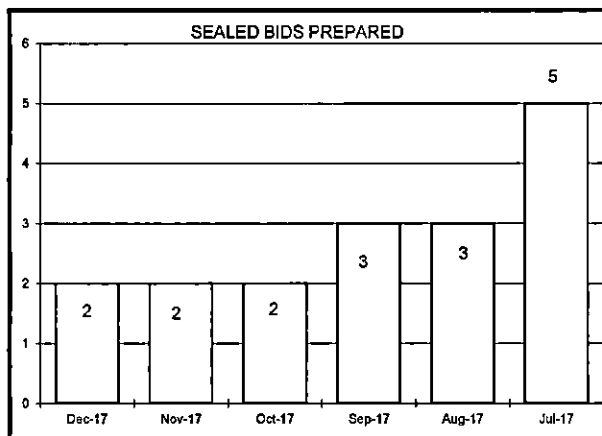
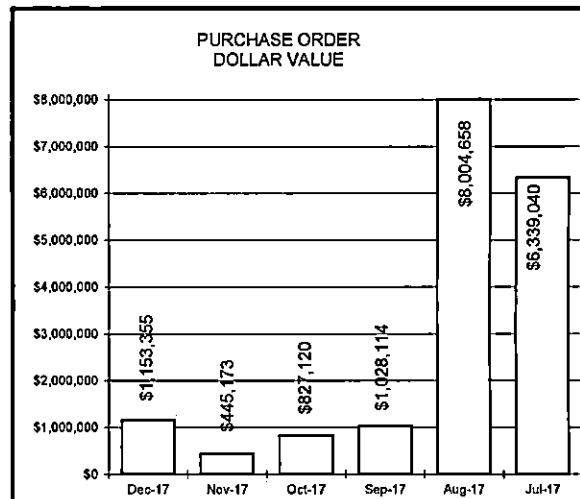
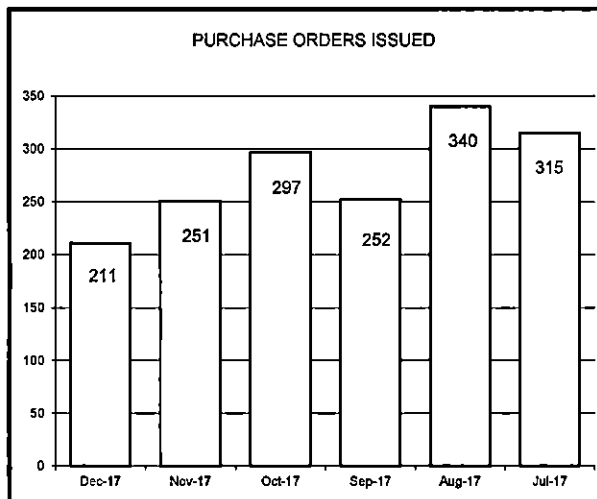
TO: Laurence Shaffer, City Manager

DATE: January 2, 2018

FROM: Rob Boulis, Deputy City Manager



SUBJECT: Purchasing Monthly Report - December 2017



SEALED BIDS OPENED / CONTRACTS AWARDED

Front-End Loader Rental

Blue Cross/Blue Shield Employee Insurance

Blue Care Network Employee Insurance

Vision Care Employee Insurance

BS&A Annual Licensing & Maintenance

SCADA System Upgrade

Stryker Way @ Portage Road Intersection Improvements

- Six new claims were filed with MMRMA, two claims were settled.
- Purchasing staff added 6 new vendors to the purchasing software vendor file.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 16, 2018

FROM: Devin Mackinder, Director of Technology Services & Community Marketing



SUBJECT: Department Monthly Report – December, 2017

The following summarizes some of the public information and technology activities for the month of December.

Cable Access

Continued administration of the Cable Communications Franchise Agreement with Charter Communications, AT&T, Comcast and the Cable Television Access Agreement with Public Media Network:

Significant Activities:

- Continued taping various special programs (HMP, PSI, Lunch & Learn, etc.)
- Emergency broadcast protocols – on hold until new PMN director is in place
- Continued working on new city marketing video materials
- Met with the new director to discuss issues and how to improve service quality

Internet/Intranet Web Site

Continued with daily updates to city Internet and Intranet web sites as well as preparing for future updates and upgrades and compiling monthly statistics.

Significant Activities:

- Continued working on the city website rebuild.

Telecommunications

- Continued working on the Mobilitie DAS permit process.
- Continued working on the AT&T DAS permit process.
- Continued utilizing services of special council, Mike Watza to assist with developing a modified METRO Act and new Franchise Permit to address the DAS permit requests.
- Continued working on the AT&T Video Franchise Agreement renewal

Contract Administration

- In Process: AT&T phone services contract renewal
- Completed: Nomad Multi-media podium for Council Chambers
- In Process: ADP software renewal

Information Technology

Continued with several technology projects, supervising Technology Services Department staff and researching new technology opportunities that work toward city goals of providing efficient and cost-effective services.

Significant Activities:

- On Hold: working with the City of Kalamazoo IT director on connecting fiber
- Continued PortageAlert mass notification system for emergency initiatives
- Continued development of new city website
- Continued investigating options for upgrading the decades-old multi-mode fiber ring
- Continued working on a Soofa Sign pilot program application
- Continued researching various new technologies
- Continued implementation of the citywide keyless entry and camera system project
- Completed working on process and certifications for operating a city drone
- Continued working on consolidated dispatch
- Continued working on migrating old AS400 data to new platforms and consolidating data
- Continued migrating paper forms to the new electronic Seamlessgov system
- Continued working with departments on electronic document management
- Continued review of department procedures
- Continued working on GPS snow plow tracking mobile application

Marketing Activities

- Continued oversight and management of all city marketing activities
- Continued Branding support initiatives
- Continued working on Soofa Sign branding
- Continued working on new city signage
- Began working on Parks creative work plan for ads and other marketing efforts

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 12, 2018

FROM: Kendra Gwin, Director of Transportation & Utilities 

SUBJECT: Transportation & Utilities Department Monthly Report for December 2017

The month of December 2017 was busy for both Transportation & Utilities staff and the Suez Environmental staff. In regards to the Suez Environmental operations, emphasis during the month continued to be directed at ensuring the various activities related to the utility operation were being completed professionally and in a manner to ensure that service levels committed under the Suez Environmental contract with the city are completed in a timely manner.

Major accomplishments involving the Suez operations during the month include:

1. Inspections continued on sewer lift stations and water wells. During the month of December 500 inspections were made by Suez personnel.
2. Suez personnel received 64 customer service calls throughout December.
3. Suez personnel responded to 29 after-hour panel alarms as indicated on the SCADA control panel monitoring the city's water and sanitary sewer facilities.
4. Approximately 99 million gallons of water were produced/pumped during the month of December. Production averaged around 3.2 million gallons of water per day during the month. Four hundred ninety-six water quality analyses were completed during the month.
5. Eleven new meters were installed and nine water taps were required during the month of December.
6. Miss Dig stakings were completed at 194 locations.
7. There were 5 water main breaks during the month at 5433 Meredith Street, 7143 Winter Forest Drive, Curtis Avenue @ Walcott Street, 6637 Amberly Street, and 8423 Newells Lane.
8. Suez personnel cleaned a total of 78,563 feet of sanitary sewer and inspected and cleaned 314 manholes.

In the transportation and utility areas, the following activities in December were either completed or ongoing at month's end.

1. Review of new development plans from a transportation and utility standpoint continued during the month. Five development and building plans were reviewed.
2. The Utility Contract Administrator oversaw the Suez Environmental operations, addressing customer concerns, inspecting public and private utility construction and inspecting city-owned stormwater and utility facilities.
3. The Traffic Engineering section was active during the month of December investigating complaints/concerns regarding operation of traffic signals, performing traffic volume/accident analyses and reviewing new streetlight installations.
4. Nova Consultants was awarded a four-year contract by City Council on April 29, 2014 for a four year program to monitor groundwater levels in the city. Monthly sampling at two retention basins continues.
5. City traffic signal maintenance is performed under contract to a specialized electrical traffic signal contractor. City staff initiated a bid package for traffic maintenance with bids received July 23, 2015 with the sole bid in the amount of \$176,300 submitted by Severance Electric. City Council approved on August 11, 2015 and renewed on September 1, 2016. Recent work continues to focus on LED sign upgrades, illuminated sign replacements, and controller cleaning.
6. The 2018 Asset Management Plan for the city's water system was submitted to the Michigan Department of Environmental Quality on December 27, 2017.
7. The National Pollution Discharge Elimination System permit application for discharge of storm water to surface water at the state from a municipal separate storm system was updated and resubmitted on December 19, 2017 in response to comments received on the last submittal to the Michigan Department of Environmental Quality. The Bi-Annual Stormwater Management Report was also submitted on December 19, 2017.
8. Completed Part 91 Enforcing Agency Audit Questionnaire and submitted to the Michigan Department of Environmental Quality for soil erosion and sedimentation control permitting program in response to the upcoming audit scheduled for February 1, 2018.

Implementation of the Capital Improvement Construction Program was also an ongoing activity as the construction season was completed. Accomplishments during the month of December included the following:

1. Local Street Calming Program

The 2015-16 Capital Improvement Program includes a project for a Local Street Neighborhood Calming Program. A budget of \$10,000 was established for professional services and the remaining \$15,000 to be used for implementation of the program. OHM was selected based on experience and their proposed approach to developing a project plan that will best meet the City's needs. Draft Program complete with final program

documents forthcoming. The first program to follow the program is Meredith Street, which is currently underway. A request was also received for Lakeview Drive and is being reviewed.

2. West Centre Avenue Intersections Improvements

The 2015-16 Capital Improvement Program includes the design and construction of new traffic signals and associated street improvements on West Centre Avenue at the intersections of Old Centre Road and Cooley Drive. Included in the project are modifications to the existing driveways on West Centre Avenue within the influence of the Greenspire Retail Drive/Cooley Drive intersection to promote use of the new protected left-turn phase at the traffic signal and limit left turns out of driveways close to the intersection. City Council awarded contracts to Severance Electric Company on August 23, 2016 for \$446,967.80 (Cooley Drive) and \$294,965.33 (Old Centre). Old Centre was activated on June 23, 2017 and Cooley Drive was activated August 28th, 2017. Construction is 100% complete.

3. US-131 Crossing Forcemain Replacement

The 2014 – 2015 Capital Improvement Program includes a project to replace the 20” force main under US-131 from 12th Street to east of Angling Road. The force main has suffered several breakages and is nearing the end of its effective life. On March 30, 2016, an engineering contract was awarded to Prein & Newhof for design of the force main project. Under agreement with Texas Township, the township is responsible for approximately 94% of the project cost. On March 28, 2017, City Council awarded a contract to Kamminga & Roodvoets, Incorporated in the amount of \$567,323. Construction is 100% complete. Plans are still pending for installation of the meter at the lift station.

4. The 2016-2017 Capital Improvement Program includes projects in the Major Street Reconstruction Programs. These streets include:

Rockford Street, Schuring Road to Romence Road

A preliminary design has been completed for Rockford Street, but due to limited funds needed for Portage Road, will be delayed until the 2017-2018 Capital Improvement Program. Evaluation underway for compliance with Complete Streets Policy and Traffic Calming. On September 26, 2017, City Council approved a budget transfer from the Major Street fund to the Capital Improvement fund.

Portage Road, Mandigo Avenue to Osterhout Avenue

Final design has been completed with bids opened May 11, 2017. Construction scheduled for summer of 2017 with complete road closure of Portage Road to facilitate construction. City Council awarded a contract to Lakeland Asphalt in the amount of \$759,181.86 on May 23, 2017. Project is 100% complete, with the exception of one driveway that will be completed in spring 2018.

Portage Road/Lakeview Drive Intersection Realignment

Preliminary design services for the intersection improvements at Portage Road and Lakeview Drive have been completed by Abonmarche Consultants. On May 23, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$48,450. Design engineering is underway and a grade inspection meeting was held with MDOT on January 3, 2018 for a May 2018 bid letting.

3. The 2017-2018 Capital Improvement Program includes Major Street Reconstruction Programs. These streets include:

South Westnedge Avenue Reconstruction – Romence Road to Mall Drive

On August 8, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$182,000. Design engineering has been completed and the final bid package has been sent to MDOT for a March bid letting. Construction is scheduled for summer 2018. Project includes \$700,000 in federal funding.

West Centre Avenue Reconstruction – 12th Street to Oakland Drive

On August 22, 2017 City Council awarded an engineering contract to Wightman & Associates, Incorporated in the amount of \$246,400. Design engineering underway. The final bid package to MDOT is due January 19, 2018 for an April bid letting. Construction is scheduled for summer 2018. Project includes \$1,300,000 in federal funding.

Oakland Drive Reconstruction – Milham to I-94

On August 22, 2017 City Council awarded an engineering contract to Wightman & Associates, Incorporated in the amount of \$246,400. Design engineering underway. Construction is scheduled for spring/summer of 2018.

Oakland Drive/Vanderbilt Flashing Beacon

On May 23, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$13,350. Design engineering underway. A grade inspection meeting with MDOT was held January 3, 2018 for a May bid letting. Project has been awarded federal safety funding.

2017 Local Streets

The 2017-2018 Capital Improvement Project includes the reconstruction of local streets to include the milling and resurfacing of these streets, as well as implementing complete streets enhancements. On January 24, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$131,118. Design is complete. On August 8, 2017 City Council awarded construction to Michigan Paving and Materials in

the amount of \$1,038,360.35. Construction in 5 neighborhoods in 2017 is complete with construction in 4 neighborhoods remaining for spring of 2018.

TO: Honorable Mayor and City Council

FROM: Adam Herring, City Clerk



SUBJECT: Calendar of Meetings

ACTION RECOMMENDED: Information Only

The following are upcoming meetings of city advisory Boards and Commissions and/or other publicly noticed meetings of local importance.

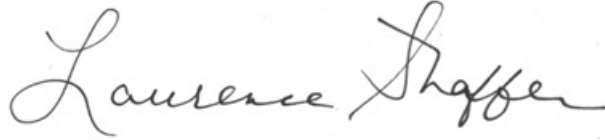
- a. Public Media Network Board of Directors, Thursday, January 25, 2018 , 4:30 p.m., 359 S. Kalamazoo Mall – 3rd Floor.
- b. Human Services Board, Thursday, February 1, 2018 , 6:30 p.m., City Hall Room #1.
- c. Planning Commission, Thursday, February 1, 2018, 7:00 p.m., Council Chambers.
- d. Historic District Commission, Wednesday, February 7, 2018 , 8:15 a.m. , City Hall Room #2.
- e. Historic District Study Committee, Wednesday, February 7, 2018 , 9:00 a.m. , City Hall Room #2.
- f. Park Board, Wednesday, February 7, 2018, 6:30 p.m., Portage Senior Center.
- g. Youth Advisory Committee, February 12, 2018, 6:30 p.m., City Hall Room #1.
- h. Zoning Board of Appeals, February 12, 2018, 7:00 p.m., Council Chambers.

FUNDING: N/A

Attachments: N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Medical Marihuana Facilities

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Accept for first reading amendments to Chapter 14, Article 12, Businesses and Chapter 42, Article 4, Zoning, for Medical Marihuana Facilities and set a public hearing for February 27, 2018.

In November 2008, Michigan voters approved the Michigan Medical Marihuana Act (MMMA), which allows qualifying patients to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law. In July 2011, the City of Portage adopted a Medical Marihuana Home Occupation ordinance amendment that permits State of Michigan registered primary caregivers to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s). In December 2016, three new laws became effective that provide a “seed-to-sale” regulatory framework for the commercialization of medical marihuana, and permits consumption of marihuana via edible marijuana-infused products:

1. **Public Act 281:** Medical Marihuana Facilities Licensing Act
2. **Public Act 282:** Marihuana Tracking Act
3. **Public Act 283:** Amended MMMA to recognize and provide for “marihuana-infused products”; defines “usable marihuana equivalencies”; prohibits butane resin extraction refining process in residential areas.

The Medical Marihuana Facilities Licensing Act (MMFLA) creates five types of Medical Marihuana Facilities:

1. **Grower:** Class A – 500 plants; Class B – 1000 plants; Class C – 1500 plants.
2. **Processor:** Extracts resin from plant /creates marihuana-infused products.
3. **Secure Transporter:** Transports marihuana & cash between facilities and may also store marihuana.
4. **Safety Compliance Facility:** Tests samples of marihuana for contaminants and its active ingredients.
5. **Provisioning Center:** Sells marihuana / marihuana-infused products only to registered patients and caregivers.

Emergency Rules for the implementation of these acts were adopted by the Department of Licensing and Regulatory Affairs (LARA) on December 4, 2017, and on December 15, 2017, LARA began

accepting applications for state-issued operating licenses, which are required prior to the operation of a medical marihuana facility. The MMFLA further specifies that a municipality must adopt an ordinance authorizing one or more types of marihuana facilities in order for a facility to obtain a state operating license.

SUMMARY OF PROPOSED AMENDMENT

The City Administration and City Attorney have worked extensively over the past year developing options to permit Medical Marihuana Facilities within the city, while providing adequate measures to minimize potential adverse impacts on adjacent properties and the community as a whole.

- An amendment to Chapter 14, Article 12, Businesses, of the Code of Ordinances is proposed, which will implement the requirement of annual business permit for medical marihuana facilities.
- An amendment to Chapter 42, Article 4, Zoning is proposed, which presents land use provisions for medical marihuana facilities and updates existing ordinance provisions regarding Medical Marihuana Home Occupations.
- The proposed amendments to Chapters 14 and 42 offer complimentary provisions.

Proposed changes to Chapter 14, Businesses:

- In addition to a state operating license, an annual business permit would be required from the city;
- Business permits would be reviewed and issued by the City Administration (City Clerk, Public Safety, Community Development and City Manager);
- Applicants would be required to be pre-qualified by LARA at the time of application;
- A non-refundable fee of up to \$5,000 would be required for all applications to the city. Additional site plan review and building permit fees would apply;
- The application submittal requirements for a business permit align closely with the requirements to obtain a permit from LARA;
- Applicants must meet all requirements of Chapter 14, Businesses, and Chapter 42, Zoning in order to receive a permit;
- All five types of medical marihuana facilities would be permitted within the city;
- There are no specific limits on the number of facilities, but the spacing and separation requirements of the Zoning Code addressed below effectively limit the number of facilities;
- Minimum standards for operation of various facilities are included;
- Provisions for renewal and revocation of annual business permits are included;
- With regard to the application process, the following summarizes the proposed ordinance:
 - Applicants that meet the requirements of the City Code would be issued a provisional permit, allowing the applicant to proceed with obtaining site plan review from the city (if required) and a state operating permit from LARA. Provisional permits issued by the city are valid for a period of six months. The City Manager may issue one six-month extension, if warranted.
 - Applicants that receive site plan approval and a state operating permit would be issued an annual business permit by the city.
 - An initial application phase would be provided for applicants that received a Temporary Operating Permit from the city prior to December 31, 2017. Applicants that meet the

requirements of Chapter 14 and Chapter 42 of the City Code would be issued a provisional permit and be eligible to receive an annual business permit.

- A second application phase would be provided for all other applicants. Applicants that meet the requirements of Chapter 14 and Chapter 42 of the City Code would be issued a provisional permit and be eligible to receive an annual business permit.
- Applicants that do not meet the separation requirements of the Zoning Code from another proposed facility would be entered into a lottery to obtain a provisional permit. Applicants selected from the lottery that meet the separation requirements of the Zoning Code would be issued a provisional permit and be eligible to receive an annual business permit. Applicants that are not approved would be eligible to re-apply in the next available application window.
- Medical Marihuana Facilities that receive an annual business permit from the city would be required to reapply at the same time in each subsequent year as provided by the City Manager.

