

7:30 p.m. Call to Order.

Invocation: Pastor Richard Hertsel of the Centre Avenue Community Church of God.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of City Council Meeting Minutes.

1. Regular Meeting Minutes of January 26 and Pre-Council of February 8, 2016.

* B. Approval of Consent Agenda Motions.

* C. Accounts Payable Register:

1. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of February 9, 2016 as presented.

D. Public Hearings:

1. Communication from the City Manager recommending that City Council, subsequent to the public hearing, adopt Resolution No. 5 confirming the Special Assessment Roll for the South Shore Drive Sanitary Sewer Project #416-S.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

1. OFF CONSENT - Communication from the City Manager recommending that City Council accept the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for first reading and set a second reading for February 23, 2016.

* 2. Communication from the City Manager recommending that City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$484,971 for the period of March 1, 2016 to March 1, 2017 and authorize the City Manager to execute all documents related to this action on behalf of the city.

* 3. Communication from the City Manager recommending that City Council approve the annual Microsoft licensing renewals with CDW-G at a total cost of \$50,388.13 and authorize the City Manager to execute all documents related to this action on behalf of the city.

* 4. Communication from the City Manager recommending that City Council adopt the proposed policy for Pre-Council Meetings.

* 5. Communication from the City Manager recommending that City Council adopt Resolution No. 4 for the Martin Luther King Jr. Drive Reconstruction Project #998-R, setting a public hearing on the assessment roll for February 23, 2016.

* 6. Communication from the City Manager requesting that City Council:

1. accept Rezoning Application #15/16-3 for first reading and set a public hearing for March 8, 2016; and

2. subsequent to the public hearing, approve Rezoning Application #15/16-3 and rezone the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414 West Milham Avenue from R-1A, one family residential, to OS-1, office service.

* 7. Communication from the City Manager that City Council approve the city acquisition of 6033 Oakland Drive, owned by Chris & Sam, LLC, for the amount of \$105,000 and authorize the City Manager to execute the Real Estate Purchase Agreement on behalf of the city.

- * 8. Communication from the City Manager regarding the contract between the City of Portage and Southwest Michigan First - Information Only.

G. Communications:

- 1. Legislative Update from State Representative Brandt Iden.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

- 1. Portage Board of Education Regular of December 7 and Special of December 15, 2015.
- 2. Portage Human Services Board of January 21, 2016.
- 3. Portage Planning Commission of January 21, 2016.

J. Council Committee Reports:

- 1. Report from Councilmember Randall regarding a meeting of Discover Kalamazoo.

K. New Business:

L. Bid Tabulations:

M. Other City Matters:

- 1. Statements of Citizens.
- 2. From City Council and City Manager.
- 3. Reminder of Meetings:
 - a. Wednesday, February 10, 7:00 p.m., Environmental Board, City Hall Room No. 1.
 - b. Wednesday, February 17, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
 - c. Thursday, February 18, 7:00 p.m., District Library Board, Portage District Library.
 - d. Thursday, February 18, 7:00 p.m., Planning Commission, Council Chambers.

N. Materials Transmitted.

- * 1. Materials Transmitted of January 26, 2016.

Adjournment.

CITY COUNCIL MEETING SUMMARY

January 26, 2016

ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Accounts Payable of January 26, 2016, as presented.

PUBLIC HEARINGS

- ◆ Adopted Resolution No. 3 for the Martin Luther King Jr. Drive Reconstruction Project #998-R, directing the preparation of the special assessment roll.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Brianna Hill, 5284 West ON Avenue, Texas Township, Founder and Co-owner of Relief, a company that assists businesses and municipalities in establishing and maintaining guidelines and standards for patient care and services within the Marijuana Industry. She thanked City Council and the City Administration for their work within this industry thus far and pointed out that the current system is fundamentally flawed and outdated. She cited a segment of the City Zoning Ordinance and indicated her inability to obtain data from an audit from these industries to ensure compliance with the City Zoning Ordinance and the Michigan Medical Marijuana Act (MMRA). She listed her concerns with the growing, drying and packaging of the product and the need for a review of each of the operations. If no such data exists, she spoke in favor of establishing an auditing position, a team or an outside company to audit these operations for the sake of the health of the community. She also indicated that it is the duty of the City of Portage to do so. She discussed the concepts of “acquisition” and “medical use” as outlined in Act 512 of the MMRA, and recommended that the City of Portage license or regulate caregiver acquisition centers in compliance with Act 512, effective April 1, 2013, and explained. She advocated an Ordinance that would allow the patient to go to another caregiver if his or her own caregiver does not have the ability to fill a prescription. Councilmember Pearson indicated that he and other Councilmembers met with Ms. Hill and assured the public that City Council is planning to have the City Attorney review this Ordinance and have a full Council discussion on any necessary changes since it was originally enacted in 2011.
- ◆ Chris Mbah, 2224 East Cork Street, Kalamazoo, stated that he attended Portage Northern High as a former Portage resident, and commended City Council for their fine stewardship of city assets and cited the budget surplus as an example. As leaders of compassion, as leaders of accountability, he asked City Council to favorably consider the discussion points by Ms. Hill and the vote of the citizens in the November 3, 2015 City Election.
- ◆ Attorney Devin Loker, 7397 West N Avenue, Texas Township, indicated he has a house at 5116 Cheshire Street and a Law Office at 1595 West Centre Avenue. He indicated that he would like to be a part of the process to develop local rules and regulations after the State of Michigan enacts laws, rules and/or regulations and explained.

REPORTS FROM THE ADMINISTRATION

- ◆ Adopted Resolution No. 4 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing on the assessment roll for February 9, 2016, at 7:30 p.m. or as soon thereafter as may be heard.
- ◆ Appointed Alexander Philipp with a term ending February 28, 2019, and appointed Jay Eichstaedt as an Alternate Member with an unfulfilled term ending February 28, 2018, to the Zoning Board of Appeals, effective February 29, 2016.
- ◆ Received the December 2015 Summary Environmental Activity Report as information only.

COMMUNICATIONS

- ◆ Received the annual report and presentation of the Environmental Board Chair Ruth Caputo.
- ◆ Received the annual report and presentation of the Portage Youth Advisory Committee Members Sami Ahmad, Ali Arif and Ben Miller.
- ◆ Received the communication from Public Media Network Executive Director Hap Haasch regarding an activity update report as information only.

UNFINISHED BUSINESS

- ◆ Amended the Code of Ordinances of the City of Portage by amending Section 38-35 of Chapter 38, Historical Preservation, approved the proposed amendment to Section 38-35, district established; boundaries, of Chapter 38, Historical Preservation, removing approximately 1.7 acres of land thereby modifying the legal description for the property located at 10234 East Shore Drive, Tax I.D. No. 00036-020-B, with the new property description attached as Exhibit A.

NEW BUSINESS

- ◆ Asked the City Attorney to draft an Ordinance providing anti-discrimination protection in housing and employment based on sexual orientation or sexual identification for consideration at a later date. City Manager Shaffer suggested that City Council asked that City Council receive input from the LGBT Community on this matter.
- ◆ Councilmember Randall indicated that she has received many citizen calls with concerns about the quality of Portage water, and that she has requested that the *Portager* be used as a means of communicating what Portage does to ensure Portage water is safe for consumption. She referenced the City Manager Communication in the January 26, 2016 Materials Transmitted where he highlights the steps developed to assure Portage water customers that Portage water continues to be safe to drink, and Mr. Shaffer explained. Councilmember Reid suggested putting an information card in the water bill as a means to ensure all customers get informed. Discussion followed.

STATEMENTS OF CITIZENS

- ◆ Mr. Chris Mbah, 2224 East Cork Street, Kalamazoo, thanked City Council for their willingness to consider an Ordinance providing anti-discrimination protection in housing and employment based on sexual orientation or sexual identification and directed a special thank you to Councilmember Urban for his motion and expressed empathy for those affected. He also thanked City Manager Shaffer for including members of the LGBT Community in the discussion.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Ford expressed his surprise in the increase in single-stream recycling, and mentioned his plan to attend the Winter Snow Party, Saturday, January 30, 2016, 12 noon to 3:30 p.m., Oakland Drive Park.
- ◆ Councilmember Pearson highlighted the review at the City Council Retreat of what Council had planned to do in 2015, and verbally provided a partial listing, and commented that many things had been accomplished by respective Councilmembers. He also mentioned that a new list had been generated for 2016 and anticipated its release soon.
- ◆ Councilmember Urban thanked City council for supporting the LGBT Ordinance proposal.
- ◆ Councilmember Reid commented that safe drinking water begins with protecting the groundwater, that the City is involved many initiatives in this regard, and directed everyone to Item F.3, December 2015 Environmental Activity Report, which devotes almost all of its information to the protection of the groundwater. She recognized the tremendous efforts of the volunteers helping Flint residents obtain drinkable water, the State website as a facilitator and the American Red Cross as a volunteer option.
- ◆ Councilmember Randall thanked City Council for a very productive eight-hour Retreat and thanked City Manager Shaffer, who always says, “Yes,” when it comes to improving citizen services and listed some examples. She also expressed thanks to Deputy City Manager Rob Boulis and the rest of his staff as well. She concurred with the efforts of the citizens who requested a process to audit the Medical Marijuana Industry in Portage to ensure compliance with the City Zoning Ordinance and the Michigan Medical Marijuana Act (MMRA).
- ◆ Mayor Pro Tem Ansari reflected on the Retreat as an opportunity to review the accomplishments of 2015, and to strategize for 2016. He commented that the State of the City of Portage is strong. He contrasted 2010 with 2015 and showed improvements with regard to reduction in unemployment, increase in the City tax base, population increase, debt reduction, and an increase in the value of building permits issued.

COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEMI.GOV, IN CITY HALL AND IN THE DISTRICT LIBRARY. MINUTES OF CITY BOARDS AND COMMISSIONS ARE AVAILABLE ON REQUEST FROM VARIOUS DEPARTMENTS.

CITY COUNCIL MEETING MINUTES FROM JANUARY 26, 2016

The Regular Meeting was called to order by Mayor Pro Tem Ansari at 7:30 p.m.

At the request of Mayor Pro Tem Ansari, Pastor Billy Creech of the Lake Center Bible Church provided an invocation. The City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers, Richard Ford, Jim Pearson, Patricia Randall, Claudette Reid, Terry Urban and Mayor Pro Tem Nasim Ansari. Mayor Peter Strazdas was absent with notice. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Special and Regular Meeting Minutes of January 12, 2016. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Ansari asked Councilmember Pearson to read the Consent Agenda. Motion by Pearson, seconded by Urban, to approve the Consent Agenda Motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 26, 2016:** Motion by Pearson, seconded by Urban, to approve the Accounts Payable Register of January 26, 2016 as presented. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

MARTIN LUTHER KING JR. DRIVE RECONSTRUCTION PROJECT #998-R: Mayor Pro Tem Ansari deferred to City Manager Laurence Shaffer, who outlined the fiduciary responsibilities of the developer and the property owners affected by the Special Assessment. He introduced T&U Director Chris Barnes, who described the project and the necessity of the reconstruction. He outlined the location using a map and explained that it is not a public street, yet it receives the highest number of complaints of any other street in Portage. He mentioned that in the summer of 2015, the owner came to dedicate it as a public street which means a complete reconstruction, new storm sewer, extension of sidewalks in some areas, more street lights and fire hydrants, landscaping design, construction and inspection. He said that the total cost of the project is \$474,898.00 with the share of the District at \$224,898.00 and other financing at \$250,000.00 from the developer. He provided a listing of the property owners within the District, including the schedule of payments and noted that the project is scheduled for construction in the Spring/Summer of 2016.

In response to Councilmember Randall, Mr. Barnes explained how access to the businesses during the construction would be carefully conducted with priority given to the productivity of the businesses and the safety of the construction workers and the motoring public. He estimated the time for completion of the project as being six to eight weeks.

In answer to Councilmember Ford, Mr. Barnes noted that Constitution Boulevard construction would begin after the construction of Martin Luther King Jr. Drive, sometime in July after the schools close for the summer.

In answer to Councilmember Reid, Mr. Barnes indicated that according to the development agreement as submitted, any cost above the \$474,898.00 would be borne by the City-at-large.

Josh Weiner, CEO of the Meyer C. Weiner Company, 700 Mall Drive, and Managing Member of Village Green Properties, which include the entities that abut Martin Luther King Jr. Drive, indicated that this is a perfect example of a win/win proposition: relief from ongoing maintenance, relief from complaints, a better situation for consumers and improved conditions for Portage citizens and the future tax base. He thanked City Manager Shaffer, his colleagues, the Planning Department, Community

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Development and Chris Barnes and expressed his confidence in the project construction plan. At the request of Councilmember Randall, he reflected on the name change from Weiner Court to Martin Luther King Jr. Drive. He also mentioned that a part of the development agreement is to have a Memorial to Martin Luther King Jr. near the intersection of Constitution Boulevard and Martin Luther King Jr. Drive and indicated that a portion of their property will be set aside for that purpose.

Councilmember Urban expressed his gratitude to Mr. Weiner and noted that this is not the first time his business has been cooperative and cited an incident where an elderly lady expressed an interest in a rest stop in the middle of the hill on Martin Luther King Jr. Drive, and shortly afterwards a bench was installed. Discussion followed.

Monifa Jumanne, 6286 Silver Fir Street, asked about construction noise containment for the residents, and Mr. Barnes explained that the City Ordinance allows for construction noise six days a week from 7 a.m. until 7 p.m. He noted that there are instances where this is modified and cited South Westnedge Avenue as an example where construction is done at night owing to traffic concerns and the safety of the workers. He offered no guarantees, and explained that the City always has to balance the needs of the residents, the safety of the motoring public and the workers, and the timeframe of the project.

Mr. Barnes also assured Councilmember Urban that the resting bench is included in the project, as well as Metro Transit bus stops; moreover, he corrected an earlier statement and indicated that according to the development agreement as submitted, any cost above the \$474,898.00 would be split by the City-at-large and the Village Green Properties. Discussion followed.

Motion by Reid, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Randall, seconded by Reid, to adopt Resolution No. 3 for the Martin Luther King Jr. Drive Reconstruction Project #998-R, directing the preparation of the special assessment roll. In answer to Councilmember Ford, City Attorney Brown indicated that a Special Assessment is considered more of a legislative act, so if he feels comfortable voting, with no pressure one way or the other, there is no conflict of interest. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Monifa Jumanne, 6286 Silver Fir Street, indicated that she is a privileged, proud and honored citizen of Portage, and mentioned the bookmarks created by her six year old granddaughter in honor of Dr. Martin Luther King, Jr., that she provided City Council. She indicated that the bookmarks were the result of her granddaughter's question of why they had to go to Kalamazoo to honor Dr. King, and not Portage, which prompted her to approach City Manager Shaffer, who proceeded to commemorate Dr. King with a banner on the City website. She described the banner by saying that it had a statement on the left side that the City of Portage, Michigan, honors and celebrates the values and teachings of Dr. Martin Luther King, Jr., and on the right side, the quote, "Our lives begin to end the minute we become silent about things that matter." She pointed out that this mattered to her granddaughter, indicated that the bookmarks are gone, and that her granddaughter wanted this to be a project for the City of Portage next year, laminated. She also quoted Dr. Maya Angelou: "People may not remember what you said, people may not even remember what you did, but they will remember how you made them feel." With that, and on behalf of her granddaughter, she thanked City Council for how the banner and their efforts made her and her granddaughter feel.

Brianna Hill, 5284 West ON Avenue, Texas Township, Founder and Co-owner of Relief, a company that assists businesses and municipalities in establishing and maintaining guidelines and standards for patient care and services within the Marijuana Industry, thanked City Council and the City Administration for their work within this industry thus far and pointed out that the current system is fundamentally flawed and outdated. She cited a segment of the City Zoning Ordinance and indicated her inability to obtain data from an audit from these industries to ensure compliance with the City Zoning Ordinance and the Michigan Medical Marijuana Act (MMRA). She listed her concerns with the growing, drying and packaging of the product and the need for a review of each of the operations. If no

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such data exists, she spoke in favor of establishing an auditing position, a team, or an outside company to audit these operations for the sake of the health of the community. She also indicated that it is the duty of the City of Portage to do so. She discussed the concepts of “acquisition” and “medical use” as outlined in Act 512 of the MMRA, and recommended that the City of Portage license or regulate caregiver acquisition centers in compliance with Act 512, effective April 1, 2013, and explained. She advocated an Ordinance that would allow the patient to go to another caregiver if his or her own caregiver does not have the ability to fill a prescription. Councilmember Pearson indicated that he and other Councilmembers met with Ms. Hill and assured the public that City Council is planning to have the City Attorney review this Ordinance and have a full Council discussion on any necessary changes since it was originally enacted in 2011.

Chris Mbah, 2224 East Cork Street, Kalamazoo, stated that he attended Portage Northern High when he was a Portage resident. He commended City Council for their fine stewardship of city assets and cited the budget surplus as an example. As leaders of compassion, as leaders of accountability, he asked City Council to favorably consider the discussion points by Ms. Hill and the vote of the citizens in the November 3, 2015 City Election.

Attorney Devin Loker, 7397 West N Avenue, Texas Township, indicated he has a house at 5116 Cheshire Street and a Law Office at 1595 West Centre Avenue. He indicated that he would like to be a part of the process to develop local rules and regulations after the State of Michigan enacts laws, rules and/or regulations and explained.

REPORTS FROM THE ADMINISTRATION:

* **SOUTH SHORE DRIVE SANITARY SEWER PROJECT #416-S:** Motion by Pearson, seconded by Urban, to adopt Resolution No. 4 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing on the assessment roll for February 9, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 6 to 0.

* **ZONING BOARD OF APPEALS APPOINTMENTS:** Motion by Pearson, seconded by Urban, to appoint Alexander Philipp with a term ending February 28, 2019, and appoint Jay Eichstaedt as an Alternate Member with an unfulfilled term ending February 28, 2018, to the Zoning Board of Appeals, effective February 29, 2016. Upon a roll call vote, motion carried 6 to 0.

* **DECEMBER 2015 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Pearson, seconded by Urban, to receive the communication from the City Manager regarding the December 2015 Environmental Report as information only. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

PRESENTATION BY THE ENVIRONMENTAL BOARD: At the request of Mayor Pro Tem Ansari, Environmental Board Chair Ruth Caputo discussed the efforts of the Board with regard to single stream recycling, deer predation, invasive plants and the health of the ecosystem of Portage. Discussion followed. Motion by Ford, seconded by Pearson, to receive the presentation and annual update from the Environmental Board Chair Ruth Caputo. Upon a voice vote, motion carried 6 to 0.

PRESENTATION BY THE YOUTH ADVISORY COMMITTEE: Mayor Pro Tem Ansari asked the Youth Advisory Committee Members to come forward and introduce themselves. Present were: Youth Advisory Committee Chair Sami Ahmad, Ben Miller and Ali Arif. Mr. Ahmad referred to his communication to City Council dated January 11, 2016, and highlighted events and activities of the Youth Advisory Committee. Discussion followed. Motion by Reid, seconded by Randall, to receive the presentation and annual update from the Youth Advisory Committee as presented by Sami Ahmad. Upon a voice vote, motion carried 6 to 0.

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* **PUBLIC MEDIA NETWORK EXECUTIVE DIRECTOR HAP HAASCH:** Motion by Pearson, seconded by Urban, to receive the communication from Public Media Network Executive Director Hap Haasch regarding an activity update report as information only. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE CODE OF ORDINANCES – HISTORIC DISTRICT MODIFICATION: 10234 EAST SHORE DRIVE:** Motion by Pearson, seconded by Urban, to amend the Code of Ordinances of the City of Portage by amending Section 38-35 of Chapter 38, Historical Preservation, approve the proposed amendment to Section 38-35, district established; boundaries, of Chapter 38, Historical Preservation, removing approximately 1.7 acres of land thereby modifying the legal description for the property located at 10234 East Shore Drive, Tax I.D. No. 00036-020-B, with the new property description attached as Exhibit A. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

Portage Environmental Board of November 11 and December 9, 2015.
Portage Public Schools District Advisory Council of November 18, 2015.
Portage Human Services Board of December 3, 2015.
Portage Planning Commission of December 3, 2015.
Portage Youth Advisory Committee Meeting Minutes of December 14, 2015.
Portage Historic District Commission Regular and Special Study Committee of December 16, 2015.

NEW BUSINESS:

LGBT ANTI-DISCRIMINATION AND PROTECTION ORDINANCE: Councilmember Urban mentioned a discussion of an LGBT Ordinance for the City of Portage at the Council Retreat. Motion by Urban, seconded by Reid, to ask the City Attorney to draft an Ordinance providing anti-discrimination protection in housing and employment based on sexual orientation or sexual identification for consideration at a later date. Discussion followed. City Manager Shaffer asked that City Council receive input from the LGBT Community on this matter. Upon a roll call vote, motion carried 6 to 0.

PORTAGE WATER QUALITY: Councilmember Randall indicated that she has received many citizen calls with concerns about the quality of Portage water, and that she has requested that the *Portager* be used as a means of communicating what Portage does to ensure Portage water is safe for consumption. She referenced the City Manager Communication in the January 26, 2016 Materials Transmitted where he highlights the steps developed to assure Portage water customers that Portage water continues to be safe to drink, and Mr. Shaffer explained. Councilmember Reid suggested putting an information card in the water bill as a means to ensure all customers get informed. Discussion followed.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF FRIDAY, JANUARY 8, 2016:** Motion by Pearson, seconded by Urban, to receive the Materials Transmitted of Friday, January 8, 2016. Upon a roll call vote, motion carried 6 to 0.

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* **MATERIALS TRANSMITTED OF FRIDAY, JANUARY 12, 2016:** Motion by Pearson, seconded by Urban, to receive the Materials Transmitted of Friday, January 12, 2016. Upon a roll call vote, motion carried 6 to 0.

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Pearson, seconded by Urban, to receive the Departmental Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Mr. Chris Mbah, 2224 East Cork Street, Kalamazoo, thanked City Council for their willingness to consider an Ordinance providing anti-discrimination protection in housing and employment based on sexual orientation or sexual identification and directed a special thank you to Councilmember Urban for his motion and expressed empathy for those affected. He also thanked City Manager Shaffer for including members of the LGBT Community in the discussion.

STATEMENTS OF CITY COUNCIL: Councilmember Ford expressed his surprise in the increase in single-stream recycling as reported in Item G.1, by Environmental Board Chair Ruth Caputo, and mentioned his plan to attend the Winter Snow Party, Saturday, January 30, 2016, 12 noon to 3:30 p.m., Oakland Drive Park.

Councilmember Pearson highlighted the review at the City Council Retreat of what Council had planned to do in 2015, and verbally provided a partial listing, and commented that many things had been accomplished by respective Councilmembers. He also mentioned that a new list had been generated for 2016 and anticipated its release soon.

Councilmember Urban thanked City Council for supporting the LGBT Ordinance proposal.

Councilmember Reid commented that safe drinking water begins with protecting the groundwater, that the City is involved many initiatives in this regard, and directed everyone to Item F.3, December 2015 Environmental Activity Report, which devotes almost all of its information to the protection of the groundwater. She recognized the tremendous efforts of the volunteers helping Flint residents obtain drinkable water, the State website as a facilitator and the American Red Cross as a volunteer option.

Councilmember Randall thanked City Council for a very productive eight-hour Retreat and thanked City Manager Shaffer, who always says, "Yes," when it comes to improving citizen services and listed some examples. She also expressed thanks to Deputy City Manager Rob Boulis and the rest of his staff as well. She concurred with the efforts of the citizens who requested a process to audit the Medical Marijuana Industry in Portage to ensure compliance with the City Zoning Ordinance and the Michigan Medical Marijuana Act (MMRA).

Mayor Pro Tem Ansari reflected on the Retreat as an opportunity to review the accomplishments of 2015, and to strategize for 2016. He commented that the State of the City of Portage is strong. He contrasted 2010 with 2015 and showed improvements with regard to reduction in unemployment, increase in the City tax base, population increase, debt reduction, and an increase in the value of building permits issued.

ADJOURNMENT: Mayor Pro Tem Ansari adjourned the meeting at 9:32 p.m.

James R. Hudson City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF FEBRUARY 8, 2016**

Mayor Strazdas called the meeting to order at 9:02 a.m. The following Councilmembers were present: Councilmember Jim Pearson, Councilmember Claudette Reid via the conference phone line and Mayor Peter Strazdas. Those not present were: Councilmembers Nasim Ansari, Richard Ford, Patricia Randall and Terry Urban. Councilmember Patricia Randall arrived at 9:14 a.m. Also in attendance were Deputy City Manager Rob Boulis and City Clerk James Hudson.

There being no quorum, Mayor Strazdas explained that the purpose of the meeting was to hear any questions of Council regarding the Agenda of the Regular City Council Meeting of February 9, 2016, and proceeded with questions from those present.

Mayor Strazdas asked for an update on the questions received by Councilmember Reid earlier via e-mail regarding Item F.7, Acquisition of 6033 Oakland Drive, and Deputy City Manager Rob Boulis indicated that the answers are being researched with a projected time of this afternoon for an answer, or at least by first thing tomorrow morning. He noted that the documents that were requested are in hand as of five or ten minutes ago.

Using the information provided in the Agenda Packet, Councilmember Reid indicated that Fire Station No. 2 appeared to be in pretty bad condition and asked whether it is anticipated that it would be totally rebuilt or will the current building be retained and expanded. Mayor Strazdas responded with a summary of the question as it relates to her question regarding the purchase of the property received earlier via e-mail.

Mayor Strazdas reviewed the Agenda Outline, and Councilmember Pearson read the definition included in Item F.1, Amendment to Code of Ordinances – Discharge of Firearms, Sec. 50-81. – Discharge of firearms and pneumatic guns, Subsection (b) (5). He asked that the definition of “pneumatic” be reviewed as this can include a children’s toy that is spring-loaded and shoots a projectile 15 feet which then drops to the ground. He indicated that “pneumatic” needs to be defined using physics. He cited Newton’s Second Law and indicated a need for the definition to include “force times mass” or “foot, pounds, seconds.” He summed up saying that a more specific definition of “pneumatic” should include the speed of the projectile, and explained that the definition should disclose what a “pneumatic” device is (with more specificity). He restated that he does not want a plastic toy that shoots a little plastic pellet twenty feet, then drops to the ground, to be included as a pneumatic gun. Mayor Strazdas concurred with Councilmember Pearson and asked that the City Attorney check State Law to make sure that no conflict results with any proposed changes or additions.

Mayor Strazdas continued to review the Agenda Outline and asked that, even though there are no upfront costs under Item F.5, Martin Luther King Jr. Drive Reconstruction

Project #998-R, the documentation include that there would be ongoing maintenance costs for the General Fund in the future.

Councilmember Patricia Randall arrived at 9:14 a.m. and Mayor Strazdas opened the meeting with a quorum of City Council.

Mayor Strazdas continued to review the Agenda Outline, and revealed that no writing was provided for Item G.1, Legislative Update from State Representative Brandt Iden, as it was understood that it would be verbal only.

In answer to Councilmember Randall, Mayor Strazdas pinpointed the specific location of the land in question in Item F.7, and explained an experience he had as a Planning Commissioner regarding a proposed development before the recession.

Councilmember Pearson indicated that there was once an offer to purchase the two properties on the Southeast corner of Oakland Drive and Milham Avenue. In answer to Councilmember Pearson, Deputy City Manager Boulis indicated that there are no plans to change the boundaries, sell or develop this property if City Council approves the acquisition. He explained that the property is necessary for the proposed improvements in the Capital Improvement Project Profile included in the Agenda Packet. Also, he indicated that the purchase of this property does not affect the other two lots owned by the City on the Southeast corner of Oakland Drive and Milham Avenue. Discussion followed.

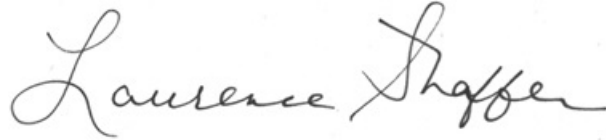
Mayor Strazdas and Councilmember Pearson reviewed the earlier discussion regarding Item F.1, Amendment to Code of Ordinances – Discharge of Firearms, Sec. 50-81. – Discharge of firearms and pneumatic guns, Subsection (b) (5) for Councilmember Randall.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:20 a.m.

James Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of February 9, 2016 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 3, 2016 through January 31, 2016 and notes \$357,329.35 in automated clearing house payments, \$1,528,904.38 in paper checks and \$86,642.90 in auto-pay payments for a grand total of \$1,972,876.63.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/3/2016 To: 1/31/2016

Check Date	Check	Vendor Name	Amount
01/08/16	4681(A)	ALL CITY MANAGEMENT SERVICES, INC.	3,112.86
01/08/16	4682(A)	ALRO STEEL CORPORATION	1,282.57
01/08/16	4683(A)	AMERICAN SAFETY & FIRST AID	50.00
01/08/16	4684(A)	CONTINENTAL LINEN SERVICES	55.89
01/08/16	4685(A)	ETNA SUPPLY, INC.	1,605.85
01/08/16	4686(A)	INDUSCO SUPPLY CO., INC.	511.49
01/08/16	4687(A)	MAURER'S TEXTILE RENTAL SERVICES	286.80
01/08/16	4688(A)	PETERS CONSTRUCTION CO.	20,454.56
01/08/16	4689(A)	S B F ENTERPRISES, INC.	731.05
01/08/16	4690(A)	WOLVERINE POWER SYSTEMS	530.63
01/15/16	4691(A)	ABONMARCHE CONSULTANTS, INC	30,623.55
01/15/16	4692(A)	ALL CITY MANAGEMENT SERVICES, INC.	1,557.90
01/15/16	4693(A)	AMERICAN SAFETY & FIRST AID	37.97
01/15/16	4694(A)	ANIMAL REMOVAL SERVICE, LLC	600.00
01/15/16	4695(A)	APOLLO FIRE EQUIPMENT COMPANY	443.46
01/15/16	4696(A)	ARROW UNIFORM RENTAL	50.75
01/15/16	4697(A)	B & B YARDSCAPE	5,175.00
01/15/16	4698(A)	BATTERIES PLUS	16.95
01/15/16	4699(A)	BELL EQUIPMENT COMPANY	3,847.34
01/15/16	4700(A)	BLUESTONE PSYCH	1,395.00
01/15/16	4701(A)	CLEAN EARTH ENVIRONMENTAL SERV	444.00
01/15/16	4702(A)	DEPATIE FLUID POWER CO., INC.	988.64
01/15/16	4703(A)	EMPLOYMENT GROUP, INC.	268.96
01/15/16	4704(A)	ENGINEERED PROTECTION SYSTEMS, INC.	163.92
01/15/16	4705(A)	FIRE SERVICE MANAGEMENT	1,924.46
01/15/16	4706(A)	FURRY, WILLIAM	147.00
01/15/16	4707(A)	GAIL ANDRUS TRAVEL	176.00
01/15/16	4708(A)	GLOBAL TELEMATIC SOLUTIONS LLC	800.00
01/15/16	4709(A)	INDUSCO SUPPLY CO., INC.	379.70
01/15/16	4710(A)	JAROTH, INC	303.00
01/15/16	4711(A)	JONES & HENRY ENGINEERS, LTD	6,931.49
01/15/16	4712(A)	M & M CUSTOM FABRICATING INC.	108.58
01/15/16	4713(A)	MATERIALS RESOURCES	460.93
01/15/16	4714(A)	MAURER'S TEXTILE RENTAL SERVICES	14.80
01/15/16	4715(A)	MONIFA A. JUMANNE, PH.D.	900.00
01/15/16	4716(A)	PCM SALES, INC.	1,826.46
01/15/16	4717(A)	PECKELS, CHRISTINE	240.00
01/15/16	4718(A)	PEOPLEFACTS, LLC	51.50
01/15/16	4719(A)	PREIN & NEWHOF	2,344.25
01/15/16	4720(A)	REHMANN ROBSON	12,213.75
01/15/16	4721(A)	ROAD EQUIPMENT PARTS CENTER	351.83
01/15/16	4722(A)	S B F ENTERPRISES, INC.	768.93
01/15/16	4723(A)	SAFETY SERVICES, INC.	4,069.15
01/15/16	4724(A)	SUPERIOR PRINTING, INC.	56.82

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01/15/16	4725(A)	THOMPSON, HELENE	378.00
01/15/16	4726(A)	W W GRAINGER INC	228.06
01/15/16	4727(A)	WARNER NORCROSS & JUDD LLP	3,866.67
01/15/16	4728(A)	WIGHTMAN & ASSOCIATES, INC.	840.00
01/15/16	4729(A)	WOLVERINE POWER SYSTEMS	986.91
01/29/16	4730(A)	ABONMARCHE CONSULTANTS, INC	31,874.38
01/29/16	4731(A)	ALL CITY MANAGEMENT SERVICES, INC.	1,540.59
01/29/16	4732(A)	AMERICAN HYDROGEOLOGY CORP.	1,947.00
01/29/16	4733(A)	AMERICAN SAFETY & FIRST AID	148.27
01/29/16	4734(A)	ANIMAL REMOVAL SERVICE, LLC	605.00
01/29/16	4735(A)	APOLLO FIRE EQUIPMENT COMPANY	165.00
01/29/16	4736(A)	ARROW UNIFORM RENTAL	50.75
01/29/16	4737(A)	B & B YARDSCAPE	2,070.00
01/29/16	4738(A)	BCHS-HELPNET	1,211.04
01/29/16	4739(A)	BELL EQUIPMENT COMPANY	5,173.43
01/29/16	4740(A)	BLUE CARE NETWORK-GREAT LAKES	74,145.18
01/29/16	4741(A)	BREATHING AIR SYSTEMS	489.00
01/29/16	4742(A)	BRENNER OIL CO.	11,885.14
01/29/16	4743(A)	C C I SOUTH, INC.	110.80
01/29/16	4744(A)	C D W GOVERNMENT, INC.	226.77
01/29/16	4745(A)	CARRIER & GABLE	3,065.00
01/29/16	4746(A)	CONTINENTAL LINEN SERVICES	55.89
01/29/16	4747(A)	DATA CONSTRUCTS LLC	97.95
01/29/16	4748(A)	DELTA DENTAL PLAN OF MICHIGAN	16,287.12
01/29/16	4749(A)	EMPLOYMENT GROUP, INC.	529.52
01/29/16	4750(A)	ENGINEERED PROTECTION SYSTEMS, INC.	131.00
01/29/16	4751(A)	ENTENMANN-ROVIN CO.	1,123.40
01/29/16	4752(A)	FARRELL AUDIO VIDEO LLC	1,328.71
01/29/16	4753(A)	FURRY, WILLIAM	202.64
01/29/16	4754(A)	HARTFORD LIFE INSURANCE COMPANY	8,026.97
01/29/16	4755(A)	HURST MECHANICAL, INC.	10,613.66
01/29/16	4756(A)	IP CONSULTING, INC.	3,662.45
01/29/16	4757(A)	JONES & HENRY ENGINEERS, LTD	7,342.01
01/29/16	4758(A)	KEHOE, EDWARD J	185.00
01/29/16	4759(A)	KUSHNER & COMPANY, INC.	346.57
01/29/16	4760(A)	MATERIALS RESOURCES	408.66
01/29/16	4761(A)	MAURER'S TEXTILE RENTAL SERVICES	7.40
01/29/16	4762(A)	MEEKHOF TIRE SALES & SERVICE INC.	495.00
01/29/16	4763(A)	MEJEUR ELECTRIC LLC	116.00
01/29/16	4764(A)	PCM SALES, INC.	42,439.83
01/29/16	4765(A)	PETERS CONSTRUCTION CO.	2,493.00
01/29/16	4766(A)	PORTAGE FIREFIGHTERS	1,321.53
01/29/16	4767(A)	PORTAGE ON-CALL FIREFIGHTERS	110.00
01/29/16	4768(A)	PORTAGE POLICE OFFICERS ASSOC	679.00

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01/29/16	4769(A)	ROAD EQUIPMENT PARTS CENTER	859.54
01/29/16	4770(A)	S B F ENTERPRISES, INC.	711.93
01/29/16	4771(A)	SAFETY SERVICES, INC.	99.57
01/29/16	4772(A)	SNELL, DEBRA	144.00
01/29/16	4773(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	587.47
01/29/16	4774(A)	UNITED PETROLEUM	155.00
01/29/16	4775(A)	VISION SERVICE PLAN (OH)	2,145.72
01/29/16	4776(A)	WARNER NORCROSS & JUDD LLP	3,866.67
01/29/16	4777(A)	WIGHTMAN & ASSOCIATES, INC.	1,445.36
		SUBTOTAL:	97 CHECKS 357,329.35
01/07/16	296295	PURE LASH AND BEAUTY LLC	258.78
01/08/16	296266	AIRGAS GREAT LAKES	35.31
01/08/16	296267	AMERICAN HOIST AIR & LUBE EQUIP INC	1,215.00
01/08/16	296268	ANY CUTTING & WELDING	120.00
01/08/16	296269	C. STODDARD & SONS INC.	55.00
01/08/16	296270	CANTEEN SERVICES	232.00
01/08/16	296271	CITY OF KALAMAZOO TREASURER	212,137.08
01/08/16	296272	CLEAR CHANNEL AIRPORTS	1,155.00
01/08/16	296273	CROSSROADS CAR WASH	27.00
01/08/16	296274	DAVE'S CONCRETE PRODUCTS, INC.	269.00
01/08/16	296275	GRAYBAR ELECTRIC CO.	877.46
01/08/16	296276	HAGIE MANUFACTURING CO.	523.36
01/08/16	296277	HAMMERSMITH EQUIPMENT COMPANY	98.00
01/08/16	296278	HOME DEPOT	660.67
01/08/16	296279	JAYBEE SIGNS	1,000.00
01/08/16	296280	KALAMAZOO LANDSCAPE SUPPLIES	83.00
01/08/16	296281	KENDALL ELECTRIC, INC.	1,425.61
01/08/16	296282	MEEKHOF TIRE SALES & SERVICE INC.	11,658.40
01/08/16	296283	MULDERS LANDSCAPE SUPPLIES INC	17,431.00
01/08/16	296284	NEW YORK POLICE SUPPLY, INC.	291.50
01/08/16	296285	O'REILLY AUTO PARTS	122.91
01/08/16	296286	RIGHT-WAY RENTAL, INC.	130.00
01/08/16	296287	ROCKFORD ADVERTISING	2,588.75
01/08/16	296288	SCHAEFFER MANUFACTURING COMPANY	682.82
01/08/16	296289	SHERMAN TOOL / CORNWELL TOOLS	54.98
01/08/16	296290	STEENSMA LAWN & POWER EQUIPMENT	249.19
01/08/16	296291	TAFEE, BRYAN	44.00
01/08/16	296292	TRACTOR SUPPLY CORP.	800.72
01/08/16	296293	W W WILLIAMS	148.48
01/08/16	296294	WESTERN MICHIGAN INT'L TRUCKS	121.47
01/15/16	296296	A NEW LEAF	85.00
01/15/16	296297	A S C A P	336.00
01/15/16	296298	A T & T	2,608.82

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01/15/16	296299	ADP, INC.	3,484.24
01/15/16	296300	AIRGAS GREAT LAKES	521.52
01/15/16	296301	ALKIRE, BRYAN	44.00
01/15/16	296302	ALLEGRA PRINT & IMAGING	749.00
01/15/16	296303	ANY CUTTING & WELDING	250.00
01/15/16	296304	ARTWEAR APPAREL GRAPHICS, INC.	324.00
01/15/16	296305	ASSOCIATED GOVERNMENT SERVICES INC	6,250.00
01/15/16	296306	BERGHUIS, WILLIAM	89.03
01/15/16	296307	BEST WAY DISPOSAL, INC.	45,044.84
01/15/16	296308	BILL'S LOCK SHOP, INC.	808.00
01/15/16	296309	BLUE, JOHN	44.00
01/15/16	296310	BRIANNE ANDERSON	100.00
01/15/16	296311	BRONSON HEALTHCARE GROUP	600.00
01/15/16	296312	BUCKOUT, RON & DARLEEN	81.00
01/15/16	296313	C T S TELECOM, INC.	678.95
01/15/16	296314	CAMPBELL AUTO SUPPLY	19.76
01/15/16	296315	CANTEEN SERVICES	360.00
01/15/16	296316	CHARTER COMMUNICATIONS	616.34
01/15/16	296317	CHICAGO TITLE OF MICHIGAN, INC.	150.00
01/15/16	296318	CHICAGO TITLE OF MICHIGAN, INC.	150.00
01/15/16	296319	CONSUMERS ENERGY	32,811.18
01/15/16	296320	CORELOGIC REAL ESTATE TAX SERVICE	11,030.70
01/15/16	296321	COSTAR REALTY INFORMATION, INC.	294.68
01/15/16	296322	CRUISERS WEST LLC	1,069.50
01/15/16	296323	DATA STRATEGY LLC	130,904.54
01/15/16	296324	DELTA COLLEGE	500.00
01/15/16	296325	DEYO, GREG & SUE	136.00
01/15/16	296326	FAIR HOUSING CENTER OF SW MICHIGAN	582.04
01/15/16	296327	FAWLEY OVERHEAD DOOR, INC.	85.00
01/15/16	296328	FIBERLINK COMMUNICATIONS CORP.	2,694.00
01/15/16	296329	FLIERS UNDERGROUND SPRINKLING	100.00
01/15/16	296330	GLOBAL EQUIPMENT CO., INC.	114.32
01/15/16	296331	GORDON WATER SYSTEMS	66.00
01/15/16	296332	GORNO FORD	88,990.00
01/15/16	296333	GRAYBAR ELECTRIC CO.	462.80
01/15/16	296334	GRIFFIN PEST SOLUTIONS, INC.	217.00
01/15/16	296335	GRYPHON PLACE	1,170.00
01/15/16	296336	HALEY WENTZ	100.00
01/15/16	296337	HERTZ EQUIPMENT RENTAL	2,986.99
01/15/16	296338	HOME DEPOT	89.66
01/15/16	296339	HOUSING RESOURCES, INC.	9,890.00
01/15/16	296340	HOWARD PRINTING	3,088.00
01/15/16	296341	HUDSON, NICOLE	175.00
01/15/16	296342	HUMPHREYS CAMPBELL DUST & HUMPHREYS	565.28

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01/15/16	296343	HYDRO-CHEM SYSTEMS, INC.	345.65
01/15/16	296344	I A C P N E T	1,225.00
01/15/16	296345	INT'L INSTITUTE MUNI. CLERKS	290.00
01/15/16	296346	INTERNATIONAL CODE COUNCIL, INC	812.24
01/15/16	296347	JOHN PODGORSKI	745.00
01/15/16	296348	JOHN PODGORSKI	342.20
01/15/16	296349	KAL COUNTY FIRE CHIEFS ASSOC.	840.00
01/15/16	296350	KAL HUMAN RESOURCE MGT ASSOC	85.00
01/15/16	296351	KALAMAZOO COUNTY CLERK	7,701.96
01/15/16	296352	KALAMAZOO COUNTY ROAD COMMISSI	7,647.23
01/15/16	296353	KUEZIMOTICZ, ED & JOYCE	192.00
01/15/16	296354	KUIPER BROTHERS MOVING INC.	183.00
01/15/16	296355	LACOSTA FACILITY SUPPORT SERVICES	3,360.79
01/15/16	296356	LAKE MICHIGAN CREDIT UNION	161.09
01/15/16	296357	LAWSON PRODUCTS, INC	2,478.15
01/15/16	296358	LERETA	2,154.72
01/15/16	296359	LEXISNEXIS/MATTHEW BENDE, INC.	150.00
01/15/16	296360	LONG LAKE LAKE BOARD	407.40
01/15/16	296361	MAIN STREET PORTRAITS INC	240.00
01/15/16	296362	MED EXPRESS URGENT CARE, PC MICH	95.00
01/15/16	296363	MI ASSOC. OF CHIEFS OF POLICE	100.00
01/15/16	296364	MICHAEL BURNS	597.00
01/15/16	296365	MICHIGAN ASSESSOR'S ASSOC.	75.00
01/15/16	296366	MICHIGAN ASSOC OF MUNICIPAL CLERKS	100.00
01/15/16	296367	MICHIGAN KAL ELECTRONICS, INC.	95.00
01/15/16	296368	MICHIGAN MUNICIPAL LEAGUE	9,041.00
01/15/16	296369	MIDWEST ENERGY COOPERATIVE	268.78
01/15/16	296370	MLIVE MEDIA GROUP	720.06
01/15/16	296371	MML UNEMPLOYMENT FUND	122.08
01/15/16	296372	MR. ROOF GRAND RAPIDS LLC	120.00
01/15/16	296373	NATIONAL RECREATION & PARK AS.	60.00
01/15/16	296374	NEW FRESH CLEANING SERVICE	1,456.00
01/15/16	296375	NYE UNIFORMS	602.87
01/15/16	296376	O'BOYLE-COLWELL-BLALOCK & AS.	674.00
01/15/16	296377	OFFICE DEPOT, INC.	473.54
01/15/16	296379	ONSTAFF USA INC	7,574.70
01/15/16	296380	P K CONTRACTING, INC.	1,950.00
01/15/16	296381	PAPER CENTRAL	259.80
01/15/16	296382	PARIS CLEANERS	1,363.25
01/15/16	296383	PET VET FAMILY PET CARE CENTER	389.10
01/15/16	296384	PETERMAN CONCRETE CO.	15.00
01/15/16	296385	PETTY CASH-DPS	384.75
01/15/16	296386	PETTY CASH-SENIOR CENTER	449.02
01/15/16	296387	POLDERMAN'S FLOWER SHOP	240.50

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01/15/16	296388	PORTAGE BUDGET STORAGE, LLC	3,036.00
01/15/16	296389	PRINTEK, INC.	368.19
01/15/16	296390	RATHCO SAFETY SUPPLY, INC.	310.00
01/15/16	296391	REBECCA SZUBERT	100.00
01/15/16	296392	RED THE UNIFORM TAILOR	2,678.25
01/15/16	296393	REFRIGERATION SERVICES	3,330.92
01/15/16	296394	REPUBLIC SERVICES OF WEST MICHIGAN	651.00
01/15/16	296395	RIDGE AUTO NAPA	2,640.41
01/15/16	296396	RTC AGILITY TEST	100.00
01/15/16	296397	SEELICKFIX, INC.	5,000.00
01/15/16	296398	SEVERANCE ELECTRIC COMPANY, INC	33,759.50
01/15/16	296399	SIGN ART	610.00
01/15/16	296400	SIMMONS FORD	54.29
01/15/16	296401	SIMPLIFILE LC	126.00
01/15/16	296402	SKILLQUEST INTERNATIONAL LLC	2,537.97
01/15/16	296403	SMITH, JESSICA	500.00
01/15/16	296404	SOUTHWEST MICHIGAN LIVING LLC	2,188.00
01/15/16	296405	STACY FRENCH	2,096.00
01/15/16	296406	STATE OF MICHIGAN	120.00
01/15/16	296407	STATE OF MICHIGAN (DOT)	18,994.00
01/15/16	296408	STATE SYSTEMS RADIO, INC	7,076.21
01/15/16	296409	STATE TAX COMMISSION	250.00
01/15/16	296410	STEENSMA LAWN & POWER EQUIPMENT	167.80
01/15/16	296411	SUEZ WATER ENVIRONMENTAL SERVICES	167,775.40
01/15/16	296412	T D S METROCOM, LLC	4,429.00
01/15/16	296413	T-MOBILE USA INC	29.99
01/15/16	296414	TRACTOR SUPPLY CORP.	72.47
01/15/16	296415	TRAFFIC TECH SERVICES LLC	690.00
01/15/16	296416	TRUGREEN	2,610.00
01/15/16	296417	U S POSTAL SERVICE	3,000.00
01/15/16	296418	UNITED PARCEL SERVICE	12.25
01/15/16	296419	USA TODAY	15.48
01/15/16	296420	VERIZON WIRELESS SERVICES, LLC	2,443.25
01/15/16	296421	VINEYARD PRESS, INC.	60.00
01/15/16	296422	WEST MICHIGAN AERIAL LLC	751.30
01/15/16	296423	WEST MICHIGAN STAMP & SEAL, INC	13.50
01/15/16	296424	WEST SHORE FIRE, INC.	381.65
01/15/16	296425	WESTERN MICHIGAN INT'L TRUCKS	248.97
01/15/16	296426	WISNIEWSKI, NIKKI	75.00
01/15/16	296427	WOLVERINE LAWN SERVICE, INC.	1,664.56
01/15/16	296428	WRAPS N SIGNS	225.00
01/15/16	296429	XEROX CORPORATION	1,069.15
01/15/16	296430	Y W C A, INC	5,565.00
01/29/16	296431	A T & T	1,895.94

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Check Date	Check	Vendor Name	Amount
01/29/16	296432	AIRGAS GREAT LAKES	535.05
01/29/16	296433	ALLEGRA PRINT & IMAGING	670.42
01/29/16	296434	ANY CUTTING & WELDING	1,580.00
01/29/16	296435	APPLIED IMAGING	9,905.50
01/29/16	296436	ARROWHEAD SCIENTIFIC, INC.	3,461.60
01/29/16	296437	ASSOCIATED GOVERNMENT SERVICES INC	1,450.00
01/29/16	296438	AT&T YELLOW PAGES	52.80
01/29/16	296439	BART'S BANNERS AND SIGNS	270.00
01/29/16	296440	BESCO WATER TREATMENT, INC.	5.00
01/29/16	296441	BLOOMBERG BUISNESSWEEK	25.00
01/29/16	296442	BLUE CROSS/BLUE SHIELD OF MICH	126,122.82
01/29/16	296443	BOMMERSCHEIM WINDOW & DOOR LLC	615.00
01/29/16	296444	BORGESS HEALTH ALLIANCE	1,503.00
01/29/16	296445	BOUMA-BETTEN CONSTRUCTION INC.	465.00
01/29/16	296446	BRINK'S, INC	294.13
01/29/16	296447	BRUCE'S TRUCK & AUTO ACCESSORIES	70.00
01/29/16	296448	BYHOLT INC.	670.65
01/29/16	296449	C A L E A	635.00
01/29/16	296450	CALIBRE PRESS	185.00
01/29/16	296451	CAMPBELL AUTO SUPPLY	16.61
01/29/16	296452	CARIBE ROYALE HOTEL	335.25
01/29/16	296453	CARSTAR PORTAGE	669.55
01/29/16	296454	CATHOLIC FAMILY SERVICES	5,500.00
01/29/16	296455	CENTER FOR PUBLIC SAFETY EXCELLENCE	745.00
01/29/16	296457	CHICAGO TITLE OF MICHIGAN, INC.	150.00
01/29/16	296458	CITY OF KALAMAZOO (PUBLIC SAF)	3,000.00
01/29/16	296459	CONSUMERS CONCRETE CORP.	705.60
01/29/16	296460	CONSUMERS ENERGY	500.00
01/29/16	296461	CONSUMERS ENERGY	526.00
01/29/16	296462	CORE TECHNOLOGY CORP.	3,250.00
01/29/16	296463	CPR PORTAGE	219.99
01/29/16	296464	CROSSROADS CAR WASH	206.00
01/29/16	296465	D L GALLIVAN INC.	153.13
01/29/16	296466	DATA STRATEGY LLC	424.27
01/29/16	296467	DEPARTMENT OF THE TREASURY	16.00
01/29/16	296468	DEPARTMENT OF THE TREASURY	36.00
01/29/16	296469	DEPARTMENT OF THE TREASURY	49.92
01/29/16	296470	DEWITT BARRELS	1,100.00
01/29/16	296471	DIGITAL HIGHWAY WIRELESS SOLUTIONS	1,424.31
01/29/16	296472	ECHELBARGER, HIMEBAUGH, TAMM & CO	4.00
01/29/16	296473	EMERSON NETWORK POWER, LIEBERT SVCS	2,520.96
01/29/16	296474	EXTREME POWER EQUIPMENT, INC.	836.93
01/29/16	296475	FADER EQUIPMENT, INC.	3,111.10
01/29/16	296476	FARM N GARDEN	6,540.00

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/3/2016 To: 1/31/2016

Check Date	Check	Vendor Name	Amount
01/29/16	296477	FERGUSON ENTERPRISES, INC.	116.29
01/29/16	296478	FIRELINE TRAINING & CONSULTING	6,313.00
01/29/16	296479	FOUNDATION BUILDING MATERIALS LLC	258.88
01/29/16	296480	GETTY IMAGES (US) INC.	325.00
01/29/16	296481	GORDON FOOD SERVICE	5.95
01/29/16	296482	GORDON WATER SYSTEMS	180.00
01/29/16	296483	GRAHAM FORESTRY SERVICE, INC.	368.00
01/29/16	296484	GREATER KALAMAZOO FOP LODGE 98	3,212.82
01/29/16	296485	GREATER KALAMAZOO UNITED WAY	1,109.18
01/29/16	296486	GREEN EARTH ELECTRONICS RECYCLING	50.00
01/29/16	296487	GRIFFIN PEST SOLUTIONS, INC.	195.00
01/29/16	296489	GSA PROPERTY TAX CONSULTANTS	8,569.60
01/29/16	296490	HENSON, DEREK	500.00
01/29/16	296491	HOLOCENE ENVIRONMENTAL LLC	150.00
01/29/16	296492	HOME DEPOT	1,515.89
01/29/16	296494	INT'L ASSOC CHIEFS OF POLICE	150.00
01/29/16	296495	INT'L ASSOC FOR PROPERTY & EVIDENCE	50.00
01/29/16	296496	INT'L ASSOC FOR PROPERTY & EVIDENCE	50.00
01/29/16	296497	INT'L ASSOC FOR PROPERTY & EVIDENCE	50.00
01/29/16	296498	J P CONTROLS	188.00
01/29/16	296499	JILL EDELEN CONSULTING, LLC	2,500.00
01/29/16	296500	JONS TO GO PORTABLE RESTROOM	485.00
01/29/16	296501	KAL COUNTY FIRE CHIEFS ASSOC.	40.00
01/29/16	296502	KAL HUMAN RESOURCE MGT ASSOC	100.00
01/29/16	296503	KAL-CREEK APPRAISERS, LLC	975.00
01/29/16	296504	KALAMAZOO COUNTY HAZMAT	600.00
01/29/16	296505	KALAMAZOO COUNTY HEALTH & COMMUNITY	14,203.00
01/29/16	296506	KALAMAZOO COUNTY TREASURER	2,790.00
01/29/16	296507	KALAMAZOO COUNTY TREASURER	99.45
01/29/16	296508	KALAMAZOO COUNTY TREASURER	122.25
01/29/16	296509	KALAMAZOO FLAG COMPANY	193.00
01/29/16	296510	KASTEN INSULATION SERVICES, INC.	2,590.00
01/29/16	296511	KEALA, TRICIA	500.00
01/29/16	296512	KEALA, TRICIA	369.98
01/29/16	296513	KELLY RADIATOR & AUTO REPAIR	70.00
01/29/16	296514	KENDALL ELECTRIC, INC.	1,519.74
01/29/16	296515	KLOSTERMAN DISTRIBUTING	189.94
01/29/16	296516	KZOO TIRE COMPANY	17.50
01/29/16	296517	LBG PORTAGE CENTER, LLC	15,742.33
01/29/16	296518	LOEBIG, ELIZABETH	190.00
01/29/16	296519	LOEBIG, ELIZABETH	1,195.00
01/29/16	296520	LOPEZ, LISA	100.00
01/29/16	296521	LOWE'S HOME CENTER	369.00
01/29/16	296522	MANAGING DECISIONS, INC.	450.00

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Page 9 of 10

Check Dates From: 1/3/2016 To: 1/31/2016

Check Date	Check	Vendor Name	Amount
01/29/16	296523	MCDONALD'S TOWING & RESCUE, INC.	536.00
01/29/16	296524	MCNALLY ELEVATOR CO.	119.75
01/29/16	296525	MED EXPRESS URGENT CARE, PC MICH	95.00
01/29/16	296526	MEEKHOF TIRE SALES & SERVICE INC.	800.44
01/29/16	296527	MI ASSOC. OF CHIEFS OF POLICE	100.00
01/29/16	296528	MI GOVT FINANCE OFFICERS ASSOC	99.00
01/29/16	296529	MIBIZ	59.00
01/29/16	296530	MICH LAW ENFORCEMENT TRAINING ASSOC	250.00
01/29/16	296531	MICH MUNICIPAL POLICE & FIRE REPAIR	244.10
01/29/16	296532	MICHIGAN ASSOCIATION OF FIRE CHIEFS	170.00
01/29/16	296533	MICHIGAN ASSOCIATION OF FIRE CHIEFS	160.00
01/29/16	296534	MICHIGAN PAVING & MATERIALS CO.	215,181.88
01/29/16	296535	MICHIGAN TACTICAL OFFICERS ASSOC	300.00
01/29/16	296536	MIDWEST ENERGY COOPERATIVE	272.68
01/29/16	296537	MILLER ROAD TRANSFER STATION	545.40
01/29/16	296538	MLIVE MEDIA GROUP	3,612.84
01/29/16	296539	MOORE ELECTRICAL SERVICE, INC.	16,240.32
01/29/16	296540	MR. ROOF GRAND RAPIDS LLC	225.00
01/29/16	296541	NELSON'S APPLIANCE SERVICE	276.00
01/29/16	296542	NEW FRESH CLEANING SERVICE	180.00
01/29/16	296543	NYE UNIFORMS	870.83
01/29/16	296544	O'BOYLE-COLWELL-BLALOCK & AS.	1,584.00
01/29/16	296545	O'REILLY AUTO PARTS	472.18
01/29/16	296546	OFFICE DEPOT, INC.	1,729.08
01/29/16	296549	OMM ENGINEERING, INC.	6,217.75
01/29/16	296550	ONSTAFF USA INC	9,085.88
01/29/16	296551	P K CONTRACTING, INC.	316.00
01/29/16	296552	PAPER CENTRAL	808.00
01/29/16	296553	PARADIGM DESIGN, INC.	3,732.00
01/29/16	296554	PETTY CASH-CITY HALL	669.83
01/29/16	296555	PETTY CASH-FIRE	174.59
01/29/16	296556	PETTY CASH-PARKS	421.14
01/29/16	296557	PITSCH COMPANIES	9,200.00
01/29/16	296558	PLAINWELL SENIOR EXPO	91.00
01/29/16	296559	POLICE TECHNICAL	375.00
01/29/16	296560	POLK & COMPANY, R L	425.00
01/29/16	296561	PORTAGE HURRICANES SOFTBALL	100.00
01/29/16	296562	PUBLIC SAFETY CENTER	67.00
01/29/16	296563	QUADRANT II MARKETING, LLC	2,108.40
01/29/16	296564	R C M HEADSETS/R C M & ASSOC.	94.00
01/29/16	296565	REFRIGERATION SERVICES	422.50
01/29/16	296566	RENEWED EARTH, INC.	7,916.66
01/29/16	296567	RIDGE AUTO NAPA	942.01
01/29/16	296569	SCHIPPERS, ANGIE	89.00

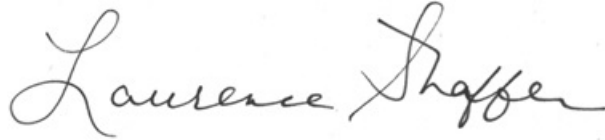
Check Dates From: 1/3/2016 To: 1/31/2016

Check Date	Check	Vendor Name	Amount
01/29/16	296570	SECANT TECHNOLOGIES	850.00
01/29/16	296571	SERVICELINK, LLC	70.93
01/29/16	296572	SEVERANCE ELECTRIC COMPANY,INC	2,110.36
01/29/16	296573	SOIL & MATERIALS ENGINEERS,INC	1,900.00
01/29/16	296574	ST JOSEPH COUNTY COURT	300.00
01/29/16	296575	STACY FRENCH	35.00
01/29/16	296576	STAP BROS LAWN & LANDSCAPE,INC	310.00
01/29/16	296577	STATE OF MICHIGAN (DOT)	4,006.34
01/29/16	296578	STATE SYSTEMS RADIO, INC	3,067.00
01/29/16	296579	STEENSMA LAWN & POWER EQUIPMENT	576.38
01/29/16	296580	SUTPHEN CORP.	10,919.83
01/29/16	296581	THE DOUBLETREE HOTEL	199.50
01/29/16	296582	TRUEGREEN LIMITED PARTNERSHIP	2,686.31
01/29/16	296583	TYLER TECHNOLOGIES, INC.	6,000.00
01/29/16	296584	U S POSTAL SERVICE (PORTAGE)	1,000.00
01/29/16	296585	U S POSTMASTER	225.00
01/29/16	296586	UNITED PARCEL SERVICE	31.56
01/29/16	296587	VANDERROEST, CHAR	44.00
01/29/16	296588	VERIZON WIRELESS SERVICES, LLC	2,207.25
01/29/16	296589	WESTERN MICHIGAN INT'L TRUCKS	552.76
01/29/16	296590	WILSEY, RICHARD	83.25
01/29/16	296591	WOLVERINE LAWN SERVICE, INC.	6,890.80
01/29/16	296592	WORK SQUARED	639.45
01/29/16	296593	WRAPS N SIGNS	170.00
01/29/16	296594	CHICAGO TITLE	5,000.00
		SUBTOTAL:	322 CHECKS 1,528,904.38
01/07/16	2602	Consumers Auto-Pay	4,446.16
01/14/16	2634	Consumers Auto-Pay	9,968.37
01/15/16	2638	Consumers Auto-Pay	2,491.89
01/21/16	2670	Consumers Auto-Pay	47,842.73
01/22/16	2672	Consumers Auto-Pay	18,700.25
01/25/16	2683	Consumers Auto-Pay	1,003.67
01/27/16	2695	Consumers Auto-Pay	2,189.83
		SUBTOTAL:	7 CHECKS 86,642.90
		GRAND TOTAL:	426 CHECKS 1,972,876.63

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: South Shore Drive Sanitary Sewer Project #416-S - Resolution No. 5

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation and Utilities

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, adopt Resolution No. 5 confirming the Special Assessment Roll for the South Shore Drive Sanitary Sewer Project #416-S.

Attached is Special Assessment Resolution No. 5 for the South Shore Drive Sanitary Sewer Project #416-S. Previous City Council action relating to this project includes:

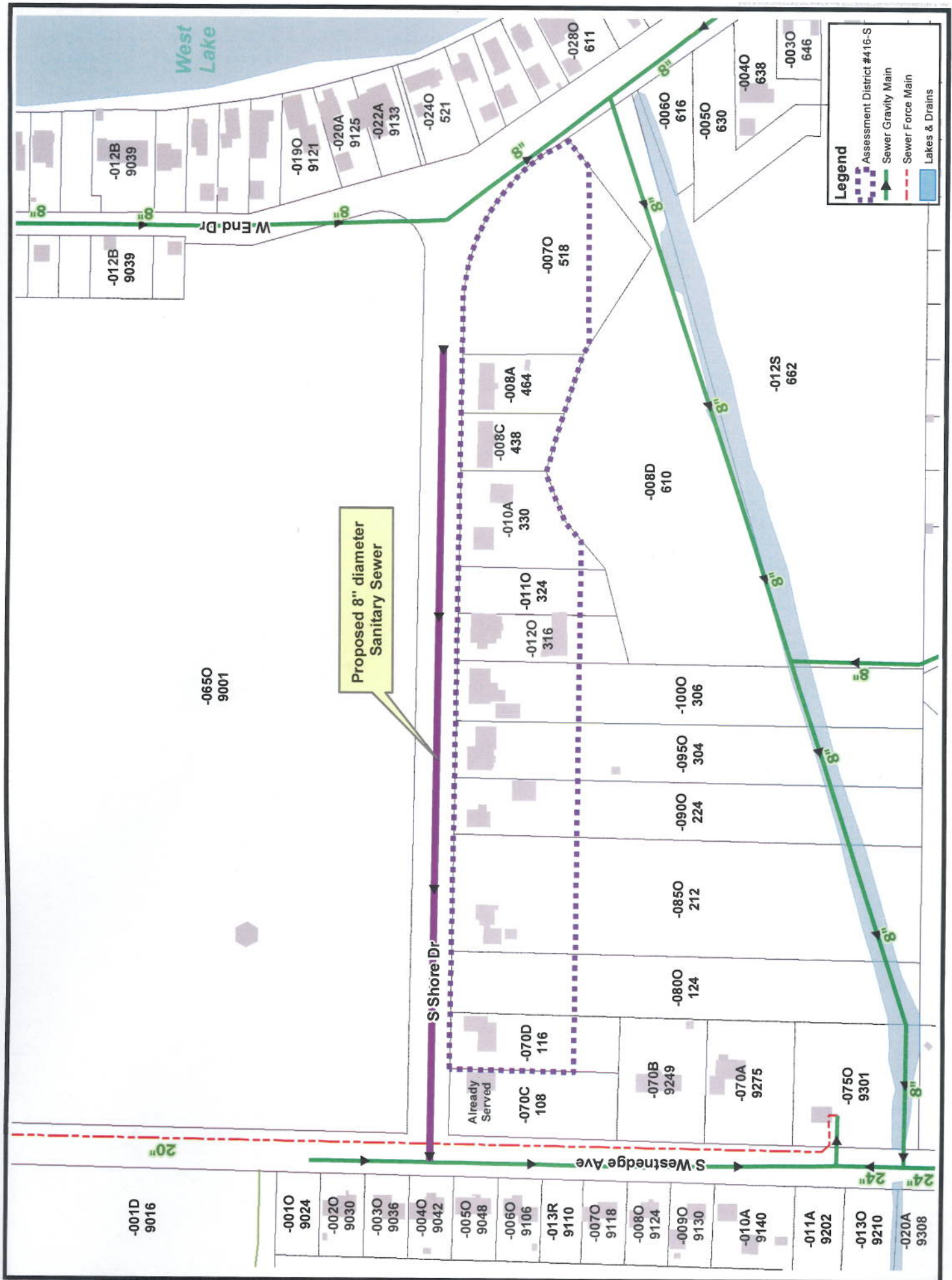
- On November 17, 2015, City Council adopted Resolution No. 1 for this project, accepted the City Manager Reports dated December 2, 2015, and requested preparation of Resolution No. 2.
- On December 15, 2015, City Council adopted Resolution No. 2 for this project, setting a public hearing of necessity on January 12, 2016.
- On January 12, 2016, City Council adopted Resolution No. 3 for this project, directing the preparation of the special assessment roll.
- On January 26, 2016, City Council adopted Resolution No. 4 on this project, setting a public hearing on the Assessment Roll on February 9, 2016.

Therefore, it is recommended that City Council, subsequent to the public hearing, adopt Resolution No. 5 confirming the Special Assessment Roll for the South Shore Drive Sanitary Sewer Project #416-S.

FUNDING: The improvements are funded in the Fiscal Year 2015 – 2016 Capital Improvement Program budget by the utilization of special assessment bonds, city-share bonds and municipal street fund, as appropriate.

Attachments:

1. Project Location Map
2. Resolution #5 - South Shore Drive Sanitary Sewer Project
3. South Shore Drive #416-S Tentative Assessment Roll



South Shore Drive Assessment District #416-S

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 5
SOUTH SHORE DRIVE SANITARY SEWER, DISTRICT #416-S**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan held at the City Hall in said City on the _____ day of _____, 2016 at 7:30 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Council of the City of Portage, Kalamazoo County, Michigan, after due and legal notice has reviewed the Special Assessment Roll No. 416-S prepared for the purpose of defraying the costs of the following described public improvement:

Install approximately 1,300 feet of sanitary sewer and appurtenances in South Shore Drive from South Westnedge Avenue to West End Drive to serve existing properties on this section of South Shore Drive. Sewer services will be installed to abutting properties and are included in the assessment. The expected life of said improvement is 20 years

WHEREAS, the cost of said improvement is \$390,000, the share of the Special Assessment District is \$46,535, and the share of the City-at-Large is \$343,465.

WHEREAS, the City Council deems said Special Assessment Roll to be fair and equitable, and the assessments recorded therein to be in proportion to the benefits derived or to be derived;

NOW THEREFORE, BE IT RESOLVED:

1. That the City's share of said improvement, in the amount of \$343,465, is hereby confirmed and payment of the same shall be determined at a later date.

2. That said Special Assessment Roll No. 416-S in the amount of \$46,535, as prepared, filed and presented to the City Council, may be and the same hereby is confirmed.

3. That said Special Assessment Roll shall be divided into twenty (20) equal installments, the first installment to be due August 1, 2016 to August 31, 2016, inclusive. The remaining nineteen (19) installments, with accrued interest thereon, shall be due and payable August 1st to August 31st each year thereafter and shall be spread upon the City tax roll for the year in which the same becomes due and payable. No interest shall be charged on the first installment or on the total amount if paid in full by August 31, 2016. On September 1, 2016, interest at a rate no to exceed one percent (1%) above the average interest cost on the bonds sold to finance the improvements shall begin on the deferred installments and any unpaid balance of the first installment.

4. The assessments made in said Special Assessment Roll are hereby ordered and directed to be collected and the City Clerk shall deliver said Special Assessment Roll to the City Treasurer with his warrant attached commanding the Treasurer to collect the assessments therein in accordance with the direction of this resolution with respect thereto, and the Treasurer is directed to collect the amounts assessed as the same become due.

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

YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

RESOLUTION DECLARED ADOPTED:

James R. Hudson
City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the _____ day of _____, 2016, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2016.

James R. Hudson
City Clerk

PREPARED BY:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

Approved as to Form:
Date: 2-1-2016
By: CRB
City Attorney

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South Shore Drive Sanitary Sewer Project - District No. 416-S

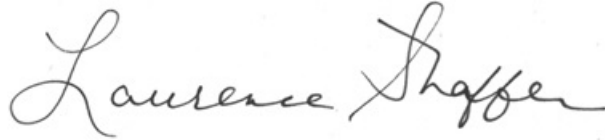
Tentative Assessment Roll

Residential Rate of \$35.14 per Front Foot plus \$1096.00 per lead

Owner	Street Address	Parcel No.	Class	Zoning	Actual Frontage	Benefitting Frontage	Rate	Frontage Assessment	Lead Charge	Total Assessment
BEERS, BRYAN R & N M	116 SOUTH SHORE DR	00027-070-D	401	R-1B	90.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
WILSON, STEVE R & SUSAN M TRUST	124 SOUTH SHORE DR	00027-080-O	402	R-1B	99.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
CLEVELAND, JEFFREY S & S L	212 SOUTH SHORE DR	00027-085-O	401	R-1B	186.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
PIERCE, LARRY A & R L	224 SOUTH SHORE DR	00027-090-O	401	R-1B	92.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
KASIOREK, JOHN H & P J	304 SOUTH SHORE DR	00027-095-O	401	R-1B	92.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
SLAGER, ERIC, DOUGLAS & DEBORAH	306 SOUTH SHORE DR	00027-100-O	401	R-1B	92.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
LONGJOHN, GABRIEL & J M	518 SOUTH SHORE DR	07680-007-O	402	R-1B	280.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
BLAGA, DAVID A & JUDITH L TRUST	464 SOUTH SHORE DR	07680-008-A	401	R-1B	93.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
ALBRECHT, JESSE	438 SOUTH SHORE DR	07680-008-C	401	R-1B	93.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
STEELE, ALAN L - ET AL	330 SOUTH SHORE DR	07680-010-A	401	R-1B	150.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
BOER, BRITA	316 SOUTH SHORE DR	07680-012-A	401	R-1B	150.00	80.00	\$35.14	\$2,811.20	\$1,096.00	\$3,907.20
11 Properties					1417.00	880.00				\$ 42,979.20

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Amendment to Code of Ordinances - Discharge of Firearms

SUPPORTING PERSONNEL: Richard White, Director of Public Safety - Police / Fire Chief

ACTION RECOMMENDED: That City Council accept the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for first reading and set a second reading for February 23, 2016.

In the spring of 2015, the Michigan Legislature passed an amendment to the Firearms and Ammunition Act (MCL 123.1101) to revise the state law to include "pneumatic guns" in local gun control laws. In light of this amendment, the City Attorney and the Public Safety Department reviewed Section 50-81 of the City of Portage Code of Ordinances, which prohibits the discharge of firearms. The City Attorney has advised that the current city ordinance be amended to eliminate the existing vague and overly broad language and to reflect the update in the state legislation. The principal difference between the state amendment and the City Ordinance is that the state amendment outlines a distinction between what are termed "firearms" and "pneumatic guns," and places certain restrictions on the regulation of pneumatic guns by local ordinance.

The proposed amendment to the city ordinances updates the statutory definitions of "firearm" and "pneumatic gun," amongst others. With this update, firearms can still be regulated in the manner and to the degree specified in the city ordinance. Additionally, in accordance with the amendment to MCL 123.1101 the proposed city ordinance amendment requires adult supervision for possession of pneumatic guns by persons under 16 years of age (except on private property when authorized by their parent or guardian and the owner or person in possession of the property) and prohibits "brandishing" firearms to induce fear or shooting in a heavily populated area (with stipulations).

Therefore, it is recommended that City Council accept the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for the first reading and set a second reading for February 23, 2016.

FUNDING: N/A

Attachments: 1. Ordinance Amendment - Discharge of Firearms

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 3, OFFENSES AGAINST
PUBLIC SAFETY, SECTION 50-81, DISCHARGE OF FIREARMS, OF CHAPTER 50,
OFFENSES AND MISCELLANEOUS PROVISIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 50 shall be amended as follows:

CHAPTER 50. OFFENSES AND MISCELLANEOUS PROVISIONS.

ARTICLE 3. – OFFENSES AGAINST PUBLIC SAFETY.

Sec. 50-81. - Discharge of firearms and pneumatic guns.

- (a) *Purpose.* The purpose of this section is to secure and maintain the public peace, health, safety, welfare and convenience of the residents and property owners of the city by the regulation of the use of pneumatic guns, pistols, firearms, bows and arrows, cross bows, and other devices capable of expelling a projectile in the city and the approval of pistol and other firearms ranges.
- (b) *Definitions.* As used in this section:
1. *Approved range* means a range for the shooting of pistols and other firearms, constructed in such manner as to prevent the projectile from any weapon so fired on such range from exceeding the physical limits of such range.
 2. *Building, structure and edifice* mean a space within walls and usually, but not necessarily, covered with a roof.
 3. *Firearm* means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
 4. *Pistol* means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.
 5. *Pneumatic gun* means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.
 6. *Bow* means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.
 7. *Crossbow* means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.
 8. *Other device capable of expelling a projectile* means a device other than a firearm, pistol, or pneumatic gun from which is propelled a missile, projectile, pellet or other mass by means of springs, rubber, elastic strip, levers or other mechanical devices.
- (c) *Discharge of pistols and other firearms prohibited; exceptions.* No person shall discharge a pistol or other firearm in or into the city except as follows:

- (1) An authorized officer of the law may discharge a pistol or other firearm in the performance of his official duties.
 - (2) When permitted by law, a person may discharge a pistol or other firearm for the protection of a human life.
 - (3) A person may discharge a shotgun with a load of shot shell only for skeet, trap or target practice purposes in a safe manner upon a range which has been approved by the council for such purpose.
 - (4) A person may discharge a shotgun for the hunting of game and birds in season as prescribed by the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.) in those areas owned by the state and controlled by the state department of environmental quality or state department of natural resources.
 - (5) A person may discharge a shotgun at any time for the purpose of preventing depredation to property by birds or other animals in accordance with the provisions of the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.).
- (d) *Firearms ranges.* No pistol or other firearms practice range may be used in the city unless approved by the council upon the recommendation of the director of the department of public safety; provided, however, that such range is so constructed as to prevent the discharge of a shotgun with a load of shot shell from exceeding the limits of such range. Use of a firearm other than a shotgun with a load of shot shell shall be grounds for withdrawal of the approval for such range.
- (e) *Minors.* No person under the age of 17 years shall discharge a pistol or other firearm in the city unless under the direct supervision and control of and accompanied by a parent, legal guardian or other adult person authorized by such parent or legal guardian to have direct supervision of the person under the age of 17 years. However, every parent, guardian or other person having the physical custody or charge of a minor under the age of 17 years shall control such minor and prevent him from violating or attempting to violate any of the provisions of this section.
- (f) *Possession of pneumatic gun, bow, crossbow, or, other device capable of expelling a projectile by individual below the age of 16.* An individual below the age of 16 may not possess a pneumatic gun bow, crossbow, or, other device capable of expelling a projectile unless he or she is under the supervision of a parent, a guardian, or an individual 18 years of age or older, except that an individual below the age of 16 may possess a pneumatic gun on or within private property within the city if the individual below the age of 16 is authorized to possess the pneumatic gun by a parent or guardian and the property owner or legal possessor of the property.
- (g) *Discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile prohibited; exceptions.* The discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is prohibited in any area within the city that is so heavily populated as to make that conduct dangerous to the inhabitants of that area, except that the discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is not prohibited within the city at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

- (h) No person may point, wave about, or display a pneumatic gun, bow and arrow, crossbow, or, other device capable of expelling a projectile in a threatening manner with the intent to induce fear in another individual within the city.