Proposed changes to Chapter 42, Zoning:

- Provisioning centers would be designated as a principal permitted use within the B-3 zoning district and shall not be located:
 - adjacent to a residential zoning district;
 - within 1,000 feet of a school, child care center, library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility;
 - within 1,000 feet of another provisioning center;
 - within 250 feet of the municipal boundary of the City of Portage with the exception of the boundary east, south and west of the airport.
 - The above measurements are taken from the property line of the zoning lot occupied by the provisioning center using an uninterrupted straight line without regard to intervening structures or objects;
 - Buildings shall comply with all State of Michigan Construction Codes and provisioning centers shall not be located in greenhouses or similar buildings;
 - No drive-through facilities are permitted;
 - No marihuana or marihuana-infused products may be consumed on the premises;
 - All activities shall be conducted indoors;
 - Only one provisioning center shall be permitted per zoning lot and must be located in a single-tenant building, or partitioned from any other business, having a separate entrance and HVAC system;
 - The business must comply with state law and regulations and the city Code of Ordinances.
- Growers and processors would be designated as a principal permitted use within the I-1 and I-2 zoning districts and shall meet the same locational and operational requirements for provisioning centers noted above.
- Safety compliance and secure transporter facilities would also be designated as a principal permitted use within the I-1 and I-2 zoning districts and shall meet all of the same requirements with the exception of the 1,000-foot separation from other medical marihuana facilities. These

two types of facilities are considered less intense land uses and would therefore not be required to meet the separation standards from other medical marihuana facilities.

- The above spacing and separation requirements are intended to ensure proper distances from schools, parks/playgrounds, recreational uses, churches, and similar uses, while preventing a concentration of facilities in specific areas of the community. For provisioning centers, there are approximately 66B-3 properties located outside of the above exclusion areas, and when also accounting for the 1,000-foot separation distance between provisioning centers, it is estimate there are up to 11 general locations in the community where provisioning centers may be permitted. For growers, processors, secure transporters and safety compliance facilities, there are approximately 97I-1 or I-2 properties that are located outside of the exclusion areas. When also accounting for the 1,000-foot separation distances for growers and processors, there are approximately 15 general locations for these types of medical marihuana facilities. As noted above, safety compliance and secure transporter facilities would not be required to have a separation distance from other medical marihuana facilities.
- Proposed revisions to the home occupation provisions for a Medical Marihuana Home Occupation operated by a caregiver are as follows:
 - The restriction to operate the home occupation within only the dwelling unit has been eliminated. The home occupation would still be operated within an enclosed, locked facility.
 - A reference to marihuana infused products has been added per amendments to the MMA.
 - Separation of marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation would not be permitted.
 - Storage of any chemicals such as herbicides, pesticides and fertilizers inconsistent with the provisions of the Portage Code of Ordinances, including but not limited to the International Fire Code as adopted by the code on the premises of medical marihuana home occupation would not be permitted.
 - Production or generation in any way of noise, odor, dust, fumes or smoke, glare or comparable nuisances which would cause negative effects on surrounding property, would not be permitted by a home occupation.
 - Language has been added that clarifies a Medical Marihuana Facility is not permitted as a home occupation.

PUBLIC HEARING/COMMENTS

On November 30, 2017, staff presented options for a local authorizing ordinance to the City Council at a Committee of the Whole meeting. Subsequent to the release of Emergency Rules by LARA on December 4, 2017, revisions to the draft ordinance were made and on December 12, 2017, in accordance with the LARA Emergency Rules, the Council adopted a resolution of intent to adopt an authorizing ordinance and also passed an Emergency Ordinance permitting the temporary operation of existing Medical Marihuana Facilities, subject to conditions, until June 15, 2018. On December 19, 2017, a second Council Committee of the Whole meeting was held to review the major components of the draft ordinance, and on December 21, 2017 the Planning Commission held a workshop to also review the draft ordinance.

At the January 18, 2018 Planning Commission public hearing, the Planning Commission received comments from three citizens: Ashley Bergeon, Ken Jonatzke, and Josh Cook (7185 Easling Street, Mattawan, Michigan). Ms. Bergeon presented additional data regarding the increased issues with youth and marihuana use in the community. Mr. Jonatzke requested a level playing field for all applicants and indicated a concern regarding the removal of the initial waiver from the separation requirements. Mr. Cook indicated concerns regarding the spacing and separation requirements in the ordinance, as well as the proposed lottery system. Upon conclusion of the public hearing, there was further discussion amongst the Planning Commission. Chairman Stoffer recommended a larger setback (possibly one mile) from the Portage Northern High School/Middle School and Portage Central High School/Middle School campuses. Commissioners Patterson and Place indicated that the 1,000 foot setback from schools seems reasonable and sufficient. In addition to concerns regarding the proposed spacing and separation requirements, Commissioner Place indicated that the 250-foot buffer from the city boundary appears to unnecessarily limit the location of facilities. Commissioners Shoup and Corradini acknowledged varying perspectives and indicated support for a larger setback from schools and a lesser separation distance between medical marihuana facilities. Commissioner Harrell-Page asked why growers and processors are required to be separated versus co-located. Staff indicated there is some uncertainty regarding interpretation of the LARA Emergency Rules, and the city is awaiting further clarification and finalization of these rules before considering co-location. After further discussion of comments and concerns, the Planning Commission unanimously approved a motion to recommend to City Council that Ordinance Amendment #17/18-A, Medical Marihuana Facilities, be approved.

RECOMMENDATION

Based on the above information, it is recommended that City Council accept for first reading amendments to Chapter 14, article 12, Businesses and Chapter 42, Article 4, Zoning, for Medical Marihuana Facilities and set a public hearing for February 27, 2018.

FUNDING: N/A

Attachments:

1. Planning Commission transmittal dated January 19, 2018
2. Department of Community Development staff report dated January 16, 2018, including proposed ordinance amendments

TO: Honorable Mayor and City Council

FROM: Planning Commission

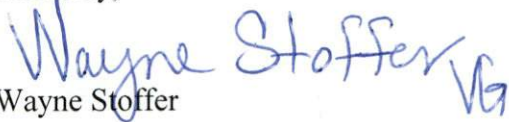
DATE: January 19, 2018

SUBJECT: Ordinance Amendment #17/18-A, Medical Marihuana Facilities

At the January 4th and 18th, 2018 meetings, the Planning Commission convened a public hearing to review and discuss Ordinance Amendment #17/18-A, Medical Marihuana Facilities. Six citizens spoke during the January 4th meeting, while three citizens spoke during the January 18th meeting. A summary of citizen comments received during these meetings is provided in the meeting minutes. Additionally, a communication dated January 18, 2018 was received from Kristin Tencza of Oasis Wellness Centers regarding the proposed ordinance amendment.

After lengthy discussions and careful consideration, a motion was made by Commissioner Schimmel, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #17/18-A, Medical Marihuana Facilities, be approved. This motion was unanimously approved 7-0. While the formal recommendation from the Planning Commission did not include any specific conditions of approval, several Commissioners voiced comments and concerns that they wanted conveyed to City Council for consideration. Concerns and comments from individual Commissioners are summarized in the meeting minutes and the Commission would respectfully request that City Council closely review these concerns and comments as part of their deliberations.

Sincerely,


Wayne Stoffer
Chairman

3. Ordinance Amendment #17/18-A, Medical Marihuana Facilities. Mr. West introduced Director of Community Development, Vicki Georgeau and Assistant City Attorney, Charlie Bear and also referred the Commission to a January 18, 2018 communication received from Kristin Tencza of Oasis Wellness Centers. Ms. Georgeau summarized the staff report dated January 16, 2018 and the proposed ordinance amendments to Chapter 42 (Zoning Code) and Chapter 14 (Businesses, Medical Marihuana Facilities). Ms. Georgeau reiterated that the amendment to Chapter 14 was not subject to Planning Commission review and recommendation, however, was provided for context as the Planning Commission reviews the Zoning Code amendment. Ms. Georgeau summarized changes made to Chapter 42 (Zoning Code) since the January 4, 2018 preliminary review by the Commission and the rationale for these changes including the addition of "child care center" to the 1,000 foot setback from medical marihuana facilities (child care centers were originally intended to be included, however, were inadvertently not referenced in previous versions of the ordinance); the addition of a 250 foot setback from the corporate boundary of the city with the exception of the south, east and west sides of the airport; the addition of clarifying language that only one medical marihuana facility is permitted per zoning lot (originally intended to be included, however, not specifically referenced in previous versions of the ordinance); a reduction in the separation standard from 1,500 feet to 1,000 feet between growers and processors (for consistency with provisioning center standard); and a revision to the text that the separation requirements between medical marihuana facilities apply to like facilities (the previous version of the ordinance was determined to be overly restrictive). Ms. Georgeau then reviewed maps of eligible properties and potential locational scenarios based on the ordinance changes citing approximately 66 eligible B-3 zoned properties for provisioning centers (previously 70 properties) with 11 potential "locations", and 97 eligible I-1/I-2 zoned eligible properties for growers, processors, safety compliance and secure transporters (previously 117 properties) with 15 potential "locations" for growers and processors. Ms. Georgeau then summarized changes to Chapter 14 (Business, Medical Marihuana Facilities) and the rationale for these changes including elimination of the waiver from the separation requirement between facilities for the first year of applications and the addition of a lottery system for applicants that do not meet the separation requirements from another like applicant, and revisions to the application process which includes an initial application window for applicants that have been issued a temporary operating permit. Ms. Georgeau stated the waiver from the separation standard between facilities during the first year was contrary to the original intent of the separation standard, which is to avoid a concentration or cluster of facilities in a particular area of the city. Attorney Bear provided additional explanation regarding changes to the application process and inclusion of a lottery system, if multiple applications are received for a specific area with an overlap of the 1,000 foot separation. In addition, Attorney Bear indicated the lottery system is proposed due to concerns with a merit based evaluation, which may not withstand a legal challenge.

Chairman Stoffer asked if the Zoning Code currently has similar separation requirements for other businesses in the B-3, I-1 and/or I-2 zones. Ms. Georgeau stated the adult regulated uses section of the Zoning Code has similar separation requirements between businesses. Ms. Georgeau restated that medical marihuana facilities are a new type of land use with unknown impacts and it was best to proceed carefully and cautiously. Ms. Georgeau indicated the ordinance could be amended in the future to relax restrictions and requirements, after the city has time to evaluate the real impacts of approved facilities. Chairman Stoffer stated he was very concerned about the 1,000 foot setback from schools and future legislation that may allow for recreational marihuana in Michigan. While acknowledging the medicinal benefits, Chairman Stoffer stated he didn't want to give the wrong impression to students that widespread marihuana use was acceptable. Chairman Stoffer stated that students are very impressionable and the Portage Public Schools are a great asset to the community. Chairman Stoffer referenced the article provided by Ashley Bergeon of the Kalamazoo County Substance Abuse Task Force at the last meeting and the negative impacts of locating facilities close to schools has had on students in Colorado. Chairman Stoffer believes that the city should move cautiously on the ordinance development and believes a much larger setback (possibly one mile) from the Portage Northern High School/Middle School campus and Portage Central High School/Middle School campus should be considered. Chairman Stoffer asked staff how the inclusion of a one mile setback from these high school/middle school

campuses would impact the number of eligible properties. Ms. Georgeau stated that a one mile setback would reduce the number of eligible B-3 zoned properties from 66 to 56 (loss of 10) and the number of eligible I-1/I-2 properties from 97 to 84 (loss of 13). If the one mile setback was proposed from Loy Norrix High School in Kalamazoo, Ms. Georgeau indicated there would be a further reduction in available properties. Attorney Bear provided a brief overview of the State law and the preliminary rules that specifically state that medical marihuana can not be marketed or sold to minors and indicated Portage Public Safety intends to monitor medical marihuana facilities. Ms. Georgeau also indicated that minors are not allowed to enter a medical marihuana facility.

Commissioner Patterson also referenced the article included with the agenda materials and indicated that illegal activities associated medical marihuana, such as reselling the product to minors, was similar to illegal alcohol sales, which is an issue beyond the scope of the ordinance. Commissioner Patterson stated that he believes the 1,000 foot setback from schools is reasonable. Commissioner Patterson then asked about the currently eligible properties located on the west side of Portage Road, north of East Centre Ave, and the impact of the future trail expansion/construction that was planned along the Consumers Energy Company transmission lines. Ms. Georgeau stated that the trail was planned a couple years out in the Capital Improvement Program and if a medical marihuana facility was to locate at one of these properties prior to the trail construction and designation as a "park", the facilities would be allowed to continue at this location. Commissioner Place stated that she also believes the 1,000 foot setback from schools was a reasonable standard citing the location of an existing party store that sells alcohol and tobacco at the entrance to Portage Central High School. Commissioner Place indicated that the 250-foot buffer from the city jurisdictional boundary appears to be another restriction added to the ordinance which unnecessarily limits the location of facilities. Commissioner Place also asked for additional clarification on the 1,000-foot separation requirement between facilities and whether the addition of language to address potential odors could be added to the ordinance, thereby eliminating the need for the 1,000-foot separation requirement. Ms. Georgeau indicated that there are existing restrictions regarding odor control contained in Chapter 14 of the ordinance amendment. Ms. Georgeau indicated the intent of the 1,000-foot separation requirement was not related only to odor control, but also to address the overall number and concentration of these new land uses. As previously stated, Ms. Georgeau stated that the ordinance provides for numerous eligible properties and several potential "locations" for provisioning centers, growers and processors and that the 1,000 foot separation requirement does not apply to secure transporters and safety compliance facilities.

The public hearing was reconvened by Chairman Stoffer. Three citizens spoke regarding the proposed medical marihuana ordinance amendments: Ken Jonatzke (8318 Portage Road), Josh Cook (7185 Easling Street, Mattawan, Michigan) and Ashley Bergeon (Coordinator for the Kalamazoo County Substance Abuse Task Force, 611 Whitcomb, Kalamazoo, Michigan). Mr. Jonatzke, a resident and business owner at 8318 Portage Road since 1971, discussed the medical marihuana dispensary that illegally moved into the adjacent property approximately two years ago and the changes to the ordinance which have occurred since the last meeting which would no longer allow him to operate from his location. Mr. Jonatzke stated he didn't agree with the changes and asked that considerations be given in the ordinance to "level the playing field" between his location and the Lake Effect facility to the north. Ms. Georgeau clarified that Mr. Jonatzke has been operating a home occupation caregiver facility from his residence and he could continue to operate this business. Ms. Georgeau stated that Mr. Jonatzke did make application under the emergency ordinance adopted by City Council in December, however, his application was denied since it did not satisfy the applicable criteria. Mr. Cook indicated that he believes the buffer and separation standards are too restrictive and asked for reconsideration of these requirements to allow for more business opportunities and available properties. Mr. Cook also discussed the significant financial investment necessary to perform the necessary due diligence and receive approval for a medical marihuana facility and his concerns about the proposed "lottery" system for determination of which business could locate at a particular site. Ms. Bergeon provide a summary of a recent survey conducted in Kalamazoo County that indicated approximately 16% of minors illegally obtain marihuana through medical marihuana dispensaries. Ms. Bergeon stated that marihuana was the 3rd highest abused drug for treatment in Kalamazoo County and indicated that long-term use of marihuana had negative impacts on brain function similar to lead exposure. Ms. Bergeon cautioned the city to consider the potential

impacts on local youth and to utilize a “harm/risk” evaluation when considering adoption of a medical marihuana ordinance. No additional citizens spoke regarding the proposed ordinance amendments. A motion was then made by Commissioner Schimmel, seconded by Commissioner Place, to close the public hearing. The motion was unanimously approved 7-0.

Commissioner Shoup stated that he agrees with both sides on this issue and supports a larger setback from schools and a lesser separation distance between medical marihuana facilities. Commissioner Corradini indicated that he concurs with both Chairman Stoffer and Commissioner Shoup regarding a larger setback from schools and a lesser separation standard between facilities. Commissioner Corradini commended city staff for their hard work and tremendous effort regarding this issue and is confident that City Council will carefully consider the comments of the Commission and do what is right for the community. Ms. Georgeau provided some clarifying comments regarding the proposed ordinance amendment and reiterated that the maps of eligible properties was intended to be informational and that each particular application would need to be closely reviewed for compliance with all the ordinance requirements. Ms. Georgeau indicated that staff was requesting a Planning Commission recommendation at tonight’s meeting and that City Council would accept the ordinance for first reading at the January 23rd meeting and set a public hearing to consider adoption of the ordinance at the February 27th meeting. Commissioner Place restated that she believes the 250-foot buffer from the city jurisdictional boundaries should be eliminated and the 1,000-foot separation between facilities should be reduced. Commissioner Place indicated that she believes the 1,000-foot setback from schools, churches, etc. was sufficient. Commissioner Schimmel stated that she believes the ordinance amendment should be forwarded to City Council and they can consider the comments from the Commission in their deliberations

A motion was then made by Commissioner Schimmel, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #17/18-A, Medical Marihuana Facilities, be approved. Commissioner Harrell-Page asked if other communities are requiring growers and processors to be separated, or whether they were allowed to be located together. Ms. Georgeau stated that the draft emergency rules from the State allow for co-location of facilities, however, there is some uncertainty about the LARA Emergency Rules and the city is awaiting further clarification and finalization of these rules before they would consider co-location. Attorney Bear provided additional comments regarding this issue and stated that his recommendation at this time was to not consider co-location until the State promulgates final rules. Chairman Stoffer again restated his concerns and requested that City Council consider a one-mile setback distance from the two high school/middle school campuses. Chairman Stoffer indicated that he believes the 250-foot buffer standard from the city jurisdiction boundary was a good standard. Upon a roll call vote: Corradini (yes), Place (yes), Harrell-Page (yes), Schimmel (yes), Stoffer (yes), Shoup (yes) and Patterson (yes), the motion was unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

None.

PLANNING COMMISSION

January 4, 2018

The City of Portage Planning Commission meeting of January 4, 2018 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 20 citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Vicki Georgeau, Director of Community Development; Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Senior City Planner; Randy Brown, City Attorney; and Charlie Bear, Assistant City Attorney.

ROLL CALL:

Mr. Forth called the role: Patterson (yes), Shoup (yes), Stoffer (yes), Schimmel (yes), Bosch (yes); Place (yes), Joshi (yes) and Corradini (yes). A motion was made by Commissioner Schimmel, seconded by Commissioner Bosch, to approve the role excusing Commissioner Harrell-Page. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the December 21, 2017 regular meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. **Ordinance Amendment #17/18-A, Medical Marihuana Facilities.** Mr. Forth introduced Director of Community Development, Vicki Georgeau and Assistant City Attorney, Charlie Bear who having been working closely with City Council on development of the proposed medical marihuana ordinances. Ms. Georgeau summarized the Department of Community Development staff report dated December 29, 2017 and the proposed ordinance amendments to Chapter 42 (Zoning Code) and Chapter 14 (Businesses, Medical Marihuana Facilities). While the proposed amendment to Chapter 14 was not subject to Planning Commission review and recommendation, Ms. Georgeau indicated it was being provided for context as the Planning Commission reviews the proposed Zoning Code amendment. Ms. Georgeau provided a historical overview of medical marihuana legislation in Michigan beginning with the Michigan Medical Marihuana Act (MMMA) approved in November 2008 and subsequent legislation (three bills) approved in September 2016. Ms. Georgeau stated that PA 281 (Medical Facilities Licensing Act), PA 282 (Marihuana Tracking Act) and PA 283 (amendments to MMMA) established a "seed to sale" regulatory framework for medical marihuana in State of Michigan. Ms. Georgeau indicated that PA 281 allows for five types of medical marihuana facilities permits including: 1) Grower, 2) Processor, 3) Secure Transporter, 4) Safety Compliance Facility and 5) Provisioning Center. Ms. Georgeau stated that communities in Michigan have two options regarding medical marihuana; 1) Adopt an authorizing ordinance allowing for one or more types of facilities; or 2) Opt-Out which would not allow for medical marihuana facilities within the community. Ms. Georgeau indicated the City Administration and City Attorney have been working extensively over the past year developing options to permit medical marihuana facilities within the city, while providing adequate measures to minimize potential adverse impacts on adjacent properties and the community as a whole.

Ms. Georgeau stated the proposed zoning amendments would allow for provisioning centers as permitted uses in the B-3, general business zoning district and growers and processors as permitted uses in the I-1, light industry and I-2, heavy industry zoning districts subject to locational and operational requirements and minimum separation requirements. Ms. Georgeau indicated that secure transporters and safety compliance facilities would also be allowed as permitted uses in the I-1 and I-2 zones subject to locational and operational requirements, however, without minimum separation requirements since they are considered less intense land uses. Ms. Georgeau stated the separation requirements would not be applicable during the first year of applications, however, a maximum of 12 provisioning centers, 12 growers and 12 processors would be allowed during the first year, and no limit on the number of secure transporters and safety compliance facilities. Ms. Georgeau then presented a series of maps which identified eligible properties for provisioning centers within the B-3 district, and other permitted facilities within the I-1 and I-2 zones, and then summarized changes also proposed to the home occupation section of the Zoning Code.