Dated: _____

Peter J. Strazdas, Mayor

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

CERTIFICATION

I, James R. Hudson, 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 _____, 20____.

James R. Hudson, City Clerk

PREPARED BY:
Charles R. Bear (P34107)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: 2-2-16
CRB

City Attorney

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Comprehensive Liability, Property and Auto Fleet Insurance

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: That City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$484,971 for the period of March 1, 2016 to March 1, 2017 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The City of Portage has been insured by the Michigan Municipal Risk Management Authority (MMRMA) for comprehensive liability, property and auto fleet insurance since 1984. The MMRMA has quoted a one-year renewal rate for the period of March 1, 2016 to March 1, 2017 in the amount of \$484,971, which includes \$15 million of liability coverage and \$75,000 of self-insurance retention coverage (the dollar amount that must be paid by the city before the insurance policy will respond to a liability loss). The renewal rate represents an increase of eight percent (8%) over the premium cost paid for the period of March 1, 2015 to March 1, 2016, which was \$446,134. MMRMA reports that the premium increase is not due to the experience of the city, but for the most part is a result of a national trend of increased police liability. The city expects a distribution of assets from MMRMA in the next four to five months which will be based on favorable claims experience by the city and investment income earned by MMRMA on its assets. The exact amount is not yet known; however, the distribution received over the past six years averaged nearly \$372,000 per year. A summary of MMRMA insurance premiums and distribution of assets for the past five years is shown below:

<u>Year</u>	<u>Premium</u>	<u>Distribution of Assets</u>	<u>Total Premium After Distribution</u>
2011	\$481,557	\$225,000	\$256,557
2012	\$433,977	\$505,863	(\$71,886)
2013	\$403,253	\$269,378	\$133,875
2014	\$410,668	\$360,727	\$49,941
2015	\$446,134	\$502,123	(\$55,989)

Therefore, it is recommended that City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the MMRMA at a total cost not to exceed \$484,971 for the period of March 1, 2016 to March 1, 2017 and authorize the City Manager to execute all

documents related to this action on behalf of the city.

FUNDING: Funds have been allocated for a portion of the insurance costs in the Fiscal Year 2015-2016 Budget, with the balance to be included in the Fiscal Year 2016-2017 Budget.

Attachments: 1. MMRMA Coverage Proposal

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY COVERAGE PROPOSAL

Member:	City of Portage	Proposal No: Q000002068
Date of Original Membership:	March 10, 1986	
Proposal Effective Dates:	March 01, 2016 To March 01, 2017	
Member Representative:	Rob Boulis	Telephone #: (269) 329-4402
Regional Risk Manager:	Ibex Insurance Agency	Telephone #: (248) 538-0470

A. Introduction

The Michigan Municipal Risk Management Authority (hereinafter "MMRMA") is created by authority granted by the laws of the State of Michigan to provide risk financing and risk management services to eligible Michigan local governments. MMRMA is a separate legal and administrative entity as permitted by Michigan laws. **City of Portage** (hereinafter "Member") is eligible to be a Member of MMRMA. **City of Portage** agrees to be a Member of MMRMA and to avail itself of the benefits of membership.

City of Portage is aware of and agrees that it will be bound by all of the provisions of the Joint Powers Agreement, Coverage Documents, MMRMA rules, regulations, and administrative procedures.

This Coverage Proposal summarizes certain obligations of MMRMA and the Member. Except for specific coverage limits, attached addenda, and the Member's Self Insured Retention (SIR) and deductibles contained in this Coverage Proposal, the provisions of the Joint Powers Agreement, Coverage Documents, reinsurance agreements, MMRMA rules, regulations, and administrative procedures shall prevail in any dispute. The Member agrees that any dispute between the Member and MMRMA will be resolved in the manner stated in the Joint Powers Agreement and MMRMA rules.

B. Member Obligation - Deductibles and Self Insured Retentions

City of Portage is responsible to pay all costs, including damages, indemnification, and allocated loss adjustment expenses for each occurrence that is within the Member's Self Insured Retention (hereinafter the "SIR"). **City of Portage's** SIR and deductibles are as follows:

Table I
Member Deductibles and Self Insured Retentions

COVERAGE	DEDUCTIBLE	SELF INSURED RETENTION
Liability	N/A	\$75,000 Per Occurrence
Vehicle Physical Damage	\$1,000 Per Vehicle	\$15,000 Per Vehicle \$30,000 Per Occurrence
Fire/EMS Replacement Cost	\$1,000 Per Occurrence	N/A
Property and Crime	\$1,000 Per Occurrence	N/A
Sewage System Overflow	N/A	\$75,000 Per Occurrence

The member must satisfy all deductibles before any payments are made from the Member's SIR or by MMRMA.

The **City of Portage** is afforded all coverages provided by MMRMA, except as listed below:

- 1.
- 2.
- 3.
- 4.

All costs including damages and allocated loss adjustment expenses are on an occurrence basis and must be paid first from the Member's SIR. The Member's SIR and deductibles must be satisfied fully before MMRMA will be responsible for any payments. The most MMRMA will pay is the difference between the Member's SIR and the Limits of Coverage stated in the Coverage Overview.

City of Portage agrees to maintain the Required Minimum Balance as defined in the Member Financial Responsibilities section of the MMRMA Governance Manual. The Member agrees to abide by all MMRMA rules, regulations, and administrative procedures pertaining to the Member's SIR.

C. MMRMA Obligations - Payments and Limits of Coverage

After the Member's SIR and deductibles have been satisfied, MMRMA will be responsible for paying all remaining costs, including damages, indemnification, and allocated loss adjustment expenses to the Limits of Coverage stated in Table II. The Limits of Coverage include the Member's SIR payments.

The most MMRMA will pay, under any circumstances, which includes payments from the Member's SIR, per occurrence, is shown in the Limits of Coverage column in Table II. The Limits of Coverage includes allocated loss adjustment expenses.

Table II
Limits of Coverage

Liability and Motor Vehicle Physical Damage	Limits of Coverage Per Occurrence		Annual Aggregate	
	Member	All Members	Member	All Members
1 Liability	15,000,000	N/A	N/A	N/A
2 Judicial Tenure	N/A	N/A	N/A	N/A
3 Sewage System Overflows	500,000	N/A	500,000	N/A
4 Volunteer Medical Payments	25,000	N/A	N/A	N/A
5 First Aid	2,000	N/A	N/A	N/A
6 Vehicle Physical Damage	1,500,000	N/A	N/A	N/A
7 Uninsured/Underinsured Motorist Coverage (per person)	100,000	N/A	N/A	N/A
Uninsured/Underinsured Motorist Coverage (per occurrence)	250,000	N/A	N/A	N/A
8 Michigan No-Fault	Per Statute	N/A	N/A	N/A
9 Terrorism	5,000,000	N/A	N/A	5,000,000

Property and Crime	Limits of Coverage Per Occurrence		Annual Aggregate	
	Member	All Members	Member	All Members
1 Buildings and Personal Property	45,148,089	350,000,000	N/A	N/A
2 Personal Property in Transit	2,000,000	N/A	N/A	N/A
3 Unreported Property	5,000,000	N/A	N/A	N/A
4 Member's Newly Acquired or Constructed Property	5,000,000	N/A	N/A	N/A
5 Fine Arts	2,000,000	N/A	N/A	N/A
6 Debris Removal (25% of Insured direct loss plus)	25,000	N/A	N/A	N/A
7 Money and Securities	1,000,000	N/A	N/A	N/A
8 Accounts Receivable	2,000,000	N/A	N/A	N/A
9 Fire Protection Vehicles, Emergency Vehicles, and Mobile Equipment (Per Unit)	2,000,000	10,000,000	N/A	N/A
10 Fire and Emergency Vehicle Rental (12 week limit)	1,000 per week	N/A	N/A	N/A
11 Structures Other Than a Building	11,000,000	N/A	N/A	N/A
12 Storm or Sanitary Sewer Back-Up	1,000,000	N/A	N/A	N/A
13 Marine Property	1,000,000	N/A	N/A	N/A
14 Other Covered Property	10,000	N/A	N/A	N/A
15 Income and Extra Expense	5,000,000	N/A	N/A	N/A
16 Blanket Employee Fidelity	1,000,000	N/A	N/A	N/A
17 Faithful Performance	Per Statute	N/A	N/A	N/A
18 Earthquake	5,000,000	N/A	5,000,000	100,000,000
19 Flood	5,000,000	N/A	5,000,000	100,000,000
20 Terrorism	50,000,000	50,000,000	N/A	N/A

TABLE III

Data Breach and Privacy Liability, Data Breach Loss to Member, Electronic Media Liability, and Breach Mitigation Expense Coverage

Limits of Coverage

Retroactive Dates:

For Coverage A -- Data Breach and Privacy Liability Coverage: 07/01/2013

For Coverage C -- Electronic Media Liability Coverage: 07/01/2013

Data Breach and Privacy Liability, Data Breach Loss to Member, Electronic Media Liability, and Breach Mitigation Expense	Limits of Coverage Per Occurrence/Claim	Annual Aggregate	
	Member	Member	All Members
Coverage A -- Data Breach and Privacy Liability Coverage: Each Claim:	\$1,000,000 Included in the limit above	\$1,000,000	\$15,000,000
Coverage B -- Data Breach Loss to Member Coverage: Each Unauthorized Access:	Included in the limit above		
Coverage C -- Electronic Media Liability Coverage: Each Claim:	Included in the limit above		
Coverage D -- Breach Mitigation Expense Coverage: Each Unintentional Data Compromise:	Included in the limit above		

The total liability of MMRMA shall not exceed \$1,000,000 per Member aggregate Limit of Liability for coverages A, B, C, and D, in any coverage period.

The total liability of MMRMA shall not exceed \$15,000,000 for All Members aggregate Limit of Liability for coverages A, B, C, and D, from July 1, 2015, to June 30, 2016.

TABLE IV

Data Breach and Privacy Liability, Data Breach Loss to Member, Electronic Media Liability, and Breach Mitigation Expense Coverage

Deductibles

Data Breach and Privacy Liability, Data Breach Loss to Member, Electronic Media Liability, and Breach Mitigation Expense	Deductible Per Occurrence/Claim
	Member
Coverage A -- Data Breach and Privacy Liability Coverage: Each Claim:	\$25,000
Coverage B -- Data Breach Loss to Member Coverage: Each Unauthorized Access:	\$25,000
Coverage C -- Electronic Media Liability Coverage: Each Claim:	\$25,000
Coverage D -- Breach Mitigation Expense Coverage: Each Unintentional Data Compromise:	\$25,000

D. Contribution for MMRMA Participation

City of Portage

Period: March 01, 2016

To March 01, 2017

Coverages per Member Coverage Overview:	\$484,971
Stop Loss Coverage:	\$0
Member Loss Fund Deposit:	\$0
TOTAL ANNUAL CONTRIBUTIONS:	\$484,971

E. List of Addenda

This document is for the purpose of quotation only and does not bind coverage in the Michigan Municipal Risk Management Authority, unless accepted and signed by both the authorized Member Representative and MMRMA Representative below.

Accepted By:

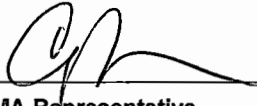
City of Portage

Proposal No:

Q000002068

MMRMA

Member Representative



MMRMA Representative

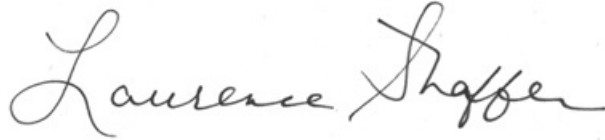
Date

1-27-16

Date

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Annual Microsoft Licensing Renewals

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council approve the annual Microsoft licensing renewals with CDW-G at a total cost of \$50,388.13 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The City of Portage technology infrastructure includes the Microsoft Windows server operating system, Microsoft Office software applications and Microsoft Exchange for email. Licensing to utilize the Microsoft products and services must be purchased on an annual basis.

The Technology Services Department procured discounted pricing in the amount of \$50,388.13 from CDW-G through the Microsoft Government pricing program. As the preferred reseller of Microsoft products and services, CDW-G is the only reseller to receive the discounted government pricing on behalf of the city. Furthermore, several benefits are extended to the city through this program, such as one fully bundled licensing service agreement for all Microsoft products used by the city, license upgrades at no additional cost and software assurance customer service. The quote provided by CDW-G represents no increase from the previous year pricing.

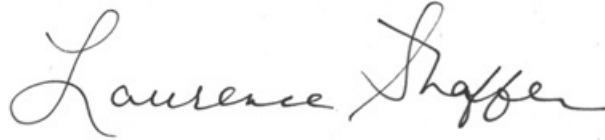
It is recommended that City Council approve the annual Microsoft licensing renewal through CDW-G in the amount of \$50,388.13 and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funds are budgeted and available in the Fiscal Year 2015-16 Technology Services operating budget for this purpose.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Proposed City Council Policy on Pre-Council Meetings

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: That City Council adopt the proposed policy for Pre-Council Meetings.

Please find attached a draft of a proposed policy for the techniques for the various proposed protocols associated with the City Council "Pre-Council" meetings.

During the regular meeting of November 17, 2015, Council requested to re-establish the preparatory Council meetings prior to the regular City Council meetings, during which Councilmembers have the opportunity to review upcoming agenda business with the ability to ask questions and request additional information. Following discussion at the December 1, 2015 regular meeting, City Council set the first Pre-Council meeting for February 8, with the remainder of meetings to be set after a more comprehensive discussion at the annual City Council Retreat in January.

In light of the discussion at the Council Retreat and the November 24, 2015 opinion from the City Attorney, the attached draft policy was created for review and approval by Council.

FUNDING: N/A

Attachments: 1. DRAFT Policy

CITY COUNCIL POLICY PRE-COUNCIL MEETINGS

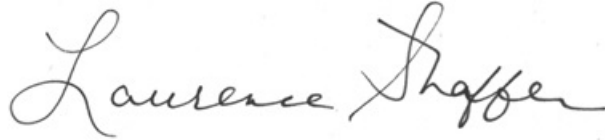
1. Pre-Council meetings will be held on every Monday preceding a regularly-scheduled Tuesday Council meeting at 9 a.m. in City Hall Conference Room #1
2. Pre-Council meetings shall be appropriately noticed to the public in accordance with the City Charter and should state the purpose of the pre-Council meeting, which is to ask questions of the City Manager related only to matters scheduled for Council deliberation / action on the agenda for the next regularly scheduled Council meeting.
3. The City Council Rules of Order and Procedure are not applicable except for where they are consistent with the intent and purpose of the pre-Council meeting.
4. The City Clerk shall prepare an agenda for each pre-Council meeting, take attendance, record the meeting and generate meeting minutes. Draft minutes shall be made available to the City Council and no later 24 hours after the conclusion of the pre-Council meeting.
5. Councilmembers may attend pre-Council meetings in person or via conference call. Attendance by City Councilmembers in person or via telephone is not required or expected.
6. City Councilmembers may only ask questions. The City Administration shall respond only to questions asked by Councilmembers. The City Council shall not deliberate upon or offer a motion concerning any topic, either as part of the City Council question period or otherwise.
7. The City Administration shall provide a written response to all City Councilmembers no later 24 hours after the conclusion of the pre-Council meeting.
8. The City Council shall allow time for public comment at pre-Council meetings. Public comments and questions shall be directed to and responded to by the City Manager.

Effective Date: _____, 20____

Peter J. Strazdas, Mayor

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Martin Luther King Jr. Drive Reconstruction Project #998-R

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation and Utilities
James Hudson, City Clerk

ACTION RECOMMENDED: That City Council adopt Resolution No. 4 for the Martin Luther King Jr. Drive Reconstruction Project #998-R, setting a public hearing on the assessment roll for February 23, 2016.

Attached is Special Assessment Resolution No. 4 for the Martin Luther King Jr. (MLK) Project #998-R. Previous City Council action relating to this project includes:

- On December 15, 2015, City Council adopted Resolution No. 1 for this project, accepted the City Manager Report dated December 2, 2015, and requested preparation of Resolution No. 2.
- On January 12, 2016, City Council adopted Resolution No. 2 for this project, setting a public hearing of necessity on January 26, 2016.
- On January 26, 2016, City Council adopted Resolution No. 3 for this project, directing the preparation of the special assessment roll.

Therefore, it is recommended that City Council adopt Resolution No. 4 for the MLK Drive Reconstruction Project #998-R, setting a public hearing on the assessment roll.

FUNDING: As per the Development Agreement, the city will not incur costs with the proposed street reconstruction project. After the street is dedicated to and accepted by the city, long-term maintenance costs will be incurred by the city and will be incorporated into the Department of Public Services departmental budget.

Attachments: 1. Resolution No. 4 for MLK Jr. Drive - No. 998-R

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 4
MARTIN LUTHER KING, JR. DRIVE SANITARY SEWER PROJECT, DISTRICT #998-R**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan held at the City Hall in said City on the _____ day of _____, 2016 at 7:30 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Assessor has, pursuant to resolution of the City Council, and in accordance with the provisions of the Special Assessment Ordinance of the City, prepared a Special Assessment Roll and has filed the same with the City Clerk for presentation to the City Council for review and certification for the hereinafter described public improvement:

Reconstruct Martin Luther King, Jr. Drive from Constitution Boulevard to Ring Road including curb and gutter, sidewalk, storm drainage, hot mix asphalt pavement along with all necessary utility installations and adjustments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll shall be filed with the office of the City Clerk and shall be available for public inspection during regular working hours on regular working days.

2. The City Council shall meet on the 23rd day of February, 2016 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City to review said Special Assessment Roll and hear any objections thereto.

3. The City Clerk shall cause notice of the filing of said Special Assessment Roll and of the time and place of said meeting to be mailed and published in accordance with the

requirements of the Charter and the Special Assessment Ordinance of the City of Portage; said notice shall be in substantially the form attached hereto as Exhibit "A".

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

YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

RESOLUTION DECLARED ADOPTED:

James R. Hudson
City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2016, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2016.

James R. Hudson
City Clerk

PREPARED BY:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

Approved as to Form:
Date: 2-1-2016
By: CRB
City Attorney

EXHIBIT "A"

CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING TO REVIEW SPECIAL ASSESSMENT ROLL FOR
MARTIN LUTHER KING, JR. DRIVE RECONSTRUCTION PROJECT, DISTRICT #998-R

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

PLEASE TAKE NOTICE that the City Council of the City of Portage has declared its intention to proceed with the following described public improvement:

Reconstruct Martin Luther King, Jr. Drive from Constitution Boulevard to Ring Road including curb and gutter, sidewalk, storm drainage, hot mix asphalt pavement along with all necessary utility installations and adjustments.

and has designated the Special Assessment District against which all or a part of the cost of said improvement is to be assessed as consisting of all the following described land, to wit:

Commencing at the East quarter post of Section 9, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan and running thence North 00 deg. 08 min. 00 sec. West along the East line of said Section, 662.92 feet to the South line of Mall Drive; thence North 89 deg. 56 min. 30 sec. West along said line 1641.61 feet; thence South 00 deg. 08 min. 00 sec. East 583.82 feet; thence North 89 deg. 56 min. 30 sec. West 298.74 feet; thence South 00 deg. 01 min. 30 sec. East 457.00 feet to the point of beginning of this description; thence continuing South 00 deg. 01 min. 30 sec. East 36.00 feet; thence North 89 deg. 41 min. 56 sec. West 970.36 feet; thence 104.71 feet along the arc of a curve to the right, having a radius of 343.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord bearing North 80 deg. 58 min. 19 sec. West 104.30 feet; thence North 72 deg. 14 min. 41 sec. West 66.95 feet; thence North 75 deg. 40 min. 42 sec. West 49.98 feet to the Easterly right of way of Constitution Boulevard; thence along said right of way 41.48 feet along the arc of a curve to the left having a radius of 1050.00 feet, a central angle of 02 deg. 15 min. 48 sec. and a chord bearing North 19 deg. 05 min. 03 sec. East 41.48 feet; thence South 69 deg. 21 min. 12 sec. East 48.99 feet; thence South 72 deg. 14 min. 41 sec. East 66.95 feet; thence 93.74 feet along the arc of a curve to the left having a radius of 307.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord bearing South 80 deg. 58 min. 19 sec. East 93.38 feet; thence South 89 deg. 41 min. 56 sec. East 970.15 feet to beginning.

PLEASE TAKE NOTICE that a Special Assessment Roll has been prepared and is on file in the office of the City Clerk for public examination during regular working hours on regular working days; said Special Assessment Roll has been prepared for the purpose of defraying that part of the cost which the City Council has decided should be paid and borne by the Special Assessment for the above described public improvement project in the City of Portage.

PLEASE TAKE NOTICE that the City Council will meet on the 23rd day of February, 2016 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City for the purpose of reviewing the Special Assessment Roll, at which time and place an opportunity will be given to all persons interested to be heard.

PLEASE TAKE FURTHER NOTICE that the owner or any person having an interest in property that is specially assessed may file a written appeal with the Michigan Tax Tribunal within 30 days after confirmation of the special assessment roll. However, appearance and protest at the public hearing are required in order to appeal the special assessment to the Michigan Tax Tribunal. An owner or other party in interest or his or her agent may (1) appear in person at the hearing to protest the special assessment or (2) file his or her appearance or protest by letter before the close of the hearing. The City Council shall maintain a record of parties who appear to protest at the hearing. If the hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded shall be considered to have protested the special assessment in person.

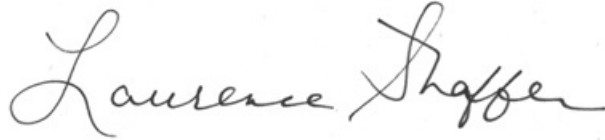
Dated: _____, 2016

James R. Hudson
City Clerk

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Rezoning Application #15/16-3 (328 and 414 West Milham Avenue)

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

1. accept Rezoning Application #15/16-3 for first reading and set a public hearing for March 8, 2016; and
2. subsequent to the public hearing, approve Rezoning Application #15/16-3 and rezone the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414 West Milham Avenue from R-1A, one family residential to OS-1, office service.

An application has been received from Mr. Dan Jaqua (property owner) requesting that the northern portions of 328 and 414 West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service. The subject parcels are currently split zoned with the southern (front) portions zoned OS-1 and the northern (rear) portions zoned R-1A. The northern portions of 328 West Milham and 414 West Milham are zoned R-1A, and occupied by parking lots for the Lea's Hairstyling Studio and Jaqua Realtors sites, respectively. These parking lots were in existence prior to comprehensive zoning of the city in 1965 and, therefore, are legally nonconforming uses. The split OS-1/R-1A zoning pattern of these parcels appears to be a remnant from the former township zoning map, which was not adjusted with the comprehensive zoning of the city in 1965.

In a report dated January 15, 2016, the Department of Community Development recommends approval of the rezoning request. The proposed zoning change is consistent with the Comprehensive Plan/Future Land Use Map designations, consistent and compatible with the surrounding zoning/land use pattern and will eliminate the nonconforming status of the existing parking lots, while also allowing for future office development/redevelopment flexibility and options.

The Planning Commission convened a public hearing during the January 7, 2016 and January 21, 2016 meetings to consider the rezoning request. Mr. Jaqua was present at both meetings to support the request. No citizens spoke during these two meetings and no citizen communications have been received regarding the proposed rezoning. At the conclusion of the January 21 meeting, the Planning Commission voted 6-0 to recommend to City Council that Rezoning Application #15/16-3 be approved and the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414 West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service.

Attached find the Planning Commission transmittal, Department of Community Development report and related materials for review.

FUNDING: Not Applicable

Attachments:

1. Planning Commission transmittal dated January 29, 2016
2. Planning Commission Minutes dated January 7, 2016 and January 21, 2016
3. Department of Community Development report dated January 15, 2016
4. Ordinance Amendment

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: January 29, 2016

SUBJECT: Rezoning Application #15/16-3, 328 and 414 West Milham Avenue

The Planning Commission convened a public hearing during the January 7th and 21st, 2016 meetings to consider the rezoning application submitted by DDJ Ltd, LLC and Milham Ventures, LLC to rezone the northern portions of 328 and 414 West Milham Avenue from R-1A, one family residential to OS-1, office service. Mr. Dan Jaqua (applicant/property owner) was present at both meetings and spoke in support of the proposed rezoning. No citizens spoke at the two meetings and no citizen communications have been received regarding the proposed rezoning.

After careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #15/16-3 be approved and the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414 West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service. The motion include a finding that the proposed zoning change is consistent with the Comprehensive Plan/Future Land Use Map designations, consistent and compatible with the surrounding zoning/land use pattern and will eliminate the nonconforming status of the existing parking lots, while also allowing for future office development/redevelopment flexibility and options. The motion was unanimously approved 6-0.

Sincerely,

A handwritten signature in dark ink that reads "Paul Welch". To the right of the signature is a small, stylized mark that appears to be a checkmark or a flourish.

Paul Welch
Chairman

PLANNING COMMISSION

January 7, 2016

The City of Portage Planning Commission meeting of January 7, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. West called the role and the following Commissioners were present: Patterson (yes), Bosch (yes), Stoffer (arrived at 7:05pm), Welch (yes), Felicijan (yes), Dargitz (yes), Somers (yes), Schimmel (yes), and Richmond (yes).

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 17, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Somers, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Angelworks Photography, 865 Lenox Avenue. Commissioner Felicijan indicated that he needed to abstain from the discussion and voting on this application due to a personal relationship with the applicant and excused himself. Mr. West summarized the staff report dated December 30, 2015 and the request from Ms. Charity Finstrom to establish a photography studio within a portion of the existing building located at 865 Lenox Avenue. Mr. West stated the photography studio would occupy approximately 3,500 square feet of the overall 8,400 square foot building and no exterior site or interior building improvements were proposed. Mr. West provided a brief history of the site development and also discussed the ordinance criteria for consideration of the Special Land Use Permit application in the I-1 zoning district. Mr. West indicated the proposed use fulfills the requirements for issuance of a Special Land Use Permit and staff was recommending approval.

Ms. Charity Finstrom (applicant) was present to support the application. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed application. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved 8-0. A motion was then made by Commissioner Somers, seconded by Commissioner Dargitz, to approve the Special Land Use Permit for Angelworks Photography, 865 Lenox Avenue, incorporating the analysis and findings identified in the Department of Community Development staff report. The motion was unanimously approved 8-0.

2. Preliminary Report; Rezoning Application #15/16-3, 328 and 414 West Milham Avenue. Mr. West summarized the preliminary staff report dated December 30, 2015 regarding a request to rezone the northern portions of 328 and 414 West Milham Avenue from R-1A, one family residential to OS-1, office service.

Mr. West indicated the rezoning request would result in consistency and conformity between the zoning map and the historical use of the northern portion of these two parcels for office related parking and would also facilitate a prospective property purchase and future redevelopment of 328 West Milham Avenue. While the northern portions of these two parcels are zoned R-1A, Mr. West stated they are occupied by parking lots associated with the Lea's Hairstyling Studio and Jaqua Realtors businesses. Mr. West indicated these parking lots were in existence prior to comprehensive zoning of the city in 1965 and, therefore, are legally nonconforming uses. Mr. West then discussed the Future Land Use Map designation and the surrounding zoning and land use pattern.

Mr. Dan Jaqua (applicant/property owner) was present to support the rezoning application. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Stoffer, seconded by Commissioner Somers, to adjourn the public hearing for Rezoning Application #15/16-3, 328 and 414 West Milham Avenue, to the January 21, 2016 meeting. The motion was unanimously approved 9-0.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Michael K. West, AICP
Senior City Planner

Dorset Street); 4) Mr. Bryan Cederberg (612 Dorset Street) and 5) Mr. Chad Scott (applicant/owner of 480 Admiral). Mr. Radd discussed the existing I-11/RM-1 zoning of 480 Admiral and the original request to rezone the property to R-1T in order to construct two duplexes along the northern portion. Mr. Radd restated the presence of wetlands and poor soils along the southern portion of the parcel and the intent to only develop the extreme northern portion of the property, at the east end of Cameo Avenue. Mr. Dueweke discussed the existing R-1T zoning of the seven Dorset Street lots and the previously submitted petition to rezone these lots to R-1A to reflect the historic single family detached residential development pattern. Mr. Dueweke also reviewed the Future Land Use Map designation of these Dorset Street lots and adjacent 480 Admiral Avenue parcel stated the R-1A zoning district is most consistent with the Future Land Use Map designation of Single-Family Detached Medium Density Residential. Ms. Cederberg discussed the existing zoning/land use arrangement along the east side of Dorset Street and stated that she believes the existing R-1T zoning is inconsistent with the established single family neighborhood. Ms. Cederberg discussed potential impacts associated with multiple family residential zoning and development and stated she supports rezoning the seven Dorset Street lots and 480 Admiral to R-1A. Mr. Cederberg read from his email communication provided to the Planning Commission in the final agenda packet and stated duplexes at the end of Cameo Avenue would change the character of the single family detached neighborhood. Mr. Cederberg stated development of the 480 Admiral Avenue parcel would eliminate the tree buffer adjacent the train tracks and would disrupt wildlife in the area. Mr. Cederberg discussed concerns and potential impacts associated with duplex development at the end of Cameo Avenue including increase traffic, speeding, devaluation of property values, trash, crime, etc. Mr. Cederberg stated he supports rezoning the seven Dorset lots and the 480 Admiral Avenue parcel from R-1T to R-1A consistent with the established single family detached neighborhood. Mr. Scott spoke in support of his original request to rezone 480 Admiral Avenue to R-1T and responded to citizen concerns regarding planned duplex development on the northern portion of the property. Mr. Scott indicated the duplexes would be approximately 1,600 square feet in size with three bedrooms and attached garages and rent for between \$1,200-\$1,400/month. Mr. Scott stated the duplexes would be constructed as condos and could be sold in the future. Mr. Scott indicated the duplexes would be occupied by families or young professionals and would be compatible with the existing neighborhood while enhancing adjacent property values.

After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Schimmel, to adjourn the public hearing for Rezoning Application #15/16-2, Admiral Avenue/Dorset Street, to the February 4, 2016 meeting. The motion was unanimously approved 6-0.

2. Final Report; Rezoning Application #15/16-3, 328 and 414 West Milham Avenue. Mr. West summarized the final staff report dated January 15, 2016 regarding a request to rezone the northern portions of 328 and 414 West Milham Avenue from R-1A, one family residential to OS-1, office service. Mr. West discussed the split zoning of the two properties and the historic use of the northern portions for office related parking. Mr. West reviewed the Comprehensive Plan and Future Land Use Map designations, the surrounding land use/zoning pattern and discussed the suitability of the existing R-1A zone and impacts of the proposed OS-1 zone. Mr. West stated staff was supportive of the proposed rezoning and the request was consistent with the Comprehensive Plan, Future Land Use Map and surrounding zoning/land use pattern and would eliminate the nonconforming status of the existing parking lots, while allowing for future office development/redevelopment flexibility and options.

Mr. Dan Jaqua (applicant/property owner) was present to support the rezoning application. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #15/16-3 be approved and the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414

West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service. The motion was unanimously approved 6-0.

3. Preliminary Report; Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue. Mr. Forth summarized the preliminary staff report dated January 15, 2016 regarding a request from Full Circle Communities to rezoned 1521, 1603 and 1615 East Centre Avenue from OS-1, office service, RM-1, multiple family residential and R-1B, one family residential to PD, planned development. Mr. Forth discussed the two-step PD process involving the rezoning/tentative plan review and then the subsequent final/site plan review. Mr. Forth stated the PD rezoning would facilitate construction of 74 affordable apartment units within three buildings across the property. Mr. Forth discussed the historic district house and property located at 1521 East Centre Avenue and then summarized the proposed tentative plan design, layout and features and also discussed the one modification being requested from the mixture of housing type provision of the ordinance. Mr. Forth reviewed the preliminary analysis section of the report including the Comprehensive Plan/Future Land Use Plan designations and the suitability of the existing zoning and impacts of the proposed PD zoning.

Mr. Carl Kunda (applicant, Full Circle Communities) was present to support the rezoning application and explain the planned development project. Mr. Kunda stated that 1/3 of the units will be for residents with physical and sensory impairments and other special needs, and 1/3 of the units will be for households whose annual income is between 30-60% of the area median income. Mr. Kunda presented samples of building materials planned for the project and also explained the amount of needed off-street parking spaces in response to Commissioner Schimmel's inquiry.

The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Patterson, seconded by Commissioner Dargitz, to adjourn the public hearing for Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue, to the February 4, 2016 meeting. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

8:15 p.m. - The Commission took a short recess.

8:20 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2

NEW BUSINESS:

1. 2016-2026 DRAFT Capital Improvement Program. Mr. Forth discussed the modified Capital Improvement Program (CIP) process for this fiscal year that began in September 2015 with extensive public outreach, a CIP web page, an on-line citizen survey and a CIP Open House. Mr. Forth referred the Commission to the results of the on-line citizen survey which were included with the January 15, 2016 Department of Community Development staff report. Mr. Forth stated that over 80% of the citizens who completed the survey indicated support for directing capital funds toward Complete Streets and local street enhancement efforts. Mr. Forth then summarized the initial draft CIP document that included a Summary Table of projected revenues and expenditures over the 10-year period, Project Summary Tables that outline proposed projects by category, Project Funding Source Tables that outline funding sources by category and Project Profiles that summarize each proposed project. Mr. Forth stated a final draft of the 2016-2026 CIP

TO: Planning Commission

DATE: January 15, 2016

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Final Report: Rezoning Application #15/16-3, 328 and 414 West Milham Avenue

I. INTRODUCTION:

An application has been received requesting that the northern portions of 328 and 414 West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service. The subject parcels are currently split zoned with the southern (front) portions zoned OS-1 and the northern (rear) portions zoned R-1A. According to the applicant, the rezoning request would result in consistency and conformity between the zoning map and the historical use of the northern portions of these properties for office related parking. The rezoning request would also facilitate a prospective property purchase and future redevelopment of 328 West Milham Avenue.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
DDJ LTD., LLC	328 West Milham (north 75-feet)	09053-001-O	R-1A	OS-1
Milham Ventures, LLC	414 West Milham (north 100-feet)	09053-009-O	R-1A	OS-1
Two parcels – 0.5 acre				

II. EXISTING CONDITIONS:

Land Use/Zoning	Rezoning Site: 328 West Milham – Lea’s Hairstyling Studio building and associated parking area zoned OS-1 (south 125-feet) and R-1A (north 75-feet); 414 West Milham – Jaqua Realtors building and associated parking area zoned OS-1 (south 125-feet) and R-1A (north 100-feet). It should be noted that 408 West Milham is also part of the Jaqua Realtors site, however, this parcel is zoned entirely OS-1 and not part of the rezoning request. <u>North:</u> Single family residence (5923 Missouri) owned by Jaqua Realtors and parking lot (5916 Ohio) owned by Victory Baptist Church, both zoned R-1A. <u>East (across Ohio):</u> Victory Baptist Church (308 West Milham) zoned OS-1 and R-1A. <u>West (across Missouri):</u> Vacant parcels and a nonconforming single family residence zoned OS-1. <u>South (across Milham):</u> Various commercial businesses zoned B-3, general business.
Zoning/Development History	No rezoning of properties in the surrounding area have occurred in the past 10 years. The northern portions of 328 West Milham and 414 West Milham are zoned R-1A, however, occupied by parking lots associated with the Lea’s Hairstyling Studio and Jaqua Realtors sites, respectively. These parking lots were in existence prior to comprehensive zoning of the city in 1965 and, therefore, are legally nonconforming uses. Based on available city records, 328 West Milham was originally developed in the 1950s, while 414 West Milham was first developed in the early 1960s.

Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	West Milham Avenue is designated a 5-lane major arterial roadway with 16,264 vehicles per day (2013) and a capacity of 38,700 vehicles per day (level of service "D"). Ohio Avenue and Missouri Avenue are local residential streets and specific traffic counts are not available.
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Natural Resources Map does not identify any potential wetlands, floodplain or other natural features encumbering or near the subject parcels.

III. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing during the January 7, 2016 meeting. Mr. Dan Jaqua (applicant/property owner) was present to support the rezoning request. No additional citizens spoke during the meeting and no communications regarding the proposed rezoning have been received.

IV. FINAL ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map component of the 2014 Comprehensive Plan identifies the rezoning site, along with properties situated to the east and west (along the north side of West Milham Avenue) as appropriate for office land use. Milham Avenue is also identified in the Comprehensive Plan as one of two designated office corridors. The Comprehensive Plan identifies the office land use designation and the corresponding OS-1 district as an effective transition zone between residential uses and major arterial roadways since office uses typically have limited hours of operation (weekdays from approximately 8am-5pm), a building style and mass similar to residential structures and less traffic generation. Properties located north of the rezoning site are designated for Single-Family Detached - Medium Density residential land use, while properties located along the south side of West Milham Avenue are designated for Regional Business land use.

While these designations are intended to serve as a general guide for future development and rezoning considerations, specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors.

The proposed OS-1 zoning for the northern portions of these two properties is consistent with the Future Land Use Map and Comprehensive Plan designations

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others) and may suggest incentives to influence community development and adjustments

to other policies that influence the use of land for consistency with community development objectives. The proposed OS-1 zoning district is consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

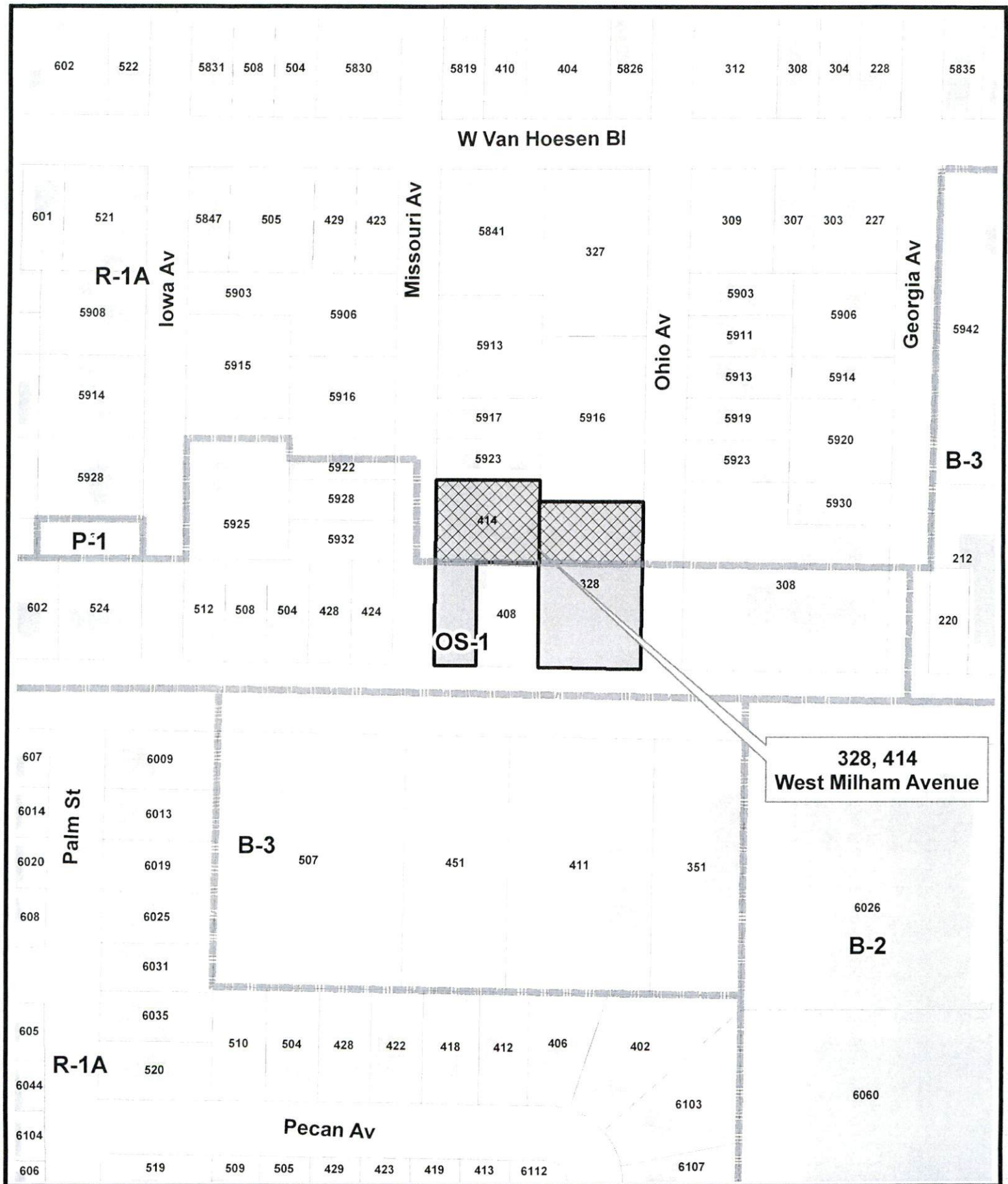
Suitability of Existing R-1A Zone/Impacts of Proposed OS-1 Zone. The existing R-1A zoning designation along the northern portions of 328 and 414 West Milham Avenue is not consistent with the historic use of these properties for office-related parking associated with the Lea's Hairstyling Studio and Jaqua Realtors businesses. The split OS-1/R-1A zoning pattern of these parcels appears to be a remnant from the former Township zoning map and was not adjusted with the comprehensive zoning of the city in 1965. Rezoning the northern portions of these parcels to OS-1 would result in a consistent zoning pattern across the properties that would eliminate the nonconforming status of the existing parking lots, while also allowing for future office development/redevelopment flexibility and options. It is noted there is no parking lot screening between the single-family house at 5923 Missouri Avenue and the parking lot at 414 West Milham Avenue. Concurrent with future redevelopment of this property, installation of required screening will be reviewed.

Traffic Considerations. Traffic generation associated with a zoning change from R-1A to OS-1 will not be significant and can be accommodated by the surrounding roadway network. Specific access related issues including driveway locations, shared/cross access connections, etc. will be reviewed at the site plan stage of redevelopment.

IV. RECOMMENDATION:

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #15/16-3 be approved and the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414 West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service. The proposed zoning change is consistent with the Comprehensive Plan/Future Land Use Map designations, consistent and compatible with the surrounding zoning/land use pattern and will eliminate the nonconforming status of the existing parking lots, while also allowing for future office development/redevelopment flexibility and options.

Attachments: Zoning/Vicinity Map
Aerial Photo Map
Future Land Use Map
Development Guidelines Table (OS-1)
Rezoning Application and Supporting Materials



Legend

- Zoning Boundary
- Re-zoning Area
- Subject Property

Rezoning 15/16-03 328, 414 West Milham Avenue



1 inch = 150 feet



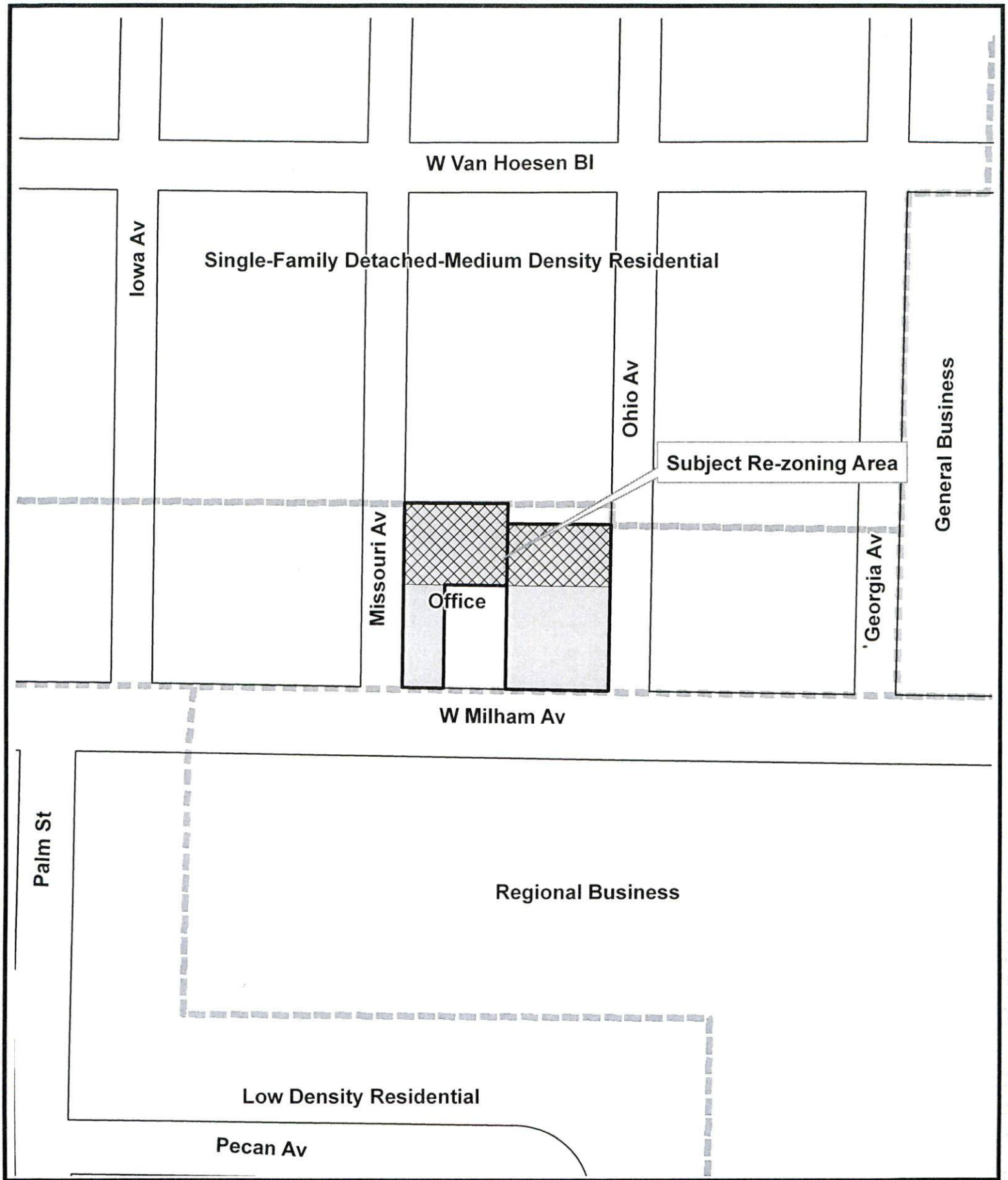
Legend

- Re-zoning Area
- Subject Properties

Aerial Photo 328 & 414 West Milham Avenue



1 inch = 125 feet
(59)



Legend

-  Re-zoning Area
-  Future Land Use
-  Subject Property

Future Land Use Map
328 & 414 West Milham Avenue



1 inch = 150 feet

DEVELOPMENT GUIDELINES

Rezoning Application #15/16-3 (OS-1, Office Service)

Guideline	Description	Consistent	Comments
Rezoning Request – Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map designates the subject properties as appropriate for office land use. The proposed OS-1 zone is consistent with this designations.
Commercial – 1	Coordinated Development	Yes	Rezoning the northern portions of 328 and 414 West Milham Avenue to OS-1 would result in a consistent zoning pattern across the properties, eliminate the nonconforming status of the existing parking lots and allow for future expansion and/or redevelopment options and flexibility. Proposed OS-1 zone is consistent and compatible with adjacent land uses.
Commercial – 2	Commercial/Office Uses in General	Yes	Rezoning site is located within the Milham Avenue Office Corridor within a mixture of office, commercial and institutional land uses. West Milham Avenue is a major arterial roadway and traffic related issues can be accommodated. The size, intensity and character of the proposed use is compatible with adjacent areas.
Commercial – 3	Local Business Uses	N/A	Guideline is not applicable to rezoning request.
Commercial – 4	Regional and General Commercial Uses	N/A	Guideline is not applicable to rezoning request.
Commercial – 5	Portage Commerce Square	N/A	Guideline is not applicable to rezoning request.
Natural & Historic Resources - 1	Environmental Protection	Yes	Rezoning site is not characterized by environmentally sensitive areas (wetlands, floodplain, lakes/streams, etc).
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	N/A	Rezoning site is not situated within a designated historic preservation area and does not contain any historic structures.
Natural & Historic Resources – 6	Open Space Protection	Yes	Reviewed at site plan stage of development.
Transportation – 1	Transportation Systems	Yes	West Milham Avenue is a 5-lane major arterial roadway with 16,264 vehicles per day (2013) and a capacity of 38,700 vehicles per day (level of service “D”). Any additional traffic generation associated with the proposed zoning change can be accommodated by the surrounding roadway network.
Transportation – 2	Street Design	Yes	Reviewed at site plan stage of development.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Reviewed at site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at site plan stage of development.

Guideline	Description	Consistent	Comments
Transportation – 6	Parking	Yes	Reviewed at site plan stage of development.
Municipal Facilities & Services – 1	Sound Fiscal Growth	Yes	Existing infrastructure is adequate to accommodate future development and growth.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at site plan stage of development.

s:\commdev\2015-2016 department files\board files\planning commission\pc reports\development guideline tables\guideline table 15-16-3 (os-1).doc

RECEIVED
12/15/15
COMMUNITY DEVELOPMENT

APPLICATION FOR ZONING AMENDMENT

Application number #15/16-3

Date 12/15/15

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 328 W. Milham between Ohio Street and Missouri Street on the North side of the street, and is known as Lot Number(s) 1-5 & * of Westnedge Heights Plat (Subdivision). It has a frontage of 125 feet and a depth of 200 feet. Only the Northernmost 75 feet of this parcel is the subject of this request.

b. Unplatted Land:

*46-48, Block D

(328 West Milham)

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

N/A

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

b. Name of the owner of the property to be rezoned: Donald K. & Lea J. Sterns Trust

Address 10647 Sudan St., Portage, MI 49002

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: _____ purchaser under a purchase agreement _____

4. CURRENT ZONING: _____ R-1A _____ PROPOSED ZONING: _____ OS-1 _____

ZONING TEXT AMENDMENT

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

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

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

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

DDJ, LTD., LLC

By: _____

(Signature of Applicant)

(Signature of Applicant)

Daniel C. Jaqua, Member
414 W. Milham, Portage, MI 49024

(Address)

(Address)

(269) 207-2940

(Phone)

(Phone)

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

ATTACHMENT TO REQUEST TO REZONE A PART OF 328 W. MILHAM
By DDJ, LTD., LLC
December 15, 2015

1. Why the change requested is necessary for the preservation and enjoyment of substantial property rights.

The front 125 feet of the 200 foot deep parcel upon which Lea's Hairstyling Studio has been operating for many years is already zoned OS-1. Although the rear 75 feet has always been used as a parking lot to service the Lea's business, it remains zoned R-1A. This change is appropriate to bring the zoning up to date to match the actual, historical use of the land and preserve the commercial use of this property for future, continued commercial use.

2. Why the amendment will advance the public health safety and welfare.

The existing R-1A zone is not a reasonable use of this property which abuts commercial uses. The City's Zoning Ordinance provides in part, that the R-1A through R-1E one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities that serve the residents in the district. Further, the intent of these regulations is to protect residential neighborhoods from incompatible land uses and associated effects. This last 75 feet will never be used for single family residential uses and does not fit the intent of the Zoning Ordinance due to its proximity to existing commercial uses. Rezoning this land will make it consistent with the surrounding properties and the pre-existing use.

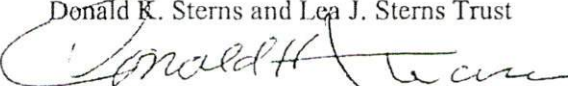
3. The impact that the proposed rezoning will have on the community and property of other persons in the vicinity of the area.

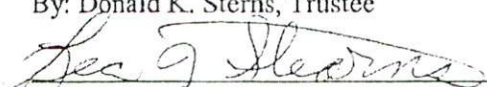
The rezoning will not negatively impact the community or the neighboring properties because the surrounding properties on Milham are all similarly zoned OS-1. The land behind this property contains a parking lot, and behind that there is a City retention pond. No properties in the vicinity will be negatively affected by continuing the existing commercial use of this property.

OWNER CONSENT:

The owner of the property consents to this Application for Zoning Amendment.

Donald K. Sterns and Lea J. Sterns Trust


By: Donald K. Sterns, Trustee


By: Lea J. Sterns, Trustee

RECEIVED
DEC 15 2015
CITY OF PORTAGE - MI

APPLICATION FOR ZONING AMENDMENT

Application number #15/16-3

Date 12/15/15

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 414 W. Milham between Ohio Street and Missouri Street on the North side of the street, and is known as Lot Number(s) 9-14* of Westnedge Heights Plat (Subdivision). It has a frontage of 50 feet and a depth of 225 feet. Only the Northernmost 100 feet of this parcel is the subject of this request.

b. Unplatted Land: *Block D (414 West Milham)

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

N/A

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

b. Name of the owner of the property to be rezoned: Milham Ventures, LLC

Address 414 W. Milham, Portage, MI 49002

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

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

4. CURRENT ZONING: _____ R-1A _____ PROPOSED ZONING: _____ OS-1 _____

ZONING TEXT AMENDMENT

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

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

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

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

MILHAM VENTURES, LLC

By: _____

(Signature of Applicant)

(Signature of Applicant)

Daniel C. Jaqua, Manager
414 W. Milham, Portage, MI 49024

(Address)

(Address)

(269) 207-2940

(Phone)

(Phone)

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

ATTACHMENT TO REQUEST TO REZONE A PART OF 414 W. MILHAM
By Milham Ventures, LLC
December 15, 2015

1. Why the change requested is necessary for the preservation and enjoyment of substantial property rights.

The front 125 feet of the 225 foot deep parcel upon which Chuck Jaqua Realtor has been operating for many years is already zoned OS-1. Although the rear 100 feet has always been used as a parking lot to service the Jaqua offices, it remains zoned R-1A. This change is appropriate to bring the zoning up to date to match the actual, historical use of the land and preserve the commercial use of this property for future, continued commercial use.

2. Why the amendment will advance the public health safety and welfare.

The existing R-1A zone is not a reasonable use of this property which abuts commercial uses. The City's Zoning Ordinance provides in part, that the R-1A through R-1E one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities that serve the residents in the district. Further, the intent of these regulations is to protect residential neighborhoods from incompatible land uses and associated effects. This last 100 feet will never be used for single family residential uses and does not fit the intent of the Zoning Ordinance due to its proximity to existing commercial uses. Rezoning this land will make it consistent with the surrounding properties and the pre-existing use.

3. The impact that the proposed rezoning will have on the community and property of other persons in the vicinity of the area.

The rezoning will not negatively impact the community or the neighboring properties because the surrounding properties on Milham are all similarly zoned OS-1. The land behind this property contains homes also owned by the applicant. No properties in the vicinity will be negatively affected by continuing the existing commercial use of this property.

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

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

Tract of land located in Section 4, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
328 West Milham Avenue (north 75 feet)	09053-001-O
414 West Milham Avenue (north 100 feet)	09053-009-O

From R-1A, one family residential to OS-1, office service.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2016.

James R. Hudson, City Clerk

(App #15/16-3)

Approved as to Form:

Date: 1/25/16

By: [Signature]

City Attorney

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2015, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2015, at 7:30 p.m. or as soon thereafter as may be heard.

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

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

Tract of land located in Section 4, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
328 West Milham Avenue (north 75 feet)	09053-001-O
414 West Milham Avenue (north 100 feet)	09053-009-O

From R-1A, one family residential to OS-1, office service, or any other classification allowed by law.

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

Dated: _____

James R. Hudson, City Clerk

(App #15/16-3)

Z:\JODY\PORTAGE\ORD\REZONE\15-16-3.012516.DOCX

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Acquisition of 6033 Oakland Drive

SUPPORTING PERSONNEL: Richard White, Director of Public Safety - Police / Fire Chief
Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the city acquisition of 6033 Oakland Drive, owned by Chris & Sam, LLC, for the amount of \$105,000 and authorize the City Manager to execute the Real Estate Purchase Agreement on behalf of the city.

The City Administration has been in recent discussions with the owners of 6033 Oakland Drive (Chris & Sam, LLC) regarding the purchase of the parcel. As shown in the attached vicinity map, the property is located immediately north of Fire Station No. 2 and immediately south of city-owned property at the southwest corner of Oakland Drive and West Milham Avenue. The City Administration has considered purchasing this property at various times over the past ten years for public use and purposes, including:

- Potential future expansion of Fire Station No. 2;
- Potential future expansion of the storm water basin behind Fire Station No. 2;
- Improved access management and function of the Oakland Drive and West Milham Avenue intersection.

Access from Oakland Drive to this parcel for private development purposes has been considered problematic; the best options to safely provide access include a right-in/right-out driveway or shared access with the Fire Station No. 2. Neither of these two options have been acceptable to the property owner or the City Administration.

In November 2015, the Department of Public Safety completed a feasibility study on the operational demands of Fire Station No. 2 and identified a need for a new, larger fire station of approximately 15,000 square feet in size. A draft 2016-2026 Capital Improvement Program Project Profile is attached and provides additional information regarding this proposal. To accommodate the proposed new fire station, land acquisition to either the north or south has been recommended in the feasibility study.

At this time, the City Administration and property owners have been able to reach an agreement on the terms of the purchase of this property. The property owners have agreed to a purchase price of \$105,000. Additional costs associated with the property purchase include standard closing costs and completion of a Phase 1 environmental study prior to the purchase. An estimated market value of

\$147,000 has been identified by Kal-Creek Commercial Appraisers, who conducted an appraisal of the property on behalf of the city.

Based on the above identified public use and purposes of the land and the negotiated purchase price, it is recommended that City Council approve the acquisition of 6033 Oakland Drive and authorize the City Manager to execute the Purchase Agreement, which has been prepared by and approved by the City Attorney.

FUNDING: Funding is derived from the current fiscal year 2015-16 General Fund and Capital Improvement Fund budget savings.

- Attachments:**
1. Comparison Chart
 2. 6033 Oakland Drive Vicinity Map
 3. Draft 2016-2026 Capital Improvement Program Fire Station No. 2 Project Profile
 4. Real Estate Purchase Agreement - 6033 Oakland Drive

January 28, 2016

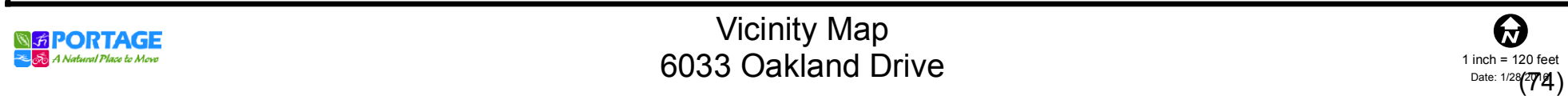
Chris and Sam, LLC
6033 Oakland Drive

1.8712 Acres of Vacant Land

Appraisal – Kal Creek – January 6, 2016
One Hundred and Forty Seven Thousand (\$147,000) Dollars

Purchase and Sale Agreement
One Hundred and Five Thousand (\$105,000) Dollars

• Fire Station 2 6101 Oakland	2.88 Acres
• Portage Park – 6017 Oakland	.58 Acre
• Portage Park – 2015 West Milham	.90 Acre
Subtotal of City Acreage	4.36 Acres
• Chris and Sam, LLC	1.8712 Acres
Total Assembled Parcel	6.2312 Acres



CAPITAL IMPROVEMENT PROJECT PROFILE

DEPARTMENT:
Public Safety, Fire Division

PROJECT CATEGORY:
Fire

PROJECT NUMBER: 2

PROJECT TITLE: Fire Station No. 2 Facility Replacement

PROJECT DESCRIPTION: New construction of an approximate 15,000 square foot new Fire Station No. 2 facility on Oakland Drive.

FY 2016-17: Project costs include the purchase of an emergency generator for the existing station, which will be designed for reuse in the new fire station facility.

FY 2017-18: Project costs for fiscal year 2017-18 include detailed architectural design and engineering work for the new fire station facility.

FY 2018-19: Project costs include costs associated with the building of a new station.

PROJECT JUSTIFICATION/NEED: A facility audit was conducted by Paradigm Design Inc. in 2013 to evaluate needed repairs and upgrades within Fire Station No. 2. Station No. 2 is the oldest in the system and requires extensive work to ensure integrity of the structure. The evaluation recommended various repairs to the building roof, plumbing, electrical, flooring, fire suppression and alarm system. In addition to the condition of the building, the overall facility and living quarters are small and not properly sized for the operational needs of the Fire Division. In 2015, an additional feasibility study was completed by Paradigm Design to determine existing and future programming and operational needs of the Fire Division. The study determined construction of a new, larger fire station facility is warranted.

PROJECT BENEFIT/IMPACT: To ensure Fire Station facilities meet the program and operational needs of the community, while ensuring facilities are in good working order.

OPERATING FUND IMPACT: Reduce maintenance and operating costs

REAL ESTATE PURCHASE AGREEMENT

This Real Estate Purchase Agreement (the "Agreement") is made and entered into on this _____ day of _____, 2016 (the "Execution Date"), by and between The City of Portage, a municipal corporation, of 7900 South Westnedge Avenue, Portage, Michigan 49002, ("Purchaser"), and Chris & Sam, LLC, of 7489 Field Bay Avenue, Kalamazoo, Michigan 49009, ("Seller").

RECITALS

A. Seller owns real estate located in City of Portage, Kalamazoo County, Michigan, which real estate is legally described as follows:

See attached Exhibit A

Commonly known as 6033 Oakland Drive, Portage, Michigan

B. Seller desires to sell to Purchaser, and Purchaser desires to acquire from Seller, the Real Estate, together with any and all improvements thereon and all easements, rights, appurtenances and hereditaments thereunto belonging (the "Property").

NOW, THEREFORE, the parties, in consideration of the mutual covenants herein, agree as follows:

ARTICLE ONE PURCHASE PRICE

1.1 The purchase price for the Property ("Purchase Price") shall be the sum of One Hundred Five Thousand (\$105,000.00) Dollars.

1.2 If there is an existing mortgage, the Seller will furnish to the Purchaser at closing a statement by the mortgagee stating the unpaid principal balance, interest due and the terms of payment and shall assign to Purchaser all reserves held in escrow by the mortgagee for payment of taxes, interest and other items and the Purchaser shall repay to the Seller the amount of such reserves.

ARTICLE TWO PERSONAL PROPERTY AND IMPROVEMENTS

All personal property that Seller desires to retain shall be removed from the Property before Closing; any remaining personal property shall become the property of Purchaser's pursuant to the Bill of Sale contemplated by Section 6.6(e) hereof.

ARTICLE THREE
MAINTENANCE OF PROPERTY

Seller shall not commit or allow any waste or nuisance on the Property. Seller shall use all reasonable precaution to prevent waste, damage, or injury to the subject Property. Seller shall not further encumber the Property between the Execution Date of this Agreement and the Closing Date.

ARTICLE FOUR
EARNEST MONEY DEPOSIT

As evidence of good faith, Purchaser tenders a deposit of Five Thousand (\$5,000.00) Dollars on account of Purchase Price. If this Agreement is not executed by Seller or the title is not marketable, or if the terms of the purchase are contingent upon contingencies as specified which cannot be met, or if this Agreement calls for the return of the Earnest Money deposit, this deposit shall be refunded to Purchaser.

ARTICLE FIVE
REAL ESTATE COMMISSION

Each party agrees to indemnify the other party against, and to hold the other party harmless from any and all liabilities and agrees to pay any final judgment obtained by any person claiming broker's commissions or finder's fees or rights to similar compensation on account of services purportedly rendered on behalf of that party in connection with this Agreement or the transactions contemplated by this Agreement.

ARTICLE SIX
CLOSING

6.1 Seller agrees that this Agreement shall be contingent upon final approval of the Portage City Council. The date of such approval shall be deemed the "Effective Date" of this Agreement. Purchaser shall provide Seller with written notice of such approval or any other disposition of this Agreement by the Portage City Council. Seller agrees that Purchaser has made no representation or warranty with regard to City Council's final decision. If the Portage City Council decides not to approve the Agreement, this Agreement shall automatically terminate and Purchaser may have return of the Earnest Money Deposit and each party shall assume the responsibility for all costs expended with regard to this Agreement without further liability to each other and neither party will have any obligation or liability under this Agreement.

6.2 The date of Closing (the "Closing Date") shall take place ten (10) days following Purchaser's written notification to Seller that Purchaser has waived its contingencies and all of the requirements set forth in this Agreement have been fulfilled to the full satisfaction of Purchaser, but not later than April 1, 2016. The Closing shall take place at Chicago Title Company, Milham Avenue who shall issue the Title Commitment and Policy.

6.3 If the Closing of the sale is delayed by (i) reasons of delay not the fault of Seller in obtaining a title insurance commitment; or (ii) title defects that can be readily corrected, an adjournment period of thirty (30) days shall be allowed for Closing by written notice from Seller

to Purchaser prior to the originally scheduled date for Closing. Possession of the property shall be given at Closing, free and clear of all rights and claims of third parties, subject only to Permitted Encumbrances (as defined herein).

6.4 Purchaser and Seller shall each pay all of their own costs incurred incident to the preparation, execution and delivery of this Agreement and the performance of their obligations hereunder including, without limitation, the fees of counsel, accountants and consultants, real estate agents, brokers and finders, whether or not the transactions contemplated by this Agreement shall be consummated.

6.5 The parties shall equally divide the fees charged by the closing agent and any escrow fee charged by the title company.

6.6 At Closing:

- a. Seller shall execute and deliver to Purchaser a good and sufficient Warranty Deed in recordable form, conveying marketable fee simple title to the property to Purchaser, subject only to any Permitted Encumbrances (as defined herein).
- b. Seller shall provide whatever documentation which may be reasonably required by legal counsel or the title insurer to warrant that there are no unpaid claims which have created or could lead to the creation of liens on the property, including evidence that all contractors, subcontractors, and supplies have been paid in full and released all liens.
- c. Purchaser shall tender the Purchase Price to Seller as provided for hereunder, as adjusted by any credits or prorations contemplated hereunder.
- d. Each party shall execute a closing statement to evidence the transaction.
- e. Seller shall execute and deliver a non-foreign person affidavit, as such term is used in Section 1445 of the Internal Revenue Code and the regulations promulgated thereunder.
- f. Seller shall execute and deliver an affidavit of ownership as required by the title company in order to induce the title company to omit the standard exceptions from Purchaser's title policy.
- g. Seller shall execute and deliver a certificate certifying that Seller's representations and warranties set forth herein are true and correct as of the Closing Date.

- h. Seller shall execute and deliver a valid assignment of contracts, books and records, reports, studies, guaranties, warranties, indemnification rights and other intangible rights and property, if any, which Seller may own in connection with the Property. Seller shall deliver originals, if available (or copies, if not), of the foregoing documents.
- i. The parties shall furnish to each other such other documents as are necessary and appropriate for the consummation of this transaction, and shall indicate that the parties executing the documents have the authority to enter into this Agreement, consummate the sale contemplated hereby, and execute and perform all documents hereunder. If necessary, the parties shall obtain resolution of Board of Directors or appropriate entities authorizing the transaction and naming the party having authority to execute the documents.

ARTICLE SEVEN

INSPECTIONS, ENVIRONMENTAL, APPROVALS

7.1 Purchaser, its employees, agents or representatives, at its sole expense, shall have the right to enter the Property and have the Property and improvements located thereon inspected, surveyed, evaluated, analyzed, tested, appraised or assessed for any purpose desired by Purchaser. The inspection period (the "Inspection Period") shall begin on the Effective Date, and shall end forty-five (45) days thereafter. Seller shall (i) reasonably cooperate with Purchaser in the course of Purchaser's investigations, (ii) provide such documents relating to the Property as reasonably requested by Purchaser and (iii) make available to Purchaser, upon request, representatives or agents of Seller who are involved in the operation, management or maintenance of the Property. Seller specifically acknowledges that pursuant to this paragraph, Purchaser shall have the right to enter the Property to have a Phase I and/or a Phase II Environmental Study and a Baseline Environmental Assessment (BEA) performed.

7.2 During such periods of time as Purchaser is allowed to enter the Property pursuant to the terms of this Agreement, Purchaser shall make commercially reasonable efforts to protect the Property from damage, and Purchaser shall promptly restore or cause to be restored that portion of the Property so damaged to the condition existing prior to such damage. Purchaser shall not permit a construction, mechanic's materialmen's or other lien to be filed against any of the Property as the result of any work, labor, service or materials performed or furnished by, for or to Purchaser, its employees, agents and/or contractors. If any such lien shall at any time be filed against the Property, Purchaser shall, without expense to Seller, cause the same to be discharged of record by payment bonds, order of a court of competent jurisdiction or otherwise, within thirty (30) days of the filing thereof.

7.3 Seller has delivered to Purchaser, or will make available to Purchaser if in Seller's possession within seven (7) days of the Effective Date of this Agreement: (i) all existing surveys, drawings, site plans, topography plans and any other drawings or plans related to the Property; (ii) copies of all engineering reports, soil studies, drainage studies, environmental assessments or reports, and wetland and floodplain studies; (iii) copies of all service agreements currently in place with regard to the Property, if any; (iv) copies of all leases and

agreements related to the Property, if any, including without limitation any documents, instruments and agreements between the Seller and the Michigan Department of Environmental Quality. The foregoing (i) through (iv) are collectively referred to as the "Property Reports". Seller agrees to cooperate with Purchaser to have the Property Reports updated, renewed or certified to Purchaser, at Purchaser's cost, if so desired by Purchaser. Seller hereby represents and warrants that the Property Reports delivered pursuant to this Section 7.3 are the only Property Reports in Seller's possession, to Seller's knowledge.

7.4 If at any time prior to the expiration of the Inspection Period, Purchaser deems the Property or any aspect or condition thereof unsuitable to Purchaser for any reason in Purchaser's sole and absolute discretion, including without limitation any matter disclosed by the Property Reports, the boundaries of the Property or the Easements as depicted by the Survey, or any other aspect or condition of the Property, Purchaser may terminate this Agreement by delivering written notice to Seller of such termination. In the event that such notice shall be given, the Earnest Money Deposit shall be delivered to Purchaser and this Agreement shall be deemed void. If Purchaser shall fail to provide such written notice to Seller prior to the expiration of the Inspection Period, Purchaser shall be deemed to be satisfied with the condition of the Property and shall be obligated to proceed with the transaction in accordance with the other terms and conditions of this Agreement.

ARTICLE EIGHT

TAXES

8.1 All taxes and assessments which have become a lien on the property at the time of closing shall be paid by the Purchaser. Further, Seller shall pay the real estate transfer sales tax. Current real estate taxes, except special assessments, shall be pro rated and adjusted as of the date of closing and shall be deemed to cover the calendar year in which they become due and payable. Taxes shall be deemed due and payable as follows:

- a. Winter taxes - December 1;
- b. Summer taxes - July 1 or August 1.

8.2 The balance amount owing on the lien of any Special Assessment shall be paid by the Seller at time of closing. All special assessments, all unpaid installments of any assessments levied prior to the date of Closing shall be paid by Seller.

8.3 Any charges for electricity, water/sewer, gas, shall be paid by the Seller to the closing date.

ARTICLE NINE

REPRESENTATIONS AND WARRANTIES

9.1 Except as otherwise provided or acknowledged in this Agreement, Seller represents, covenants and warrants as follows:

- a. Seller has no knowledge of any other persons or entities claiming a right to possession of the Property.

- b. Seller has good and marketable fee simple title to the Property, free and clear of all liens and other encumbrances other than any Permitted Encumbrances (as defined herein) and subject to the matters contained in the title commitment.
- c. The execution and delivery of and the performance of the obligations of Seller under this Agreement will not violate any contract, indenture, statute, ordinance, judicial or administrative order or judgment applicable to Seller or the Property, and do not and will not require any consent or approval of any other person or entity.
- d. There is no litigation or proceeding pending or to Seller's knowledge threatened against or involving Seller or the Property, and Seller does not know or have reason to know of any ground for any such litigation or proceeding which could have an adverse impact on Seller's ability to perform under this Agreement or that could adversely affect Purchaser's title or use of the Property.
- e. There are no contracts of sale, land contracts, leases, tenancies, rights of first refusal, rights of first offer, options or other instruments or agreements with respect to the Property.
- f. No work has taken place on the Property in the last one hundred twenty (120) days that would create a right to a lien against the Property.
- g. To the best of Seller's actual knowledge, the Property and Seller: (i) are in full compliance with all requirements of federal, state and local environmental, health or safety laws, regulations and administrative or judicial decrees, as amended (the "Environmental Laws"); (ii) are not the subject of and have not at any time in the past, been the subject of any "Superfund" evaluation or investigation; and (iii) are not the subject of any federal or state investigation or administrative proceeding evaluating whether any remedial action is necessary to respond to a release of any Hazardous Substance (as defined below). "Hazardous Substance" means any toxic or hazardous waste, pollutants or substances, including, but not limited to asbestos, PCB's, petroleum products and byproducts, substances defined or listed as "hazardous substances" or "toxic substances" or similarly identified pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et. seq., and any other hazardous or toxic substances or pollutants regulated under other applicable Environmental Laws.

9.2 Whenever the word "knowledge" or any deviation thereof is used with regard to any representation or warranty made by Seller, it shall mean the current actual knowledge of any officer or employee of the Seller.

9.3 Except as otherwise provided or acknowledged in this Agreement, Purchaser represents, covenants and warrants as follows:

- a. The performance of the obligations of Purchaser under this Agreement will not violate any contract, indenture, statute, ordinance, judicial or administrative order or judgment applicable to Purchaser.
- b. There is no litigation or proceeding pending, or to Purchaser's knowledge threatened, against or involving Purchaser, and Purchaser does not know or have reason to know of any ground for any such litigation or proceeding, which could have an adverse impact on Purchaser's ability to perform, or Seller's interests, under this Agreement.
- c. In entering into this Agreement, Purchaser has not relied upon any written or verbal representation made by Seller or any representative of Seller, including any real estate salesperson, regarding the Premises or any aspect of this transaction, which are not expressly set forth in this Agreement.

ARTICLE TEN **TITLE INSURANCE**

10.1 Seller shall, at its expense, no later than seven (7) calendar days after the Effective Date of this Agreement, order a commitment for an owner's ALTA title policy from Chicago Title Company and shall be delivered to Purchaser as soon as possible thereafter, insuring title to the Property to be in good and marketable condition, together with legible copies of all Schedule B documents if such documents can be provided without additional cost to Seller (collectively, the "Commitment").

10.2 In the event the Commitment reflects that title to the property is not vested in Seller, or if any of the building and/or use restrictions, easements or covenants of record or any other title encumbrances or exceptions would interfere with, or be unsuitable for any use of the Property or affect the value of the property, in Purchaser's sole and absolute discretion, Purchaser shall notify Seller in writing of Purchaser's objections to the ("Objections") within ten (10) days after Purchaser's receipt of the Commitment. Any matter disclosed by the Commitment which is not an Objection shall be deemed a permitted encumbrance and Purchaser shall have deemed to have waived any Objection to such matter (the "Permitted Encumbrances").

10.3 Any matter disclosed in the title commitment that is in the form of an encumbrance that is liquidated in an amount and that can be readily discharged (such as a mortgage) shall not be grounds for termination of this Agreement by Purchaser under this section so long as Seller discharges such encumbrance at Closing. In the event Seller is unwilling or unable to modify, remove or obtain a commitment for title insurance over any Objection, Seller shall provide written notice of the same to Purchaser within ten (10) days following Seller's receipt of Purchaser's Objections and thereafter Purchaser shall have the option of either: (a) waiving such Objection and proceeding under this Agreement; or (b) terminating this Agreement, after which Purchaser shall receive a return of the Earnest Money

Deposit wherein all liability hereunder shall terminate. If Seller fails to provide such a notice in response to any of Purchaser's Objections, Seller shall be deemed to have elected to cure the Objection. If Seller is unable to cure any such Objections prior to Closing, Purchaser shall be permitted to elect either (a) or (b) as stated above.