Chairman Stoffer asked whether pre-qualification by the State of Michigan is currently available for everyone. Ms. Georgeau indicated the State began accepting applications for medical marihuana facilities licenses on December 15th and also stated that pre-qualification by the State was a prerequisite for applying for a provisional permit from the city. Ms. Georgeau then provided a brief overview of the provisional permit process through the city, the proposed amendment to Chapter 14 (Businesses, Medical Marihuana Facilities), and indicated the proposed city ordinance closely mirrors the State licensing requirements. Chairman Stoffer asked why the minimum separation requirement was proposed to be waived during the first year of applications. Ms. Georgeau stated the primary reason revolved around the difficulty in determining which application was submitted 1st, 2nd, etc. for purposes of establishing where the separation measurements are established. Commissioner Patterson asked for clarification on the proposed changes to the medical marihuana home occupation section of the Zoning Code and whether the amendments would allow for growing/processing within the home and the processing of infused products. Ms. Georgeau stated the proposed changes would remove the restriction that the home occupation only be conducted within the dwelling unit (modified to reference an enclosed, locked facility such as a garage) and would also allow for processing of marihuana infused products as long as it did not involve use of butane extraction. Commissioner Place asked if facilities allowed during the first year of applications would be "grandfathered" the following year for purposes of separation requirements. Ms. Georgeau stated these facilities would be "grandfathered" so long as the use was not abandoned or discontinued. Commissioner Place also asked about the rationale for the 1,000 foot setback distance for various facilities from churches, schools, child care centers, etc. and the 1,000/1,500 foot separation requirement between other medical marihuana facilities. Ms. Georgeau stated the origins were based in the federal Drug Free School Zone requirements and were intended to address the intensity of the land uses and potential impacts, and to prevent the congregation or clustering of medical marihuana facilities. Ms. Georgeau also stated the Zoning Code restricts many land uses and their proximity to residential districts and there are similar setback and/or separation distance requirements for other land uses such as cell towers, gas stations, dog kennels, group child care homes and collection/donation boxes, amongst others.

The public hearing was then opened by Chairman Stoffer. Six citizens spoke regarding the proposed medical marihuana ordinance amendments: 1) Ashley Bergeon (Coordinator for the Kalamazoo County Substance Abuse Task Force, 611 Whitcomb, Kalamazoo, Michigan), Bo Arbanas (6159 South 26th Street, Scotts, Michigan), Devin Loker (1595 West Centre Avenue), Ken Jonatzke (8318 Portage Road), Richard Santek (7537 Autumn Lane) and Tom Tarleton (307 Barberry Avenue). Ms. Bergeon expressed concerns about the ordinance and the 1,000 foot setback distance from schools and other similar facilities. Ms. Bergeon stated the 1,000 foot setback distance is not adequate and has not been applied uniformly in other states. Ms. Bergeon provided an article entitled "Under Siege – Marijuana and Colorado Schools" which discusses the increase in illegal student drug use when medical marihuana facilities are located near schools. Mr. Arbanas stated he was associated with a medical marihuana secure transporter and clarified that transporters were allowed a temporary hold on medical marihuana products for up to 48 hours. Mr. Arbanas stated that medical marihuana facilities are highly regulated and secure and questioned whether the 1,000 foot setback distance from schools, churches, etc. was necessary. Mr. Loker stated he was a local attorney who represented many

medical marihuana clients. Mr. Loker stated the requirement that provisioning centers not be located adjacent to residential properties should be eliminated since there are no similar requirements for pharmacies or places that sell alcohol. Mr. Loker also stated the 1,000 foot separation requirement between provisioning centers should also be eliminated citing easier monitoring and enforcement for the city if these facilities were concentrated. Mr. Jonatzke stated he was a business owner and natural medicine advocate that has represented agencies attempting to decriminalize the use of medical marihuana. Mr. Jonatske discussed the location of his property adjacent to Lake Effect provisioning center and believes the 1,000 foot separation requirement between provisioning centers should be eliminated to "level the playing field". Mr. Santek stated he was a 50 year resident of Portage who lives nearby to a lot of vacant property that might be considered for medical marihuana facilities. Mr. Santek expressed concerns about the impact medical marihuana facilities will have on his and others property values and advised the city to be "very careful" moving forward with the ordinances. Mr. Santek stated a 1,000 foot setback from schools, churches, etc. seems like a large distance on paper, however, is "nothing" on the ground. Mr. Tarleton stated he supports the city's efforts at developing the medical marihuana ordinances. Attorney Brown stated that potential applicants should proceed with caution in their efforts to secure property for a Medical Marihuana Facility as the ordinance and maps provided are still in draft form. No additional citizens spoke regarding the proposed ordinance amendments.

Ms. Georgeau discussed some recent comments received and changes which will likely occur to the draft ordinances and maps prior to the next Planning Commission meeting on January 18th including: 1) Inclusion of a 250 foot buffer area along jurisdictional boundaries (based on a recent meeting with adjacent community leaders); 2) Specific reference to "child care centers" in the ordinance; 3) Clarifying language that would limit the number of facilities to one per zoning lot; and 4) Clarifying language regarding the 1,000 and 1,500 foot separation requirements being from a similar medical marihuana facility. After additional conversation, a motion was made by Commissioner Bosch, seconded by Commissioner Schimmel, to adjourn the public hearing for Ordinance Amendment #17/18-A, Medical Marihuana Facilities, to the January 18, 2018 meeting. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

Mr. Forth referenced an earlier email to the Planning Commission inquiring about Commissioner availability for a special meeting on February 22, 2018 to review the 2018 Recreation and Open Space Plan Update. Commissioners Patterson and Corradini indicated that they would not be available for a special meeting on February 22, 2018. Commissioner Bosch indicated that he would not be present at the February 15, 2018 regular meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

JANUARY 18TH, 2018

CITY OF PORTAGE
PLANNING COMMISSION
7900 SOUTH WESTNEDGE AVENUE
PORTAGE, MICHIGAN 49002

RECEIVED
JAN 18 2018
COMMUNITY DEVELOPMENT

To the Honorable Planning Commission of the City of Portage,

I write in regard to the Public Hearing taking place this evening for the draft ordinances permitting, regulating and zoning medical marihuana facilities within the City. In particular, I write in regard to the "Ordinance to Amend the Code of Ordinances of the City of Portage, Michigan by adding Article 11 Medical Marihuana Facilities, of Chapter 14, Businesses" and I will refer specifically to section 14-253 entitled Provisional Permit, subsection (b) numbers (1)-(4) within this draft ordinance proposal.

Oasis Wellness Centers and its affiliated entities do not support the stipulation in the current aforementioned draft ordinance portion mandating a lottery system for the selection of an applicant to receive licensure issuance when two or more applicants apply at the same time and do not meet the minimum spacing requirement between facilities. The application process for a permit requires an extensive list of criterion that must be met by each entity or applicant in order to receive approval. The current draft ordinance requirements emphasize the importance of the quality of an applicant based on the merit of their application as well as their ability to demonstrate that they have the wherewithal to run and manage a successful business. Therefore, the applicant selection process (when necessary) should reflect this emphasis as well. Instead of leaving it up to chance to select an applicant for licensure Oasis Wellness Centers encourage the implementation of a well thought-out merit based selection system (when necessary) so as to ensure that only the most wholesome and qualified applicants are granted licensure within the municipality.

Beyond turning in an application complete in its entirety showcasing all of the necessary components, a highly qualified applicant is also able and willing to contribute communally. A well qualified applicant will invest within the community charitably. The applicant who is able to offer more to the community should be the applicant that is granted licensure. A lottery based system is unable to determine the most qualified applicant and will not provide ensurance that the most qualified applicants receive licensure nor will it substantiate that the applicant selected is the one best able to contribute to the community. Therefore, we encourage the implementation of a merit based applicant selection system in the event that two or more applicants apply at the same time and do not meet the minimum spacing requirements between facilities.

Sincerely,

/s/

Kristin A. Tencza
Oasis Wellness Centers

TO: Planning Commission**DATE:** January 16, 2018**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Ordinance Amendment #17/18-A, Medical Marihuana Facilities

I. BACKGROUND INFORMATION

In November 2008, Michigan voters approved a statewide ballot initiative to create the Michigan Medical Marihuana Act (MMMA). The Act did not authorize the broad legalization of the cultivation, distribution or use of marihuana. Rather, the MMMA allows qualifying patients with a serious debilitating medical condition to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law.

In response to the MMMA, the City of Portage adopted a Medical Marihuana Home Occupation ordinance amendment in July 2011 that permits State of Michigan registered primary caregivers to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s) consistent with the MMMA.

The MMMA did not reference dispensaries or the commercial sale of medical marihuana to qualifying patients or caregivers, and there was subsequent debate about the legality of the commercial sale of medical marihuana. However, in September 2016, three bills were enacted into law addressing the commercialization of medical marihuana and “medibles” (edible marijuana-infused products).

- **Public Act 281:** Medical Marihuana Facilities Licensing Act
- **Public Act 282:** Marihuana Tracking Act
- **Public Act 283:** Amended MMMA to recognize and provide for “marihuana-infused products”; defines “usable marihuana equivalencies”; prohibits butane resin extraction refining process in residential areas.

Taken together, the statutes outline a “seed-to-sale” regulatory scheme for the commercialization of medical marihuana and permits consumption of marihuana other than by smoke inhalation. These three acts took effect December 20, 2016. Emergency Rules for the implementation of these acts were adopted by the Department of Licensing and Regulatory Affairs (LARA) on December 4, 2017, and on December 15, 2017, LARA began accepting applications for state-issued operating licenses for the various types of marihuana facilities.

Public Act 281, the Medical Marihuana Facilities Licensing Act (MMFLA) creates five types of Medical Marihuana Facilities:

- **Grower:** Class A – 500 plants; Class B – 1000 plants; Class C – 1500 plants.
- **Processor:** Extracts resin from plant /creates marihuana-infused products.
- **Secure Transporter:** Transports marihuana & cash between facilities and may also store marihuana.
- **Safety Compliance Facility:** Tests samples of marihuana for contaminants and its active ingredients.
- **Provisioning Center:** Sells marihuana / marihuana-infused products only to registered patients and caregivers.

The MMFLA specifies that a municipality must adopt an ordinance authorizing one or more types of marihuana facilities in order for a facility to obtain a state operating license. A local authorizing ordinance may:

- limit the number and location of each type of facility;
- create a local licensing process complementary to that of the State;
- set forth the responsibilities and obligations of medical marihuana facility operators;
- establish an annual nonrefundable fee of up to \$5000 to help defray administrative and enforcement costs;
- not regulate purity or pricing;
- not interfere or conflict with state regulations.

II. PUBLIC HEARING/COMMENTS:

On November 30, 2017, staff presented options for a local authorizing ordinance to City Council at a Committee of the Whole meeting. Subsequent to the release of Emergency Rules by LARA on December 4, 2017, revisions to the draft ordinance were made and on December 12, 2017, in accordance with the LARA Emergency Rules, the Council adopted a resolution of intent to adopt an authorizing ordinance and also passed an Emergency Ordinance permitting the temporary operation of existing Medical Marihuana Facilities, subject to conditions, until June 15, 2018. On December 19, 2017, a second Council Committee of the Whole meeting was held to review the major components of the draft ordinance, and on December 21, 2017 the Planning Commission held a workshop to also review the draft ordinance.

On January 4, 2018, a Planning Commission public hearing was held, during which staff provided an overview of the draft amendments included in the agenda packet, as well additional revisions that were being contemplated. Six citizens spoke regarding the proposed medical marihuana ordinance amendments: 1) Ashley Bergeon (Coordinator for the Kalamazoo County Substance Abuse Task Force, 611 Whitcomb, Kalamazoo, Michigan), Bo Arbanas (6159 South 26th Street, Scotts, Michigan), Devin Loker (1595 West Centre Avenue), Ken Jonatzke (8318 Portage Road), Richard Santek (7537 Autumn Lane) and Tom Tarleton (307 Barberry Avenue). Ms. Bergeon expressed concerns about the ordinance and the 1,000 foot setback distance from schools and other similar facilities. Ms. Bergeon provided an article which discusses the increase in illegal student drug use when medical marihuana facilities are located near schools (see attached). Mr. Arbanas, Mr. Loker, Mr. Tarleton and Mr. Jonatzke spoke in support of medical marihuana facilities and expressed concern about the proposed spacing and separation requirements. Mr. Santek expressed concerns about the impact medical marihuana facilities will have on his and others property values and advised the city to be “very careful” moving forward with the ordinances.

III. PROPOSED AMENDMENT

The City Administration and City Attorney have worked extensively over the past year developing options to permit Medical Marihuana Facilities within the city, while providing adequate measures to minimize potential adverse impacts on adjacent properties and the community as a whole. The following summarizes the amendments for the Code of Ordinance, including revisions made to subsequent to the January 4, 2018 Planning Commission public hearing:

- An amendment to Chapter 14, Article 12, Businesses, of the Code of Ordinances is proposed, which will require an annual business permit for medical marihuana facilities.
- An amendment to Chapter 42, Article 4, Zoning, is proposed, which provides land use provisions for medical marihuana facilities and updates existing ordinance provisions regarding Medical Marihuana Home Occupations.
- The proposed amendments to Chapters 14 and 42 provide complimentary provisions:
 - ✓ Business permits will be reviewed and issued by City Administration (City Clerk, Public Safety, Community Development and City Manager);
 - ✓ Applicants will be required to be pre-qualified by LARA at the time of application;
 - ✓ Medical Marihuana Facilities will be allowed as a principal permitted use in either the B-3, general business or the I-1 or I-2, industrial zoning districts.
 - ✓ If all requirements of the Businesses and Zoning ordinances are met, a provisional permit will be issued by the city. Applicants will then have six months to obtain site plan approval by the city (if required by the Zoning Code) and must receive facility license from LARA prior to opening/operating a medical marihuana facility.

The amendments to Chapter 14, Article 12, Businesses, are reviewed and approved by City Council, but are provided to the Planning Commission as information regarding the requirements for the annual business permit, which are complimentary to the Zoning Code amendments. With regard to the revisions to the Zoning Code, the following is proposed:

Section 42-262. B-3 general business district: Provisioning centers are listed as a principal permitted use within the B-3 zoning district and shall not be located:

- adjacent to a residential zoning district;
- within 1,000 feet from a school, child care center, library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility;
- 1,000 feet from another provisioning center;
- 250 feet from the municipal boundary of the City of Portage, with the exception of the boundary east, south and west of the airport;
- The above measurements are taken from the property line of the zoning lot occupied by the provisioning center using an uninterrupted straight line without regard to intervening structures or objects;
- Buildings shall comply with all State of Michigan Construction Codes and provisioning centers shall not be located in greenhouses or similar buildings;
- No drive-through facilities are permitted;
- No marihuana or marihuana-infused products may be consumed on the premises;

- All activities shall be conducted indoors;
- Only one provisioning center shall be permitted per zoning lot and must be located in a single-tenant building, or partitioned from any other business, having a separate entrance and HVAC system;
- The business must comply with state law and regulations and the city Code of Ordinances.

Section 42-280, I-1 light industrial and 42-281, I-2 heavy industrial districts:

- Growers and processors are listed as a principal permitted use within the I-1 and I-2 zoning districts and shall not be located:
 - ✓ adjacent to a residential zoning district;
 - ✓ within 1,000 feet from a school, child care center, library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility;
 - ✓ 1,000 feet from another grower and/or processor facility;
 - ✓ 250 feet from the municipal boundary of the City of Portage, with exception of the boundary east, south and west of the airport;
 - ✓ The above measurements are taken from the property line of the zoning lot occupied by the growers and processors using an uninterrupted straight line without regard to intervening structures or objects;
 - ✓ Buildings shall comply with all State of Michigan Construction Codes and growers and processors shall not be located in greenhouses or similar buildings;
 - ✓ No drive-through facilities are permitted;
 - ✓ No marihuana or marihuana-infused products may be consumed on the premises;
 - ✓ All activities shall be conducted indoors;
 - ✓ Only one grower or processor shall be located on a zoning lot and the grower or processor shall be located in a single-tenant building, or partitioned from any other business, having a separate entrance and HVAC system;
 - ✓ The business must comply with state law and regulations and the city Code of Ordinances.
- Safety compliance and secure transporter facilities are also listed as a principal permitted use within the I-1 and I-2 zoning districts and shall meet all of the same requirements for growers and processors, with the exception of the 1,000 foot separation requirement from other medical marihuana facilities. These two types of facilities are considered less intense land uses and are therefore not required to meet the separation standards from other medical marihuana facilities.

The initial draft amendment to Chapter 14, Businesses included a waiver of the separation requirements between medical marihuana facilities in the first year. However, after additional review of the implementation of the ordinance and review of applications, the waiver of separation requirements in the first year has been removed.

With regard to applicability of the separation requirements between facilities, applicants that meet the requirements of Chapter 14, Businesses and Chapter 42, Zoning, including the separation requirement between another like business, will be issued a provisional permit, which allows the applicant to apply to LARA for a State license. Applicants that meet all requirements of the

ordinance, except for the separation requirements from another like business, will be entered into a lottery that will determine which applicants are issued a provisional permits. Applicants that are not approved are eligible to re-apply in the next available application window.

With regard to exclusion areas from a school, child care center, library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility for provisioning centers, attached are two maps that show the number of available locations. For provisioning centers, there are approximately 66 B-3 properties located outside of the exclusion areas. When accounting for the 1,000-foot exclusion areas and the 1,000-foot separation distance between provisioning centers, it is estimate there are up to 11 general locations in the community where provisioning centers may be permitted.

For growers, processors, secure transporters and safety compliance facilities, attached are two maps that show the number of available locations. For all four types of facilities, there are approximately 97 I-1 or I-2 properties that are located outside of the 1,000-foot exclusion areas. When accounting for both the 1,000-foot exclusion areas and the 1,000 foot separation distances for growers and processors, there are approximately 15 general locations for these types of medical marihuana facilities. As noted above, safety compliance and secure transporter facilities are not required to have a separation distance from other medical marihuana facilities.

Section 42-129, C, Medical Marihuana Home Occupations: Revisions to the home occupation provisions for a Medical Marihuana Home Occupation operated by a caregiver are as follows:

- The restriction to operate the home occupation within only the dwelling unit has been eliminated. The home occupation must still be operated within an enclosed, locked facility.
- A reference to marihuana infused products has been added per amendments to the MMMA.
- The home occupation cannot separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation.
- The home occupation cannot store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances, including but not limited to the International Fire Code as adopted by the code.
- The home occupation cannot produce or generate, in any way, noise, odor, dust, fumes or smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
- Language has been added that clarifies a Medical Marihuana Facility is not permitted as a home occupation.

IV. RECOMMENDATION

Based on the above analysis and subject to any additional discussion/comments received during the January 18, 2018 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment #17/18-A, Medical Marihuana Facilities, be approved.

Attachments: Zoning Ordinance Amendment #17/18-A, Medical Marihuana Facilities
Chapter 14, Article 12, Medical Marihuana Facilities
Maps of potential Medical Marihuana facility sites
Article entitled "Under Siege – Marijuana and Colorado Schools"

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING SECTION 42-262, 42-280, and 42-
281 OF ARTICLE 4, DIVISION 4, AND SECTION 42-129 ARTICLE 4, DIVISION 3, OF
CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended to add Section 42-262(B)(16) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 6. Business Districts.

Section 42-262. B-3 general business district.

A. No change.

B. Principal permitted uses.

1 through 15 no change.

16. Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The provisioning center shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, child care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana provisioning center located within the city of Portage.
- iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.

b. Measurements for purposes of subsection (B)(16)(a)(ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana provisioning center to the nearest point of the zoning lot occupied by any of the uses listed in (B)(16)(a)(ii), or to the nearest point of the zoning lot occupied by another provisioning center

using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(16)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the zoning lot to be occupied by a provisioning center using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined in Section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities permitted in subsection (B)(16)(a) above, as well as the protected areas identified in subsections (B)(16)(a)(i), (ii), (iii) and (iv), is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures for the distribution, and sale of medical marihuana and medical marihuana infused products shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for provisioning center facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a provisioning center.
- g. The activities and operations of the provisioning center shall be indoors within a building and out of public view.
- h. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the provisioning center shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- i. The business and operations of all marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- j. This amendment to Chapter 42 to add section 42-262(B)(16) to Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended to add Section 42-280(B)(21), and Section 42-280(B)(22) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 7. Industrial Districts.

Section 42-280. I-1 light industrial district.

A. No change.

B. Principal permitted uses.

1 through 20 No change.

21. Medical marihuana class A, B, and C grower facilities, and medical marihuana processor facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The grower or processing facility shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, a child care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana grower or processor facility located within the city of Portage..
- iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.

b. Measurements for purposes of subsection (B)(21)(a)(ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana grower or processor facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(21)(a)(ii), or to the nearest point on the zoning lot occupied by another grower or processor facility, using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(21)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the the zoning lot to be occupied by a grower or processor facility using an uninterrupted straight line without

regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities permitted in subsection (B)(21)(a) above, as well as the protected areas identified in subsections (B)(21)(a)(i), (ii), (iii), and (iv), is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures for the growing, production or processing of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
- g. Medical marihuana grow and processor facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view.
- h. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- i. The business and operations of all marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- j. This amendment to add section 42-280(B)(21) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."

22. Medical marihuana secure transporter and medical marihuana safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

- a. The facility site shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and

- ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, a child care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.
- b. Measurements for purposes of subsection (B)(22)(a) (ii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility to the nearest point of the property occupied by any of the uses listed in (B)(22)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(22)(a)(iii) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.
- c. A map showing the uses and facilities permitted in subsection (B)(22)(a) above, as well as the protected areas identified in subsections (B)(22)(a)(i), (ii), and (iii) , is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.

- g. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- h. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- i. This amendment to add section 42-280(B)(22) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended to add Section 42-281(B)(7), and Section 42-281(B)(8) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 7. Industrial Districts.

Section 42-281. I-2 heavy industrial district.

A. No change.

B. Principal permitted uses.

1 through 6 No change.

7. Medical marihuana class A, B, and C growers, and medical marihuana processors as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The facility shall not be located:

- i. Adjacent to or abutting a residential zoning district; and

- ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, a child care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Within 1000 feet of any other medical marihuana grower or processor facility located within the city of Portage.
 - iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.
- b. Measurements for purposes of subsection (B)(7)(a) (ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana grow or processor facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(7)(a)(ii), or to the nearest point of the zoning lot occupied by a another grower or processor facility, using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(7)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by a grower or processor facility using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.
 - c. A map showing the uses and facilities listed in subsection (B)(7)(a) above, as well as the protected areas identified by subsections (B)(7)(a)(i), (ii), (iii), and (iv) above, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - d. Buildings or structures for the growing, production or processing of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
 - e. No drive-through facilities are permitted for medical marihuana facilities.
 - f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
 - g. Medical marihuana grow and processing facilities shall conduct the activities of the facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view.
 - h. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana facility shall be

allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.

- i. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
 - j. This amendment to add section 42-281(B)(7) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."
8. Medical Marihuana secure transporter and safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*
- a. The facility site shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, a child care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.
 - b. Measurements for purposes of subsection (B)(8)(a) (ii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility to the nearest point of the property occupied by any of the uses listed in (B)(8)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(8)(a)(iii) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities listed in subsection (B)(8)(a) above, as well as the protected areas identified in subsections (B)(8)(a)(i), (ii), and (iii) , is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
- g. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- h. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- i. This amendment to add section 42-281(B)(8) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended as follows to amend Section 42-129(C), Article 4, Division 3, General Provisions, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Division 3. General Provisions.

Section 42-129. Home occupations.

A. No change.

B. No change.

C. *Medical marihuana home occupation.* A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129(A) and (B) (passive and active home occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

C. *Medical marihuana home occupation.* A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129(A) and (B) (passive and active home occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

1. A primary caregiver shall comply at all times and in all circumstances with the Act and the general rules of the department as they may be amended from time to time.
2. The home occupation may be conducted in a dwelling unit (as defined by the Zoning Code where no more than one primary caregiver:
 - a. Cultivates up to the maximum number of marihuana plants permitted by the Act (12 for each qualifying patient);
 - b. Possesses up to the maximum amount of marihuana or marihuana-infused products permitted by the Act;
 - c. Assists no more than the maximum number of qualifying patients permitted by the Act (maximum of five) who have been issued and possess a registry identification card and who are connected with the primary caregiver through the department's registration process for the medical use of marihuana. Assistance to a qualifying patient by someone other than his or her designated primary caregiver is prohibited;

- d. Does not separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation; and
 - e. Does not store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances including but not limited to the International Fire Code as adopted by the code.
 - f. Does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
3. The following shall apply to a primary caregiver conducting a home occupation under this section:
- a. Considering the federal "Drug Free School Zone" requirements, the medical marihuana home occupation shall not be located:
 - i. Within 500 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a childcare center, a playground, a housing facility owned by a public housing authority; or
 - ii. Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
 - b. Measurements for purposes of subsection (C)(3)(a)(i) and (ii) above shall be made from the property boundary of the zoning lot occupied by the home occupation to the nearest point of the property occupied by any of the uses listed above, using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined by article 42, section 42-112, definitions, of the Portage Code of Ordinances, as amended. A map showing the uses and facilities listed in subsection (C)(3)(a) above, as well as the protected areas, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - c. The distance provisions of this subsection do not apply to a primary caregiver whose qualifying patient(s) (up to the maximum permitted under the Act) are permanent residents of the primary caregiver's household and whose residence is shared with the primary caregiver.
4. If the primary caregiver is not an owner of the premises, nothing contained in this section shall limit an owner of the premises from prohibiting the home occupation on the premises occupied by the primary caregiver nor limit an owner's right to pursue any private right of action allowed by law.
5. All medical marihuana plants and medical marihuana-infused products shall be contained in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient.
6. The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana, compliance with article 4, chapter 24,

noise, article 5, chapter 24, safety, sanitation and health, as well as article 14, chapter 42, Housing/Property Maintenance Code. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.

7. Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than five qualifying patients may visit the site at any one time.
8. Off street parking provided for the home occupation shall be provided on an improved driveway that fulfills the requirements of article 5, section 24-111, definitions, of the Portage Code of Ordinances, as amended. There shall be no other vehicular parking other than the off street parking facilities normally required for the residential use.
9. There shall be no sign of any nature identifying the home occupation and the use of window displays is not permitted.
10. The location and operation of a marihuana facility pursuant to the provisions of the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq., as a home occupation is prohibited.
11. Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the general rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the general rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this section nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
12. Definitions. As used in this section:
 - a. *Marihuana*. This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).
 - b. *Marihuana-infused product*. A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation
 - c. *Primary caregiver*. A person who is at least 21 years old who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.

- d. *Qualifying patient.* A person who has been diagnosed by a physician as having a debilitating medical condition.
- e. *Registry identification card.* A document issued by the department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

Dated: _____

Patricia M. Randall, Mayor

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

CERTIFICATION

I, Adam Herringa, 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 _____, 2017.

Adam Herringa, City Clerk

PREPARED BY:
Charles R. Bear (P34106)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:
Date: _____

City Attorney

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY ADDING ARTICLE 11, MEDICAL MARIHUANA
FACILITIES, OF CHAPTER 14, BUSINESSES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 14 shall be amended to add Article 12, Medical Marihuana Facilities, as follows:

CHAPTER 14. BUSINESSES.

ARTICLE 12. MEDICAL MARIHUANA FACILITIES.

Sec. 14-245. Purpose.

(a) The purpose of this article is, pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, to: authorize the establishment of certain types of medical marihuana facilities in the City of Portage; provide for standards and procedures for the review, issuance, renewal, or revocation of permits for such facilities; and establish fees for such permits.

(b) Nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan.

(c) Because federal law is not affected by state law or rules, nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall any provision of this article or this code, be construed as granting immunity from criminal prosecution under federal law. The Act does not protect patients, users, care givers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

Sec. 14-246. Definitions.

As used in this article, the following terms shall have the meanings indicated:

(a) "Act" means the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, as amended.

(b) "Board" means the medical marihuana licensing board created in section 301 of the Act.

(c) "Building" means a combination of materials forming a structure affording a facility or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment of the building. A building shall not be construed to mean a building

incidental to the use for agricultural purposes of the land on which the building is located, or a greenhouse.

(d) "Grower" means a licensee and permittee that is a commercial entity located in this city that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

(e) "LARA" means the Michigan Department of Licensing and Regulatory Affairs.

(f) "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

(g) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(h) "Marihuana facility" means a location at which a licensee and permittee is licensed and permitted to operate as a grower, processor, provisioning center, safety compliance facility, or secure transporter under the Act and this article.

(i) "Marihuana plant" means any plant of the species *Cannabis sativa* L.

(j) "Marihuana product" means marihuana or marihuana-infused product, or both, as those terms are defined in the act unless otherwise provided for in the rules and this article.

(k) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 *et seq.*

(l) "Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

(m) "Permittee" means a person who has been issued a medical marihuana facilities permit pursuant to this article.

(n) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity, as well as those persons defined as "true party of interest".

(o) "Proposed marihuana facility" means a location at which an applicant plans to operate under the Act, rules, and this article if the applicant is issued a state license, and a permit under this article.

(p) "Provisioning center" means a licensee and permittee that is a commercial entity located in this city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial

location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan Department of Licensing and Regulatory Affairs' (LARA) marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this article.

(q) "Rules" mean the emergency and general rules of the Michigan Department of Licensing and Regulatory Affairs adopted pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, and the Marihuana Tracking Act, MCL 333.27901 *et seq.*, as may be amended from time to time.

(r) "Safety compliance facility" means a licensee and permittee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

(s) "Secure transporter" means a licensee and permittee that is a commercial entity located in this city that stores marihuana and transports marihuana between marihuana facilities for a fee.

(t) "State operating license" or "license" means a license that is issued the Act that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.

(u) "Statewide monitoring system" or, unless the context requires a different meaning, "system" means an internet-based, statewide database established, implemented, and maintained by the department under the marihuana tracking act, that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

- (i) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
- (ii) Verifying in commercially reasonable time that a transfer will not exceed the limit that the patient or caregiver is authorized to receive under section 4 of the Michigan medical marihuana act.

(v) "Tracking Act" means the Marihuana Tracking Act, MCL 333.27901 *et seq.*

(w) "True party of interest" means the following:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses. For a limited partnership and limited liability limited partnership: all general and limited partners and their spouses. For a limited liability company: all members, managers, and their spouses.
- (3) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses and all stockholders and their spouses.

(4) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses.

(5) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive a percentage of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

(6) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

"True party of interest" does not mean:

(1) A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.

(2) A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee's pre-bonus annual compensation or if the bonus is based on a written incentive/bonus program that is not out of the ordinary for the services rendered.

(x) Unless the context requires a different meaning, any term used in this article that is defined by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* shall have the definition given in that act.

(y) Unless the context requires a different meaning, any term used in this article that is defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, shall have the definition given in that act.

(z) Unless the context requires a different meaning, any term used in this article that is defined by the Marihuana Tracking Act, MCL 333.27901 *et seq.* shall have the definition given in that act.

Sec.14-247. Adoption of state rules and regulations.

All activities related to medical marihuana shall be in compliance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan.

Sec. 14-248 Marihuana facilities allowed.

(a) Pursuant to Section 205(1) of the Act the city authorizes the following types of marihuana facilities to be permitted in the city without limitation as to the number of facilities: class A, B, and C growers, processors, secure transporters, provisioning centers, and safety compliance facilities.

(b) Operation of provisioning centers, processors and growers at the same location is not authorized.

Sec.14-249. Permit required.

No person shall own or operate a marihuana facility in the city without first applying for and receiving a permit from the city clerk and state operating license.

Sec. 14-250. Application for permit.

(a) Permit applications for medical marihuana facilities shall be received by the city annually during a period specifically designated by the city manager for that purpose, and at no other time. The city will initially begin receiving permit applications for marihuana facilities on a date determined by the city manager as soon after the effective date of this article as the city manager deems practicable.

(b) Except as provided in this article, the city manager shall be responsible for establishing the procedure for receiving, reviewing and processing permits, establishing the beginning and ending dates during which permits will initially be received, establishing the beginning and ending dates during which permits may be received each year, and providing public notice regarding the permitting process and of the time period within which the city will receive permits.

(c) Any person desiring to secure a permit shall make application to the city clerk upon a form provided by the city clerk. All permit applicants must be prequalified for a medical marihuana facilities license by the Michigan Department of Licensing and Regulatory Affairs (LARA) before submitting an application. A copy of all applications received shall be distributed by the city clerk to the office of the city manager, department of public safety and department of community development for review to determine that the application is complete. If an application is incomplete, the applicant shall within 10 days of the date of written notice from the city clerk that identifies the incomplete or missing information, provide all such information to the city clerk.

(d) Information requested in the application shall be provided for each true party of interest in the applicant; any other person who controls, directly or indirectly, the applicant; any other person who is controlled, directly or indirectly, by the applicant or by a person who controls, directly or indirectly, the applicant; and each stockholder or other person having a 1% or greater beneficial interest in the proposed marihuana facility. The application for a permit shall include at a minimum the information and documentation listed below under oath:

- (1) The name, business address, business telephone number, social security number, and, if applicable, federal tax identification number of the applicant.
- (2) All residential addresses of the applicant for the past 3 years.
- (3) The business, occupation or employment of the applicant for 5 years immediately preceding the date of application.
- (4) Documentation evidencing that the applicant has been prequalified for a medical marihuana facilities license by LARA.
- (5) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a felony under the laws of this state, any other state, or the United States,

or a controlled substance-related felony, within the past 10 years preceding the date of the application.

- (6) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the past five years.
- (7) Whether the applicant has previously violated this article or a substantially similar ordinance in another municipality preceding the date of the application.
- (8) A comprehensive operating plan for the marihuana facility for which the application is being submitted that includes all of the information required for the Marihuana Facilities Plan to be submitted in connection with a state license pursuant to the rules, the operational standards in sections 14-262 through 14-267 of this article, as applicable, and the following at a minimum:
 - a) A description of the type of marihuana facility applied for.
 - b) A security plan for the marihuana facility that addresses all required security measures of the rules and addresses at a minimum the ability to meet the security measures of the rules. The security plan must contain the specification details of each piece of security equipment to be utilized by the marihuana facility and comply with the provisions of article 2 and article 3 of chapter 26 of this code, sections 14-261(c) and (d), as well as any other applicable provisions of this code and the rules.
 - c) An HVAC plan for the marihuana facility describing in detail among other things the equipment or systems that will be used to prevent any odor of marihuana from leaving the premises.
 - d) A staffing plan that addresses the number of persons estimated to be employed at the facility, estimated employee salaries, and employee hiring, and an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, where appropriate, marihuana product information, dosage and daily limits, or educational materials.
 - (e) A marketing plan that at a minimum:

- i. details how the marihuana facility will comply with all municipal ordinances and state law regulating signs and advertising;
 - ii. provides that marihuana products must be marketed or advertised as "medical marihuana" for use only by registered qualifying patients or registered primary caregivers;
 - iii. provides that marihuana products must not be marketed or advertised to minors aged 17 years or younger.
- (f) An inventory and record keeping plan.
- (g) A technology plan.
- (h) A scaled conceptual plan.
- (i) Written policies and procedures to timely address any concerns or complaints expressed by residents and businesses within the neighborhood surrounding the proposed location of the medical marihuana facility.
- (j) For growers, the operational plan shall also include a cultivation plan that includes but is not limited to:
 - i. the cultivation process or processes that will be used including a description of the grow medium, the equipment, and the fertilizer to be used;
 - ii. the estimated electrical and water usage and a statement of the projected daily average and peak electrical load anticipated to be used by the marihuana facility, a certification from a licensed electrician that the premises are equipped to safely accept and utilize the required or anticipated electric load for the facility, and a certification from the electrical utility supplying electricity to the facility that the anticipated electrical loads required for the facility will not exceed the capacity of the electrical supply system;
 - iii. a waste water plan that details how wastewater generated during the cultivation of marihuana shall be disposed of in compliance with applicable state and local laws and regulation;

- iv. a plant waste disposal plan that at a minimum:
 - (a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
 - (b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
 - (c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:
 - 1) a manned and permitted solid waste landfill;
 - 2) a manned compostable materials operation or facility;
 - 3) an in-vessel digester; and
 - 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.
- v. a mold, mildew and pest prevention plan;
- vi. an air quality plan addressing monitoring, clearance, temperate and humidity control, Co2, ozone, fumigation, and odor mitigation;
- vii. a pesticide and chemical safety plan which shall include a detailed description of all toxic, hazardous, or flammable materials, chemicals and pesticides, that will be kept or used at the marihuana facility, and a detailed plan describing where and how such materials, chemicals and pesticides will be stored in the marihuana facility, and the means of disposing of unused toxic or flammable materials, chemicals, and pesticides.
- (k) For a provisioning center, the operational plan shall also include:

i. a detailed description of the products and services to be provided;

ii. a plant waste disposal plan that at a minimum:

(a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;

(b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;

(c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

1) a manned and permitted solid waste landfill;

2) a manned compostable materials operation or facility;

3) an in-vessel digester; and

4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

(l) For a processor, the operational plan shall also include:

i. a detailed description of the products to be produced;

ii. a waste water plan that details how wastewater generated during the processing of marihuana products shall be disposed of in compliance with applicable state and local laws and regulation;

iii. a plant waste disposal plan that at a minimum:

(a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;

(b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;

(c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- 1) a manned and permitted solid waste landfill;
- 2) a manned compostable materials operation or facility;
- 3) an in-vessel digester; and
- 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

- (9) The address of the proposed marihuana facility to be operated by the applicant.
- (10) Proof that the applicant has or will have lawful possession of the premises proposed for the marihuana facility for the period during which the permit will be issued, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon the applicant successfully obtaining a state operating license and local permit.
- (11) Whether the applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state or the federal government; or is employed by a governmental unit of this state.
- (12) The address which the applicant desires to receive notification under the article.

- (13) Whether the applicant has ever applied for or has been granted any commercial license or certificate issued by LARA or any other jurisdiction concerning medical marihuana or marihuana that has been denied, restricted, suspended, revoked or not renewed, and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
- (14) Whether the applicant has an interest in any other marihuana facility under the Act, and if so the type of facility, name, and location of the facility the applicant has an interest in.
- (15) A statement that the applicant will not violate any of the laws of the State of Michigan or the ordinances of the City of Portage in conducting the business in which the license will be used, and that a violation on the premises may be cause for nonrenewal of a permit issued under this article, or for revocation of the permit.
- (16) A statement that the applicant understands that the issuance of a permit under this article is not intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan, or from criminal prosecution or the seizure of property by federal authorities under the Federal Controlled Substances Act.
- (17) All marijuana facilities licensed and permitted to operate in the city shall at all times maintain in full force and effect workers compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued by the company licensed to do business in Michigan having an A.M. Best rating of at least A-. Applicants shall provide evidence of such insurance in the form of a certificate of insurance evidencing the existence of a valid and effective policy, or, evidence that the applicant is able to obtain such insurance and state the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number if known, and the names of additional insured which shall include the city of Portage, its officials, and employees.
- (18) Whether the applicant has filed, or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of or dispute over the filings concerning the payment of any tax required under federal, state, or local law, including the amount of any tax, taxing agency and time periods involved.
- (19) The city manager may from time to time establish other qualifications for licensing which shall be provided in writing to prospective applicants with the application form.

Sec. 14-251. Fees.

A nonrefundable permit fee set by resolution of city council, but not to exceed \$5,000.00, shall be submitted with the application for a permit. This fee shall be in addition to, and not in lieu of, any other fees for licensing or permitting requirements including but not limited to site plan review, zoning, or building permits.

Sec. 14-252. Acceptance or Denial of application.