ARTICLE ELEVEN **ALTA SURVEY**

Purchaser shall have the right, at its sole cost and expense, to perform a survey of the property in accordance with the requirements for ALTA/ACSM land title surveys ("ALTA Survey"), if desired by Purchaser. If Purchaser disapproves of the location or boundaries of the Property, or any other matter contained in the Survey, at any time prior to the close of the Inspection Period, in Purchaser's sole and absolute discretion, then Purchaser shall be entitled to terminate this Agreement by written notice to Seller in which case the Earnest Money Deposit shall be promptly refunded to Purchaser and the parties shall have no further rights or obligations under this Agreement.

ARTICLE TWELVE **UNPLATTED LANDS**

Seller represents that this Property is not a new land division under the Land Division Act and Seller owns no other contiguous, unplatted land unless otherwise disclosed in writing. Seller is transferring to Purchaser all available divisions, if any, under Section 108 of the Land Division Act but makes no representations as to the number.

ARTICLE THIRTEEN **NON-FOREIGN OWNERSHIP**

The parties acknowledge that Section 1455 of the Internal Revenue Code provides that a purchaser of a United States real property interest must withhold tax if the seller is a foreign person or entity. To assure Purchaser that withholding of tax is not required upon the sale of the real property, Seller hereby certifies, and shall reaffirm the same to purchaser by affidavit prior to the Closing of the sale contemplated hereby, that the Seller is not a foreign individual, foreign corporation foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations) and shall certify to and declare in said affidavit the veracity of this information under penalties of perjury.

ARTICLE FOURTEEN **DEFAULT AND REMEDIES**

14.1 Any of the parties hereto shall be in default under this Agreement if it shall (a) breach any warranty or representation under this Agreement, or (b) fail to perform any act required under this Agreement without curing such failure within ten (10) days' after receiving written notice from the non-defaulting party.

14.2 In the event any party hereto shall be in default under this Agreement, the non-defaulting party may (a) elect to terminate this Agreement or to consummate the transactions contemplated hereby if such default occurs prior to the Closing Date; (b) institute an action against the defaulting party to compel rectification and correction, or to recover damages for such default; and (c) pursue any civil remedy which the non-defaulting party may have against the defaulting party.

ARTICLE FIFTEEN **EMINENT DOMAIN**

Seller shall notify Purchaser within two (2) days if the Property, or any portion thereof, shall be taken or threatened to be taken through the exercise of the power of eminent domain. Upon receiving such notice, Purchaser shall have the right to terminate this Agreement and have returned to them the Earnest Money Deposit made hereunder. If Purchaser should elect to terminate this Agreement, all of the proceeds of the taking shall become the property of Seller. If Purchaser, after receipt of such notice, nevertheless agrees to consummate the purchase and sale contemplated hereunder, the proceeds of taking shall belong to Purchaser.

ARTICLE SIXTEEN **TIME OF THE ESSENCE**

Time is expressly declared to be of the essence of this Agreement. If extensions are not otherwise provided for, the parties may, in writing, agree to further extensions.

ARTICLE SEVENTEEN **SURVIVAL**

All agreements, covenants, promises, representations and warranties contained herein shall survive the closing. Failure of either party to complain of any action or omission on the part of the other party with respect to the matters contained herein, no matter how long the same may continue, shall not be deemed to be a waiver by such party to subsequently insist on such performance. A waiver by either party at any time, expressed or implied, of any breach of the other party's agreements, covenants, promises, representations or warranties contained herein shall not be deemed a waiver of any other provision of this Agreement, or a consent to any subsequent breach of the same or any other provision.

ARTICLE EIGHTEEN **MISCELLANEOUS**

18.1 Pronouns. Whenever words herein are used in the masculine, they shall be read in the feminine or neuter whenever they would so apply and vice versa, and words in this Agreement that are singular shall be read as plural whenever the latter would so apply and vice versa.

18.2 Entire Agreement; Amendment. This Agreement represents the entire agreement between the parties. It may not be amended, altered or modified unless done so in writing by the persons against whom enforcement of any waiver, change or modification or discharge is sought.

18.3 Notices. All notices and demands required or permitted under this Agreement shall be in writing and shall be served personally or by postage prepaid United States first-class, certified (return receipt requested), or registered mail, addressed to the party at the address indicated herein or to such other place as may be designated by notice given in accordance with this section. Notice shall be deemed to have been given on the earlier of (a) the date when received, or (b) two (2) days after mailing if mailed in the State of Michigan. Notice shall be deemed properly addressed if sent to the following addresses:

If to Purchaser:
City of Portage
7900 S. Westnedge Avenue
Portage, MI 49002

If to Seller:
Chris & Sam, LLC
7489 Field Bay Avenue
Kalamazoo, MI 49009

18.4 Headings. The headings contained herein are for the convenience of the parties and are not to be used in construing this Agreement.

18.5 Choice of Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan that are applicable to Agreements made and to be performed in that State.

18.6 Severability. In the event any of the provisions of this Agreement are deemed to be invalid or unenforceable, those provisions shall be deemed severable from the remainder of this Agreement and shall not cause the invalidity or unenforceability of the remainder of this Agreement. If any provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

18.7 Waiver, Modification or Cancellation. Any waiver, alteration or modification of any of the provisions of this Agreement, or cancellation or replacement of this Agreement, shall not be valid unless in writing and executed by the parties with the same formality as this Agreement. The failure of any party to insist in any one or more instances upon the strict performance of any of the terms or provisions of this Agreement by another party shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect.

18.8 Relationship of Parties. Nothing contained in this Agreement nor any act of the parties shall be deemed or construed by any party or by any third party to create the relationship of principal and agent, of partnership, of joint venture, of joint enterprise, or of any association between the parties hereto, nor shall anything contained in this Agreement or any act of the parties be construed to render any party liable for the debts or obligations of any other party.

18.9 Interpretation. No provision in this Agreement is to be interpreted for or against any party because that party or that party's legal representative drafted the provision.

18.10 Cumulative Remedies. All rights, remedies and resources available within this Agreement are separate and cumulative and may be pursued separately, successively or concurrently, and are nonexclusive, and the exercise of any one of them shall in no way limit the exercise of any other which any party may be entitled under the express terms of this Agreement.

18.11 Further Assurances. Each of the parties shall execute and deliver to the other parties any documents as may be necessary or desirable for the purpose of giving full force and effect to the provisions of this Agreement, and shall do all other things necessary to this end, all without charge therefor. If any party shall fail to comply with the provisions of this section, this Agreement shall constitute an actual grant, assignment and conveyance of property and rights in such manner, and with such force and effect, as shall be necessary to effectuate the terms of this Agreement.

18.12 Assignment. This Agreement is personal to the parties and may not be assigned, sold or otherwise conveyed by any party. No party shall have any right to commute, encumber or dispose of the right to receive payments or performance under this Agreement. Payments and performance under this Agreement and the right thereto are expressly declared to be non-assignable and non-transferable, whether by voluntary or involuntary alienation, assignment or transfer.

18.13 Duplicate Originals, Counterparts. This Agreement and any originals of exhibits referred to herein may be executed in any number of duplicate originals or counterparts, each of which (when the original signatures are affixed) shall be an original but all of which shall constitute one and the same instrument.

18.14 Disclosure. This Agreement is subject to the Michigan Freedom of Information Act.

18.15 Authorization. Each party to this Agreement which is a corporation, limited partnership, general partnership, LLC, PLC, trust or other entity warrants and represents that it is properly authorized by its board of directors, stockholders, partners and/or holders of beneficial interests to enter into this Agreement.

18.16 Fax. The parties agree that the offer, any counteroffer and/or acceptance of any offer or counteroffer may be delivered by use of a fax and the signatures, initials and modifications shall be deemed to be valid and binding upon the parties as if the original signatures, initials and modifications were present on the documents in the handwriting of each party. Neither party shall assert the Statute of Frauds or non-enforceability or invalidity of the Agreement because of fax copies being used, and both parties specifically waive the relinquish any such defense. Each party agrees to provide an original signed document to the other upon request.

ARTICLE NINETEEN
DUE ON SALE

SELLER UNDERSTANDS THAT THE CONSUMMATION OF THE SALE OR TRANSFER OF THE PROPERTY DESCRIBED IN THIS AGREEMENT SHALL NOT RELIEVE THE SELLER OF ANY LIABILITY THAT SELLER MAY HAVE UNDER THE MORTGAGE(S) AND/OR LAND CONTRACT TO WHICH THE PROPERTY MAY BE SUBJECT UNLESS OTHERWISE AGREED TO BY THE LENDER, OR REQUIRED BY LAW OR LEGISLATION.

ARTICLE TWENTY
EXECUTION AND DELIVERY

This Agreement shall not be effective unless Purchaser executes the Agreement and final approval given by the Portage City Council.

IN WITNESS WHEREOF, the parties hereto agree this Agreement shall be effective the day and year first above written.

SELLER:

CHRIS & SAM , LLC

By: Chris Schneider
Its: owner
1-27-16

PURCHASER:

CITY OF PORTAGE

By: _____
Laurence Shaffer
Its: City Manager

EFFECTIVE DATE
(City Council)
(Approval)

APPROVED AS TO FORM
DATE 2-1-2016
CRB
CITY ATTORNEY

Prepared by:
RANDALL L. BROWN
City Attorney
1662 East Centre Avenue
Portage, Michigan 49002
Phone: (269) 323-8812

z:\jody\portage\real estate\real estate purchase agreement - chris & sam 6033 oakland drive.012516.doc

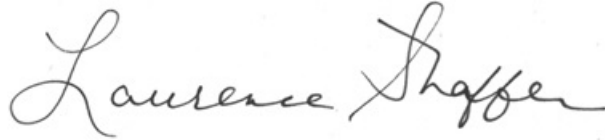
Exhibit "A"

(City of Portage)

The South 8 rods of the North 28 rods of the West 40 rods of the East half of the East half of Section 8, Town 3 South, Range 11 West, except the South 2 feet thereof. Also excepting therefrom the West 2 rods for highway purposes; more particularly described as: commencing at the North 1/4 post of said Section 8; thence South $88^{\circ} 57' 55''$ East on the North line of said Section 8 a distance of 1327.51 feet to the Northwest corner of the East half of the Northeast 1/4 of said Section 8; thence South on the West line of the East half of the Northwest 1/4 of said Section 8 a distance of 330.05 feet; thence South $88^{\circ} 57' 55''$ East parallel with the North line of said Section 8 a distance of 33.00 feet to the East right of way line of Oakland Drive and the point of beginning of the land herein described; Thence continuing South $88^{\circ} 57' 55''$ East 627.11 feet; thence South parallel with the West line of the East half of the Northwest 1/4 of said Section 8 a distance of 130.02 feet; thence North $88^{\circ} 57' 55''$ West 627.11 feet to said East right of way line; thence North on said East right of way line 130.02 feet to the point of beginning.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Contract Between City of Portage and Southwest Michigan First

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: Information Only

The City of Portage entered into an agreement with Southwest Michigan First on July 1, 2015 to conduct a series of economic development activities on behalf of the city. As part of that contract, Southwest Michigan First was required to report on its activities relative to the contract by January of 2016. As of December 2015, Southwest Michigan First reports that it conducted 69 existing employer consultations that resulted in five (5) company announcements. Those announcements resulted in creating 701 jobs, directly and indirectly and in retaining an additional 198 jobs. These activities generated \$16.4 million in new investment in the City of Portage.

Southwest Michigan First continues to work very closely with a significant employer on a major project that is anticipated to be announced before the close of 2016. Southwest Michigan First has worked in full cooperation with the City Administration to make this project a reality in Portage.

The city's investment in this contract is \$25,000. The community and its citizens have been well served by this contract.

FUNDING: N/A

Attachments: 1. January 2016 SWMF Report Update

Portage report 2015

SOUTHWEST MICHIGAN FIRST'S Update to the City of Portage

southwest michigan  first
EMPLOYMENT+INNOVATION+LEADERSHIP+CAPITAL
PURE  MICHIGAN

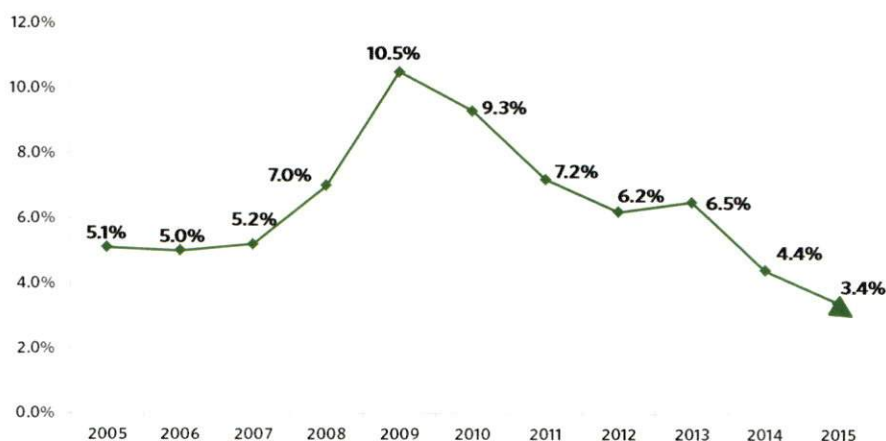
in retrospect

THE GREATEST FORCE FOR POSITIVE CHANGE IS A JOB

Before we look ahead to what 2016 will bring for the Southwest Michigan Region, it's important to stop and celebrate the successes of 2015. It was a great year for our collective region.

For starters, our regional unemployment rate hovered around 4.0% throughout 2015 - with some locations, like Kalamazoo County, dipping even lower. As of November 2015, according to the Michigan Department of Technology, Management & Budget, the region's jobless rate was holding strong at 3.9%, a historic low for Southwest Michigan. Kalamazoo County's jobless rate was a region-leading 3.4%!

KALAMAZOO COUNTY UNEMPLOYMENT: November Comparisons



Source: Michigan Department of Technology, Management & Budget, November Comparisons, 2005-2015, Not Seasonally Adjusted

In terms of job creation, we had a lot of base hits. While everyone loves to cheer for the over-the-fence homeruns, base hits are what win baseball games. Many announcements across the region created 10, 20 or 50 new jobs at a time. In Kalamazoo County, key contributors to jobs were companies like Pro Services, Pfizer Global Manufacturing, Stryker/Kenco, I Supply Company and Eimo Technologies. With each announcement, we rounded the bases and grew closer to a big victory.

Of course, we celebrated big home runs for the region too: Pro Services, providing skilled trades and maintenance technicians to a broad range of industries, announced construction of a new corporate headquarters and training facility in Portage and announced 175 new jobs. And as we know people live in one place and work in another, we must celebrate 810 new jobs in Coldwater at Clemens Food Group; 396 new jobs in White Pigeon at recreational vehicle (RV) manufacturer Forest River, 138 new jobs at Lane Automotive in Watervliet and 100 new jobs at Denso's Battle Creek location.

Looking ahead to 2016, I believe there are three things we can expect:

- 1** Job creation will be strong for automotive industry suppliers. I have always been a big believer in diversification. As a state, we've learned not to rely solely on this industry, but we should continue to strike while the iron is hot! If gas prices continue to remain low, we could see another banner year for auto-related suppliers, including RV manufacturers.
- 2** All-time lows in unemployment are here to stay - for a while at least. With the types of job creation expected in early 2016, low unemployment rates will hold. As it stands, if we filled all available regional jobs according to the Pure Michigan Talent Connect website, we would see less than 2.0% unemployment. This kind of low unemployment not only means people are working and families are fed, but it also means we should see wage levels rise to compete for great talent.
- 3** The future of this region is our people. High job creation and low unemployment should be celebrated, but it comes with labor shortages. Community leaders must collaborate to develop strategies to help folks re-enter the workforce or get the training needed to take on their next role. We have jobs and we have people. We just need

in retrospect 2015

to find the right matches! An emphasis on retaining graduates from our region's educational institutions will continue to be important. Why? For every three Baby Boomers retiring from the workforce, only one Millennial is replacing them in Southwest Michigan. Many manufacturers are looking for people to train in the skilled trades; we must facilitate opportunities for those connections to happen.

I look forward to rolling up my sleeves in 2016 and working together to do the work that is required to see Southwest Michigan thrive like never before.

Always Forward.

A handwritten signature in blue ink, appearing to read 'Ron', with a stylized flourish at the end.

Ron Kitchens | president and chief executive officer

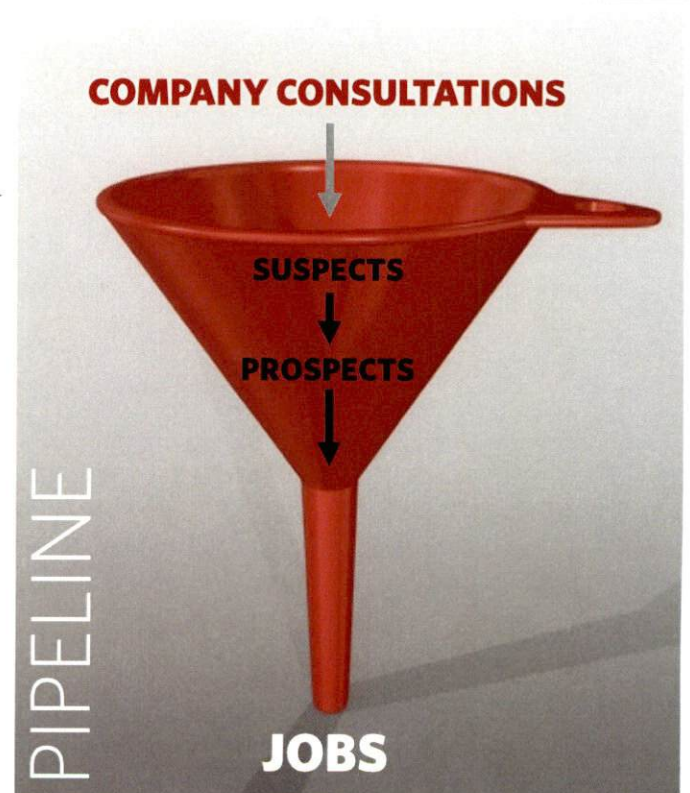
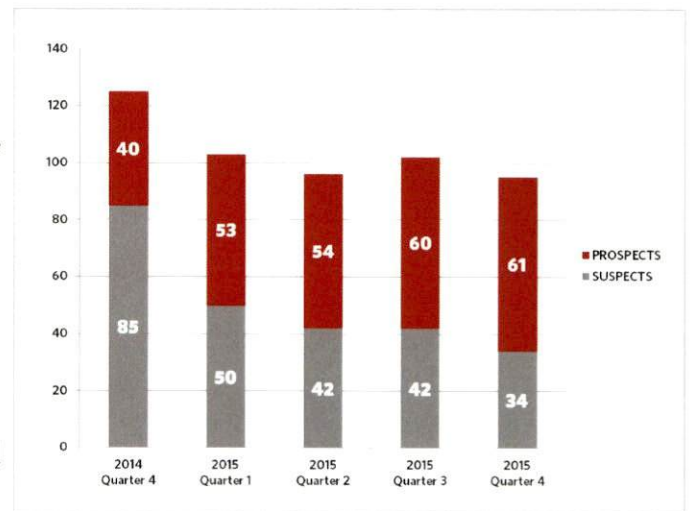
focusjobs

The process of a regional employer creating a job begins with a consultation made by a member of our Jobs Team. In 2015, 295 existing industry consultations were made in Kalamazoo County with 69 being in the **City of Portage**. During these strategic visits, team members discussed how our relationships, expertise and talent can help expand, retain and/or accelerate their company based upon individual needs, wants and desires. Tailored services such as business-to-business marketing, supply chain recruitment, workforce development, capital acquisition, site selection, brand development, government collaboration and more were explored.

From these existing industry visits, we are able to develop our project pipeline. Projects are moved throughout our pipeline as follows: "Suspects" are brand-new projects and labeled as such when a client makes a new request for potential services. Projects become "Prospects" when they formally engage with our Jobs Team or visit our region seeking location. If a project becomes unfeasible, it is "Closed." If it is successful, it is "Announced." Some projects move through the pipeline in three weeks, some in three months, and for others, it takes three years. Our team must balance projects currently in the pipeline, with introducing new ones to keep new jobs coming to Southwest Michigan.

Entering into 2015, the Jobs Team considered current regional economic conditions to set its tactical goals for new suspects at 150 and new prospects at 100, understanding that four indicators to be key factors in meeting both goals. For starters, January 2015 opened with our region's unemployment figures in the 4-point range. With less available workers, our team knew employers could back down on aggressive expansions. Second, as demand picked up both in (1) automotive manufacturers with Michigan rising to the top of the list of states with automotive manufacturing-related establishments (according to the Center for Automotive Research) and (2) other design-based manufacturers, our team's ability to meet with company leadership would diminish with the increased demand for productivity. Third, with the elimination of the Personal Property Tax as approved by voters in August 2014 and the complimentary state incentives that our team used to assist projects in the past, the types of projects that our team worked changed in 2015. Finally, entering into 2015, our team was carrying an extremely high load of projects (125) which required a good deal of dedicated time allowing less time for generating new ones.

Throughout 2015, our team managed an average pipeline of 99 projects. New suspects entered into the pipeline were 141. New prospects were 93. Although these numbers were slightly less than what was targeted, the team hit its results based goal for announced new jobs at 1,780. On the following pages, you will find a summary jobs report highlighting projects announced in Kalamazoo County in 2015.



KALAMAZOO COUNTY
jobs by the numbers
as of DECEMBER 2015

295

Existing Employer
Consultations by
our Jobs Team



Resulted in



16

Company
Announcements

creating

1,270

new,
direct
& indirect
jobs

and

retaining
1,339
others



with
\$21.2
million
in new investment

PHOTO: Southwest Michigan First/Dimplex Thermal Solutions

CITY OF PORTAGE
jobs by the numbers
as of DECEMBER 2015

69

Existing Employer
Consultations by
our Jobs Team



Resulted in

5

Company
Announcements



creating

701

new,
direct
& indirect
jobs

and

retaining
198
others



with
\$16.4
million
in new investment

PHOTO: Southwest Michigan First/Kenco Logistics 2015

jobsreport

COMPANY	INDUSTRY	PROJECT SUMMARY	NEW JOBS: DIRECT	NEW JOBS: INDIRECT	JOBS: RETAINED	INVESTMENT
	Medical Device	Battle Creek Equipment is moving back to Kalamazoo after outgrowing its existing facility in Indiana to access the area's larger labor pool.	8	12	0	\$0
	Design-Based Manufacturing	Bio-Kleen purchased 5.58 acres of land in Charleston Township for future expansion.	0	0	0	\$20,000
	Design-Based Manufacturing	WKW Extrusion/Bowers Manufacturing Company received \$23,214 in Skilled Trades Training Fund (STTF) grant dollars through the Michigan Economic Development Corporation (MEDC) to train 30 existing employees and create 7 new jobs.	7	11	30	\$23,214
	Design-Based Manufacturing	Chem Link announced 2 additional jobs coming to Schoolcraft as a result of its \$1.9 million investment made in 2014.	2	3	0	\$0
	Health Science	Confidential Project Sprinkle is poised for long-term physical growth that includes R&D/Engineering, Customer Services and Prototyping at a site on Sprinkle Road in Portage.	50	75	0	\$0
	Design-Based Manufacturing	Formerly doing business as CeeTox, Cyprotex will add one additional lab to its location at the Southwest Michigan Innovation Center, creating 1 new job.	1	2	11	\$0
	Design-Based Manufacturing	Dimplex Thermal Solutions received a STTF grant, resulting in the ability to train 20 people, including 8 new jobs.	8	12	12	\$23,538
	Design-Based Manufacturing	Dunkley International received \$1,575 in STTF grant funding to compete in turn-key machine vision systems for high speed inspection and sorting.	0	0	1	\$1,575

COMPANY	INDUSTRY	PROJECT SUMMARY	NEW JOBS: DIRECT	NEW JOBS: INDIRECT	JOBS: RETAINED	INVESTMENT
	Design-Based Manufacturing	Because of our work in helping Eimo Technologies to increase its existing footprint by 16,000 square feet and adding 4 new injection molding machines in 2013, we learned that 35 additional jobs were created in Vicksburg.	35	53	226	\$0
	Design-Based Manufacturing	Eimo's rapid growth in its in-mold decorative film business, led to construction on a 60,000-square-foot building and 20 new molding machines. This has resulted in 50 new jobs.	50	75	267	\$8,800,000
	Design-Based Manufacturing	Eimo in Vicksburg was awarded a STTF grant which will be used to train 44 new workers who hired as a result of a previously-announced project.	0	0	0	\$37,740
	Design-Based Manufacturing	Graphic Packaging International - Mill , a leader in the packaging industry, recently acquired the former Checker Motors property to the north of its existing facility in Kalamazoo.	0	0	0	\$0
	Food Processing	I Supply Company is locating in the former General Mills facility in Oshtemo for a new refrigerated/freezer distribution center.	50	75	0	\$0
	Logistics	Impact Label Corporation announced that it will build a new 30,000-square-foot facility in Comstock, creating 20 new jobs.	10	15	62	\$3,494,373
	Design-Based Manufacturing	Isringhausen , a global market leader of innovative seating systems for commercial vehicles, received 2014 STTF grant funds to train new and current employees to remain competitive.	3	5	0	\$0
	Design-Based Manufacturing	Landscape Forms is expanding into 165,000 square feet at Midlink Business Park in Kalamazoo.	25	38	400	\$0
	Design-Based Manufacturing	Plastic injection molder, Miniature Custom Manufacturing is growing rapidly and has received a tax abatement from the Village of Vicksburg for expansion.	18	27	17	\$1,000,000

COMPANY	INDUSTRY	PROJECT SUMMARY	NEW JOBS: DIRECT	NEW JOBS: INDIRECT	JOBS: RETAINED	INVESTMENT
	Health Science	Pfizer Global Manufacturing is adding 78 new jobs as a result of receiving a STTF grant.	78	117	0	\$120,000
	Logistics	Pro Services, Inc. chose to expand in Portage, an effort which will create 175 new jobs and offer a new state-of-the-art training facility for skilled trades workers.	133	200	158	\$3,900,000
	Design-Based Manufacturing	Seneca Medical announced an 85,000-square-foot expansion that will create 10 new jobs in Kalamazoo at its distribution center. This expansion will double Seneca Medical's footprint.	10	15	45	\$3,500,000
	Design-Based Manufacturing	Stewart Sutherland, Inc. , a manufacturer of food packaging products, has announced that it will create 15 new jobs in Vicksburg.	15	23	100	\$0
	Design-Based Manufacturing	Woodsmiths Custom Millwork announced a 3,000-square-foot expansion to its existing facility, to be used for warehousing, staging and distribution in order to build additional capacity on the manufacturing floor. 5 new jobs will result.	5	8	10	\$267,633
2015 JOBS AND INVESTMENT IN KALAMAZOO COUNTY			508	762	1,339	\$21,188,073

focusattraction

Southwest Michigan First's attraction team made the monthly rounds to support our efforts in 2015 to make 13 stops in 10 key locations carefully selected by our team. These locations were identified for their ability where our team would make the most impact, meaning locations with the highest concentration of site consultants who represent the interests of large corporations seeking locations.

Our attraction team's efforts focused on special events and one-on-one meetings to make 237 consultant connections in the Atlanta (Georgia) Chicago (Illinois) Dallas (Texas) and New York City (New York) markets to promote the Pure Michigan message and Southwest Michigan. Other destinations included Greenville (South Carolina), Palm Desert (California), Bay Harbor (Michigan), Cleveland (Ohio), Destin Beach (Florida).

Through our relationship building and leadership in garnering these key meetings, our project pipeline will receive Requests for Information to which they respond on behalf of our local geography in the upcoming months.

In February, a three-person Southwest Michigan First team traveled to Dallas to meet with 16 representatives from the national site consultant community on the advantages of a Southwest Michigan location. While there, they focused on building relationships to attract future projects to the region as well as the promotion of Southwest Michigan's assets, including communities, sites, workforce and infrastructure.

In late March, four team members traveled to Greenville, South Carolina to meet with 8 representatives from the national site consultant community on the advantages of a Southwest Michigan location.



The attraction team sprang into action in April as three members traveled to New York City for a Pure Michigan Market Trip featuring a special event in Shinola's retail shop in the "city that never sleeps." During this trip featuring both Governor Snyder and Michigan's top watch-maker, they made 16 site consultant connections.

Complimenting this effort, in the beginning of May, chief executive officer Ron Kitchens traveled to Palm Desert, California to attend the Industrial Asset Management Council's Spring Forum during which more than 40 site selector impacts were made.

June saw the attraction team head south to Georgia where it had the opportunity to impact 15 site decision influencers during two days of focused meetings on the advantages of locating in Southwest Michigan. The team was graciously hosted by Georgia Power whose leadership and collaborative approach to economic development were on display as it learned tips to bring home from this industry power leader on how to truly collaborate and share resources to win projects. The state of the art facilities at Georgia Power along with southern hospitality made this trip a huge success!

The attraction team continued full steam ahead connecting with site selectors in July and early August. One-on-one meetings were held with 37 site decision influencers in three key

focusattraction 2015

markets. First, the team headed “up north” to Bay Harbor at the end of July to host the Pure Michigan team! As often as the team travels the country to boast about our great region, it was a joy to show off its home state on Michigan soil to 6 site decision influencers and share stories of regional business success. Board members Marc Schupan (Schupan & Sons), Jim Heath (Stryker Instruments) and Mark Jones (AmeriFirst Home Mortgage) joined the team on this trip. Next up, the team was welcomed by Board member, Lee Utke of Whirlpool, who kicked off the Pure Michigan Chicago Summit at the World of Whirlpool which included an address by Governor Snyder, panel discussion and a round of “speed dating” between location consultants and Michigan-based economic developers. The team impacted 16 site decision influencers and built upon existing statewide relationships during this short road trip! Finally, the team boarded a plane and arrived in New York City for the consultant connections impacting 15 site decision influencers. A deep look into the field of economic development coupled with the energy of the location in Times Square made this trip a stand out experience for site consultant friends.



Photo: World of Whirlpool, Chicago, Illinois

In late September, the attraction team headed to Chicago to host 13 site decision influencers at Rural Society with a presentation by Chef Jose Garces as they fostered growing relationships. They found that like economic developers, site decision influencers like good food. And, the best way to hold their attention is over a meal such as this one!

The team then traveled to Cleveland in early October for the Industrial Asset Management Council (IAMC) Fall 2015 Professional Forum. While there, they held value-added meetings with 9 site decision influencers heralding Southwest Michigan locations.

The attraction team coordinated a panel with 4 nationally-known site consultants (Amy Gerber, Jeff Pappas, Woody Hydrick and Derith Jarvis) for over 650 economic developers and community leaders in sunny Florida as a part of the Gulf Power Economic Development Symposium in late October.

Two team members traveled to Dallas in November for a fall consultant connection event. The team was joined by 17 site consultants to discuss new industry trends and what data communities need to present to win more deals.

To close out the year, three team members traveled to Dallas to discuss current industry trends, future expectations and site trends from 2 leading consultants. The information that they gathered will surely keep the attraction team’s momentum going into 2016.

focusacceleration

SOUTHWEST MICHIGAN JOBS TOUR HITS THE ROAD

On Monday, April 20, the Southwest Michigan First Public Policy Committee led by Mark Jones and staffed by Derek Nofz hosted the Southwest Michigan Jobs Tour to educate more than 8 state legislators on the intricacies of bringing an economic development project to completion. Stops included in Kalamazoo County: the WMU Home Stryker M.D. School of Medicine, Midlink Business Park, Hark Orchids, Kaiser Aluminum, WMU Business Technology and Research Park and the Newell Rubbermaid Design Center; in Calhoun County: the WMU College of Aviation, Fort Custer Military Base and Marshall development properties; in Branch County: the Clemens Food Group site and Mastronardi Produce; and in St. Joseph County: Dresser Industrial Park and Burr Oak Tool.



crowdfunding platform Patronicity. The campaign supported the construction of the Kalamazoo Riverfront Garden & Launch, a mixed-use community space along the Kalamazoo River.

REGIONAL INTERNSHIPS STRATEGY LOOKS FOR REGIONAL PARTICIPATION

For those on the lookout for talent, it's no surprise that as a state, Michigan has experienced a "brain drain," the departure of early 20-somethings to cities like Chicago, Los Angeles and New York. Research proves that, although they leave, they're coming back to raise families and plant their roots in Southwest Michigan. With so many open full-time positions available in the region, we've developed a program to keep our talent here to fill them. Enter MIINTERNSHIP.com, a one-stop website and resource for employers and students to find and post internship, apprenticeship, fellowship and co-op positions throughout our region.



MIINTERNSHIP.com
POWERED BY SOUTHWEST MICHIGAN FIRST

BAD NEWS/GOOD NEWS FROM GEORGIA PACIFIC

In May, we learned that Georgia Pacific announced that it would be closing its Parchment facility at the end of 2015 to the plant's current 57 employees; this facility had as many as 300 employees in the early 2000s. The good news is that the facility is in fairly decent condition having been built in the late 90s which will be a welcome addition to our regional inventory. Our jobs team made contact with regional employers in need of workers with similar skillsets to help alleviate area families from potential hardships.



TWEET OPPORTUNITY WITH #JOBSFIRST

Southwest Michigan First engaged in a Twitter marketing strategy to promote For those Twitter users, we invite you to join in on our Jobs First Fridays. Tweet your hiring needs along with a complementary picture with the hashtag #jobsfirst to join in on Southwest Michigan First's regional jobs promotion campaign.



KALAMAZOO RIVERFRONT CROWDFUNDING CAMPAIGN LAUNCHED

At summer's start, the Michigan Economic Development Corporation (MEDC) and Arcadia Brewing Company announced a new crowdfunding campaign in Kalamazoo through Michigan-based



GROW BUSINESS IN EUROPE

Existing industry employers were invited in June to join Southwest Michigan First, the MEDC and IBT partners to transform their understanding of how to use the internet to support European business development objectives by targeting specific countries using websites and integrated marketing strategic metrics.



focusacceleration 2015

NEWELL RUBBERMAID DESIGN CENTER WINS TWO GREEN GLOBES

Congratulations to Byce & Associates, Inc. who, working with AVB, achieved a rating of Two Green Globes by the Green Building Initiative for Newell Rubbermaid's 40,000-square-foot Design Center! Built with sustainability and energy efficiency in mind, the state-of-the-art facility is the first Green Globes Certified Building in Southwest Michigan. This recognition is based on the Green Globes New Construction rating scale, which "demonstrates excellent progress in the reduction of environmental impacts and use of environmental efficiency practices."



LOCAL MANUFACTURING LEADER AWARDED TOP HONOR

The Michigan Manufacturers Association recently awarded Dave Maurer, vice president of operations and CFO of Humphrey Products, the 2015 John G. Thodis Michigan Manufacturer of the Year Award for a large tier company! The annual award recognizes manufacturers for their dedication to community service, issue advocacy and their role as a symbol of the positive work being done by the manufacturing industry. Dave has been an outstanding partner to Southwest Michigan First's Education Committee and has utilized his personal leadership skills and passion to brand the manufacturing industry as a career pathway for motivated and skilled young people.

Humphrey

SOUTHWEST MICHIGAN FIRST WEIGHS IN ON POLICY AT THE WHITE HOUSE

In August, Southwest Michigan First chief executive officer, Ron Kitchens, had the honor of participating in the White House Forum on Economic Development in Washington D.C.



SKILLED TRADES TRAINING FUND INFO SESSIONS OPEN TO EMPLOYERS

Southwest Michigan First partnered with Michigan Works! Southwest which includes the counties of Branch, Calhoun, Kalamazoo and St. Joseph, to host information sessions on the Skilled Trades Training Fund (STTF). All existing industry regional companies looking to enhance the skilled trades training of their teams were invited to learn about funding opportunities. Approximately \$15 million in available funding was available in the initial round of funding beginning October 1, 2015.



SOUTHWEST MICHIGAN BUSINESS ENERGY FORUM

How does energy impact your business? Southwest Michigan First, Cornerstone Alliance and MPI Research hosted the Southwest Michigan Business Energy Forum on October 7 at the KVCC

Groves Campus. Participants heard from industry experts on energy rates, types of generation, new technology and what's happening with increasing broadband connectivity in the region. Consumers Energy, Constellation Energy, Entergy and Indiana Michigan Power enthusiastically supported this event.



GRAPHIC PACKAGING DRIVES INTO A BRIGHT FUTURE

Graphic Packaging International – Mill, a leader in the packaging industry, acquired the former Checker Motors property to the north of its existing facility in Kalamazoo. As the company moves into Phase 2 of this effort, it will look to do a Brown-field clean up to allow for a possible future expansion.



focusacceleration 2015

AMERIFIRST HOME MORTGAGE RECOGNIZED FOR RAPID GROWTH

Congratulations to the team at AmeriFirst Home Mortgage for making the 2015 Inc. Magazine 500|5000 list! This list "ranks the nation's fastest-growing private companies each year, tracking growth from the previous three years."



and productively, and will continue to work with existing distributors in markets not represented by Sandvik.

KENCO LOGISTIC SERVICES CUTS THE RIBBON!

Congratulations to Kenco Logistic Services on its grand opening, tour and ribbon cutting celebration for its new 300,300-square-foot facility on Portage Road in November. As you may recall

from October 2014, this project invested \$12.4 million in the region and created 10 new jobs. This effort continues to be a growing collaboration between Stryker Medical and Kenco that will reap rewards for many years to come.



FABRI-KAL CUTS THE RIBBON ON ITS NEW IDAHO LOCATION

Kalamazoo-based Fabri-Kal cut the ribbon in October on its new manufacturing facility in Burley, Idaho! This multi-year, \$50 million project is beginning operations in a new 100,000-square-foot manufacturing facility and will employ approximately 50 people, with plans to add an additional 100 people in the next five years. The new facility expands the company's footprint in plastics thermoforming, will enable initiatives to add to the existing Greenware® product line and will further Fabri-Kal's mission to be a leading provider of sustainable packaging solutions.