(a) Applications received shall be denied by the city manager for any of the following reasons:

- (1) The applicant has not been prequalified for a marihuana facility state license by LARA.
- (2) The applicant did not pay the required application fee at the time of submission of the application.
- (3) The applicant has failed to correct any deficiencies in the application.
- (4) The applicant has not provided satisfactory proof that the applicant has or will have lawful possession of the premises proposed for the location of the marihuana facility for the period during which the permit will be issued.
- (5) The applicant's proposed location does not comply with the zoning regulations in article 4 of chapter 42 of this code. That a proposed facility is located less than the minimum spacing required by article 4 of chapter 42 of this code from another proposed facility however, will not alone be grounds for denial of an application. Where two or more applications meet all of the requirements for acceptance of the application except for the minimum spacing distance required by article 4 of chapter 24 of this code between the facilities proposed by the applications, the applications will be accepted, but only one such application will be issued a provisional permit as provided in section 14-253(b)(3). An application for a proposed facility that meets all of the requirements for acceptance of the application except for the minimum spacing distance required by article 4 of chapter 42 from an existing medical marihuana facility will be denied.
- (6) The city manager determines that the applicant has not satisfactorily complied with all of the permit requirements in section 14-250.
- (7) The applicant has previously violated this article or a substantially similar ordinance within one year preceding the date of the application.
- (8) The applicant has been granted a commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction concerning medical marihuana or marihuana that has been denied or not renewed, or is currently restricted suspended or revoked.

- (9) The city manager determines that the applicant has submitted an application containing false, misleading, or fraudulent information, or who has intentionally omitted pertinent information on the application for a medical marihuana facilities permit.
- (10) The applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (11) The comprehensive operating plan submitted by the applicant with the application pursuant to section 14-250(d)(8) does not comply with the requirements for a marihuana facilities plan as required by the rules, the requirements of section 14-250(d)(8), or the act.

(b) All applications that are not denied as provided in subsection (a) above, have paid the required application fee, and comply with all of the requirements for an application in section 14-250 and the zoning provisions of article 4 of chapter 42, and, as provided in subsection 5 above, applications for proposed facilities meet all of the requirements for acceptance of the application except for the minimum spacing distance between the proposed facility and another proposed facility as required by article 4 of chapter 24 of this code, shall be accepted and be stamped by the city clerk with the date the application is accepted.

Sec. 14-253. Provisional permit.

(a) Provisional permits will be issued by the city manager to applicants whose applications are accepted as provided in this section.

(b) The city manager, in connection with the initial permit application period, shall issue provisional permits to applicants whose application has been accepted applications in three phases:

- (1) In the first phase, the city manager shall issue a provisional permit to applicants whose permit has been accepted and who were issued a temporary operating permit pursuant to chapter 14, article 11 of this code.
- (2) In the second phase, the city manager will issue provisional permits to applicants whose application was accepted and whose proposed facility complies fully with the zoning regulations in article 4 of chapter 42 of this code;
- (3) The third phase will determine which applicants will receive a provisional permit from among those applicants whose applications were accepted consistent with sections 14-252(a)(5) and 14-252(b) because their applications meet all of the requirements for acceptance of the application except for the spacing between the facilities proposed by the applications is less than the minimum spacing distance required by article 4 of chapter 24 of this code. The applicants whose proposed facilities are less than the required minimum spacing from each other will be entered in a lottery with each other to determine which applicant will receive a provisional permit. The applicant that is drawn in the lottery shall be issued a provisional permit

by the city manager, and the other applicant or applicants will be denied a provisional permit. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing. Applicants whose proposed facility is less than the minimum spacing distance from as required by article 4 of chapter 42 from an applicant issued a provisional permit in the first phase will be denied a provisional permit.

(c) The city manager, in connection with any permit application period after the initial permit application period, shall issue provisional permits to applicants whose application has been accepted in two phases:

- (1) In the first phase, the city manager will issue provisional permits to applicants whose application was accepted and whose proposed facility complies fully with the zoning regulations in article 4 of chapter 42 of this code;
- (3) The second phase will determine which applicants will receive a provisional permit from among those applicants whose applications were accepted consistent with sections 14-252(a)(5) and 14-252(b) because their applications meet all of the requirements for acceptance of the application except for the spacing between the facilities proposed by the applications is less than the minimum spacing distance required by article 4 of chapter 24 of this code. The applicants whose proposed facilities are less than the required minimum spacing from each other will be entered in a lottery with each other to determine which applicant will receive a provisional permit. The applicant that is drawn in the lottery shall be issued a provisional permit by the city manager, and the other applicant or applicants will be denied a provisional permit. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing. Applicants whose proposed facility is less than the minimum spacing distance from as required by article 4 of chapter 42 from an applicant issued a provisional permit in the first phase will be denied a provisional permit.

(d) A provisional permit does not authorize the applicant to operate a marihuana facility without first obtaining a state operating license for the facility, and obtaining all other permits, inspections, and approvals required by this article and all other applicable provisions of this code. Upon issuance of a provisional permit the city clerk will be authorized to execute an affirmation to accompany an application for a facilities license that discloses that the city has adopted an ordinance under section 205 of the act, the limitations on the number and type of each facility if any imposed by the ordinance, a description of the city zoning regulations that apply, and any other information that may be required by the act or the rules for such an attestation.

(e) A provisional permit will lapse and be void 6 months from the date it has been issued if a state operating license, or all inspections and other permits and approvals required by city ordinance are not obtained, or if an applicant is denied a state operating license. The city manager

or his or her designee shall notify LARA of all persons whose provisional permit has lapsed or become void. A provisional permit may be extended by the city manager upon a showing of good cause, such as a delay in obtaining a state license, or other good cause that is not the fault of the applicant, for an additional period not to exceed 6 months.

Sec. 14-254 Termination, revocation, suspension, or restriction of provisional permit.

(a) A provisional permit may be terminated, revoked, suspended or restricted by the city manager for any of the following reasons:

- (1) The provisional permittee is denied a state operating license;
- (2) The proposed marihuana facility is substantially different from the comprehensive operating plan, marihuana facility plan and conceptual plan;
- (3) Officers of the city are unable to access the proposed facility for permit inspections or are denied access by the provisional permittee;
- (4) The provisional permittee fails, refuses, or becomes unable to obtain site plan approval and an occupancy permit issued by the city.
- (5) Any violation of the act, rules, or this article.

(b) If a provisional permit is terminated, revoked, suspended or restricted, the city manager or his or her designee will notify the permit holder and the Michigan Department of Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing.

(c) The holder of a provisional permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council within ten days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-255. Medical marihuana facilities permit.

(a) Medical marihuana facilities permits will be issued by the city manager. In order to be issued a marihuana facilities permit an applicant who holds a valid provisional permit shall successfully complete the inspection required by subsection (c) of this section, and submit proof to the city manager of obtaining a state operating license, all other permits and approvals required by all other applicable ordinances of the city including an approved site plan, and proof of insurance required by this article in the form of a certificate of insurance evidencing the existence of a valid and effective policy, stating the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number, and the names of additional insureds which shall include the city of Portage, its officials, and employees. An applicant who holds a provisional permit for a secure transporter permit shall additionally show proof of auto insurance, vehicle registration and registration as a commercial motor vehicle as applicable for any transporting vehicles used to transport marihuana product in order to be issued a marihuana facilities permit by the city manager.

(b) The site plan required for issuance of a marihuana facilities permit shall be consistent with the requirements of section 42-482(A) of this code. The site plan will be reviewed administratively consistent with section 42-482(B) and in accordance with the standards of section 42-483, except that no review by the planning commission of the site plan will be made. The site plan will be approved consistent with the provisions of section 42-484 except that any appeal of a site plan approval shall be to the city manager who will have the discretion whether or not to reverse an order of the director.

(c) Before issuance of a marihuana facilities permit the city shall conduct an inspection of the proposed marihuana facility to verify that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application submitted, the approved site plan, the requirements of this code and any other applicable law, rule, or regulation. No marihuana facilities permit may be issued and no marihuana facility may conduct any business or operations until the inspection is completed and it is determined that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application, marihuana facilities plan, and comprehensive operating plan submitted with the application as well as the approved site plan, and the facility is in compliance with the requirements of this code and any other applicable law, rule, or regulation.

(d) The marihuana facilities permit shall be issued only in the name of the true party of interest.

(e) A marihuana facilities permit issued under this article is a revocable privilege granted by the city and is not a property right. Granting the permit does not create or vest any right, title, franchise or other property interest.

(f) Each permit is exclusive to the person who is issued the permit and that person must apply for and receive approval of the city manager pursuant to section 14-258 before a permit is transferred, sold, or purchased.

(g) The marihuana facilities permit and state operating license shall be displayed in a conspicuous public place in the business establishment.

(h) Acceptance of a marihuana facilities permit under this article shall constitute permission to any officer of the city, within the authority granted him or her by this code under which such permit was granted, to enter upon and inspect the premises of the marihuana facility at all reasonable times.

Sec. 14-256. Renewal of permit.

(a) A marihuana facilities permit shall run concurrent with the state operating license issued for the facility and shall be renewed annually unless revoked as provided by law.

(b) Renewal of marihuana facilities permit shall be made by application to the city clerk. The application for renewal must be filed before the permit expires at such time as is established by the city manager. The application for renewal shall be upon a form provided by the city clerk and shall contain the same information required for an application for a new permit, be given under oath or affirmation, and shall be reviewed and approved in the same manner.

(c) The city clerk shall notify the permittee by mail or electronic mail at the last known address on file with the city, advising of the time, and procedure for renewing the permit. Failure of the permittee to receive notice under this subsection does not relieve the permittee of the responsibility for renewing the permit.

(d) A permit renewal application will be denied by the city manager if any of the following occur:

- (1) The permit to be renewed has been terminated or revoked.
- (2) The permit is suspended or restricted.
- (3) The renewal application is not received by the city clerk on or before the expiration date of the permit to be renewed.
- (4) The applicant did not pay the required application fee at the time of submission of the application.
- (5) At the time of submission of the renewal application the applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (6) The city manager determines that the applicant is not in compliance with all qualifications established by section 14-250.
- (7) The applicant failed to correct any deficiencies in the application.
- (8) The applicant has previously violated this article or a substantially similar ordinance within one year preceding the date of the application.
- (9) The applicant submitted a renewal application containing false, misleading, or fraudulent information, or who has intentionally omitted pertinent information on the renewal application.
- (10) The applicant fails to provide evidence of insurance as required by section 14-250(17).
- 11) An inspection conducted by the city reveals that the medical marihuana facility to which the renewal application pertains is not in compliance with this article, this code of ordinances, the act and rules.

(e) The city manager or his or her designee shall inform the Michigan Department of Licensing and Regulatory Affairs of all permittees whose permit is renewed and if a permittee fails to renew a permit, or the permittee's renewal application is denied.

Sec. 14-257. Revocation, termination or suspension of permit.

(a) Any marihuana facilities permit shall automatically terminate and become void if the state license for the permitted use is revoked.

(b) Any marihuana facilities permit may be revoked upon the occurrence of any of the following:

- (1) Operation of the permitted use is not commenced within 1 year of the date of issuance of the marihuana facilities permit.
- (2) If the permitted use ceases or is discontinued for 90 days or more.
- (3) Any violation of the provisions of this article, this code of ordinances, the act, the tracking act, and the rules.
- (4) The conduct of business in an unlawful manner or in such a way as to constitute a public nuisance or menace to the health, safety, or general welfare of the public.

(c) A medical marihuana facilities permit will be suspended for the transfer or attempted transfer of the permit or any interest in such permit without first obtaining approval of the city manager to do so.

(d) Any marihuana facilities permit shall automatically be suspended if the state operating license for the permitted use is suspended. The terms and conditions of suspension shall correspond to the suspension of the state operating license.

(e) Any medical marihuana facilities permit shall automatically be restricted if the state license for the permitted use is restricted. The terms and conditions of the restriction shall correspond to the restriction of the state license.

(f) If a medical marihuana facilities permit is terminated, revoked, suspended or restricted, the city manager or his or her designee will notify the permit holder and the Michigan Department of Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing.

(g) The holder of a marihuana facilities permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council within ten days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-258. Transfer, sale or purchase of permits or licenses.

(a) No marihuana facilities permit may be transferred, sold, or purchased without making application to and obtaining approval of the city manager.

(b) Any transferee, buyer or purchaser of a permit must meet all requirements and conditions for the issuance of a permit under this article and have a state license for the type of facility the permit was issued for before the transfer, sale or purchase of the permit will be finally approved. The transfer, sale, or purchase may be conditionally approved if the transferee, buyer

or purchaser meets the qualifications for the issuance of a permit and has obtained prequalification from LARA on the condition that the transferee, buyer or purchaser obtain a state license for the type of facility the permit was issued for within 180 days of the conditional approval.

(c) Transfer or attempted transfer of a medical marihuana facilities permit or any interest in such permit without first obtaining approval of the city manager to do so will be grounds for suspension of the permit pursuant to section 14-257(c) and a violation of this article.

Sec. 14-259. Changes to marihuana facilities.

(a) Any change or modification of a marihuana facility after it begins operation is governed by the standards and procedures of the act and rules, and the standards and procedures of this code including but not limited to standards and procedures relating to site plans, and building, plumbing, electrical, mechanical, and fire safety codes. Changes or modifications must be approved by LARA with evidence of such approval provided to the city, and all appropriate city permits must be obtained before the change or modification is commenced.

(b) Change of location of a marihuana facility requires a new permit application requiring the same information as an initial application pursuant to this article and an application fee. The permit will be submitted and approved in the same manner, and provisional and full permits issued, as the initial permit application.

Sec. 14-260. Disclosure of information.

Consistent with MCL 333.27205(4), and to the extent otherwise permitted by law, all information submitted in conjunction with an application for a marihuana facilities permit or permit renewal required under this article is exempt from disclosure under the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

Sec. 14-261. Minimum operational standards for all marihuana facilities.

All marihuana facilities shall at a minimum comply with the following operational standards:

(a) Marihuana facilities shall be open for inspection upon request by the building official, the fire division, or law enforcement officials for determination of compliance with all applicable laws and rules, during the stated hours of operation/use and at such other times as anyone is present on the premises. Inspections may include inspection of the facility premises, surveillance records, camera recordings, reports, records or other materials required as a condition of a permit under this article or a state operating license. Acceptance of a marihuana facilities permit or leasing property to a marihuana facility constitutes consent to such inspections and the seizure of any surveillance records, camera recordings, reports record or other materials required as a condition of the permit under this article or a state operating license without a search warrant. The person issued a permit, or an employee or agent of the thereof shall not hinder or obstruct a law enforcement officer or employee of the city from conducting inspections pursuant to this section, and shall not refuse, fail, or neglect to cooperate with a law enforcement officer or city employee in the performance of his or her duties in enforcing this article, the act, or applicable state administrative rules.

(b) Marihuana facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, storage of marihuana and marihuana-infused products, and storage of all materials used in connection with the cultivating, growing, processing, displaying, manufacturing, and selling of marihuana and marihuana-infused products indoors in a building and out of public view.

(c) Marihuana facilities shall install a fire alarm and a burglar alarm system. The fire alarm system shall meet the requirements of this code for a newly installed system and be monitored by a listed central station. All burglar alarm systems shall be monitored by a company that is staffed twenty-four hours a day, seven days a week.

(d) Marihuana facilities shall have a video surveillance system that complies with the rules at a minimum, and that makes, retains, and stores surveillance recordings as provided in the rules.

(e) Surveillance recordings of marihuana facilities shall be subject to inspection and review by the city upon request. All surveillance recordings shall be kept in a manner that allows the city to view and obtain copies of the recordings immediately upon request.

(f) Marihuana facilities shall utilize sufficient measures and means to prevent smoke, odor, debris, dust, fluids and other substances from exiting the premises of the facility at any time. In the event that any smoke, odor, debris, dust, fluids or other substances exit the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the facility and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, items and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this code.

(g) Marihuana facilities shall install and maintain in operable condition a system to preclude marihuana odors from emanating from the premises of the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property as determined by the objective standards of a reasonable person of normal sensitivity.

(h) Subject to the laws of this state, before hiring a prospective employee, a permittee shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, the permittee shall not hire the prospective employee without written permission of the board.

(i) Access to the marihuana facility is restricted to the permittee, employees of the permittee, and registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, LARA through its investigators, agents, auditors or the state police, and, local law and code enforcement officers.

(j) All marihuana facilities must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Sale or transfer of marihuana product by internet or mail order, consignment, or wholesale is prohibited.

(k) All marihuana facilities shall comply with all provisions of this code, state law and administrative rules regulating signs and advertising.

(l) The business, operations, marketing and advertising of all marihuana facilities and marihuana product shall comply at all times with applicable state law and regulations, and this code.

(m) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the tracking act, and the rules are prohibited from being on the premises of any marihuana facility, and shall not be sold or transferred by any licensee.

(n) Any marihuana product without a batch number or identification tag pursuant to the rules is prohibited from being at or on the premises of any medical marihuana facility.

(o) Marihuana facilities shall comply with the building and fire safety provisions of the rules as are applicable to the particular type of facility at all times.

(p) Marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form in a manner that prevents its acquisition by any person who may not lawfully possess it, and recorded in the statewide monitoring system. Marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- (1) a manned and permitted solid waste landfill;
- (2) a manned compostable materials operation or facility;
- (3) an in-vessel digester.

(q) All marihuana product waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106.

(r) All marihuana product waste or marihuana products that are to be destroyed, or that LARA orders to be destroyed, shall not be sold.

(s) All inventory of marihuana products must be stored in a secured limited access area or restricted access area, and identified and tracked consistent with the statewide monitoring system under the act, the tracking act, and the rules.

(t) All containers used to store marihuana products for transfer or sale between marihuana facilities shall meet the requirements of the rules for such containers.

(u) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.

(v) Marihuana-infused products or materials used in direct contact with such products must have separate storage areas from toxic or flammable materials.

Sec. 14-262. Minimum Operational standards applicable to provisioning centers.

All provisioning centers shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) Provisioning centers shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m.

(b) No alcohol or tobacco products may be sold, used, or consumed on the premises. No marihuana or marihuana-infused products may be used or consumed on the premises.

(c) No marihuana plants shall be allowed on the premises.

(d) During times when the provisioning center is not open to the public, processed marihuana, cash and currency shall be stored in a safe that is incorporated into the building structure or securely attached to the building structure.

(e) A provisioning center shall purchase marihuana only from a grower or processor.

(f) All transfers of marihuana to a provisioning center from a separate marihuana facility shall be by means of a secure transporter.

(g) A provisioning center shall sell or transfer marihuana only to a registered qualifying patient or registered primary caregiver.

(h) A provisioning center shall transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.

(i) The sale or transfer marihuana to a registered qualifying patient or registered primary caregiver shall only occur after it has been tested and bears the label required for retail sale by the act and the rules.

(j) Before selling or transferring marihuana to a registered qualifying patient or to a registered primary caregiver on behalf of a registered qualifying patient, a provisioning center shall inquire of the statewide monitoring system to determine whether the patient and, if applicable, the caregiver hold a valid, current, unexpired, and unrevoked registry identification card and that the sale or transfer will not exceed the daily purchasing limit established by the board under The act.

(k) All transactions, current inventory, and other information of the provisioning center shall be entered into the statewide monitoring system as required by the act, rules, and the marihuana tracking act.

(l) A provisioning center shall not allow a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of obtaining a registry identification card.

(m) Marijuana and marihuana paraphernalia shall not be sold, given away, or dispensed from any outdoor location.

(n) A provisioning center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana products.

(o) All marihuana products shall be kept behind a counter or other barrier to ensure a registered qualifying patient or registered primary caregiver does not have direct access to the marihuana products.

(p) A provisioning center shall comply with all packaging and labeling requirements of the rules before selling or transferring marihuana products.

Sec. 14-263. Minimum Operational standards applicable to grow facilities.

All grow facilities shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.

(b) While holding a permit for grower facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(c) All transactions, current inventory, and other information of the grow facility shall be entered into the statewide monitoring system as required by the act, rules, and the tracking act.

(d) All activities and operations of the grow facility, including cultivation, shall take place indoors within a building.

(e) The use of compressed gases such as carbon dioxide in multiple processes in the cultivation of marihuana shall meet the requirements of the rules for such processes.

(f) A grow facility shall not use any pesticides in the cultivation of marihuana that has not been approved by LARA for such purpose.

Section 14-264. Minimum Operational standards applicable to processor facilities.

All processor facilities shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) A processor shall purchase marihuana only from a grower and shall sell marihuana-infused products or marihuana only to a provisioning center.

(b) A processor shall transfer marihuana only by means of a secure transporter.

(c) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.

(d) While holding a permit for processor facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(e) All transactions, current inventory, and other information of the processor facility shall be entered into the statewide monitoring system as required by the act, rules, and the marihuana tracking act.

(f) Processes that extract oil from marihuana plants and marihuana products using flammable gas, flammable liquid, or compressed gases of varying materials including, but not limited to, butane, propane, and carbon dioxide shall meet the requirements of the rules for such processes.

Sec. 14-265. Minimum standards applicable to secure transporters.

All secure transporter facilities shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) May take physical custody of marihuana or money but legal custody belongs to the transferor or transferee.

(b) May not sell or purchase marihuana products.

(c) May store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee.

(d) Marihuana may not be transported to a registered qualifying patient or registered primary caregiver.

(e) Marihuana product may only be transported in a locked, secured, sealed container that is not accessible while in transit. Money associated with the purchase or sale of marihuana product between facilities shall be locked in a sealed container kept separate from the marihuana product and only accessible to the secure transporter licensee/permittee and its employees.

(f) Each driver transporting marihuana must have a chauffeur's license issued by this state.

(g) Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 5 years or have been convicted of a misdemeanor involving a controlled substance within the past 5 years.

(h) Each vehicle shall be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.

(i) A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.

(j) A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

(k) A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with the act and this article.

(l) All transactions, current inventory, and other information of the secure transporter shall be entered into the statewide monitoring system as required by the act, rules, and the tracking act.

Sec. 14-266. Minimum standards applicable to safety compliance facilities.

All safety compliance facilities shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) A safety compliance facility is authorized to only receive marihuana from, test marihuana for, and return marihuana to a marihuana facility.

(b) A safety compliance facility must be accredited by an entity approved by the board by 1 year after the date the license is issued or have previously provided drug testing services to this state or this state's court system and be a vendor in good standing in regard to those services unless a variance from this requirement is granted by the board as provided by the act.

(c) A safety compliance facility shall:

- (1) Perform tests to certify that marihuana is reasonably free of chemical residues such as fungicides and insecticides.
- (2) Use validated test methods to determine tetrahydrocannabinol, tetrahydrocannabinol acid, cannabidiol, and cannabidiol acid levels.
- (3) Perform tests that determine whether marihuana complies with the standards the board establishes for microbial and mycotoxin contents.
- (4) Perform other tests necessary to determine compliance with any other good manufacturing practices as prescribed in rules.
- (5) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.
- (6) Have a secured laboratory space that cannot be accessed by the general public.
- (7) Retain and employ at least 1 staff member with a relevant advanced degree in a medical or laboratory science.

- (8) Comply with all provisions of the rules regarding the testing, retesting, and sampling of marihuana and marihuana products.
- (9) Establish an adequate chain of custody and instructions for sample and storage requirements.

Sec. 14-267. Conflicts, Future laws and regulations.

In the event of any conflict between the provisions of this article and the provisions of the act or the rules, the conflicting provisions of this article will be preempted and the provisions of the act or the rules will control. Should the State of Michigan in the future adopt additional or stricter laws or regulations governing the production, processing, transporting, testing, sale and distribution of marihuana, the additional or stricter laws and regulations shall control the establishment or operation of any marihuana facility in the city, as well as the issuance, denial, suspension, or revocation of any permit under this article.

Sec. 14-268. Penalty and remedies.

(a) Any violation of this article is a municipal civil infraction subject to penalties imposed on municipal civil infractions by section 1-7(e) of this code and state law.

(b) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of the provisions of this code, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(c) In addition to the penalties in this section, any violation of this article, the act, or the rules may result in the denial of a permit, or the revocation, suspension, or non-renewal of a permit issued under this article.

(d) Nothing in this article shall prevent the city from pursuing any other remedy provided by law and equity, including an injunction, in conjunction with or in lieu of prosecuting persons under this section for violation of this article.

Sec. 14-269. Effective date.

This amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities" shall only take effect contemporaneous with the amendments Chapter 42 to add section 42-262(B)(16), section 42-280(B)(21), section 42-280(B)(22), section 42-281(B)(7), and section 42-821(B)(8) to Article 4, Division 4, Zoning Districts and District Regulations, and shall not take effect if Chapter 42 is not amended to add section 42-262(B)(16), section 42-280(B)(21), section 42-280(B)(22), section 42-281(B)(7), and section 42-821(B)(8).

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, Adam Herringa, 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 _____, 201_.

Adam Herringa, City Clerk

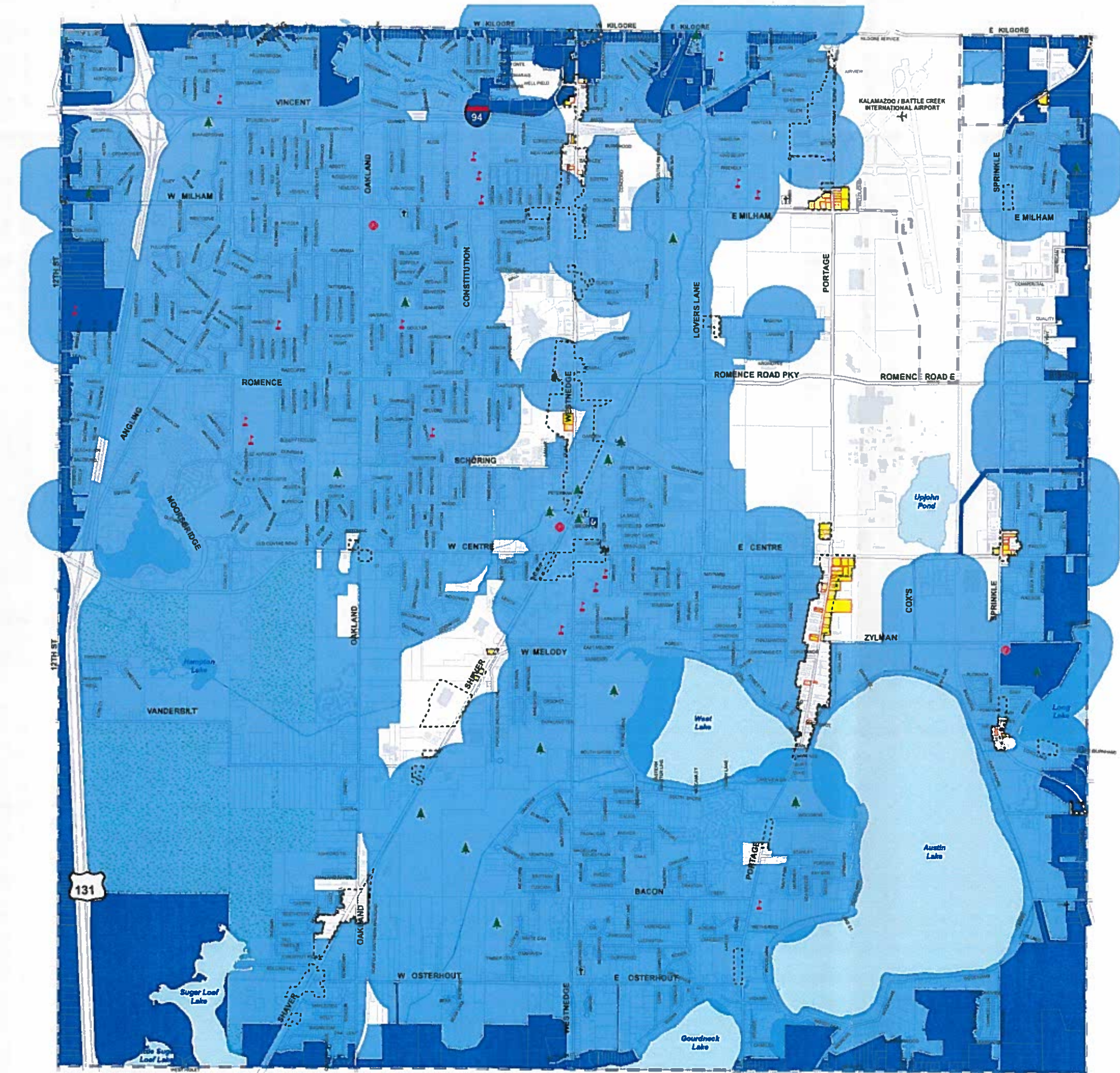
PREPARED BY:
Charles R. Bear (P34107)
Portage Assistant City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: _____

City Attorney

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Proposed Medical Marihuana
Provisioning Centers
1000 & 250 Foot Exclusion Areas for B-3

PARCEL ID	ADDRESS	PROPERTY CLASS	USE
000010500	5324 MEREDITH ST	201	RETAIL-01
000041150	5600 S WESTNEDGE AVE	702	CITY VACANT
000130800	7940 S SPRINKLE RD	201	AUTO SALES
000140858	7842 PORTAGE RD	201	OFFICE-01
000140908	7840 PORTAGE RD	201	RETAIL-WINDOWS
000140950	7812 PORTAGE RD	201	OFFICE
00016050C	7206 S WESTNEDGE AVE	201	ARCADE/MINI GOL
00016225F	7262 S WESTNEDGE AVE	201	RESTAURANT
00021241D	8720 SHAVER RD	201	RETAIL-01
000212450	8650 SHAVER RD	201	AUTO SERVICE
000212650	8542 SHAVER RD	202	VACANT
00023040R	8071 PORTAGE RD	001	VACANT
00023045A	8037 PORTAGE RD	201	OFFICE-01
000230550	8111 PORTAGE RD	201	LAUNDRY
000230650	8127 PORTAGE RD	201	RETAIL-01
000230750	8131 PORTAGE RD	401	RESIDENTIAL
000230800	8139 PORTAGE RD	201	RETAIL-01
00023100A	8211 PORTAGE RD	201	RESTAURANT
00023115C	8387 PORTAGE RD	201	CAR WASH
00023115D	8379 PORTAGE RD	201	GAS STATION
000231200	8405 PORTAGE RD	201	WAREHOUSE
000231250	8415 PORTAGE RD	202	VACANT
000231300	8435 PORTAGE RD	201	RETAIL-01
000231350	8441 PORTAGE RD	201	AUTO SERVICE
000231950	8136 PORTAGE RD	201	RESTAURANT
000233400	8715 PORTAGE RD	202	RETAIL-01
000233600	8969 PORTAGE RD	201	VACANT
000235010	8015 PORTAGE RD	202	VACANT
000235020	2610 E CENTRE AVE	202	VACANT
000235030	2700 E CENTRE AVE	202	VACANT
000235040	8043 PORTAGE RD	202	VACANT
000235050	8061 PORTAGE RD	202	VACANT
002800100	4203 E CENTRE AVE	201	RETAIL STORE
002800110	4123 E CENTRE AVE	201	RETAIL-01
002800120	7939 S SPRINKLE RD	202	VACANT
002800130	7925 S SPRINKLE RD	202	VACANT
00280015A	7907 S SPRINKLE RD	201	RETAIL-01
002800160	7849 S SPRINKLE RD	201	FLEX SPACE - 2
002800170	7837 S SPRINKLE RD	201	RETAIL-01
00340099A	8724 PORTAGE RD	201	AUTO SERVICE
003401200	8444 PORTAGE RD	202	VACANT
003401220	8434 PORTAGE RD	301	CONSUMERS
003401350	8314 PORTAGE RD	201	RETAIL-02
003401360	8312 PORTAGE RD	201	RETAIL-01
016100010	5747 S WESTNEDGE AVE	201	RETAIL-02
01900001A	5231 S WESTNEDGE AVE	201	GAS STATION
019000568	5342 S WESTNEDGE AVE	201	GAS/REST DDA
067800260	8204 PORTAGE RD	201	RESTAURANT
079800060	4017 WELLS ST	201	RESTAURANT
079800080	9017 S SPRINKLE RD	201	RETAIL-01
090670218	5730 S WESTNEDGE AVE	201	RETAIL-01
000230600	8119 PORTAGE RD	202	VACANT
000231100	8229 PORTAGE RD	201	VACANT
000020550	2229 E MILHAM AVE	201	AUTO SERVICE
00002060A	5900 PORTAGE RD	201	OFFICE-01
00002060B	2401 E MILHAM AVE	201	OFFICE-01
000020610	5974 PORTAGE RD	201	GAS STATION
000020620	5950 PORTAGE RD	201	OFFICE-01
00002063A	2375 E MILHAM AVE	201	WAREHOUSE
092400040	5845 PORTAGE RD	401	RESIDENTIAL
092400050	5905 PORTAGE RD	401	RESIDENTIAL
092400060	5911 PORTAGE RD	401	RESIDENTIAL
092400070	5919 PORTAGE RD	201	RETAIL-01
092400080	5929 PORTAGE RD	201	OFFICE-01
092400090	5977 PORTAGE RD	201	RETAIL-01/STORA
092400100	2603 E MILHAM AVE	202	VACANT

66 Available properties using 1000' Exclusion Area and 250' non-airport border Exclusion Area

Eligible properties

Exclusion Areas 1000 feet (250')

B-3 Zoning

City Boundary

State Game Area

1 inch = 3,200 feet
Date: 1/15/2018

Potential locations must be B-3 zoned, and not adjacent to a residential zone and more than 1000' from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private recreation areas and at least 250' from city limits

Proposed Medical Marihuana Provisioning Centers

1000' (250') Distance Provisions for B-3 11 Potential Locations with 1000' Separation

List of properties with 1000' distance provision. Also 250' distance provision from City Limits excluding airport properties.

NAME	ADDRESS	TYPE	DATE	ADDRESS	TYPE
7 POINT HOLDINGS, LLC	8151 MERCHANT PL	INDOOR SOCCER	CLAF LLC	3027 PORTAGE INDUSTRIAL DR	KIDS GYM
BDN ASSOCIATES, LLC	8105 VALLEYWOOD LN	DAY CARE	CDMM PROPERTY DEVELOPMENT CO, LLC	4295 BISHOP AVE	DAYCARE
CITY KALAMAZOO - MILHAM PARK		PARK	COOK, HARLEY J & R H	7732 SHAYER RD	CITY PARK
CITY KALAMAZOO - AGHAM PARK GOLF		PARK	CRANKSHAW, GARY K & K E	810 E CENTRE AVE	DAY CARE
CITY OF PORTAGE	9016 S WESTNEDGE AV	CITY PARK	DARA REALTY, L.L.C.	6091 CONSTITUTION BL	BEAUTY SCHOOL
CITY OF PORTAGE	7810 SHAYER RD	CITY PARK	SPRING ARBOR UNIVERSITY	950 TRADE CENTRE WAY	UNIVERSITY
CITY OF PORTAGE	280 ROMENCE RD	CITY PARK	FETZER BROADCASTING CO	7801 S WESTNEDGE AV	CITY PARK
CITY OF PORTAGE	6377 HAMPTON ST	CITY PARK	FIRST CHURCH OF NAZARENE	5603 OAKLAND DR	DAY CARE
CITY OF PORTAGE	6371 HAMPTON ST	CITY PARK	FOUNDATION FOR BEHAVIORAL RES	6325 OAKLAND DR	SCHOOL
CITY OF PORTAGE	3458 SUMMERSONG PA	CITY PARK	FOUNDATION FOR BEHAVIORAL RES	6303 OAKLAND DR	SCHOOL
CITY OF PORTAGE	7700 SHAYER RD	CITY PARK	GILLEN WOODS REAL ESTATE	1518 E CENTRE AVE	DAY CARE
CITY OF PORTAGE	7723 S WESTNEDGE AV	CITY PARK	ST MONICAS	KALAMAZOO	SCHOOL
CITY OF PORTAGE	424 E KILGORE RD	CITY PARK	HACKETT CATHOLIC	KALAMAZOO	SCHOOL
CITY OF PORTAGE	5420 LOVERS LN	CITY PARK	KAL VALLEY INTER SCHOOL DIST	1501 E MILHAM AV	SCHOOL KRESA
CITY OF PORTAGE	9150 S WESTNEDGE AV	CITY PARK	KAL VALLEY INTER SCHOOL DIST	5821 LOVERS LN	SCHOOL
CITY OF PORTAGE	9400 S WESTNEDGE AV	CITY PARK	KALAMAZOO ACADEMY, INC	4221 E MILHAM AV	SCHOOL
CITY OF PORTAGE	3458 SUMMERSONG PA	CITY PARK	KEGLER, INC	5630 PORTAGE RD	AIRWAY LANES
CITY OF PORTAGE	6377 HAMPTON ST	CITY PARK	KEGLER, INC	5626 PORTAGE RD	BOWLING ALLEY
CITY OF PORTAGE	9016 S WESTNEDGE AV	CITY PARK	KPS - LLOYD NORRIS	KALAMAZOO	SCHOOL
CITY OF PORTAGE	9010 S WESTNEDGE AV	CITY PARK	LET'S PLAY SPORTS, INC	7187 S SPRINKLE RD	SOCCER CLUB
CITY OF PORTAGE	9900 S WESTNEDGE AV	CITY PARK	MATHEU PROPERTY MANAGEMENT, LLC	1422 E CENTRE AVE	DAYCARE
CITY OF PORTAGE	9900 S WESTNEDGE AV	CITY PARK	MICHIGAN INVESTMENT GROUP, INC	6500 CONSTITUTION BLVD	DAY CARE
CITY OF PORTAGE	7750 CURRIER DR	CITY PARK	PARAGON STORAGE CENTERS, LLC	7453 OAKLAND DR	DAY CARE
CITY OF PORTAGE	5506 LOVERS LN	CITY PARK	PHARMACIA & UPJOHN COMPANY	6510 LOVERS LN	CITY PARK
CITY OF PORTAGE	6932 LOVERS LN	CITY PARK	PHARMACIA & UPJOHN COMPANY	8201 COX'S DR	OUTDOOR SOCCER
CITY OF PORTAGE	6979 S WESTNEDGE AV	CITY PARK	PHIL SIMON ENTERPRISES, INC.	6235 S WESTNEDGE AV	ADULT ED SCHOOL
CITY OF PORTAGE	7647 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8260 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE	7585 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8240 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE	280 ROMENCE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	8107 MUSTANG DR	SCHOOL
CITY OF PORTAGE	9501 SHAYER RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	8111 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	9345 PORTAGE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	10011 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	9001 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8423 S WESTNEDGE AV	SCHOOL VACANT
CITY OF PORTAGE BLDG AUTHORITY	8643 WARUF AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1429 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	850 W OSTERHOUT AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1411 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7530 OAKLAND DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	1401 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7335 GARDEN LN	CITY PARK	PORTAGE PUBLIC SCHOOLS	1409 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	910 E MILHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	745 MOORSBRIDGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4500 W MILHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1780 HAVERHILL AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4770 BERWICK AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1710 HAVERHILL AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4750 PITTSFORD AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	6637 AMBERLY ST	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7800 SHAYER RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	6501 S 12TH ST	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4750 PITTSFORD AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	5727 MONTICELLO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4770 BERWICK AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	600 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7336 GARDEN LN	CITY PARK	PORTAGE PUBLIC SCHOOLS	620 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7550 OAKLAND DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	700 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1010 W MILHAM AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	9345 PORTAGE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	5340 ANGLING RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4500 W MILHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8001 S WESTNEDGE AV	CITY PARK	PORTAGE SOCCER CLUB	4422 BISHOP AVE	SOCCER FIELDS
CITY OF PORTAGE BLDG AUTHORITY	850 W OSTERHOUT AV	CITY PARK	QUINN, MICHAEL D & Y I	7508 OAKLAND DR	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	ROZE VALLEY PROPERTIES, LLC	7255 S SPRINKLE RD	JUNGLE JOES
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	S-GROW INC	7365 S SPRINKLE RD	COURTHOUSE
CITY OF PORTAGE BLDG AUTHORITY	7401 GARDEN LN	CITY PARK	SOUTH PORTAGE LL	4801 E CENTRE AVE	SOUTH PORTAGE LL
CITY OF PORTAGE BLDG AUTHORITY	7335 GARDEN LN	CITY PARK	ST MICHAEL LUTHERAN CHURCH	7211 OAKLAND DR	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	7451 GARDEN LN	CITY PARK	TEXAS TWP - DAYCARE	5902 S 12TH ST	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	8643 WARUF AV	CITY PARK	YMCA	2800 W CENTRE AVE	YMCA
CITY OF PORTAGE BLDG AUTHORITY	6610 LOVERS LN	CITY PARK	GREAT SKATE	10496 PORTAGE RD	SKATE RINK
CITY OF PORTAGE BLDG AUTHORITY	910 E MILHAM AV	CITY PARK	LONG LAKE SKATING RINK	4525 LONG LAKE DR	SKATE RINK
CITY OF PORTAGE	1614 W OSTERHOUT AV	CITY PARK	ST MICHAEL LUTHERAN CHURCH	7211 OAKLAND DR	CHURCH
CHERRY CREEK COMMUNITY CHURCH	10641 SHAYER RD	CHURCH	FAITH REFORMED CHURCH OF KAL	7198 ANGLING RD	CHURCH
UNITARIAN UNIVERSALIST COMM CHURCH	10441 SHAYER RD	CHURCH	CHRIST APOSTOLIC CHURCH OF KALAMAZO	1819 ROMENCE RD	CHURCH
AMAZING GRACE BAPT FELLOWSH	10010 PORTAGE RD	CHURCH	CHAPEL HILL UNITED METH CHURCH	7028 OAKLAND DR	CHURCH
LAKE CENTER BIBLE CHURCH	805 E OSTERHOUT AV	CHURCH	ST JAMES EVANGELICAL LUTHERA	2381 ROMENCE RD	CHURCH
LORD OF LIFE LUTHERAN CHURCH	9430 PORTAGE RD	CHURCH	INDO-AM CULTURAL CTR & TEMPLE	2002 RAMONA AV	PARSONAGE
PAIRIE EDGE CHURCH	9316 OAKLAND DR	CHURCH	THE NEW APOSTOLIC CHURCH OF CHIST	6327 S 12TH ST	CHURCH
PORTAGE 1ST METHODIST CHURCH	6740 S WESTNEDGE AV	CHURCH	CHURCH & GARAG PRINCE OF PEACE LUTHERAN CHURCH	1747 W MILHAM AV	CHURCH
PORTAGE FR METHODIST CH	3715 W CENTRE AV	CHURCH	PORTAGE UNITED CHURCH OF CHRIST	2731 W MILHAM AV	CHURCH
FIRST CHURCH OF GOD OF PORTAGE	1917 E CENTRE AV	CHURCH	VICTORY BAPTIST CH OF PORTAGE	308 W MILHAM AV	CHURCH
FIRST BAPTIST CHURCH OF PTG	1133 E CENTRE AV	CHURCH	GURDWARA SINGH SABHA KALAMAZOO	5828 CHESHIRE ST	CHURCH
ST BARNABAS EPISCOPAL CHURCH	929 E CENTRE AV	CHURCH	THREADS CHURCH, INC.	3600 W MILHAM AV	CHURCH
THE FIRST REFORMED CHURCH OF PORTAGE	7905 S WESTNEDGE AV	CHURCH	GREATER FAITH MINISTRY	5811 OAKLAND DR	CHURCH
ST CATHERINE OF SIENA	1150 W CENTRE AV	CHURCH	FIRST ASSEMBLY OF GOD CHURCH	5550 OAKLAND DR	CHURCH
MICH DIST ASSEMBLY OF GOD	7837 LOVERS LN	CHURCH	MICHIGAN PRESBYTERIAN	1701 ECKENBER DR	CHURCH
BEREAN BAPTIST CH OF PORTAGE	7815 S 12TH ST	CHURCH	FULL GOSPEL COMMUNITY CHURCH	5529 CHAMBERLIN ST	CHURCH
KALAMAZOO VALLEY FAMILY CHURCH	995 ROMENCE RD	CHURCH	MICHIGAN PRESBYTERIAN BOARD	1515 HELEN AV	CHURCH
FIRST CHURCH OF NAZARENE	5603 OAKLAND DR	CHURCH	KALAMAZOO VALLEY FAMILY CHURCH	2500 VINCENT AV	CHURCH
JEHOVAH'S WITNESSES	7415 OAKLAND DR	CHURCH	PORTAGE DISTRICT LIBRARY	LIBRARY LN	LIBRARY
OAKLAND DR CHURCH OF CHRIST	7331 OAKLAND DR	CHURCH			
TOUCH OF HOME DAY CARE	400 GLADYS AV	DAY CARE			