GREENLEAF TRUST NAMED A TOP WORKPLACE BY FORTUNE MAGAZINE

Congratulations to the team at Greenleaf Trust for being named to the 2015 Best Small & Medium Workplaces list as published in *Fortune Magazine*! Greenleaf Trust was included in the list of 25 small U.S. businesses recognized for having an exceptional workplace culture.



**GREENLEAF
TRUST**

GETMAN CORPORATION SIGNS NEW GLOBAL DISTRIBUTION AGREEMENT

Congratulations to Getman Corporation on its global distribution agreement solidifying Sandvik Mining as the exclusive distributor of Getman products in most major mining markets. Sandvik Mining, based out of Amsterdam, Netherlands and part of Sandvik Group, is a leading global supplier of equipment, services and technical solutions for the mining industry. This agreement formalizes Sandvik as the exclusive distributor in markets where Sandvik is currently the Getman distributor as well as in those markets where Getman is unrepresented. Getman Corporation has over 60 years of experience delivering products that help underground miners work safely



regional accolades 2015

THRILLIST RANKS MICHIGAN AS BEST IN THE U.S.

Thrillist.com, the website known for lists of best food, drinks and more, decided it was time to rank every state from best to worst. Thrillist editors and reporters said they looked at each state's contributions to America, "so think inventions, food/drink, somewhat productive famous people, unique physical beauty, etc." And Michigan came in at No. 1! Thrillist cited Pure Michigan for things like Detroit as a rising underdog, the state's abundant coastline and its pot of gold, also known as beer brews, led by Bell's.



MONEYRATES PUTS MICHIGAN IN THE TOP TEN BEST STATES TO MAKE A LIVING



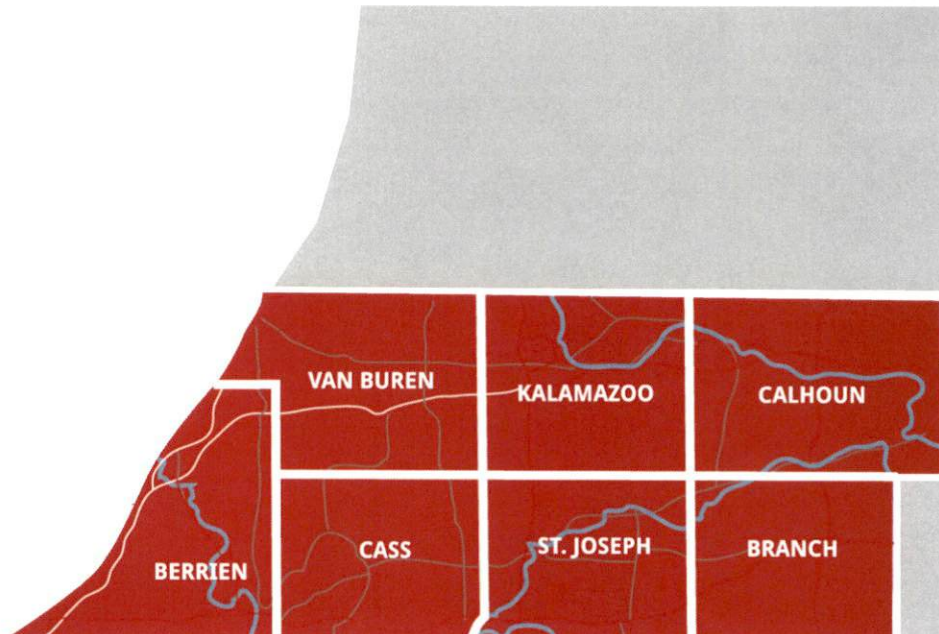
Whether you're looking for work or eager to advance your career, where you choose to live can make a real difference.

Job prospects are not equally rosy across America. Some states are booming, while others still struggle with high unemployment. Living costs and local taxation can vary widely, making a dollar earned here not the same as one earned there. With this in mind, MoneyRates.com evaluated several factors to determine where workers had the best shot at a healthy paycheck, a decent cost of living and safe workplaces. Drumroll please: Citing our great state for the bounce back of the auto industry and the drop in its unemployment rate, Michigan ranked #6 on the list!

1. Texas
2. Washington
3. Wyoming
4. Virginia
5. Illinois
6. Michigan
7. Colorado
8. Delaware
9. Ohio
10. Utah

KALAMAZOO IS THE PLACE TO BE FOR CREATIVES!

Kalamazoo ranked #3 in SmartAsset.com's Top Ten Cities for Creatives! The list was compiled based on cost of living compared to the concentration of creative workers in 176 of



the largest U.S. cities. With a low cost of living and a rich creative culture, Kalamazoo surpassed cities like Austin and Nashville as one of the top places to be for the working creative class!

NO NEED TO PACK YOUR BAGS OR GRAB YOUR PASSPORT

BuzzFeed, an American Internet news media company, named Kalamazoo to its list of 29 Cities All Twentysomethings Should Pick Up and Move To. Coming in at #14, look at where the location landed!



- | | |
|--------------------|--------------------------|
| 1. Kansas City, MO | 16. Washington, D.C. |
| 2. Seattle | 17. Cleveland |
| 3. Salt Lake City | 18. New York City |
| 4. Phoenix | 19. Portland, OR |
| 5. Raleigh, NC | 20. Atlanta |
| 6. Philadelphia | 21. Prague |
| 7. El Paso, TX | 22. London |
| 8. St. Louis | 23. Melbourne, Australia |
| 9. New Orleans | 24. Zurich |
| 10. Chicago | 25. Fukuoka, Japan |
| 11. Burlington, VT | 26. Budapest |
| 12. Baltimore | 27. Seoul, South Korea |
| 13. Nashville | 28. Montreal |
| 14. Kalamazoo, MI | 29. St. Petersburg |
| 15. Los Angeles | |

LAW GRADUATES SHOULD LOOK TO THE KALAMAZOO-PORTAGE MSA TO HANG THEIR SHINGLE

The data-science group GoodCall ranked the Kalamazoo-Portage, MI Metro Area the #46 place in the U.S. for law graduates looking to



launch their career. With the job climate being particularly difficult for law graduates over the past few years, GoodCall's team of analysts set out to determine which cities provide not only the best salary, but also the healthiest job market for law grads. Some of the metrics that earned Kalamazoo-Portage, MI Metro Area its #46 spot on the list include: a high average salary for lawyers, low cost of living, good amenities and a strong job climate for law graduates.

REGIONAL MSAs RANKED IN TOP 100 SMALL CITIES FOR MANUFACTURING JOBS



Newgeography.com used five measures of growth to rank the best Metropolitan Statistical Areas (MSAs) over the past 10 years. All 4 Southwest Michigan MSAs in made the Top 100 list for the 2015 Best Cities for Job Growth - Small Cities Manufacturing Jobs. "Small" areas were defined as having as many as 150,000 jobs. Overall, the group considered 421 MSAs. Here's how the regional MSAs ranked:

- #39 - Niles-Benton Harbor
- #51 - Kalamazoo-Portage
- #62 - Battle Creek
- #91 - South Bend-Mishawaka

The pursuit of
Southwest Michigan First's
internal and regional goals
requires a
consistently focused team effort.
Our keen understanding
of why
our organization exists and
what we must do
in order to achieve
our mission of jobs creation
allows us to remain
on task and
achieve results.

OUR WHY

The greatest force for
positive change is a job.



For more information, please contact:

Ron Kitchens, president & chief executive officer
241 East Michigan Avenue
Kalamazoo Michigan 49007
269.553.9588
www.southwestmichiganfirst.com

**BOARD OF EDUCATION
REGULAR BUSINESS MEETING MINUTES**

December 7, 2015

The regular business meeting of the Board of Education of the Portage Public Schools held on Monday, December 7, 2015, was called to order at 6:31 p.m. by President Van Antwerp in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed an audience of 10 people; all in attendance recited the Pledge of Allegiance.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn, Randy Van Antwerp and Joanne Willson

Board Members Absent: Celeste Shelton-Harris and Bo Snyder

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education approve the agenda as printed.

Motion carried unanimously.

REPORTS

First Quarter Focus School Reports – Northern High, North Middle and Woodland Elementary Schools. Mr. Larry Killips, Assistant Superintendent of Instruction and Assessment, briefed the Board on the first Focus School Reports for the 2015/16 school year highlighting supports that have been implemented at Woodland Elementary, North Middle and Northern High School. He responded to Trustee questions pertaining to future Focus Schools, student interventions and when schools are removed from this list.

Superintendent's Report. Superintendent Bielang stated there would not be a Financial Report at this meeting.

Superintendent Bielang summarized an update on the procurement of professional services related to the Bond. The completed work of the Educational Specifications Committee is being processed and will be presented by year end. The Superintendent noted H.J. Umbaugh & Associates will be the District's Financial Advisor; Miller, Canfield, Paddock and Stone will serve as Bond Counsel; and Stifel, Nicolaus and Company, Inc. (Stifel) as Bond Underwriters. A District Committee has reviewed the applications from six architectural firms, plans to conduct interviews this week in order to prepare a recommendation for Board approval at the December 15, 2015, Special Meeting. Next the Committee will review the five construction manager proposals and bring a recommendation to the Board in January 2016. Superintendent Bielang provided historical background on Owner's Representative services with past Bond projects and advocated exploring the same level of representation with a project of this scope. As the District partners with various firms to provide professional services, we will strive to continue with the same levels of engagement and transparency that have served us well to this point (similar cultures, philosophies and practices).

COMMENTS OR COMMUNICATIONS

President Van Antwerp opened the comments and communications portion of the meeting and asked if there were any citizens who would like to speak to the Board. Seeing no one come forward, President Van Antwerp opened the floor for Trustee comments.

Mr. Droppers informed the audience that three former Northern High School graduates now playing for Grand Valley University will compete in the NCAA Football Division II Semifinals. Grand Valley University plays Shepherd University of West Virginia this coming weekend.

Mrs. Willson commended District students and staff for their continued focus and support of local charities during this season of generosity.

On behalf of the Board, President Van Antwerp thanked Mrs. Sarah Baker, Community Relations Manager, for her work in the District and especially during the recent Bond campaign. President Van Antwerp offered condolences to the family of a former Trustee, Mr. Robert Goldacker.

President Van Antwerp noted the Board Policy Committee met on December 1 and further details will be presented in the Action and Discussion Items.

CONSENT AGENDA

President Van Antwerp presented the following Consent Agenda items for approval by the Board of Education: The minutes of the November 23, 2015, Regular Business Meeting, requesting a friendly amendment to his comment on page two of the minutes to read, "President Van Antwerp thanked staff for their support of those less fortunate this holiday season."

There being no objections, motion carried unanimously.

ACTION ITEMS

Motion offered by Mr. Droppers, seconded by Mrs. Willson, that the Board of Education approve the purchase of five (5-stock) 77 passenger regular buses, and one (1) lift bus from Holland Bus Company for a total of \$528,981.00. This purchase would come from the 2016 Bond Construction Fund. Funds would be advanced from the General Fund and then reimbursed from the 2016 Bond Construction Fund once the bonds are sold, as presented.

Mrs. Karla Colestock, Director of Finance, provided historical background information on bus replacement and the bids received. She and Mr. Mike Westbrook, Transportation Manager, responded to Trustee questions pertaining to bus types, engines and the replacement schedule.

Motion carried unanimously.

Motion offered by Mr. Rathburn, seconded by Mrs. Novaria, that the Board of Education approve an increase in compensation for the Superintendent in the amount of \$6,150 (3%) to be applied by year-end to the annuity provided by the District, as presented.

President Van Antwerp detailed this is the follow-up to the Superintendent's contract extension approved in August. He noted this is the first adjustment since Superintendent Bielang joined the District in 2013.

Motion carried unanimously.

DISCUSSION ITEMS

Central High School International Baccalaureate Trip to Denmark. Mr. Larry Killips, Assistant Superintendent of Instruction and Assessment, introduced Mr. Chuck Schira, Central High School Teacher. Mr. Schira provided background information on the Central High School International Baccalaureate Trip to Denmark from March 31 to April 13, 2016.

Recommendation for Resolution Making Declaration of Intent to Reimburse. Mrs. Karla Colestock briefed the Trustees on the Resolution of the Declaration of Intent for the 2016 Bond Construction Fund to reimburse the General Fund for expenditures incurred which are authorized under the approved ballot language. Mrs. Colestock noted this reimbursement will come from the 2016 Bond Construction Fund proceeds once the Bonds are sold. She responded to Trustee questions regarding splitting the Bond into two lots and what qualifies for reimbursement.

Professional Services for 2016 Bond Issue (Bond Counsel, Financial Advisors, and Underwriting Services). Superintendent Bielang provided background information the District has been utilizing for professional services related to the ballot proposals and the 2016 Bonds that will be issued: Bond Counsel – Miller, Canfield, Paddock and Stone; Financial Advisor – H.J. Umbaugh & Associates; and Managing Underwriter – Stifel, Nicolaus & Company, Inc.

Approval of Changes to Policy 3.9, Board Committee Structure. President Van Antwerp discussed the approval of new language for Policy 3.9, Board Committee Structure, to establish an Owner Linkage Committee. President Van Antwerp received consensus that the Board was comfortable moving this Discussion Item to an Action Item.

ACTION ITEMS

Motion offered by Mr. Droppers, seconded by Mr. Rathburn, that the Board of Education move the new language for Policy 3.9, Board Committee Structure to establish an Owner Linkage Committee to an Action Item.

Motion carried unanimously.

Motion offered by Mrs. Novaria, seconded by Mrs. Willson, that the Board of Education approve the new language for Policy 3.9, Board Committee Structure to establish an Owner Linkage Committee, as presented.

Motion carried unanimously.

DISCUSSION ITEM

Board Self-Evaluation. President Van Antwerp provided background on the review of Board Governance Policies (3.0 – 3.12); Board/Superintendent Connection Policies (4.0 – 4.5); and Bylaws individually as Discussion Items to be included in Work Study Agendas. President Van Antwerp received Board consensus to move forward, beginning in January 2016, to include one or two Policies as Discussion Items on Work Study Agendas.

There being no further business to come before the Board, the meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Edna Kent
Recording Secretary

**BOARD OF EDUCATION
SPECIAL MEETING MINUTES**

December 15, 2015

The special meeting of the Board of Education of the Portage Public Schools held on Tuesday, December 15, 2015, was called to order at 4:30 p.m. by President Van Antwerp in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed an audience of 12 people.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn (arrived at 4:33 p.m.), Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp and Joanne Willson

Board Members Absent: None

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mr. Droppers, seconded by Mrs. Novaria, that the Board of Education approve the agenda as printed.

Motion carried unanimously.

Superintendent Bielang welcomed representatives from c2ae and Stantec as well as the District's Purchasing Agent, Mrs. Karen Dentler. The Superintendent shared information about timelines of the bid process, the establishment of an Administrative Review Team to review proposals, and the criteria used by the Review Team to evaluate the proposals.

After interviewing two firms and conducting reference checks, the Review Team matched the needs of the District with what the Team believed to be the best-positioned firm relative to these issues:

- Complexity of the two campuses
- Site master planning
- Vehicular and pedestrian traffic flow
- Middle school expertise
- Local and national perspective and in-house services
- Depth of experience and expertise
- Collaboration with staff and community
- Fee structure

Assistant Superintendent of Operations, Mr. Ron Herron, was introduced to make additional comments and to introduce the recommended firm. Mr. Herron thanked the Board for allowing him to be a part of this project. He thanked the District review team that evaluated the proposals for their collaboration, time and commitment to process the data received in the architectural proposals. Mr. Herron echoed Superintendent Bielang's prior comments on the extreme complexity of the District projects.

The following representatives from c2ae and Stantec: Mr. Bob McGraw, Principal In Charge; Mr. Jim Chatas, Design Leader; Mr. Mike Baker, Project Manager; Mr. John Davids, Athletic Design Specialist; and Mr. Dennis Bekken, Project Manager, shared a presentation on team members, services, planning and similar projects. All responded to Trustee questions pertaining to incorporating recommendations

from the Facilities Planning Committee led by Dr. Bill DeJong, DeJong and Richter; engaging stakeholders, staff and the City of Portage; site limitations; traffic flow; needs versus wants; pricing advantages for multiple projects; the timeline; splitting the Bond; equity; and completion of projects. Trustees thanked c2ae and Stantec for their presentation and the Administration and District review team for their efforts.

ACTION ITEM

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education awards the Architectural Services contract to c2ae/Stantec and authorizes the Administration to finalize the contact terms and conditions in accordance with the submitted proposal and present the final agreement to the Board for Approval.

Motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 5:31 p.m.

Respectfully submitted,

Edna Kent
Recording Secretary

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting January 21, 2016

CALL TO ORDER: 6:30 p.m.

MEMBERS PRESENT: Diane Durian, Effie Kokkinos, Ray LaPoint, Elma (Pat) Maye, Nadeem Mirza, Edward Morgan, Fiorella Spalvieri, Amanda Woodin, and Lindy Nebiolo, Youth Representative

MEMBERS UNEXCUSED: Sandra Sheppard

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist and Vicki Georgeau, Director of Community Development

CITIZENS PRESENT: Martha Dahlinger and Thom Phillips

APPROVAL OF MINUTES: Morgan moved and Maye supported approval of the minutes as written. Motion passed 8-0.

NEW BUSINESS:

1. Public Hearing 2016-2020 Consolidated Plan – Needs Assessment – Community Development Director Georgeau: Wooden opened the public hearing Director Georgeau presented an overview of part 1 of the Needs Assessment for the 2016-2020 Consolidated Plan. Summary information provided included the purpose and requirements of the Consolidated Plan, the Annual Action Plan and Fair Housing Assessment components, the development process, and data used in the plan, such as American Community Survey (ACS) data generated by the Census Bureau and Comprehensive Affordability Housing Strategy (CHAS) data, which is special data tabulated by the Census Bureau for the U.S. Department of Housing and Urban Development (HUD) for Comprehensive Planning purposes. Georgeau noted the CHAS data utilized for the plan is generally 2007-2011 estimated data and is the most current available and required by HUD for the analysis. Detailed information was then provided regarding demographics, with specific information provided on low-moderate income households and neighborhoods, housing problems, housing cost burden and disproportionate needs for specified race and ethnic groups. Georgeau explained next steps in the plan process and recommended that the public hearing be adjourned so that part 2 of the Needs Assessment and the Market Analysis could be finalized (which has been delayed due to data problems with the HUD-required E Con Planning Suite software). Mirza requested clarification on the CHAS data and indicated 2007-2011 is old data and represents a time frame when there was a significant economic downturn. Georgeau agreed with Mirza's comment but noted that data that breaks down housing needs by income and type of households is not available through standard Census data and the HUD CHAS data is specifically required for the Consolidated Plan. Georgeau noted that city staff will attempt to use more current ACS data for comparison purposes to the older CHAS data where appropriate and available. Woodin asked which data is used to determine the city's CDBG entitlement grant. Georgeau indicated HUD uses population, poverty rates and age of housing data to determine the entitlement grant and for FY 2016-17, the data used will be 2009-2013 ACS data. Thom Phillips, of Michigan Habitat for Humanity and Portage resident, inquired as to when the Market Analysis would be available for public review and comment. Georgeau clarified that part 2 of the Needs Assessment and the Market Analysis will be included in the next Board agenda and presented at the February 4, 2016 meeting. Durian made a motion to close the public hearing and adjourn it to the February 4, 2016 meeting, Mirza supported. Motion passed 8-0.
2. Human/Public Service Grant – Memo Regarding Funding Summary Forms and Board Scoring - Woodin: A brief discussion occurred regarding scoring/ranking the applications. As not all Board members had completed their review, it was requested that scores be submitted to Money by Monday, January 28,

2016. LaPoint reiterated that the scores were used to help establish application ranking – which would be voted on at the next meeting. During the meeting in March, the Board would decide on applicant funding levels based on rank.

3. Kalamazoo Transit Authority LAC update - Maye: Maye indicated that the expanded bus services would begin in September including Sunday service and late night service on some routes. Ridership was down in November and December, which is typical, but overall ridership was up for 2015.

STATEMENT OF CITIZENS: Martha Dahlinger, member of the Environmental Board and Portage resident, stated that while Portage was a welcoming place, the bus system was not, due to the lack of shelters and bus stops in inconvenient locations. Ms. Dahlinger suggested that businesses become more involved in the bus routes, bus stop locations, and in erecting and maintaining shelters. Both staff and the Board provided information regarding the bus system including: additional bus shelters were planned countywide including two new ones in Portage; existing bus shelters were being brought into compliance with the American with Disabilities Act, and once that was completed then new shelters would again become a priority; that a bus would stop at any time along the bus route and not just at assigned bus stops; and that some businesses do clean garbage and otherwise help maintain bus stops and shelters. LaPoint added that the Board had previously discussed with Kalamazoo County Transit Authority (KCTA) Executive Director Sean McBride the option of bus shelter donations, and that donated shelters were reportedly problematic because KCTA had to budget for shelter upkeep and replacement. LaPoint stated that the Board would continue to work on bus routes, shelters, and increasing ridership with KCTA.

ADJOURNMENT: There being no further business of the Board, Maye moved and Kokkinos supported adjournment of the meeting at 7:35 p.m. Motion passed 8-0.

Respectfully Submitted,


Elizabeth Money,
Neighborhood Program Specialist

PLANNING COMMISSION

January 21, 2016

The City of Portage Planning Commission meeting of January 21, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 15 citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Dargitz (yes), Schimmel (yes), and Richmond (yes). A motion was offered by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the role excusing Commissioners Bosch, Somers and Felicijan. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the January 7, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street.
Mr. Forth summarized the preliminary staff report dated January 15, 2016 involving the Planning Commission expanded rezoning consideration of 480 Admiral Avenue, 6979 South Westnedge Avenue and 12 properties located along the east side of Dorset Street. Mr. Forth summarized previous Planning Commission discussions regarding this application that occurred on November 19th, December 3rd and December 17th and the decision to expand the consideration beyond the original request to rezone 480 Admiral Avenue. Mr. Forth then discussed the existing zoning, existing land use and Future Land Use Map designations for the 14 properties subject to the rezoning consideration, along with surrounding properties. Mr. Forth then summarized the preliminary analysis for the rezoning area and also referred the Commission to an email communication from Mr. Bryan Cederberg (612 Dorset Street) that was included in the final agenda packet.

Chairman Welch then opened the public hearing and the following citizens spoke in regard to the expanded rezoning consideration: 1) Mr. Greg Radd (Nederveld Associates, representing the applicant of the 480 Admiral rezoning request); 2) Mr. Rick Dueweke (606 Dorset); 3) Mrs. Alishia Cederberg (612

Dorset Street); 4) Mr. Bryan Cederberg (612 Dorset Street) and 5) Mr. Chad Scott (applicant/owner of 480 Admiral). Mr. Radd discussed the existing I-11/RM-1 zoning of 480 Admiral and the original request to rezone the property to R-1T in order to construct two duplexes along the northern portion. Mr. Radd restated the presence of wetlands and poor soils along the southern portion of the parcel and the intent to only develop the extreme northern portion of the property, at the east end of Cameo Avenue. Mr. Dueweke discussed the existing R-1T zoning of the seven Dorset Street lots and the previously submitted petition to rezone these lots to R-1A to reflect the historic single family detached residential development pattern. Mr. Dueweke also reviewed the Future Land Use Map designation of these Dorset Street lots and adjacent 480 Admiral Avenue parcel stated the R-1A zoning district is most consistent with the Future Land Use Map designation of Single-Family Detached Medium Density Residential. Ms. Cederberg discussed the existing zoning/land use arrangement along the east side of Dorset Street and stated that she believes the existing R-1T zoning is inconsistent with the established single family neighborhood. Ms. Cederberg discussed potential impacts associated with multiple family residential zoning and development and stated she supports rezoning the seven Dorset Street lots and 480 Admiral to R-1A. Mr. Cederberg read from his email communication provided to the Planning Commission in the final agenda packet and stated duplexes at the end of Cameo Avenue would change the character of the single family detached neighborhood. Mr. Cederberg stated development of the 480 Admiral Avenue parcel would eliminate the tree buffer adjacent the train tracks and would disrupt wildlife in the area. Mr. Cederberg discussed concerns and potential impacts associated with duplex development at the end of Cameo Avenue including increase traffic, speeding, devaluation of property values, trash, crime, etc. Mr. Cederberg stated he supports rezoning the seven Dorset lots and the 480 Admiral Avenue parcel from R-1T to R-1A consistent with the established single family detached neighborhood. Mr. Scott spoke in support of his original request to rezone 480 Admiral Avenue to R-1T and responded to citizen concerns regarding planned duplex development on the northern portion of the property. Mr. Scott indicated the duplexes would be approximately 1,600 square feet in size with three bedrooms and attached garages and rent for between \$1,200-\$1,400/month. Mr. Scott stated the duplexes would be constructed as condos and could be sold in the future. Mr. Scott indicated the duplexes would be occupied by families or young professionals and would be compatible with the existing neighborhood while enhancing adjacent property values.

After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Schimmel, to adjourn the public hearing for Rezoning Application #15/16-2, Admiral Avenue/Dorset Street, to the February 4, 2016 meeting. The motion was unanimously approved 6-0.

2. Final Report; Rezoning Application #15/16-3, 328 and 414 West Milham Avenue. Mr. West summarized the final staff report dated January 15, 2016 regarding a request to rezone the northern portions of 328 and 414 West Milham Avenue from R-1A, one family residential to OS-1, office service. Mr. West discussed the split zoning of the two properties and the historic use of the northern portions for office related parking. Mr. West reviewed the Comprehensive Plan and Future Land Use Map designations, the surrounding land use/zoning pattern and discussed the suitability of the existing R-1A zone and impacts of the proposed OS-1 zone. Mr. West stated staff was supportive of the proposed rezoning and the request was consistent with the Comprehensive Plan, Future Land Use Map and surrounding zoning/land use pattern and would eliminate the nonconforming status of the existing parking lots, while allowing for future office development/redevelopment flexibility and options.

Mr. Dan Jaqua (applicant/property owner) was present to support the rezoning application. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #15/16-3 be approved and the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414

West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service. The motion was unanimously approved 6-0.

3. Preliminary Report; Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue. Mr. Forth summarized the preliminary staff report dated January 15, 2016 regarding a request from Full Circle Communities to rezone 1521, 1603 and 1615 East Centre Avenue from OS-1, office service, RM-1, multiple family residential and R-1B, one family residential to PD, planned development. Mr. Forth discussed the two-step PD process involving the rezoning/tentative plan review and then the subsequent final/site plan review. Mr. Forth stated the PD rezoning would facilitate construction of 74 affordable apartment units within three buildings across the property. Mr. Forth discussed the historic district house and property located at 1521 East Centre Avenue and then summarized the proposed tentative plan design, layout and features and also discussed the one modification being requested from the mixture of housing type provision of the ordinance. Mr. Forth reviewed the preliminary analysis section of the report including the Comprehensive Plan/Future Land Use Plan designations and the suitability of the existing zoning and impacts of the proposed PD zoning.

Mr. Carl Kunda (applicant, Full Circle Communities) was present to support the rezoning application and explain the planned development project. Mr. Kunda stated that 1/3 of the units will be for residents with physical and sensory impairments and other special needs, and 1/3 of the units will be for households whose annual income is between 30-60% of the area median income. Mr. Kunda presented samples of building materials planned for the project and also explained the amount of needed off-street parking spaces in response to Commissioner Schimmel's inquiry.

The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Patterson, seconded by Commissioner Dargitz, to adjourn the public hearing for Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue, to the February 4, 2016 meeting. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

8:15 p.m. - The Commission took a short recess.

8:20 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2

NEW BUSINESS:

1. 2016-2026 DRAFT Capital Improvement Program. Mr. Forth discussed the modified Capital Improvement Program (CIP) process for this fiscal year that began in September 2015 with extensive public outreach, a CIP web page, an on-line citizen survey and a CIP Open House. Mr. Forth referred the Commission to the results of the on-line citizen survey which were included with the January 15, 2016 Department of Community Development staff report. Mr. Forth stated that over 80% of the citizens who completed the survey indicated support for directing capital funds toward Complete Streets and local street enhancement efforts. Mr. Forth then summarized the initial draft CIP document that included a Summary Table of projected revenues and expenditures over the 10-year period, Project Summary Tables that outline proposed projects by category, Project Funding Source Tables that outline funding sources by category and Project Profiles that summarize each proposed project. Mr. Forth stated a final draft of the 2016-2026 CIP

would be prepared and provided to the Commission in March for review and recommendation to City Council. The Commission and staff reviewed/discussed the initial draft document. The Commission had no additional comment at this time

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

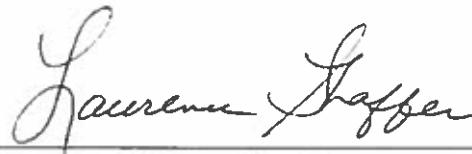
Christopher T. Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

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MATERIALS TRANSMITTED

Tuesday, January 26, 2016

1. Communication from the City Manager regarding Martin Luther King Jr. Drive Reconstruction Project – Resolution #3 (Agenda Item D1) – Information Only.
2. Communication from the City Manager regarding Safe Drinking Water in Portage – Information Only.
3. Communication from the City Manager regarding the Southwest Michigan Regional Target Market Analysis – Information Only
4. Communication from the City Manager to Portage Public Schools Superintendent, Mark Bielang regarding the extension of Constitution Boulevard – Information Only.



Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Martin Luther King Jr. Drive Reconstruction Project – Resolution #3 (Agenda Item D1)

Attached is a copy of an email communication provided by Councilmember Reid containing questions regarding the Martin Luther King, Jr. Drive Reconstruction Project – Resolution #3 (Agenda Item D1). In response to those questions, please find the following information.

In any other road reconstruction that was petitioned by the majority of the benefiting property owners we would be following the fee schedule approved in January, and levy the amount to each property owner based on their frontage in on the road (80 ft. max.). Any cost not covered by this levy would be covered by the City. In this case we are taking the total amount of the project, subtracting the \$250,000 that the developer is pledging toward the project and dividing the remainder among the benefiting property owners.

(1) Is there any legal issue with the city handling this project so differently than our stated policy for similar projects?

City Attorney Brown has been involved in planning and creation of this project. There are no legal issues prohibiting the city from establishing the special assessment district as provided. I wouldn't characterize this project as being so different than the City of Portage policy for similar projects, with the exception being that rather than having a city share, the developer is funding what would typically be the city share. The property owners are being assessed based upon the city council policy for assessment in that commercial property is assessed for the full road front footage. The remainder of the estimated project cost (\$250,000) is being borne by the developer per the approved development agreement.

(2) Will the property owners be levied based on fronting footage with 80 ft. max, or is there another mechanism involved? If we will be using a different mechanism, will there be any legal issue with the city handling this project differently than our stated policy for similar projects?

The city will be leveling the special assessment exactly in accordance with the ordinance. There is no "different mechanism" being deployed with the issuing of the special assessment roll. The properties are being assessed based upon the lot frontage on Martin Luther King, Jr. Drive. Commercial property is assessed based upon full front footage.

(3) If the project ends up costing over the estimated \$474,898, who pays the overage?

If the project exceeds \$474,898 in costs, the city would fund the overage. The current project construction estimate is \$425,000.

The fee being levied is levied at the 2015 special assessment rate, not the 2016 rate. As you may recall, this issue was brought to the Council at the December 15, 2015 City Council meeting to ensure that the amount levied to the property owners was at the 2015 commercial rate of \$88.70 per front foot and concrete drive approaches at \$1,960.00 each. This comports with past practice. Also attached is a chart that identifies the amounts that will be assessed to each of the individual property owners as a part of this project.

Thank you for your questions. I look forward to being able to answer any additional questions at the City Council meeting.

c: Rob Boulis, Deputy City Manager
W. Christopher Barnes, Director of Transportation & Utilities
William Furry, Finance Director

Attachments: Email Communication from Councilmember Reid dated January 24, 2016
Special Assessment Chart

Laurence Shaffer

From: Claudette Reid
Sent: Sunday, January 24, 2016 1:43 PM
To: Laurence Shaffer; Peter Strazdas
Cc: nasimhansari@yahoo.com; Nasim Ansari; Terry Urban; Patricia Randall; jimpearson4@gmail.com; Richard Ford
Subject: Question on Agenda for 1/26/16 meeting

Larry,

I will not be at the Pre Council meeting Monday at 9:00. I had one question; if you wish, it could be addressed with those who attend the meeting and then included in the minutes or a memo. Thanks!

Public Hearing 1. Communication from the City Manager recommending that City Council adopt Resolution No. 3 for the Martin Luther King Jr. Drive Reconstruction Project #998-R, directing the preparation of the special assessment roll.

Question: In any other road reconstruction that was petitioned by the majority of the benefiting property owners we would be following the fee schedule approved in January, and levy the amount to each property owner based on their frontage in on the road (80 ft. max.). Any cost not covered by this levy would be covered by the City. In this case we are taking the total amount of the project, subtracting the \$250,000 that the developer is pledging toward the project and dividing the remainder among the benefiting property owners.

(1) Is there any legal issue with the city handling this project so differently than our stated policy for similar projects?

(2) Will the property owners be levied based on fronting footage with 80 ft. max, or is there another mechanism involved? If we will be using a different mechanism, will there be any legal issue with the city handling this project differently than our stated policy for similar projects?

(3) If the project ends up costing over the estimated \$474,898, who pays the overage? (I think that this was asked before, but I do not remember the response.)

Best regards,
Claudette
Claudette Reid
Councilmember, City of Portage
claudette.reid@portagemi.gov
269-491-9725

Martin Luther King Drive Project - Constitution Blvd to Ring Road

Assessment District #998-R

Commercial Assessment Rate of \$88.70 per front foot plus concrete driveway @ \$1960.00

Owner	Street Address	Use	Zoning	Actual Frontage	Benefitting Frontage	Rate	Frontage Assessment	Driveway	Total Assessment	Estimated Annual Payment
VILLAGE GREEN PROPERTIES LTD	6601 CONSTITUTION (north)	VACANT	B-2	310.00	310.00	\$ 88.70	\$27,497.00		\$27,497.00	\$3,453.71
VILLAGE GREEN PROPERTIES LTD	6601 CONSTITUTION (south)	VACANT	RM-1	322.00	322.00	\$ 88.70	\$28,561.40		\$28,561.40	\$3,587.10
PORTAGE CENTER LTD PARTNERSHIP	879 MALL DR	VACANT-MENARDS	B-2	178.00	178.00	\$ 88.70	\$15,788.60	\$5,880.00	\$21,668.60	\$2,721.65
PORTAGE CENTER LTD PARTNERSHIP	6500 RING ROAD	VACANT	B-2	447.00	447.00	\$ 88.70	\$39,648.90		\$39,648.90	\$4,980.03
JACKSON ENTERTAINMENT, LLC	6600 RING ROAD	CINEMA	B-2	870.00	870.00	\$ 88.70	\$77,169.00	\$3,920.00	\$81,089.00	\$10,185.04
SIZZLIN FIVE, LLC	700 MARTIN LUTHER KING	BRANN'S	B-2	262.00	262.00	\$ 88.70	\$23,239.40		\$23,239.40	\$2,918.94
GENERAL GROWTH PROPERTIES LP	6650 S WESTNEDGE	MALL	B-2	36.00	36.00	\$ 88.70	\$3,193.20		\$3,193.20	\$401.08
7 Properties				2,425.00	2,425.00				224,897.50	
Total Estimated Project Cost										\$ 474,898.00
Special Assessment Share										\$ 224,897.50
M.C. Wiener Share at large										\$ 250,000.50

Last Updated 11/8/15



PORTAGE

A Natural Place to Move

MATERIALS TRANSMITTED
JANUARY 26, 2016

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Safe Drinking Water in Portage – Information Only

With the focus of the country on the State of Michigan and the ongoing water crisis in Flint, Michigan, it is understandable that the public is concerned with the safety of their drinking water and wary of its government's ability to protect the public. Therefore, the City of Portage has developed steps to assure Portage water customers that Portage water continues to be safe to drink, meets or exceeds all state and federal quality requirements and poses no risk to Portage residents or their children. Importantly, the City of Portage utility infrastructure contains no lead services, which is a key factor, along with corrosive water, to the crisis now occurring in Flint.

The City of Portage will:

1. **Continue to offer and publicize free copper and lead testing to Portage water customers and residents.** Lead, no longer used in the construction of utility systems or in plumbing components, is not likely to be present in the vast majority of Portage drinking water. However, the potential exists that an older home (pre-1980s) having plumbing components constructed of lead or with lead solder may produce tangible levels of lead. Portage residents with water quality concerns can simply phone the Department of Transportation & Utilities at 329-4422 to request a copper and lead test at no charge.
2. **Make efforts to double the number of testing sites involved in the triennial lead and copper testing program required by the federal and state Safe Drinking Water Acts.** The Act requires the City of Portage to test water from 30 sites for lead and copper; the city will endeavor to increase the number of sites tested to 60. This will require the willingness of 30 additional eligible water customers to have their water tested every three years.
3. **Host two public open houses at the Garden Lane Water Treatment Facility, including tours of the plants and educational displays.** Dates for the open houses are currently being considered, with one planned for a Saturday in late March and the second on a Saturday in late April.
4. **Develop a City of Portage Water System Fact Sheet regarding lead and water.** The fact sheet will include an overview of the Portage water system, testing requirements and results, FAQ's and Transportation & Utilities / Suez Environmental (United Water) contact information. The fact sheet will be displayed on the City of Portage website and provided to Suez Environmental employees in the field for distribution to residents with questions.
5. **Prepare an additional *Portager* article for the March newsletter.** The article will assure the public that Portage water is safe to drink, meets or exceeds all state and federal quality requirements and poses no risk to Portage residents or their children and that the City of Portage utility infrastructure contains no lead pipes. The article will convey that city employees and employees of Suez Environmental are knowledgeable, confident and trust worthy and work to protect the public from contaminants or harmful materials

entering Portage drinking water. The article will also publicize the free copper and lead testing program and the two public open houses planned for March and April.