- B-3 Zoning
- Eligible properties
- 1000' distance provision (1000')
- 250' distance provision from City Limits
- State Game Area
- Residential zoned abutting property
- City Boundary
- Potential Locations



1 inch = 3,200 feet

Date: 1/15/2018

Potential locations must be B-3 zoned, and not adjacent to a residential zone and more than 1000' from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private recreation areas and more than 250' from city limits excluding the airport properties.



PARCEL ID	ADDRESS	PROPERTY CLASS	USE
000010020	5300 S SPRINKLE RD	201	OFFICE-CLYCE IN FRONT
000010020	5385 MENDITH ST	201	CAR WASH/SELF SERV
000010020	5340 S SPRINKLE RD	202	VACANT
000010020	5230 S SPRINKLE RD	202	VACANT
000010020	5345 S SPRINKLE ST	202	VACANT
000010020A	5360 S SPRINKLE RD	202	FLUX-04
00001004A	5113 MENDITH ST	201	TRUCK TERMINAL
00001005A	1737 E BELMONT AVE	201	RETAIL
000110050	3020 E BELMONT AVE	702	COMM
000110050	6155 PORTAGE RD	301	RCM PROFIT/REBULM
000110050	8001 PORTAGE RD	301	OFFICE
00011009A	1001 RICHMOND RD EAST	302	VACANT LAND
000110090	6001 PORTAGE RD	301	MANUFACTURING
000110090	6555 PORTAGE RD	702	VACANT LAND
000110090	6701 PORTAGE RD	702	VACANT LAND
00011009A	6000 PORTAGE RD	302	VACANT LAND
000110090	8300 PORTAGE RD	702	VACANT LAND
000110090	2403 RAMONA AVE	702	VACANT LAND
000110090	6445 ARMSTRONG AVE	701	WAREHOUSE
000110090	1702 E BELMONT AVE	301	MANUFACTURING
000110000	6000 S SPRINKLE RD	302	VACANT LAND
000110000	6400 S SPRINKLE RD	302	VACANT LAND
000110000	6700 S SPRINKLE RD	301	RECREATION MFG
000110000	6400 S SPRINKLE RD	301	PLASTIC INJECTION MOLDING
000110060	6400 S SPRINKLE RD	301	OFFICE
000110060	6210 S SPRINKLE RD	301	CONSUMERS-SUB STATION
00011011W	6700 QUALITY WAY	301	TRUCK & DIE MFG
00021011A	6730 QUALITY WAY	301	MANUFACTURING
00021011A	6615 S SPRINKLE RD	301	PLASTIC INJECTION MOLDING
00021011A	6545 S SPRINKLE RD	301	ALUMINUM EXTRUSION
00021011A	6701 QUALITY WAY	301	MANUFACTURING
00031006B	3901 E CENTRE AVE	302	VACANT LAND
00031007A	7926 S SPRINKLE RD	301	RETAIL-01
00031007A	3021 E CENTRE AVE	301	MANUFACTURING
00031008A	7900 S SPRINKLE RD	301	OFFICE
00031008A	7910 S SPRINKLE RD	301	AUTO SERVICE
00031007A	7080 S SPRINKLE RD	301	RETAIL-01
000310080	7070 S SPRINKLE RD	301	RETAIL-02
000310090	7004 S SPRINKLE RD	301	WHOLE/RESEIDENTIAL
00031009A	7750 S SPRINKLE RD	301	MINI-WAREHOUSE
00031009B	7700 S SPRINKLE RD	301	VACANT LAND
000310090	7075 S SPRINKLE RD	301	RETAIL/WAREHOUSE
000310097C	7646 S SPRINKLE RD	301	RETAIL-01
000310090	7622 S SPRINKLE RD	301	COMMERCIAL
000310090	7725 PORTAGE RD	301	MANUFACTURING
00031009A	7000 PORTAGE RD	301	VACANT LAND
000310090	7700 PORTAGE RD	301	VACANT LAND
000310060	7615 E CENTRE AVE	301	CONSUMERS
000310100	8002 SCHUMBERG RD	401	SINGLE FAMILY
00031011A	726 SCHUMBERG RD	401	SINGLE FAMILY
000310120	618 SCHUMBERG RD	301	GREENHOUSE
000310130	608 SCHUMBERG RD	302	VACANT LAND
000310140	516 SCHUMBERG RD	301	SINGLE FAMILY
000310150	130 SCHUMBERG RD	301	SINGLE FAMILY
000310000	428 SCHUMBERG RD	401	SINGLE FAMILY
000310050	408 SCHUMBERG RD	401	SINGLE FAMILY
000310060	8721 PORTAGE (INDUSTRIAL) DR	201	OFFICE-01
000310170	8750 PORTAGE (INDUSTRIAL) DR	201	OFFICE
000310000	6119 PORTAGE RD	301	OFFICE
000310010	8145 PORTAGE RD	302	VACANT LAND
000310020	8141 PORTAGE RD	301	VACANT LAND
000310050	8209 PORTAGE RD	301	VACANT LAND
000310100	8229 PORTAGE RD	301	VACANT
00031011A	2001 ZILMAN AVE	701	PORTAGE BUS GARAGE
000310120	1800 ZILMAN AVE	701	AUTO SERVICE
000310050	1902 PORTAGE RD	301	RETAIL/WAREHOUSE
000310050	1941 PORTAGE RD	401	SINGLE FAMILY
000310080	1914 SHAEVER RD	301	MINI-WAREHOUSE
000310080	1902 SHAEVER RD	301	CITY HOUSE
00031013A	3000 SHAEVER RD	201	VACANT LAND
00031013A	1728 SHAEVER RD	201	VACANT LAND
000310080	9611 GALLAND DR	302	VACANT LAND
000310040	1950 SHAEVER RD	301	GAS STATION
00031004A	9960 SHAEVER RD	302	VACANT
000410010	4176 COMMERCIAL AVE	201	OFFICE-GILWARE
000410020	4189 COMMERCIAL AVE	301	MANUFACTURING
000410040	4311 COMMERCIAL AVE	301	DISCOUNT STORE
000410050	4385 COMMERCIAL AVE	301	TRUCK TERMINAL
000410060	4384 COMMERCIAL AVE	301	MANUFACTURING
000410070	4250 COMMERCIAL AVE	301	WAREHOUSE
000410080	4406 COMMERCIAL AVE	301	WAREHOUSE
00041008A	4510 COMMERCIAL AVE	301	WAREHOUSE
000410090	4570 COMMERCIAL AVE	301	WAREHOUSE
00041009A	4401 COMMERCIAL AVE	301	MANUFACTURING
000410010	4292 ARIZONA AVE	301	MANUFACTURING
000410030	4258 ARIZONA AVE	301	MANUFACTURING
000410040	4239 ARIZONA AVE	301	WAREHOUSE
000410070	4287 ARIZONA AVE	301	WAREHOUSE
000410020	7100 PORTAGE RD	301	WAREHOUSE
000700000	7600 PORTAGE RD	302	VACANT LAND
001400000	1825 WILLOUGHBY DR	301	BROWNFIELD WILLOUGHBY
001400000	1901 WILLOUGHBY DR	301	BROWNFIELD WILLOUGHBY
001400000	1909 WILLOUGHBY DR	301	GARAGE
001400010	1913 WILLOUGHBY DR	401	SINGLE FAMILY
00140001A	1921 WILLOUGHBY DR	401	SINGLE FAMILY
001400040	1721 E BELMONT AVE	401	SINGLE FAMILY
001400040	2225 E BELMONT AVE	301	OFFICE-01

Date: 1/15/2018



Potential locations must be I-1 or I-2 zoned, and not adjacent to a residential zone and more than 1000' from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private recreation areas and at least 250' from city limits excluding the airport properties.

-  I-1 or I-2 Zoning
 Exclusion Areas 250' from City Limits
 Exclusion Areas 1000'
 Eligible Properties (97)
 City Boundary

Proposed Medical Marihuana Grow Operations and Processors 1000' (250') Distance Provisions for I-1, I-2 15 Potential Locations with 1000' Separation

List of properties with 1000' distance provision. Also 250' distance provision from City Limits excluding airport properties.

NAME	ADDRESS	TYPE	NAME	ADDRESS	TYPE	
7 POINT HOLDINGS, LLC	8151 MERCHANT PL	INDOOR SOCCER	CLAF LLC	9027 PORTAGE INDUSTRIAL DR	KIDS GYM	
80N ASSOCIATES, LLC	8105 VALLEYWOOD LN	DAY CARE	COMM PROPERTY DEVELOPMENT CO, LLC	4295 BISHOP AVE	DAYCARE	
QTY KALAMAZOO - MUHAM PARK		PARK	COOK, HARLEY J & R H	7732 SHAYER DR	CITY PARK	
QTY KALAMAZOO - MUHAM PARK GOLF		PARK	CRANKSHAW, GARY E & K E	810 E CENTRE AVE	DAY CARE	
CITY OF PORTAGE	9016 S WESTNEDGE AV	CITY PARK	DARA REALTY, LLC	0091 CONSTITUTION BL	BEAUTY SCHOOL	
CITY OF PORTAGE	7810 SHAYER DR	CITY PARK	SPRING ARBOR UNIVERSITY	950 TRADE CENTRE WAY	UNIVERSITY	
CITY OF PORTAGE	280 ROMENCE RD	CITY PARK	FETZER BROADCASTING CO	7803 S WESTNEDGE AV	CITY PARK	
CITY OF PORTAGE	6577 HAMPTON ST	CITY PARK	FIRST CHURCH OF NAZARENE	5603 OAKLAND DR	DAY CARE	
CITY OF PORTAGE	6571 HAMPTON ST	CITY PARK	FOUNDATION FOR BEHAV RESEARCH	6325 OAKLAND DR	SCHOOL	
CITY OF PORTAGE	3458 SUMMERSONG PA	CITY PARK	FOUNDATION FOR BEHAVIORAL RES	6303 OAKLAND DR	SCHOOL	
CITY OF PORTAGE	7700 SHAYER DR	CITY PARK	GILDEN WOODS REAL ESTATE	1518 E CENTRE AVE	DAY CARE	
CITY OF PORTAGE	7722 S WESTNEDGE AV	CITY PARK	ST MONICA'S	KALAMAZOO	SCHOOL	
CITY OF PORTAGE	424 E KILGORE RD	CITY PARK	HACKETT CATHOLIC	KALAMAZOO	SCHOOL	
CITY OF PORTAGE	5420 LOVERS LN	CITY PARK	KAL VALLEY INTER SCHOOL DIST	1501 E MUHAM AV	SCHOOL KRESA	
CITY OF PORTAGE	9150 S WESTNEDGE AV	CITY PARK	KAL VALLEY INTER SCHOOL DIST	5821 LOVERS LN	SCHOOL	
CITY OF PORTAGE	9400 S WESTNEDGE AV	CITY PARK	KALAMAZOO ACADEMY, INC	4221 E MUHAM AV	SCHOOL	
CITY OF PORTAGE	3458 SUMMERSONG PA	CITY PARK	KEGLER, INC	5650 PORTAGE RD	AIRWAY LANES	
CITY OF PORTAGE	6577 HAMPTON ST	CITY PARK	KEGLER, INC	5626 PORTAGE RD	BOWLING ALLEY	
CITY OF PORTAGE	9016 S WESTNEDGE AV	CITY PARK	KPS - LLOYD NORRIS	KALAMAZOO	SCHOOL	
CITY OF PORTAGE	9010 S WESTNEDGE AV	CITY PARK	LET'S PLAY SPORTS, INC	7187 S SPRINKLE RD	SOCCER CLUB	
CITY OF PORTAGE	9500 S WESTNEDGE AV	CITY PARK	MATHIEU PROPERTY MANAGEMENT, LLC	1422 E CENTRE AVE	DAYCARE	
CITY OF PORTAGE	9920 S WESTNEDGE AV	CITY PARK	MICHIGAN INVESTMENT GROUP, INC	6500 CONSTITUTION BLVD	DAY CARE	
CITY OF PORTAGE	7750 CURRIER DR	CITY PARK	PARAGON STORAGE CENTERS, LLC	7455 OAKLAND DR	DAY CARE	
CITY OF PORTAGE	5506 LOVERS LN	CITY PARK	PHARMACIA & UPJOHN COMPANY	6530 LOVERS LN	CITY PARK	
CITY OF PORTAGE	6932 LOVERS LN	CITY PARK	PHARMACIA & UPJOHN COMPANY	8201 COX'S DR	OUTDOOR SOCCER	
CITY OF PORTAGE	6979 S WESTNEDGE AV	CITY PARK	PHIL SIMON ENTERPRISES, INC	6235 S WESTNEDGE AV	ADULT ED SCHOOL	
CITY OF PORTAGE	7647 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8260 S WESTNEDGE AV	SCHOOL	
CITY OF PORTAGE	7585 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8240 S WESTNEDGE AV	SCHOOL	
CITY OF PORTAGE	280 ROMENCE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	8107 MUSTANG DR	SCHOOL	
CITY OF PORTAGE	9501 SHAYER DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	8113 S WESTNEDGE AV	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	9345 PORTAGE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	10011 PORTAGE RD	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	9001 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8422 S WESTNEDGE AV	SCHOOL VACANT	
CITY OF PORTAGE BLDG AUTHORITY	8643 WARUF AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1429 WOODLAND DR	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	850 W OSTERHOUT AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1411 WOODLAND DR	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	7550 OAKLAND DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	1401 WOODLAND DR	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	7335 GARDEN LN	CITY PARK	PORTAGE PUBLIC SCHOOLS	1409 WOODLAND DR	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	910 E MUHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	7345 MOORSBRIDGE RD	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	4500 W MUHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1720 HAVERHILL AV	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	4770 BERWICK AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1710 HAVERHILL AV	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	4750 PITTSFORD AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	6637 AMBERLY ST	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	7800 SHAYER DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	6501 S 12TH ST	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	4750 PITTSFORD AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	5727 MONTICELLO AV	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	4770 BERWICK AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	600 IDAHO AV	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	7335 GARDEN LN	CITY PARK	PORTAGE PUBLIC SCHOOLS	620 IDAHO AV	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	7550 OAKLAND DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	700 IDAHO AV	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1010 W MUHAM AV	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	9345 PORTAGE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	3340 ANGLING RD	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	4500 W MUHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL	
CITY OF PORTAGE BLDG AUTHORITY	9001 S WESTNEDGE AV	CITY PARK	PORTAGE SOCCER CLUB	4423 BISHOP AVE	SOCCER FIELDS	
CITY OF PORTAGE BLDG AUTHORITY	850 W OSTERHOUT AV	CITY PARK	QUINN, MICHAEL D & Y I	7508 OAKLAND DR	DAY CARE	
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	ROZE VALLEY PROPERTIES, LLC	7255 S SPRINKLE RD	JUNGLE JOES	
CITY OF PORTAGE BLDG AUTHORITY	7401 GARDEN LN	CITY PARK	S-GROW INC	7365 S SPRINKLE RD	COURTHOUSE	
CITY OF PORTAGE BLDG AUTHORITY	7335 GARDEN LN	CITY PARK	SOUTH PORTAGE LL	4803 E CENTRE AVE	SOUTH PORTAGE LL	
CITY OF PORTAGE BLDG AUTHORITY	7451 GARDEN LN	CITY PARK	ST MICHAEL LUTHERAN CHURCH	7211 OAKLAND DR	DAY CARE	
CITY OF PORTAGE BLDG AUTHORITY	8643 WARUF AV	CITY PARK	TEXAS TWP - DAYCARE	5902 S 12 TH ST	DAY CARE	
CITY OF PORTAGE BLDG AUTHORITY	6810 LOVERS LN	CITY PARK	YMCA	2900 W CENTRE AVE	YMCA	
CITY OF PORTAGE BLDG AUTHORITY	910 E MUHAM AV	CITY PARK	GREAT SKATE	10496 PORTAGE RD	SKATE RINK	
CITY OF PORTAGE	1614 W OSTERHOUT AV	CITY PARK	LONG LAKE SKATING RINK	4525 LONG LAKE DR	SKATE RINK	
CHERRY CREEK COMMUNITY CHURCH	10641 SHAYER DR	CHURCH	ST MICHAEL LUTHERAN CHURCH	7211 OAKLAND DR	CHURCH	
UNITARIAN UNIVERSALIST COMM CHURCH	10441 SHAYER DR	CHURCH	FAITH REFORMED CHURCH OF KAL	7198 ANGLING RD	CHURCH	
AMAZING GRACE BAPT FELLOWSH	10020 PORTAGE RD	CHURCH	CHRIST APOSTOLIC CHURCH OF KALAMAZOO	1819 ROMENCE RD	CHURCH	
LAKE CENTER BIBLE CHURCH	805 E OSTERHOUT AV	CHURCH	CHAPEL HILL UNITED METH CHURCH	7028 OAKLAND DR	CHURCH	
LORD OF LIFE LUTHERAN CHURCH	9420 PORTAGE RD	CHURCH	ST JAMES EVANGELICAL LUTHERA	2381 ROMENCE RD	CHURCH	
PRAIRIE EDGE CHURCH	9316 OAKLAND DR	CHURCH	INDO-AM CULTURAL CTR & TEMPLE	2002 RAMONA AV	CHURCH PARKING	
PORTAGE 1ST METHODIST CHURCH	8740 S WESTNEDGE AV	CHURCH	PORTAGE CHURCH OF CHRIST	6327 S 12TH ST	CHURCH	
PORTAGE FR METHODIST CH	1715 W CENTRE AV	CHURCH & GARAG	THE NEW APOSTOLIC CHURCH OF NORTH AM	2601 KALARAMA AV	CHURCH	
FIRST CHURCH OF GOD OF PORTAGE	1917 E CENTRE AV	CHURCH	CHURCH & GARAG	PRINCE OF PEACE LUTHERAN CHURCH	1747 W MUHAM AV	CHURCH
FIRST BAPTIST CHURCH OF PTG	1133 E CENTRE AV	CHURCH	PORTAGE UNITED CHURCH OF CHRIST	2731 W MUHAM AV	CHURCH	
ST BARNABAS EPISCOPAL CHURCH	929 E CENTRE AV	CHURCH	VICTORY BAPTIST CH OF PORTAGE	308 W MUHAM AV	CHURCH	
THE FIRST REFORMED CHURCH OF PORTAGE	7905 S WESTNEDGE AV	CHURCH	GURDWARA SINGH SABHA KALAMAZOO	5628 CHESHIRE ST	CHURCH	
ST CATHERINE OF SIENA	1150 W CENTRE AV	CHURCH	THREADS CHURCH, INC	3600 W MUHAM AV	CHURCH	
MICH DIST ASSEMBLIES OF GOD	7837 LOVERS LN	CHURCH	GREATER FAITH MINISTRY	5811 OAKLAND DR	CHURCH	
BEAREAN BAPTIST CH OF PORTAGE	7813 S 12TH ST	CHURCH	FIRST ASSEMBLY OF GOD CHURCH	5550 OAKLAND DR	CHURCH	
KALAMAZOO VALLEY FAMILY CHURCH	995 ROMENCE RD	CHURCH	MICHIGAN PRESBYTERIAN	1701 ECKENR DR	CHURCH	
FIRST CHURCH OF NAZARENE	5603 OAKLAND DR	CHURCH	FULL GOSPEL COMMUNITY CHURCH	5329 CHAMBERLIN ST	CHURCH	
JEHOVAH'S WITNESSES	7415 OAKLAND DR	CHURCH	MICHIGAN PRESBYTERIAN BOARD	1515 HELEN AV	CHURCH	
OAKLAND DR CHURCH OF CHRIST	7331 OAKLAND DR	CHURCH	KALAMAZOO VALLEY FAMILY CHURCH	2500 VINCENT AV	CHURCH	
TOUCH OF HOME DAY CARE	400 GLADYS AV	DAY CARE	PORTAGE DISTRICT LIBRARY	LIBRARY LN	LIBRARY	

- Eligible I-1, I-2 zoned Parcels
- Residential zoned Parcels
- 250' distance provision from City Limits
- 1000' distance provision
- City Boundary
- State Game Area
- Potential Locations (1000')



1 inch = 3,200 feet
Date: 1/15/2018

Potential locations must be I-1 or I-2 zoned, and not adjacent to a residential zone and more than 1000' from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private recreation areas and 250' from city limits excluding airport

Rocky Mountain PBS News

FEB
04
2012

Under Siege: Marijuana and Colorado Schools

Last Updated by **Katie Kerwin McCrimmon, Nancy Mitchell** on Oct 12, 2016 at 10:32 pm



SIEGE: Marijuana and Colorado Schools



A handful of students from Denver's East High School recently spent a warm January lunch period huddled against a brick home two blocks from the school, passing a joint and discussing the merits of medical marijuana.

It smells better than what you get on the street, they say, and is more potent. The buds are whole, not ground up like oregano.

"I get top shelf," boasts a 16-year-old boy. "My cousin works at a dispensary. So he brings maybe two zips (plastic bags) a day that they're just going to throw out."

Across the street is a medical marijuana dispensary that advertises "a trip to the moon" for customers. It is exactly 753 feet from East, according to the school's former principal, who has measured it several times. Another dispensary is 1,010 feet away.

"This is not in any sense healthy for our young people," said John Youngquist, the former principal who has pleaded for years for help in protecting schools from the proliferation of dispensaries.

Federal prosecutors echoed those concerns in January when they targeted medical marijuana dispensaries within 1,000 feet of schools for their first crackdown since hundreds of shops with names like "Dr. Reefer" and "Ganja Gourmet" began spreading across the state in 2009.

U.S. Attorney John Walsh cited a "dramatic increase in student abuse of marijuana" in warning 23 dispensary operators to move within 45 days or face criminal action and seizure of their property. That deadline expires Feb. 27.

Scores of other dispensaries can expect shutdown notices soon. In all, Walsh now says he plans to target over 100 Colorado dispensaries located within 1,000 feet of a school, relying on federal law that creates stiffer penalties for any drug use near schools, playgrounds and places where young people gather.

The federal Drug-Free Schools Act applies to public and private schools from grades 1-12, along with both public and private colleges and universities. For now, Walsh says he is committed only to cracking down on dispensaries near public and private schools and higher education campuses, and not other gathering places.

An investigation by Education News Colorado, Solutions and the I-News Network shows the number of drug violations reported by Colorado's K-12 schools have increased 45 percent in the past four years, even as the combined number of all other violations has fallen.

The statewide data do not distinguish between marijuana and other drugs but interviews with school and district officials, health care workers and students across Colorado depict marijuana as the overwhelming cause of the increase.

Some school officials used descriptions such as "drowning" and "under siege" to portray their battle with the increase in drug violations and what they view as a seismic shift in student attitudes about marijuana.

"When I grew up, it was horrible if you got caught with pot," said East teacher Matt Murphy. "Now there are little green medical signs everywhere. It seems healthy. We're at the front lines of this huge shift where kids think it's OK."

Among other findings of the investigation:

- Suspensions for drug violations in Colorado schools rose 45 percent between 2007-08 and 2010-11 while expulsions for drug violations increased 35 percent and referrals to police increased 17 percent. In contrast, the overall suspension rate for all other violations was down 11 percent while expulsions and police referrals for other violations dropped 25 percent.
- In Denver, the increase in referrals to law enforcement for drug violations was particularly high, spiking 71 percent in four years. Denver police in 2010 began listing marijuana arrests at city schools separately from other drug incidents, their records show 179 arrests for marijuana possession or sale at 43 Denver Public Schools between Aug. 1, 2010 and June 30, 2011, with a third of those arrests occurring at elementary, middle and K-8 schools.

- Suburban and rural areas are not immune. Grand Junction schools saw a 55 percent increase in drug violations in four years while they've doubled in the St. Vrain Valley district. Thornton High School in Adams 12 Five Star reported three drug violations per 100 students in 2007-08 and eight violations per 100 students in 2010-11 while Cherry Creek's Overland High School saw its rate per 100 students rise from two to more than five in four years.
- Up to 53 medical marijuana dispensaries are within 1,000 feet of Colorado public schools. Statewide, 95 elementary schools are within a half-mile of a dispensary while 27 middle schools and 23 high schools are that close.

Located along downtown Denver's busy Colfax Avenue, a hotspot for marijuana businesses, East is among the schools statewide surrounded by multiple dispensaries. But East is far from alone.

A young man walks along Colfax Avenue past a sign advertising "premium medical marijuana" at nearby Serenity Moon Wellness Center in Denver on Jan. 20, 2012. East High School's former principal says Serenity Moon is exactly 753 feet from the school and its proximity along with a handful of other medical marijuana dispensary's "is not in any sense healthy for our young people." News Network

 A young man walks along Colfax Avenue past a sign advertising "premium medical marijuana" at nearby Serenity Moon Wellness Center in Denver on Jan. 20, 2012. East High School's former principal says Serenity Moon is exactly 753 feet from the school and its proximity along with a handful of other medical marijuana dispensary's "is not in any sense healthy for our young people."

Disagreement on effect of dispensaries near schools

The investigation found some of the schools with the biggest increases in drug violations have multiple medical marijuana dispensaries within a mile or closer.

East, seen by many as Denver's premier public high school, has had up to five medical marijuana dispensaries within a three-block radius of its campus. The number of drug violations at the school has tripled since 2009.

Palmer High School in downtown Colorado Springs is within a mile of as many as eight dispensaries. The school reported one or two drug violations in 2007-08 and 2008-09, then 75 violations in 2009-10 and 45 violations in 2010-11.

But not all schools with nearby dispensaries saw an increase in drug violations and some reported their numbers of drug-related incidents declined.

Brian Vincente, director of Sensible Colorado, an advocacy group pushing for the legalization of marijuana for adults, said dispensaries are not to blame for increases in student drug violations.

"There's never been a recorded case of dispensaries selling marijuana to high school kids," he said. "That is not the problem. Dispensaries are a highly regulated industry."

Vincente says students are getting marijuana the same way they've gotten it for the past 50 years illegally.

Others see a clear link between the dispensaries and increased student use of the drug.

"Of course there's a correlation," said Rebecca Hea, executive director of the Denver Children's Home, which provides a drug and alcohol counselor at East.

"It's a lot easier to get access to marijuana," she said, noting the number of referrals to the East counselor "is growing so astronomically, she's unable to meet the need."

"There is a perception that if it's medically sanctioned, it can't be that bad," Hea added. "It seems condoned because the name medical is in front of it."

Nicole Veltze, principal at Denver's North High School, which also has a number of dispensaries nearby, said the actual location of the dispensaries doesn't matter as much as the fact they're widespread.

"The kids aren't going to the dispensaries," she said. "The kids have access to other people who have access to dispensaries. So whether you live near or far from a dispensary, if you have a friend, you can get it."

Veltze is particularly concerned about long-term repercussions for kids.

"When marijuana is found on students, we have to call law enforcement," she said. "Due to the rise in availability of marijuana, we're making more and more calls to law enforcement for this, and so we're contributing to the criminalization of our kids."

Denver Public Schools John Youngquist talks to educators at a meeting at West Denver Prep at Lake Campus charter school in Denver on Jan. 24, 2012. Youngquist, the principal at East for five years until getting a promotion in December, is convinced that dispensaries near schools increase use. News Network

 Denver Public Schools John Youngquist talks to educators at a meeting at West Denver Prep at Lake Campus charter school in Denver on Jan. 24, 2012. Youngquist, the principal at East for five years until getting a promotion in December, is convinced that dispensaries near schools increase use.

Students say medical marijuana cheaper, easier to obtain

Youngquist, who was principal at East for five years until getting a promotion in December, is convinced that dispensaries near schools increase use.

"They create a context for students that is all about marijuana, a context that says this is healthy," he said. "There's just a very, very large amount of marijuana present in our community and there's easy access for young people."

The school has taken a proactive stance, with administrators frequently patrolling nearby Colfax Avenue during lunch. It's then, and driving to and from the school, that Youngquist noticed students hovering near some dispensaries.

"It's as easy as standing outside," he said. "If you keep your eyes open and drive by, kids will be out front waiting for the possibility" to buy.

Some East students have a term for it. They call it "shoulder-tapping."

"You stand there and when someone goes in, you say, 'Hey, will you get me some weed in there?'" explained a 17-year-old boy.

Some older students, older siblings and recent graduates have medical marijuana cards, the boy said. There are even coupons to sweeten the transaction.

"Buying through dispensaries is cheaper than buying on the streets," he said. "You call people who have a card. There are buy-one, get-one free deals."

Managers of dispensaries near East did not return calls for comment.

East students are divided over whether nearby dispensaries are fueling an increase in marijuana use.

"The fact that they're close by makes it easier for it to happen at school," said one 16-year-old girl, but she added, "If kids really want to do it at school, they'll find a way to do it."

Another boy, 16, said he thinks the sheer number of dispensaries may make the drug more attractive.

"That's probably the effect that dispensaries have," he said. "It's like Starbucks. You think what's so good about Starbucks? And you're going to go try some."

More than a dozen students interviewed said they see a growing number of their classmates using marijuana.

"It's become more of a thing to do at school, to rebel or if you don't like a class," a 16-year-old girl said. "It's a way to not skip class, but not be there in a way."

Medical Marijuana Facts

Quick facts: Medical marijuana patients and dispensaries

Who can buy? Patients with certain "debilitating" conditions, which are listed in the ballot measure approved by voters in 2000, can apply for a medical marijuana card. These include cancer, glaucoma and HIV/AIDS.

Age limits: People under 18 must have parental consent to obtain a card.

Number of minors with cards: 41

Security: Employees at medical marijuana dispensaries who check patient IDs and registry cards are required to pass criminal background checks. Dispensaries are required to have locked doors and extensive camera systems, and to follow other measures set out in a 72-page list of regulations.

Card cost: \$35 per year

Quantity: Patients can buy up to two ounces per day.

Cost of medical marijuana: Approximately \$25 per 1/8 ounce and \$175 per ounce for basic medical marijuana.

Number of card applicants: 161,483

Current card holders: 80,558

Medical reasons: 94 percent cite severe pain, one of the "debilitating" conditions. The second most common complaint is muscle spasms.

Gender of card holders: 69 percent male; 31 percent female

Average age of card holders: 42

Location: 55 percent of patients live in the Denver metro area

Source: Research by EdNews, Solutions and the I-News Network; Colorado Department of Public Health and Environment supplied figures, current as of November 2011. Regulations come from the Colorado Department of Revenue's Medical Marijuana Enforcement Division. Dispensary owners provided average costs and quantity information.

Some communities ban dispensaries, others disregard school buffer

Schools are singled out in contradictory local, state and federal regulations governing the use of marijuana.

While Colorado voters have approved the use of marijuana for medicinal purposes, and voters will consider an initiative this fall to legalize it altogether in this state, federal law still views it as illegal.

State laws regulate medical marijuana businesses to some extent, including creating a 1,000-foot buffer around schools, but they also allow leeway for local authorities. So while 85 municipalities have banned dispensaries altogether, others have allowed them as close as 400 feet to schools.

In Denver, City Councilwoman Jeanne Robb said city officials acted only after the dispensaries began proliferating, so they compromised in allowing dispensaries already less than 1,000 feet from a school to continue operating.

Robb supports the federal crackdown but isn't sure it will make a difference.

"Once medical marijuana was accepted in the dispensary form, it can be 1,000 feet from a school or 1,005 feet from a school. The youth who are inclined to find it will find it," she said.

"Our society has said it's medicine. I'm afraid it removes the idea that it's still a drug. Now the question is how do we deal with the fallout on our youth? I'm not sure we can really go back."

Denver City Councilman Charlie Brown, a key sponsor of city's medical marijuana regulations, said he was "shocked and disappointed" by the increase in drug violations in schools.

"We need to get the people out of the business who shouldn't be in the business," he said. "Our job is to clamp down and make sure they don't abuse it and if they are, we're going to close them down."

The federal action is likely to shut down only one dispensary near East. But for Youngquist, that's a start.

For years, he said he felt nobody was listening as his staff struggled to respond to the growth in medical marijuana dispensaries around the school.

"I've gone and spoken with members of city council and state legislators and asked the question regarding the impact on youth," Youngquist said. "They told me, 'It's not something we thought about.'"

"I'm disappointed that young people weren't considered when our government decided to implement a law and make medical marijuana legal."

"The stakes are a lot higher than you think."

The call came last fall while the young single dad was at his construction job.

"It was the hardest day of my life," he said.

The man's son, an East High School freshman, had been busted with baggies of marijuana at a Colfax Avenue parking garage adjacent to the school.

His arrest was one of 18 at East for marijuana possession last year and among the 179 arrests for marijuana possession or sale at 43 Denver schools during 2010-11, according to Denver police records.

The boy said he purchased the marijuana from a senior at school. He was naïve enough to divide it into smaller bags and write friends' names on them.

"His whole intention was to sell it and make some money. There are quite a few kids there with a lot of money. He was trying to fit in and make some money," the boy's dad said.

The names of the father and son are being withheld because the boy is still a juvenile.

While Colorado schools report an increase in drug-related incidents and both national and state surveys show a rise in marijuana use among young people, this father has a message to other parents and kids.

"The stakes are a lot higher than you think," the dad said. "You're doing something illegal and you're playing with fire. Sooner or later, you're going to get burned."

He believes young people are confused by mixed messages that bombard them. On the one hand, medical marijuana dispensaries are located near schools and advertise their products as "healthy" on storefronts, online and on radio stations with young audiences.

On the other hand, East officials are taking a proactive stance against the use of marijuana by students and federal law enforcement officials in January announced a crackdown on medical marijuana shops within 1,000 feet of schools.

The 36-year-old father said he never had a strong opinion on the marijuana debate before, but now thinks medical marijuana dispensaries should be illegal.

"Nobody thought about the kids," the dad said. "How do you tell your kids this is wrong when you've got a guy with a sign dancing around and saying, 'Come get this?'"

On the day the boy was caught, school resource officers hauled the 15-year-old back to East, arrested him, and charged him with two felonies: attempted distribution and attempted distribution to a minor.

The dad couldn't bear to watch as the officers loaded his son into the police car and drove him to the Gilliam Youth Detention Center.

Because of a holiday, the boy ended up spending four days locked up before a judge in Denver's juvenile court could hear his case. He experienced some bullying that led to a fight and some minor injuries.

Ultimately, he was confined to house arrest for two weeks, expelled from East and later harassed online for being a snitch. He had rocks thrown at his car and had to miss weeks of practice for his elite club sports team.

"It's been devastating for him," the dad said.

The boy transferred to another Denver high school and his grades plummeted.

"He had never been in trouble before. He had great grades. He went from a 4.0 to a 2.5" grade point average, the father said.

The boy is now on probation. If he can stay clean for two years, the felonies will be expunged from his record. He returned to East this year and is doing well again in school.

"I don't want to see other kids go through that," the dad said. "You don't realize how this impacts the rest of your life. It impacts him getting into college and getting jobs. This has affected both of us pretty heavily."

Timeline: Evolution of medical marijuana in Colorado

- 2000 – A majority of Colorado voters, 54 percent, approve Amendment 20 allowing caregivers to provide medical marijuana to patients who suffer from specific conditions. Patients must have recommendations from a doctor and register with the state.
- 2009 – Medical marijuana dispensaries proliferate across the state after a new U.S. attorney general signals the federal government will not prosecute medical marijuana in states that allow it and the state health board considers but declines to limit the number of patients a caregiver can serve. With no state law in place to regulate dispensaries, some municipalities begin approving their own regulations.
- 2010 – Local authorities continue their own efforts to govern medical marijuana dispensaries. Some, including Denver, approve a 1,000-foot buffer around schools but allow those already there to continue operating. State lawmakers enact legislation, effective July 1, to regulate and tax medical marijuana businesses. It includes a 1,000-foot buffer around schools but allows local officials to make exemptions.
- 2012 – Federal prosecutors on Jan. 13 notify 23 dispensaries operating within 1,000 feet of schools that they have 45 days to move or face criminal prosecution. The deadline is Feb. 27. Federal law, which continues to see marijuana as an illegal drug, carries enhanced penalties

for drug possession or distribution near schools. State records show more than 700 dispensaries located throughout Colorado.

Source: Research by EdNews, Solutions and the I-News Network

Katie Kerwin McCrimmon is a reporter for Solutions. This report is part of a collaborative investigation by three nonprofit news organizations: Solutions, Education News Colorado and the I-News Network.

Burt Hubbard, of I-News, and Rebecca Jones, of Education News Colorado, contributed to this story, which was a collaboration of three Colorado-based nonprofit news organizations: Education News Colorado, Health Policy Solutions and the I-News Network.

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