6. Collaborate with the City of Kalamazoo to issue a joint news release to the media to convey facts about the water systems and assure water consumers that their water is safe to drink.

Beginning with the attached November 2015 *Portager* article and persisting with these steps listed above, the City Administration will continue to communicate the ability of the City of Portage to provide clean, safe water and protect its residents from a water crisis like that in Flint.

- c: Rob Boulis, Deputy City Manager
W. Christopher Barnes, Director of Transportation & Utilities

Lead In Drinking Water – Can It Happen In Portage?

Recent events concerning the Flint, Michigan public water system may have you asking if that scenario can happen here in Portage. In Flint, water samples were found to have abnormally high levels of lead. The lead was not a by-product of the surface water source, the Flint water, but rather the result of corrosive source water leaching lead out of the water service lines.

The water source for the Portage water utility is groundwater from the Kalamazoo-Portage and Schoolcraft aquifers, water bearing formations beneath the surface of the earth that consist of sand and gravel deposited by glacial activity. The city water system uses 20 groundwater wells with pumping capacities ranging from 330 to 3,700 gallons per minute. The water is treated with chlorine, fluoride and phosphate and is closely monitored by the city to ensure that a high level of quality and safety is maintained.

The chemical composition of surface water and ground water differ greatly.

Unlike surface water, ground water is free from pathogenic organisms, such as salmonella and malaria, and contains more minerals. Surface water contains different contaminants like pesticides, animal wastes, insecticides, algae, industrial wastes and other organic materials.

Lead in drinking water is primarily derived from materials and

components associated with service lines and plumbing. Unlike in Flint, the City of Portage water system is not comprised of any lead water service lines; however, materials used in plumbing components within private homes may contain lead. If you believe

you have lead pipes or components, flush the tap for 30 seconds to two minutes before using the water for drinking or cooking to minimize the potential for lead exposure.

United Water (operator of the city sewer & water utilities) routinely monitors for constituents/substances in the drinking water according to Federal and State laws. The results of monitoring efforts can be viewed in the Annual Drinking Water report at www.portagemi.gov/FilesCustom/html/Editor/files/transportation/15wqr.pdf.

Information on lead in drinking water, testing methods and steps to minimize exposure is available from the Safe Drinking Water Hotline at 800-426-4791 or online at www.epa.gov/safewater/lead.





PORTAGE

A Natural Place to Move

MATERIALS TRANSMITTED
JANUARY 26, 2015

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Southwest Michigan Regional Target Market Analysis

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

The following information is provided in regard to Councilwoman Reid's inquiry regarding the City Centre Area Target Market Analysis (TMA):

1. The City of Portage is participating in a regional housing TMA, which is being facilitated by Kinexus, and completed by Land Use USA.
2. The following communities are participating in this regional housing TMA:

Branch County Economic Growth Alliance
City of Allegan
City of Coldwater
City of New Buffalo
City of Portage
City of Sturgis
Lake Township
Village of Bridgman
Village of Quincy

Bridgman CGA
City of Benton Harbor
City of Marshall
City of Niles
City of St. Joe
Indiana/Michigan Power
New Buffalo Township
Village of Paw Paw

3. The total cost of the regional housing TMA is \$100,000. The City of Portage share of the study is \$5,000. The study is paid for by a combination of community contributions and a grant awarded by MSHDA to Kinexus (acting as the fiduciary). Attached is the scope of work for the project.
4. There is no formal partnership between the City of Portage and City Centre Area property owners with the regional housing TMA. However, the city has invited all property owners within the City Centre Area to participate in the study process. All attendees of the March 2015 planning meeting were invited to the December 8, 2015 TMA Tutorial meeting. Also invited were the Planning Commission and area developers and realtors. It is understood City Council was also informed of this meeting as well. Attached is the information provided at the December 8th TMA Tutorial meeting.
5. The following timeline, provided last week from Kinexus, is provided with regard to current activities and next steps for the regional housing TMA:
 - Phone interviews with key stakeholders in the partner cities and villages (Land Use USA will be calling upon attendees of the December 8th TMA meeting).

- Qualitative Market Assessments, including demographic tables, aerial photos, lists of investment opportunities, and narrative composition.
 - Collection of data that will be used to complete the TMA model and analytic process.
 - Setting up the model that will be used to determine the market potential by county, city, and village.
 - Composition of a narrative that will include a) Advisory Report; and b) Methods Book that explains the work process and key terminology.
 - Highly preliminary and interim work products should be ready to share at the end of February.
6. The final/ultimate deadline to complete the regional housing TMA is June 30, 2016. Once the above bulleted steps are completed, a draft report should be provided in the spring 2016. At that time, it is city staff's intention to host a meeting (hopefully with Land Use USA present) to provide an overview of the draft report.

Attachments: TMA Scope of Work
December 8, 2015 TMA Tutorial Meeting Information

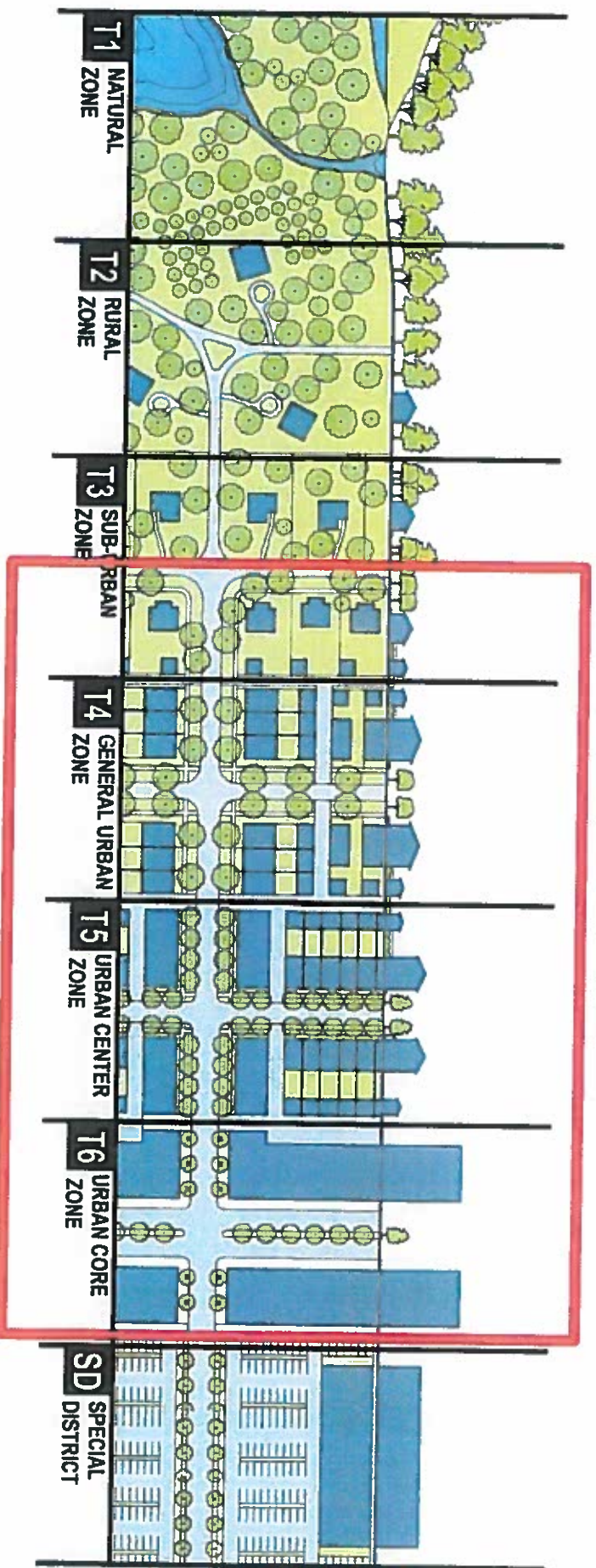


Target Market Analysis – Urban Focus

DOWNTOWNS, URBAN DISTRICTS, CORRIDORS

Downtown + Street Grid + Compact + Sense of Place

Follows the place types of the Urban Transect





71 Lifestyle Clusters (Nationwide)

A	Family 4.3%	28	American Royalty	120%
		29	Patinum Prosperity	91%
		30	Kids and Cadetnet	70%
		31	Picture Perfect Families	79%
		32	Couples with Cool	70%
B	Family 4.3%	33	Jet Set Urbanites	67%
		34	Generational Soup	109%
		35	Babies and Bliss	136%
		36	Family Fun-tastic	0.96%
		37	Coastopolitan Achievers	0.82%
C	Family 4.3%	38	Aging of Aquarius	2.85%
		39	Golf Carts and Gourmets	37%
		40	Shaw Sophisticates	1.84%
		41	Boomers and Boomcravings	1.40%
		42	Sports Utility Families	1.59%
D	Family 4.3%	43	Settled in Suburbia	80%
		44	Col de Sac Diversity	77%
		45	Suburban Attainment	1.74%
		46	Full Pockets, Empty Nests	1.48%
		47	No Place Like Home	2.99%
E	Family 4.3%	48	Unspoiled Splendor	2.65%
		49	Fast Track Couples	1.92%
		50	Families Make Most	1.31%
		51	Status Seeking Singles	1.24%
		52	Urban Edge	1.21%
F	Family 4.3%	53	Progressive Polipoint	1.22%
		54	Bikes, Bikes and Bikes	1.18%
		55	Everyday Modesties	73%
		56	Destination Recreation	77%
		57	Stuck in the Style Parls	1.40%
G	Family 4.3%	58	Blue Collar Comfort	1.16%
		59	Shepherd Conventionalists	1.07%
		60	Balance and Harmony	1.09%
		61	Aging in Place	2.64%
		62	Rural Escape	2.88%
H	Family 4.3%	63	Settled and Sensible	1.83%
		64	Wined for Success	0.89%
		65	Golfing Blend	1.18%
		66	Metro Fusion	.49%
		67	Bohemian Genome	2.06%
I	Family 4.3%	68	Booming and Consuming	.99%
		69	Rooted Power Power	3.10%
		70	Homenade Happiness	2.27%
		71	Red, White and Grubgrass	1.19%
		72	Diapers and Debit Cards	1.43%
J	Family 4.3%	73	True Girl Americans	1.47%
		74	Countrified Pragmatists	1.16%
		75	Rural Southern Bliss	1.32%
		76	Touch of Tradition	.89%
		77	Full Steam Ahead	.58%
K	Family 4.3%	78	Digital Dependents	3.27%
		79	Urban Ambition	1.21%
		80	College and Career	.81%
		81	Stirring Single Scene	2.14%
		82	Family Troopers	1.81%
L	Family 4.3%	83	Mid-scale Masley	1.10%
		84	Modest Metro Means	.82%
		85	Heritage Heights	.59%
		86	Expanding Horizons	1.22%
		87	Shining Forward	.94%
M	Family 4.3%	88	Humble Beginnings	.52%
		89	Reaping Rewards	1.81%
		90	Foodies and Family Free	.49%
		91	Tom Eaters	.48%
		92	Senior Discount	2.09%
N	Family 4.3%	93	Drive to Dream	1.89%
		94	Hope for Tomorrow	1.24%
		95	Small Town Shallow Pockets	1.35%
		96	Urban Survivors	1.62%
		97	Tight Money	.28%
O	Family 4.3%	98	Tough Times	.84%
		99		
		100		
		101		
		102		
P	Family 4.3%	103		
		104		
		105		
		106		
		107		
Q	Family 4.3%	108		
		109		
		110		
		111		
		112		
R	Family 4.3%	113		
		114		
		115		
		116		
		117		
S	Family 4.3%	118		
		119		
		120		
		121		
		122		

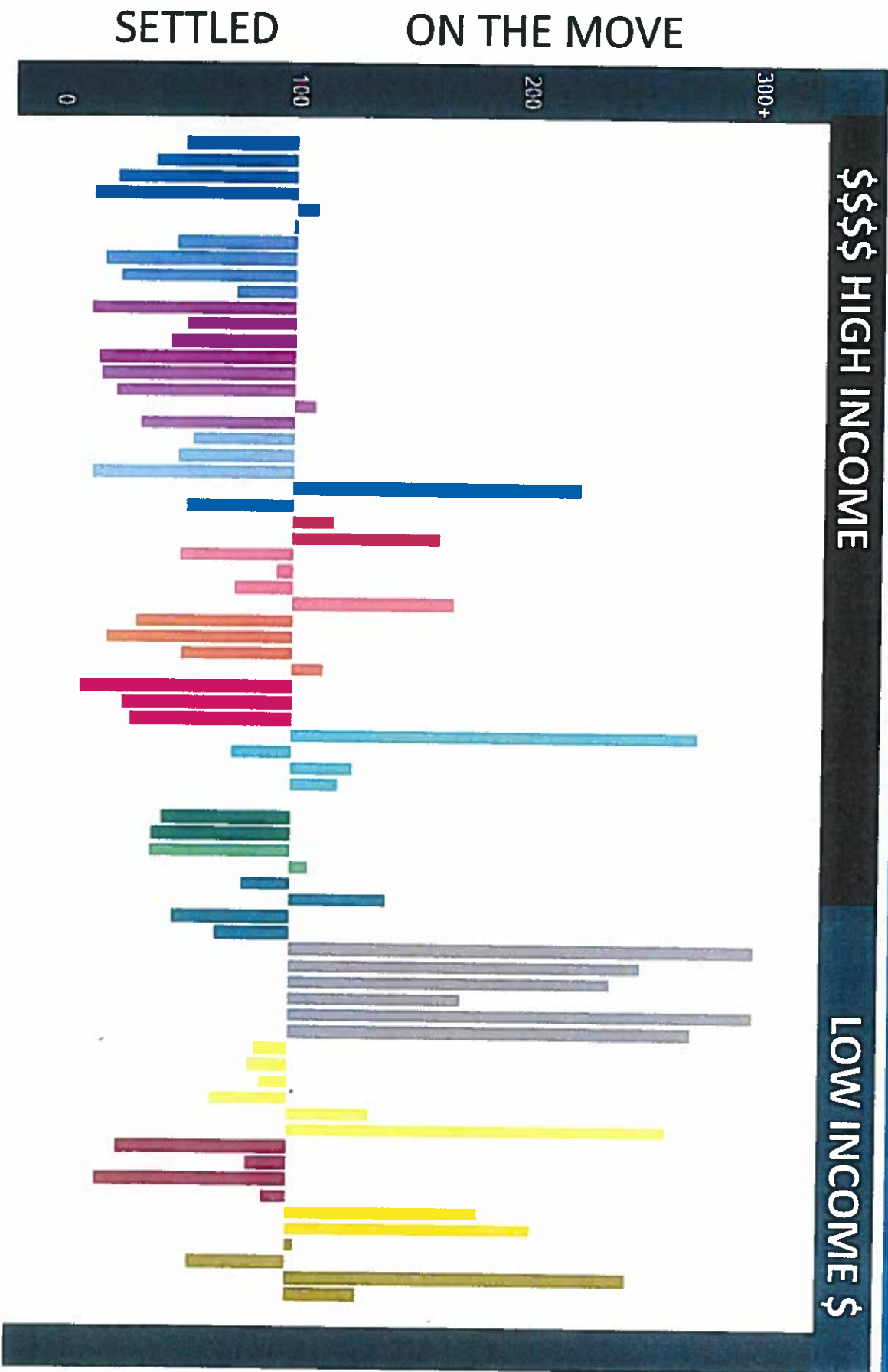


Urbanicity | Rural to Urban





Movership Rates

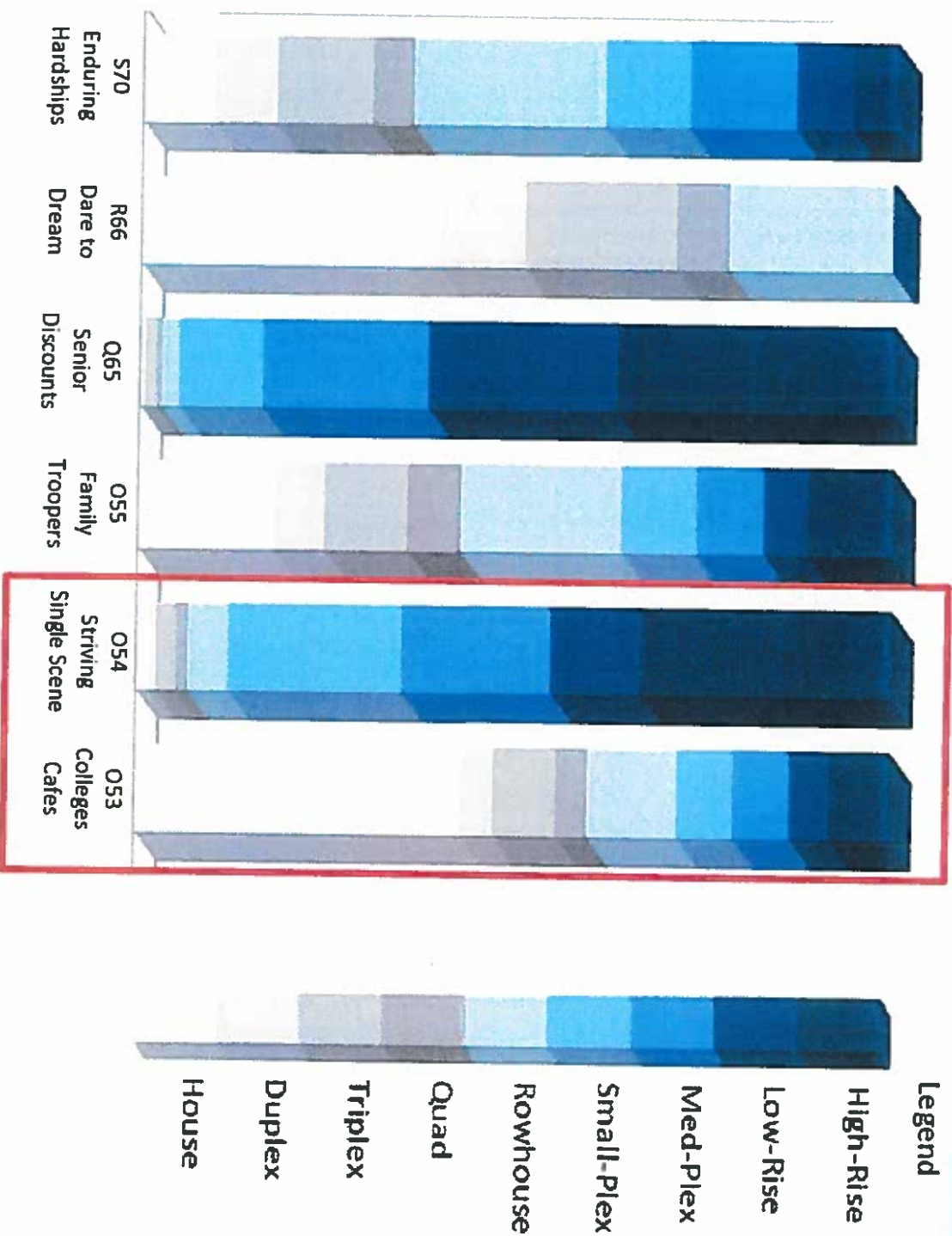


LOW INCOME \$





What Building Formats Do They Want? (Primary Target Markets)





www.MissingMiddleHousing.com

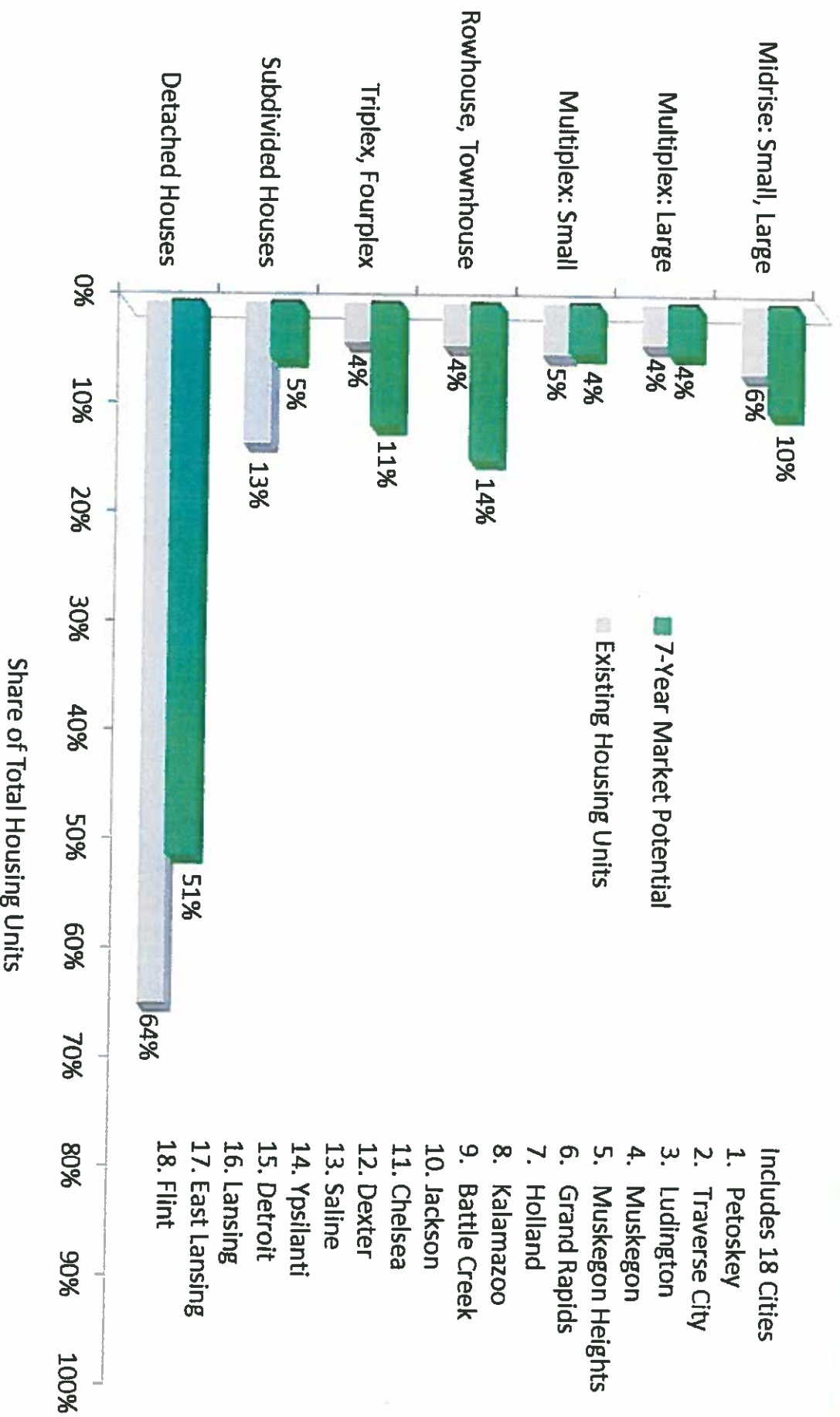
Duplexes, triplexes, fourplexes, townhouses, other multiplexes, row houses, townhouses, condominiums, mid-rises, flats / lofts.

(And unit sizes in square feet, \$ contract rents, \$ home values)





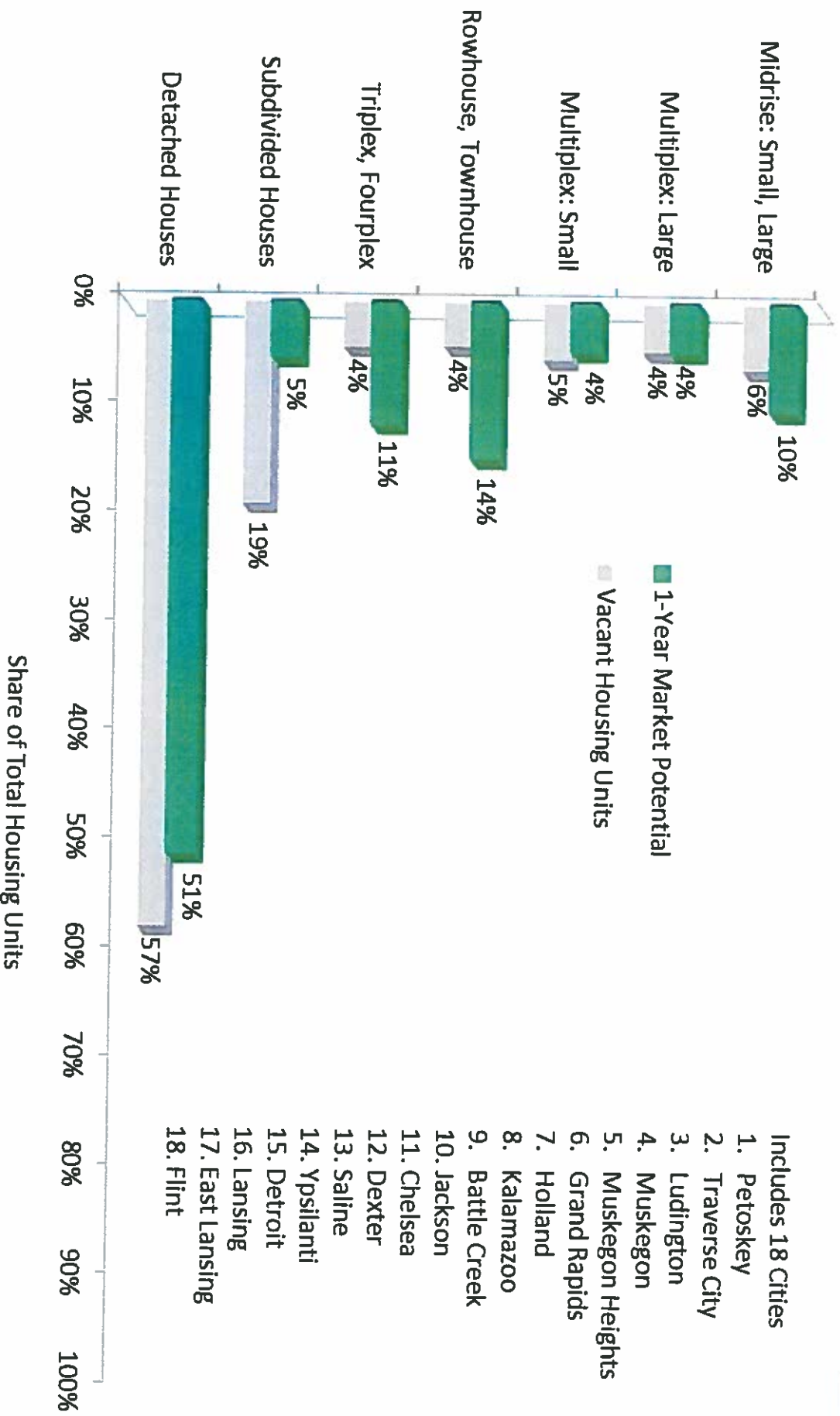
18 Cities in Michigan Market Potential v. Existing Units





18 Cities in Michigan

Market Potential v. Vacant Units



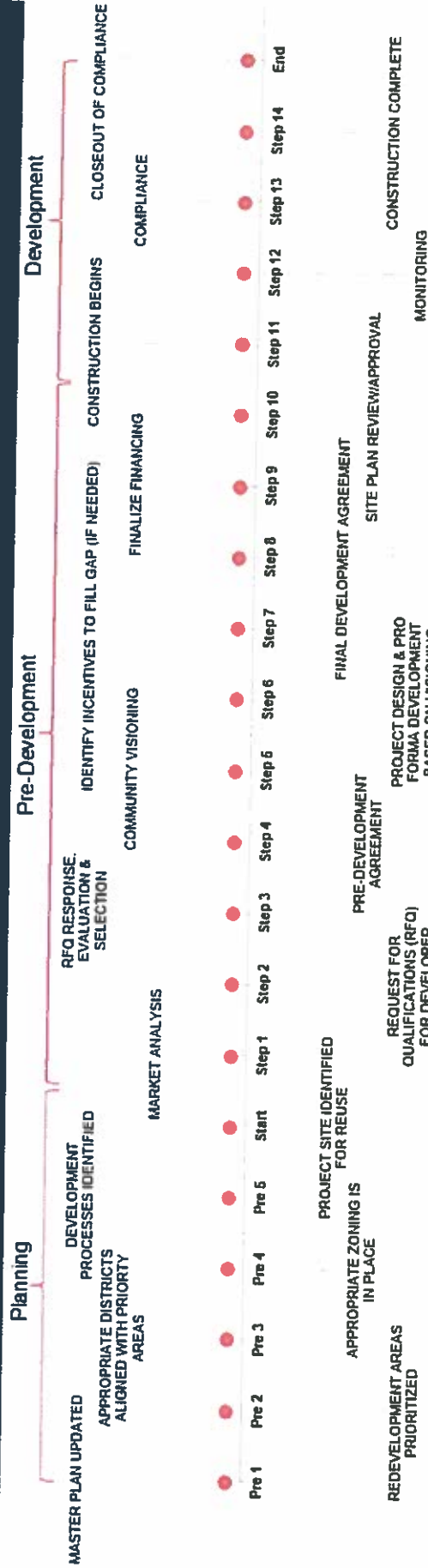


Communities to invest in. Communities to grow in.

Development Task-line

Municipal-Led Placemaking Project

Task Line





Downtown St. Joseph – Fall 2014 (original photo by LandUse | USA)

Southwest Michigan Regional TMA Target Market Analysis

MSHDA-Certified
TMA Consultant:



MSHDA-Approved
TMA Subcontractor:



Addendum I

Team Introduction

On behalf of LandUse|USA, we would like to thank you for the opportunity to present this scope of work for development of a Target Market Analysis for Kinexus and the Southwest Michigan Region (part of the Michigan Prosperity Region 8). LandUse|USA is a Limited Liability Company based in the Greater Lansing Area, within 2 hours driving time to your communities. Our firm specializes in Target Market Analysis, as well as downtown market strategies and land use economics. LandUse|USA was founded in 2008 by Sharon M. Woods, who has 25 years of applied and professional experience in the market research and analysis industry.

We are also introducing our MSHDA-approved subcontractors, Ms. Ryan E. Griffith of Home Growing Design, who is currently the only MSHDA-approved subcontractor authorized to assist with Target Market Analyses under the Place-based Planning Program. The project manager and TMA Team Leader will be Sharon Woods; and Ryan would assist with the data analysis and market research.

The TMA Team - Organization and Contact Information

Project Manager, Team Leader
Sharon M. Woods, MA, CRE
LandUse|USA, LLC
Greater Lansing Area, MI
sharonwoods@landuseusa.com
(517) 290-5531 direct



TMA Consultant
Ryan E. Griffith, MA, CFM
Growing Home Design
Grand Rapids, MI



Project Objectives

We understand that the purpose of the TMA for Southwest Michigan will be to provide housing-related information that is specific and applicable to each city, village and county, as well as local community and economic development organizations. It is also intended to capture community development information that will support:

- Improve stability and density of the urban and rural areas
- Increase the number of employer and jobs
- Increase economic activity for Southwest Michigan
- Create vibrant and walkable communities

Assuming that we are invited to complete this 6-county TMA for Southwest Michigan, we will help you work toward these three core objective:

- (1) The TMA will identify the market potential for newly introduced or existing market-rate housing units to be leased or sold, as well as the need for affordable housing in each county, city, and village in the region.
- (2) The TMA will provide a foundation for regional partners to begin to more effectively work together on community development. The work will serve as a platform for stakeholders to work toward mutual goals that align with Michigan's Placemaking principles.
- (3) The TMA will serve as a "platform" for future public/private collaborative ventures, leading to focused community investment and sustainable development across the region.

Methodology and Approach

The study area for this Target Market Analysis will include 6 counties, a minimum of 12 cities, and a minimum of 1 village, which are all contributing toward the study fund and collaborating on the initiative. The following list shows all of the geographies contributing to the study, and they will all be detailed in results. Note: Additional cities and villages may be added at LandUse|USA's discretion.

The 6-County Study Area Southwest Michigan Regional TMA

Berrien County	The City of Benton Harbor The City of St. Joseph The City of Niles The City of Bridgman Lake Charter Township The City of New Buffalo New Buffalo Township
Kalamazoo County	The City of Portage
St. Joseph County	The City of Sturgis
Branch County	The City of Coldwater The City of Bronson The City of Quincy The City of Union City
Allegan County	The City of Allegan
Van Buren County	The Village of Paw Paw

The Target Market Analysis for Southwest Michigan will follow industry-accepted methodologies, and the narrative report will include an explanation of the work approach plus a list of key terminology. Our attached qualifications include an excerpt from a Special Edition on Placemaking by the Michigan Association of Planning (see Section B). Also attached is a list of the key terminology that will be referenced throughout the work and project.

Stakeholder Engagement

There are several specific ways that we will seek direct assistance from the Kinexus, your partner counties, and community ambassadors, and other key stakeholders. These are described in the items listed below:

- 1) *Steering Committee* – If you have not already done so, you may want to create a project steering committee with a designated chairperson. Members of steering committees are typically asked to:
 - Attend a project kick-off meeting that includes a tutorial on the TMA approach.
 - Provide local resources or contacts that might influence the study and results for their respective counties and local markets.
 - Attend at least one session to review the draft study results and work products.
 - Read the TMA study and provide questions and/or comments back to the chair.
- 2) *Meeting Arrangements* – We also ask that you provide a conference room or other meeting space that can be used for at meetings between the steering committee and our consulting team. We ask that you make the invitations to your steering committee members and any other stakeholders that you would like to participate in each meeting and/or session.
- 3) *TMA Tutorial and Stakeholder Meeting* – We will ask that you invite your steering committee to participate in a 2-hour stakeholder meeting for the following purposes:
 - a. Provide a 1-hour TMA Tutorial that explains our work approach, methodology, and terminology.
 - b. Review the project goals and objectives, process, and timeline.
 - c. Ask stakeholder to complete a survey and prepare lists of local investment opportunities and local housing choices among Missing Middle Formats.
 - d. Gather contact information on local stakeholders, including phone numbers.
 - e. Address any related questions that may have surfaced since our initial proposal dated June 22, 2015.
- 4) *Review of Prior Studies* – We will ask the steering committee members to provide copies of documents that they believe could have a direct bearing on the outcome of our work. These could include city master plans, downtown and corridor studies, developer proposals for specific projects, community, and etcetera. Website links, .pdf electronic copies, or hardcopies would all be acceptable formats, and may be emailed to Ryan E. Griffith of Growing Home Design (growinghomedesign@gmail.com).

- 5) *Field Work* – LandUse|USA will conduct independent field work in the collaborating cities and communities, and we might contact a few of the local stakeholders and city ambassadors to participate in some market tours. These tours will be facilitated and conducted by Ryan E. Griffith of Growing Home Design. The vast majority of this field work will be conducted independently, and depending on the weather they might be take place intermittently this fall, over the Christmas Holiday, and in early Spring 2016. We will be taking photographs during those tours, and will be focusing on your downtown districts.
- 6) *Other Data Collection* – With the exception of prior studies, community plans and reports, and lists of local investment opportunities, all other data collection will be completed independently by our consulting team. We will not require your assistance with collecting data for the analysis.
- 7) *Interim Phone Conference* – Upon completion of the draft and interim work products, we will request a webmail phone conference with key stakeholders of your steering committee to discuss the results. After the phone conference, the committee members should also be prepared to spend at least 4 hours reviewing the interim study results. We will coordinate a JoinMe account that stakeholders can call into to join the meeting remotely.
- 8) *TMA Study Groups* – The request for proposals for this project requests presentation of the TMA report individually at the village, city, and county level. With 6 counties, 9 cities, and 1 village, this implies a total of 16 presentations, which would be logistically challenging.

Instead, we will facilitate one round-table Study Group with your steering committee as a group, plus any special guests that you might choose to invite. This will be immediately followed by two (2) additional Study Groups at the sub-regional level, and at locations of your choosing. All 3 Study Groups will take place over the span of 2 consecutive days, and we will ask for your help in making arrangements and inviting the participants. These Study Groups will probably take place in April or May of 2016.

At the Study Groups we will distribute 20+ page bound handouts that summarize the results for each of ties, cities, and villages in each respective region. We will provide one hand-out per participant, and are assuming that there would be about 30 participants in each of the forums. To manage the number of copies and hand-outs, we will ask that you help us estimate a head-count among participants, by county and region.

- 9) *Alternative Power Point Presentation* – If you prefer, we can replace the round-table forums with a more formal presentation format. We would prepare one PowerPoint presentation with 45 to 60 slides, and would present it at a committee meeting plus each of 2 public gatherings, with time for questions and answers.

We find that most stakeholders prefer the round-table forums because: a) they are less formal and more socially interactive; b) they are more conducive for public input, questions, and discussion; c) attendees are given hand-outs that are easier to read than slide shows; and d) the attendees keep the hand-outs after the session.

<i>Summary of Meetings</i>	<i>Location</i>	<i>Meeting Objectives</i>
Initial Meeting	Southwest Michigan	TMA Tutorial and Surveys
Interim Review Session	- phone conference -	Draft and Interim Workbook
TMA Study Groups	Southwest Michigan	Stakeholder Discussion (includes hand-outs)
<i>Alternative to the Forums:</i>		
PowerPoint Presentation	Southwest Michigan	Presentation, Q & A (excludes hand-outs)

10) *Additional Presentations* – If you would still like additional meetings at the individual city and village level, then we will be available to make those arrangements. Additional fees would apply to cover our professional time for: a) preparing PowerPoints and/or hand-outs, b) rehearsing the materials, c) travel time, d) presentation time, and e) stakeholder discussions afterward.

11) *Developer Consultation* – Developers will be encouraged to use the TMA as a platform for securing financing and implementing real projects within your cities and villages. We will be available anytime in the future (without a time limit) to discuss the TMA results with your private-sector developers, land owners, investors, and lending community; and to explain how they can use the TMA results to help make projects happen.

Scope of Work, Deliverables

The Request for Proposals submitted for this project closely aligns with MSHDA guidelines for Target Market Analyses in the State of Michigan. For the sake of simplicity, we are repeating the project guidelines verbatim in this section of our work scope. In addition, we hereby commit to you and to MSHDA that we will meet all of the following requirements in completing a regional Target Market Analysis for 6 Counties in the Southwest Michigan Region.

The completed Target Market Analysis and deliverables will address and include the following components:

1) Executive Summary

- a) Will include (in a succinct format) the basic findings of the analysis, including
 - i) Type and number of units that could be developed under the placemaking approach
 - ii) The locations where this type of development should see maximum success
 - iii) Amenities floor plans, and building types to include
 - iv) The size and composition of the target market for projects like this
 - v) An estimate of the absorption rate and period
 - vi) Any major impediments to this type of development that can be described.

2) Description of the Study Area

- a) A map of the study area will be included, showing major transportation routes, important places, neighborhoods, and other basic geographic information.
- b) Current population and household counts will be noted, and five year estimates will be made. A description of the pattern of population and household change since the 2010 Census.
- c) Current employment figures, as well as a breakdown of industries and occupations in the area, will be presented.

2) Description of the Study Area (continued)

- d) Current housing conditions will be presented as well, describing:
 - i) The mix of owner and renter households in the area
 - ii) A description of building types in the area currently
 - iii) Contract rents being received in the market by existing projects
 - iv) Amenities on offer from existing projects
 - v) Vacancy rates from existing projects
 - vi) Prices for for-sale housing on offer in the area
 - vii) Amenities included in for-sale housing in the area
 - viii) A map showing the locations of rental housing projects in the study area
 - ix) A map showing recent sales of single-family housing in the area

3) Placemaking Issues

- a) Will include a listing and description of the placemaking attributes and amenities in the study area will be provided.
- b) Will include a description of the successes of these efforts in increasing the population or economic activity in the area (increased commercial occupancy rates, more foot traffic, recent housing construction, etc.) will be provided.
- c) Will include a description of the study area in terms of transportation networks and linkages will be provided, describing:
 - i) Major transportation corridors, and development efforts around them
 - ii) Locations in the study area that exhibit high levels of walkability or "bikability";
 - iii) Existing public transportation opportunities

4) Target Market Analysis

- a) Given the information in the previous sections, the target market will be determined for projects that are built upon placemaking principles. The following items will be included in this section:
 - i) A discussion of commuting and migration patterns into and out of the study area
 - ii) A description of the likely types of households that would be attracted to housing development along placemaking principles, in terms of their demographics, employment profile, economic situation, and housing preferences
 - iii) A defensible tie between migration patterns and the size of the in-migrating target market.
- b) A "Gap Analysis" will be included with following:
 - i) Given the estimate of the target market and the description of current housing conditions, determination of how much new product (again developed along placemaking principles) that will be demanded by the target markets.
 - ii) Estimates will be provided in the form of ranges.

5) Attributes of New Housing

- a) The following information will be presented:
 - i) A description of the locations within the study area that are most conducive to placemaking developments
 - ii) A description of the building type(s) that would result in the maximum capture of the target market demand
 - iii) A listing of amenities that would provide the maximum capture of potential target market demand
 - iv) A listing of amenities needed for the maximum capture of potential target market demand
 - v) A listing of price points that would be most successful with target market households

6) Impediments to Development

- a) Deliverables will address the question of what exists in the study area that limits the possibility of development guided by placemaking principles.

7) Conclusion/Issues

- a) Deliverables will include a statement of the general findings of the study.
- b) In addition, deliverables will address any other issues not listed in this scope, but that are deemed important based on the study results.

8) Advisory Report

- a) The narrative report will also include an Advisory Report that outlines the recommended strategy for distributing the TMA to a broader audience within each county, and particularly among community development interests and community residents. We may suggest a variety of methods similar to charrettes, workshops, one-on-one meetings, and developer forums.

Work Product Contents

The deliverables will be carefully designed to provide you with one report per county, and in a format that is easy to duplicate, transmit, and share with various stakeholders. Each county report will include tables with detailed results for each of communities that have helped you fund the TMA initiative. The counties will also share regional resources, or a Guidebook on the Target Markets.

<i>Deliverable Contents Per County</i>	<i>Pages</i>	<i>Format, Number of Copies</i>
1) Target Market Analysis and Strategy	90	.pdf + 1 printed set of 12
i. Cover Page, Acknowledgements	1	
ii. Acknowledgements	1	
iii. Table of Contents	2	
iv. Executive Summary	2	
v. Narrative Report	14	
vi. Summary Tables	10	
vii. Appendix of Strategy Tables	60	
2) Guidebook to the Target Markets	60	.pdf + 1 printed copy
3) TMA Round-Table Forum - Handouts	20	~30 copies at each session
- or -		
TMA Presentation (Alternative to Forums)	60	.pdf + 1 printed copy

To help manage direct costs for printing, most other stakeholders will be asked to accept copies of the report as .pdf files that they can print as needed. We will create a www.Dropbox.com folder that you can share among your stakeholders. We also recommend that the reports be posted online on a shared website page, similar to the reports for Region 2 (see URL and example, below). Electronic copies will also be provided to key staff members at MSHDA.

Example of Regional Report Portal - Northwest Michigan Prosperity Region 2

www.networksnorthwest.org/planning/planning-policy/housing/reports-and-documents.html

Fees for Professional Time

Our not-to-exceed, flat-rate, or “lump sum” fees for the Southwest Michigan 6-County Regional Target Market Analysis are consistent with our estimates for other region-wide TMAs, and reflect significant discounts for the regional approach. Fees do not include direct costs for travel and production, and you will not be invoiced for those costs. All direct costs will be absorbed internally at LandUse|USA as a direct business expense.

Our fees for professional time are \$100,000 for this regional TMA, which reflects a significant discount (-\$70,000) due to economies of scale. The attached table provides more detail on the discounts by showing what the aggregate fees would have been if each county (and/or community) conducted a Target Market Analysis independent of the regional approach.

Project Timeline

We typically ask for 3 months to complete a single-county or single-city TMA. A 6-county TMA with numerous cities and villages communities is far more complex and similar to the undertaking of a regional master plan. So we respectfully ask for at least 6 months to complete the work.

Assuming that we receive authorization to commence by October 12, 2015, we will officially commence the work on November 1, 2015. We anticipate delivering interim TMA Workbooks in early spring of 2016, and will deliver the draft and completed reports by no later than June 1, 2016, and in alignment with the second half of MSHDA’s fiscal calendar (January 1 – June 30, 2016). We may choose to expedite the work if time permits. All work will be completed by June 30, 2015.

We know from experience that fall and early winter months can be challenging times for engaging stakeholders. Some stakeholders are dedicated to football events and/or hunting seasons. Others are preoccupied with celebrations like Thanksgiving, Hanukkah, Christmas, and New Year. So, we may ask for some flexibility in scheduling the webmail meeting to review the interim work products.

Closing

This concludes Addendum I with our scope of work for Southwest Michigan Regional Target Market Analysis. Thank you again for the opportunity to assist with this important project, and please call me anytime with your questions.

Sincerely,



Sharon M. Woods, CRE
Principal
LandUse|USA, LLC
sharonwoods@landuseusa.com
(517) 290-5531

January 12, 2016

Mark T. Bielang, Superintendent
Administration Building
Portage Public Schools
8107 Mustang Drive
Portage, MI 49002

RE: Constitution Boulevard Extension – Portage Public Schools

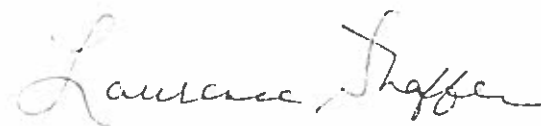
Dear Mark,

Please find attached a packet put together by Chris Barnes regarding some of the previous conversation and efforts that have been made relative to the discussion about the extension of Constitution Boulevard into the Portage Northern Campus. I think it might make a lot of sense to have a conversation about that very effort. I think if you review the material, you'll find that both entities seem to support the concept but it is simply a matter of funding. The real issue, for me at least, is to figure out a way to fund this. However, I think in the final analysis if we could figure out how this can work, it will benefit the long-term safety and facilitate traffic flow on the campus itself and also serve to minimize the deleterious effects that might be forthcoming from a continued increase in traffic along some of the neighborhood streets accessing Portage Northern.

Anyway I'd love to have a conversation with you about it to see if there's an opportunity to work together to create a better campus and a better neighborhood.

Thank you and good to talk with you the other day. Hope to talk again soon.

Sincerely,



Laurence Shaffer
City Manager

Enclosure

c: Vicki Georgeau, Director of Community Development
W. Christopher Barnes, Director of Transportation and Utilities

CITY OF PORTAGE

COMMUNICATION

TO: Larry Shaffer, City Manager

DATE: January 6, 2016

FROM: W. Christopher Barnes, Director of Transportation & Utilities 

SUBJECT: Constitution Boulevard Extension -Portage Public Schools

As per our discussion, attached is a memo from January 20, 2010 which discusses in detail traffic concerns and proposed solution options for the Portage Northern school campus. Although the memo pre-dated the current Portage Northern High School remodeling project, the traffic concerns and issues are still valid. Highlighted on attachment two is a proposed route for the boulevard extension to connect with the high school campus. In 2010 we estimated the cost of "Huskie Boulevard" extension as \$766,000. Using typical construction cost indexes, the current cost would be approximately \$915,000.

Should you have any questions, please let me know.

cc: Rob Boulis, Deputy City Manager
Vicki Georgeau, Director Community Development

Attachment

RECEIVED

JAN 06 2016

CITY MANAGER'S OFFICE
PORTAGE, MI

* Chris,
→ Traffic Counts
on Milken & Constitution
→ \$1,000,000 → How
much can we
secure from outside
sources

Erica Eklov

From: Laurence Shaffer
Sent: Friday, January 08, 2016 5:43 PM
To: Erica Eklov; Christopher Barnes
Subject: FW: Constitution and Milham Ave traffic counts

Categories: City Manager

Erica,

Would you add this information to the Constitution Blvd/Milham report to the Superintendent for the Portage Northern issue.

Chris,

Thank you for the information.

Larry
City Manager
Office of the City Manager
City Hall – 7900 South Westnedge Avenue
Portage, Michigan 49002

Phone – 269-329-4400
Cell – 413-658-7089

From: Christopher Barnes
Sent: Friday, January 08, 2016 2:08 PM
To: Laurence Shaffer <shafferl@portagemi.gov>
Subject: Constitution and Milham Ave traffic counts

Larry,

Per your phone call, the traffic counts in the vicinity of the Portage Northern campus are:

West Milham Ave (east of School) , 16,280

Constitution Blvd (at West Milham) 12,696

Both of these are 24 hour 2 way counts

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: January 20, 2010

FROM: Jeffrey M. Erickson, Director of Community Development
G. Dallas Williams, Director of Transportation & Utilities

SUBJECT: Portage Public Schools – Portage Northern Campus Traffic Issues/Concerns and Recommendations

A significant traffic concern exists at the Portage Northern Campus. Multiple citizen complaints have been received by the Departments of Community Development and Transportation & Utilities. The concern and complaints that have been reported over the past several months involve the school morning and school afternoon peak traffic periods. Also, Traffic Engineer Arif has conducted visual observations of the traffic concerns over the past several months and has responded to the Portage Northern High School Principal's concerns about traffic congestion. Following is a discussion of the concerns, and includes attached material to provide some context on this subject. A recommended approach for consideration by the City Administration concludes the communication.

As information, O'Boyle, Cowell, Blalock Associates, a local architect firm that has been engaged to assist Portage Public Schools on the Portage Northern Campus traffic problem, has contacted the Department of Community Development and requested a meeting to discuss this matter. Arrangements for this meeting are pending review and consideration of this issue by the City Administration.

As will be recalled, the management of access, circulation and overall traffic patterns associated with the planned Portage Northern Campus renovations under the Portage Public School bond program was the subject of meetings and discussions within the City Administration and, then, with Portage Public Schools officials. A copy of a future campus plan that showed the northerly extension of Constitution Boulevard is attached. Correspondence was previously exchanged with Portage Public Schools officials about this issue, which is also attached. In summary:

- The issue of the Portage Northern Campus traffic circulation plan including bus traffic, Monticello neighborhood impacts and traffic flow on West Milham Avenue and Constitution Boulevard was formally presented to Superintendent Wells in a letter dated December 5, 2008.
- The response to the concerns was received from Superintendent Wells in a letter dated January 9, 2010 in which she recognized the concerns and the preferred solution to extend Constitution Boulevard northerly into the campus. However, this option was considered a future project, and could be "accelerated" if shared funding from the city was provided.
- At the request of Portage Public Schools to complete and submit the State of Michigan-required Application for School Site Plan Review from TMP Associates, Incorporated, the form was transmitted to Assistant Superintendent Noverr under a cover letter dated January 14, 2009. The letter continued to express concerns about the Portage Northern Campus traffic plan and impacts.

Portage Northern Campus Issues/Concerns

Attached is an aerial photograph of the Portage Northern Campus on which is superimposed the campus working/construction plan obtained from TMP Associates, architects for Portage Public Schools. Of particular importance is the major street network -- West Milham Avenue and Constitution Boulevard -- adjacent to the campus that carries significant traffic volumes and provides access to the campus [West Milham -- 23,700 vehicles per day west of Constitution (2009) and 16,000 vehicles per day east of

Constitution (2009); Constitution – 14,000 vehicles per day south of West Milham (2008)]. Also of importance is the local street network -- Monticello, Oregon and Idaho Avenues (and adjacent local streets) -- that facilitate the more internal traffic circulation needs of the neighborhoods and the campus. Following is a description of the traffic flow/circulation concerns, which pose traffic engineering/neighborhood planning concerns based on visual observations, and which has been the subject of citizen complaints:

1. School-generated vehicle traffic along West Milham and Constitution is very congested during morning and afternoon school peak periods:
 - a. East bound left turning lanes along West Milham exhibit heavy use, or are completely full, particularly at Monticello, at Constitution and at Oregon;
 - b. North bound travel lanes on Constitution are congested, particularly for east bound turning vehicles that are attempting to enter the West Milham left turn lane to turn onto Oregon;
 - c. Motorists in vehicles on West Milham that experience delays due to the heavy use of left turn lanes have been observed to avoid the left turn lanes and proceed through local neighborhood streets (Mount Vernon, Utah, Nevada, West VanHoesen, among others) as perceived “short-cut” routes.
2. Monticello is utilized as the access to the “New Bus Staging Area” in the west central portion of the campus that serves the middle school and high school. This bus traffic negatively impacts the residential neighborhood.
3. Monticello is intended to be the new school bus staging area route based on the principle as stated by Portage Public Schools that bus traffic must be separated from vehicle traffic. However, it is observed that a significant number of student vehicles traveling to the campus are using Monticello (and also Mount Vernon and Alice) during the school day peak periods to avoid school-generated traffic congestion on West Milham. Further, a recent site modification was necessary by Portage Public Schools to manage unanticipated traffic congestion/safety: Portage Public Schools requested permission to install removable “bollards” between the bus staging area and the high school traffic/parking loop because motorists were using the pedestrian path/walk as a “cut thru.” Bollard installation was approved in this location so that the secondary emergency vehicle access could continue to be available, if necessary.
4. Oregon is heavily used as the primary access to the Portage Northern High School parking lot (north of the school) and traffic/parking loop in front of the high school, as well as the Portage North Middle School parking lot, and also the access to the Community Education building parking area. Motorists using Oregon are northbound (entering) and southbound (exiting) and attempting to turn into one of the parking areas, the high school traffic/parking loop, and/or onto the local street are either delayed or are causing delays. The resulting school-generated congestion further exacerbates the congestion on West Milham and Constitution.
5. The Oregon and Idaho intersection has been reconfigured to provide a “flow-thru” right turn movement (northbound) for motorists who are west bound along Idaho and accessing the high school parking lot. Additionally, vehicle congestion is observed when motorists exit the high school traffic/parking loop and proceed either eastbound or southbound. The congestion is significant during the peak periods.
6. Pedestrian traffic movements along West Milham and using local streets such as Monticello, Idaho, Oregon and West VanHoesen, as examples, to walk to the several Portage Public School facilities represent a safety concern. Pedestrians are observed to have difficulty in safely crossing streets due to the volumes of school traffic.

Portage Northern Campus Solution Options

As indicated on the Portage Northern Campus Plan showing the future extension of Constitution, a solution to the traffic issues/safety concerns is available with the extension of Constitution as a private drive (“Huskie Boulevard”) along the west perimeter of the campus northerly to intersect with Idaho west of the new bus staging area. This north extension of a private drive into the west campus area would provide improved traffic flow and safety on adjacent public streets and provide operational advantages on the campus to Portage Public Schools. The extension would be under the control of Portage Public Schools. The following traffic flow, safety improvements and operational advantages would result:

1. The signalized intersection on the west side of the campus will facilitate ingress/egress to the campus in addition to the signalized Oregon and Idaho intersections on the east side of the campus and provide improved distribution of trips on the adjacent public streets generated by campus functions.

2. Additional vehicle stacking/staging space on the campus will become available to accommodate vehicles accessing facilities on the campus that will be separate from West Milham and Constitution, which will help preserve the vehicle carrying capacity of these two major streets serving the community
3. Reduced traffic impacts on the Monticello (and Mount Vernon-Alice) neighborhood west of the campus will result with the termination of the Idaho-Monticello intersection and the creation of a pedestrian-only access.
4. Reduced traffic impacts on the State Street neighborhood east of the campus will also result.
5. Improved West Milham-Oregon intersection functionality/reduced congestion will result.
6. Reduced school-generated congestion will be apparent at the Oregon-Idaho intersection, which is also the access to the Northern High School traffic/parking loop and the east access to the primary parking lot north of the high school.
7. A needed, direct second vehicular access along the west side of the campus will be available to the primary parking lot north of the high school with no impact on the relocated tennis court complex.
8. A reconfigured, enhanced and more efficient Northern Soccer Facility access and parking lot will exist and an opportunity to properly locate and develop a child playground area will be available.
9. A necessary alternative access to the Oregon-accessed parking lot serving North Middle School will be available.
10. An improved West Milham access to the Community Education building will be available.
11. An alternative vehicular access to the Oregon-accessed parking area for the Community Education building will be provided.
12. Improved and safer pedestrian circulation to the entire campus will be provided to students from the surrounding residential neighborhoods that attend the high school, middle school and community education facilities and the popular sporting/recreational facilities.

Also attached is a Saturday, January 16, 2010 Kalamazoo Gazette article about Portage Public Schools and the apparent consideration being given to adding classrooms at the new South 12th Street Elementary School at a projected cost of \$447,500. There is a disagreement between the Administration and among some Board of Education members about this plan and expenditure. From the perspectives of community development and traffic safety, any available bond program funds could be well spent on the extension of a private drive -- "Huskie Boulevard" -- from Constitution into the Portage Northern Campus.

It is recommended that consideration be given to developing the appropriate method to convey the traffic safety concern identified by the City Administration and from the citizen complaints that have been received regarding the school peak period traffic. Once the appropriate course of action is identified, the meeting that has been requested by O'Boyle, Cowell, Blalock Associates can be arranged. It is further recommended that consideration be given to formal correspondence to Portage Public Schools Administration and Board of Education about this issue including the alternative of extending "Huskie Boulevard" to serve the Portage Northern Campus using bond program funds.

We are prepared to further discuss this information with you at your convenience.

Attachments: Portage Northern Campus Plan showing future extension of Constitution Boulevard
Portage Northern Campus Aerial Photograph/Superimposed Plan
Correspondence to Portage Public School Superintendent Wells dated December 8, 2008
Letter response from Superintendent Wells dated January 9, 2009
Correspondence to Portage Public Schools Assistant Superintendent Noverr dated January 14, 2009
January 16th Kalamazoo Gazette article

c: Chris Barnes, City Engineer;
Chris Forth, Deputy Director Planning & Development Services
Muhammad Arif, Traffic Engineer

Office of the City Manager

December 5, 2008

Ms. Marsha A. Wells, Superintendent
Portage Public Schools
8111 South Westnedge Avenue
Portage, Michigan 49002

RECEIVED

DEC 05 2008

COMMUNITY DEVELOPMENT

Re: Portage Public Schools Projects

Dear Marsha:

This correspondence is intended to follow-up on a telephone conversation initiated by Assistant Superintendent Noverr to Community Development Director Erickson on Tuesday, December 2, 2008. The conversation specifically regarded the Portage Northern Campus plan and the Application for School Site Plan Review form (State of Michigan BCC-321 form) that has been provided to the City Administration for completion. The issue of traffic control within this plan is particularly important, as previously discussed in our joint meetings and in prior correspondence to the Portage Schools Administration.

The City Administration has requested information on public improvements that are being considered for each of the school facilities by the Portage Schools Administration, including a priority ranking of these improvement projects. To date, the requested information has not been received. With regard to the Portage Northern Campus plan, plan concepts have been discussed on multiple occasions, most recently at the meeting on October 22nd. Comments on the plan were also provided to the Portage Schools Administration in a letter dated October 16th in anticipation of the meeting. The letter stated the City Administration's concerns about the plan and referenced parent and student vehicle access and bus access using Monticello Avenue. The letter further indicated the preference to close Idaho (private access) at Monticello and reconfigure the property as a pedestrian-only facility.

The Portage Northern Campus traffic circulation plan routes bus traffic to the only "bus loop" serving the entire campus and continues to direct significant parent and student vehicle traffic via Monticello Avenue. From the perspective of the City Administration, this plan will have a negative traffic impact for the Monticello and nearby neighborhoods. In addition, it is essential to adequately manage the significant volume of vehicles now using Milham Avenue and Constitution Boulevard, including Portage Northern Campus-generated traffic. The City Administration does not feel as though this aspect has been adequately addressed.

The extension of an internal campus drive north of the Constitution Boulevard / West Milham Avenue intersection to facilitate access and circulation within the campus was previously suggested and conveyed as an alternative to address these traffic concerns. This alternative is appropriate as neighborhood quality of life issues were an important element included within the Portage 2025 Vision project, which was recently accomplished with the

direct involvement of the Portage City Council and many community members. Also, traffic management along major streets, including Milham Avenue, was again one of the primary concerns expressed within the recently completed 2008 Portage Community Survey. Importantly, it should be noted that properly addressing the issues during the Portage Northern Campus planning phase can help avoid a difficult discussion of neighborhood impacts and traffic issues with affected residents, similar to the recent discussions that took place regarding the new Portage Public Schools bus facility.

As a suggested way to move forward, I would ask that the Portage Schools Administration formally consider the following neighborhood-friendly approach:

- Accomplish a traffic engineering study for the Portage Northern Campus that includes the extension of an access drive to the campus from the Milham Avenue / Constitution Boulevard intersection and provide the study to the City Administration for review and comment; and
- Engage the Monticello and nearby neighborhood residents at a neighborhood meeting for a discussion of the traffic alternatives, the best option and address the issues that are raised.

Such an approach will have many positive planning and outreach aspects and result in an effective solution to the existing concerns about neighborhood impacts and traffic management issues. While budgetary considerations are an important factor, we have agreed in our previous conversations that the opportunity provided by the voters who supported this Portage Public Schools Bond Project program presents the single, most likely opportunity in the foreseeable future to properly plan and construct educational facilities that will serve the long-term needs of our community.

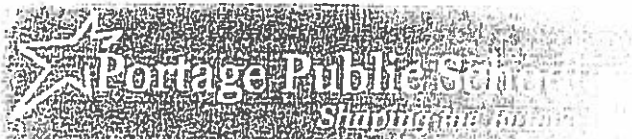
The City Administration will continue to work with you and your team to promptly address these important issues so that we can facilitate the Bond Project program and address the issues of mutual importance to our organizations. Perhaps another meeting would be beneficial. I am available to discuss this important matter and any other necessary issues so that the Bond Project program can successfully proceed, while fulfilling the objectives of the Portage community.

Sincerely,



Maurice S. Evans
City Manager

cc: Honorable Mayor and City Council
Brian J. Bowling, Deputy City Manager
Jeffrey M. Erickson, Director of Community Development



Marsha A. Wells, Superintendent
mwells@portageps.org
www.portageps.org

8111 South Westnedge Avenue
Portage, MI 49002
(269) 323-5148 (voice) (269) 323-5149 (fax)

January 9, 2009

RECEIVED

Mr. Maurice S. Evans, City Manager
City of Portage
7900 South Westnedge Avenue
Portage, Michigan 49002

JAN 12 2009
CITY MANAGER'S OFFICE
PORTAGE, MI

RE: Portage Public Schools Project / Northern High School

Dear Maurice,

This correspondence is intended as a follow up to the discussion we held in your office just prior to the holiday break pertaining specifically to the Northern High School site plans. At that time, we reviewed the City's concerns about the potential of substantially increased traffic on Monticello related to the current site plan if an extension of Constitution Avenue was not able to occur in this phase of construction. In the discussion, I shared with you the following:

- The new site plan was designed, first and foremost, to improve student safety on the site. It was imperative to separate bus as well as student vehicular and parent vehicular traffic, and to create a safe walking zone between Northern High School and North Middle School. The current plan accomplishes this goal by closing off the internal drive extension of Idaho.
- The homeowners who reside on Monticello currently experience a combination of bus, student vehicular and parent vehicular traffic at the beginning and close of each school day. With the new design, parental vehicular traffic will be eliminated. The homeowners also experience community vehicular traffic at all times of the day and night, on week days and on weekends, with the existence of the internal extension of Idaho that runs through the Northern campus. This will no longer occur due to the new design that eliminates the extension.
- Currently, the number of NHS bus arrivals and departures varies due to how the buses approach the school site. At any one time, there may be 5-12 buses traveling on Monticello. With the new site plan, excluding a Constitution Avenue extension, there would be a maximum of 17 bus arrivals and departures, limited to two times a day.

Portage Public Schools Project / Northern High School

January 9, 2009

Page Two

With the assistance of City officials, as well as input from citizens gained through two open houses that were advertised and held in May 2008, the District Bond Management Team has investigated several site designs regarding traffic circulation. We are sensitive to the impact any design will have on all of the surrounding neighborhoods that currently tolerate extensive traffic, such as those connected to Monitcello, Oregon, Idaho and others. With that in mind, we believe the current design provides the most effective distribution of traffic to the Northern campus, reducing the burden to all approaches.

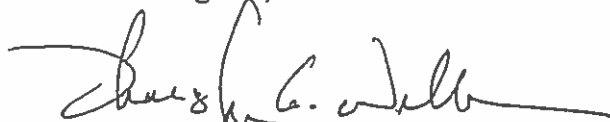
In our discussion, we both recognized that an extension of Constitution Avenue into the Northern campus would be the most preferred approach to a new traffic distribution. This would be the most beneficial means of resolving multiple traffic congestion issues that both the City and the District face.

The District Team has created a site plan that would accommodate such an extension, should funds become available either later in this construction project or through future funding. Although it was originally conceived as an internal campus drive north of the Constitution Boulevard / West Milham Avenue intersection, I also indicated to you that the District would welcome the opportunity to consider partnering with the City to make the extension a public drive if shared funding would accelerate the ability to put this project in place. With increased challenges related to financial resources, partnerships such as this could be invaluable in moving projects forward. Please do not hesitate to contact me if the City would have any interest in exploring this further.

Throughout this process, we have valued the suggestions and support we have received from your office and those of other City officials. We value our close working relationship and trust that your support of our proposed Northern High School site plan will be forthcoming.

If I can be of any further service to you in this matter, please do not hesitate to contact me.

Kind regards,

A handwritten signature in black ink, appearing to read "Marsha A. Wells", written over a horizontal line.

Marsha A. Wells
Superintendent

C: Board of Education
Tom Noverr, Assistant Superintendent for Operations

Department of Community Development

January 14, 2009

Mr. Thomas G. Noverr
Assistant Superintendent for Operations
Portage Public Schools
8111 South Westnedge Avenue
Portage, Michigan 49002

Dear Tom:

Re: Portage Northern Campus – State of Michigan BCC-321 form and Vehicle Access Issues

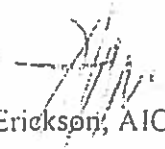
Mr. Greg Farrer, Associate / Architectural, TMP Associates – Portage, has requested that the Michigan Bureau of Construction Codes Application for School Site Plan Review (BCC-321 form) for the Portage Northern Campus be completed, which references nine Environmental Approvals by the Local Governmental Agency in which the public school project is located. Also, his accompanying letter dated November 21, 2008 indicates that Portage Public Schools Administration has agreed to operate the planned facility according to pollution control, noise control, soil erosion, flood zone, storm drainage, water supply and sewer system ordinances of the city.

Attached is the completed state review form. Although the state form has been completed, as has been discussed, the City Administration has no formal authority with regard to review and approval of public school facility project plans. The state form has been completed as requested so that Portage Public Schools can continue to work with the State of Michigan Bureau of Construction Codes on the project planning and approvals required from the State of Michigan.

The Portage City Administration has expressed concerns about the vehicle access to the planned Portage Northern Campus using Monticello Avenue and the impact on the adjacent residential neighborhoods in correspondence to you dated October 16, 2008 and in more recent correspondence to Superintendent Wells dated December 5, 2008. From the perspective of the City Administration, alternatives are available to Portage Public Schools to gain appropriate and necessary vehicular access by staff, students and visitors including bus vehicles anticipated for the various functions at the Portage Northern Campus that minimize vehicular traffic impacts on the adjacent residential neighborhoods. The city has received the January 9, 2009 letter from Superintendent Wells that specifically addresses the Portage Northern Campus and the vehicular access. The Superintendent has indicated that Portage Public Schools is satisfied that anticipated traffic and traffic impacts have been sufficiently considered and an effective distribution of traffic will result, that input from citizens has been obtained, and that financial challenges prevent design and construction of the most preferred approach involving the extension of a drive access from Constitution Boulevard into the campus. While the City Administration remains concerned about the neighborhood impacts, it is recognized that Portage Public Schools and the State of Michigan render the final decisions on design and construction of the Portage Northern Campus project.

The opportunity to review and comment on the Bond Project program is appreciated. I hope that this information responds to the request by Mr. Farrer for the Portage Northern Campus plans. If there are any questions or additional information is necessary, please contact me at Portage City Hall.

Sincerely,


Jeffrey M. Erickson, AICP
Director

Attachments: BCC-321 Form and November 21, 2008 Correspondence

c: Maurice S. Evans, City Manager
Gregory L. Farrer, Associate / Architectural, TMP Associates, Inc.-Portage

S:\Department Files\Subject Files\Portage Public Schools\Ballot\2009 01 12 JME letter to TNoverr-PNC BCC-321 form.doc

Application for School Site Plan Review
(Public and Charter Schools Only)
Michigan Department of Labor & Economic Growth
Bureau of Construction Codes / Plan Review Division
P.O. Box 30255, Lansing, MI 48909
517-241-9328
www.michigan.gov/bcc

135

Agency Use Only

Deposit Fee: \$100.00

Agency: 1972 PA 230 and 1937 PA 306 Authority: Facility Priority: Plans will not be reviewed	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
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FACILITY INFORMATION

FACILITY NAME Portage Northern High School		STREET / SITE ADDRESS 1000 Idaho	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED ☒ City ☐ Village ☐ Township Of: Portage		COUNTY Kalamazoo	ZIP CODE 49024

SUBMITTAL

☒ Initial Submittal	☐ Addendum	☐ Bulletin	Original Submission No. _____
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SITE INFORMATION

Zoning Classification	R1-A	Adjacent Zoning / Land Use	Areas	Sq Ft / Acres	% Of Coverage
Setbacks		North R1-B	Building	393882 / 9.04	11%
Front 27'-0"		East R1-A	Paved	703634 / 16.15	20%
Side 8'-0"		South OS-1	Wetlands	0 / 0	0%
Rear 40'-0"		West R1-A	Flood Zone	0 / 0	0%
			Total Site	/ 84.46	100%

ENVIRONMENTAL APPROVALS - Local Governmental Agency To Complete This Section

	Required	Approved	Agency	By
Traffic Control	☐ Yes ☒ No	☐ Yes ☐ No		
Wetlands	☐ Yes ☒ No	☐ Yes ☐ No		
Pollution Control	☒ Yes ☐ No	☒ Yes ☐ No	CITY OF PORTAGE	Jeffrey H. Erickson
Noise Control	☒ Yes ☐ No	☒ Yes ☐ No	"	Jeffrey H. Erickson
Soil Erosion	☒ Yes ☐ No	☒ Yes ☐ No	"	Jeffrey H. Erickson
Flood Zone	☒ Yes ☐ No	☐ Yes ☐ No	"	Jeffrey H. Erickson
Water Supply	☒ Yes ☐ No	☒ Yes ☐ No	"	Jeffrey H. Erickson
Septic System	☐ Yes ☒ No	☐ Yes ☐ No		
Storm Drainage	☒ Yes ☐ No	☒ Yes ☐ No	CITY OF PORTAGE	Jeffrey H. Erickson

PROPERTY OWNER

NAME (Company or Individual) Portage Public Schools		CONTACT PERSON Gary Kalleward		TELEPHONE NUMBER (include Area Code)
ADDRESS 8111 South Westnedge Ave.	CITY Portage	STATE MI	ZIP CODE 49002	

PROJECT ARCHITECT / ENGINEER / LANDSCAPE ARCHITECT / SURVEYOR

COMPANY NAME TMP Associates, Inc.		LICENSED INDIVIDUAL Michael A. Marshburn		MICHIGAN LICENSE / CERTIFICATION NO. 189024
ADDRESS 470 West Centre Ave	CITY Portage	STATE MI	ZIP CODE 49024	TELEPHONE NUMBER (include Area Code) (269) 327-0077

APPLICANT (Note: All correspondence will be sent to this address)

NAME OF COMPANY TMP Associates, Inc.		APPLICANT NAME Rick Slone		SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED) 38-1647923
ADDRESS 470 West Centre Ave.	CITY Portage	STATE MI	ZIP CODE 49024	TELEPHONE NUMBER (include Area Code) (269) 327-0077
APPLICANT SIGNATURE (Must be an original signature)		DATE		FAX NUMBER (include Area Code) (269) 327-8090

Site plan approval is not a determination that the school project complies with all ordinances or regulations nor does it imply a review of land ownership or encumbrances on the land. It is the responsibility of the project owner to select and procure a site that is usable for the intended purpose and free of encumbrances that would inhibit the planned site development.

Instructions for Application for School Site Plan Review

This application is designed to be used only for schools defined as kindergarten through 12th grade

Facility Information: Provide all requested information. Mark the appropriate box (city, village or township) and state the name of the governmental subdivision where the project is located; not the post office location.

Submittal: Indicate what is being submitted and provide the appropriate project and submission numbers. The submission numbers are critical when linking this submittal with a previous submission for the same project.

Site Information: Provide the requested information.

Environmental Approvals: Provide the requested information.

Property Owner: Provide the requested information.

Project Architect/Engineer/Landscape Architect/Surveyor: Provide the requested information.

Applicant: Provide all requested information with an original signature. All correspondence will be sent to this address and this entity will be responsible for all fees.

Required Submittals for Plan Review

For each site, submit completed application, and the appropriate deposit fee made payable to the State of Michigan. The review fee will be calculated based on the hourly rate per the approved fee schedule. Two (2) sets of plans and/or specifications with original seals and signatures in accordance with 1980 PA 299 shall be submitted with the completed application and deposit fee.

U.S. Postal Service
Michigan Dept. of Labor & Economic Growth
Bureau of Construction Codes
Plan Review Division
P.O. Box 30255
7150 Harris Drive
Lansing, MI 48909

Courier Other Than U.S. Postal Service
Michigan Dept. of Labor & Economic Growth
Bureau of Construction Codes
Plan Review Division
2501 Woodlake Circle
Okemos, MI 48864

Validation Area



November 21, 2008

Mr. Jeff Erickson
Department of Development
City of Portage
7900 South Westnedge Ave.
Portage, Michigan 49002

Re: Portage Northern High School Revised Utility/Building Addition Plan
TMP Project No. 07144

Dear Mr. Erickson:

Please accept this letter for the purpose of clarifying, per State of Michigan Bureau of Construction Codes' Form 321, that TMP Associates and our consultants have designed the building and site to meet the required City of Portage ordinances for pollution control, noise control, soil erosion, flood zone, water supply and sewer system. Storm Drainage is designed to be retained 100 percent on site. The Portage Public Schools will continue to review options that fit its future plans and budget.

The Portage Public Schools Administration has also agreed to operate the facility according to the above stated City of Portage Ordinances.

If there are any questions, please contact me at TMP Associates, Portage, Michigan.

Sincerely,

TMP ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Gregory L. Farrer', written in a cursive style.

Gregory L. Farrer
Associate

/glf

Enclosure(s) None

cc: Gary Kalleward, Portage Public Schools

Portage schools mulls adding classrooms

BY TOM HAROLDSON
SPECIAL TO PORTAGE GAZETTE

PORTAGE — The question: Whether four new classrooms should be added to the new 12th Street Elementary School.

The answer remains elusive, a debate that began before Thanksgiving and remains undecided by the Portage Public Schools Board of Education in the new year.

On one side are school administrators who feel the four additional classes are needed at the school, which opened in September. The \$447,500 project is not only budgeted, but the cost will come in under what has been budgeted, and it would be less expensive to build now than later.

On the other side is school board trustee Melanie Kurdys, who has repeatedly questioned the project because she does not feel good reasons have been shown for the expansion. She compares the administration's argument to someone who buys new clothes simply because they are on sale.

"We ought to have a compelling reason why we are spending the taxpayer's money," she said at Monday's discussion about the project. That discussion was eventually tabled, presumably until the next school board meeting on Jan. 25.

"What will we do with this space?" she asked. "What is the specific plan to use the excess capacity for?"

Tom Noverr, assistant superintendent for operations, and Superintendent Marsha Wells said the added classes could be used for all-day kindergarten if that is someday required by the state, programs such as Curious Kids on-site day care and enrollment growth either in that area or by transferring students now going to other Portage elementary schools.

"We have uses for those

classrooms," Wells said. "Given how there will clearly not be another time we can have four classrooms at this cost and the flexibility it provides now, this is a good time to do this."

Noverr said that the \$447,500 project has been budgeted in the \$120 million voters-approved bond issue; a local contractor using 85 percent local subcontractors would do the project; the bid is \$150,000 under what had been budgeted, and it would save \$32,000 by using the district's owner representative from the 12th Street and Lake Center Elementary schools projects.

If the classes aren't added, and the money is not spent within five years of all construction projects being completed, it would have to be refunded to taxpayers, Noverr said. That would result in a "small" \$15 refund to the homeowner of a \$150,000 home.

Kurdys said that based on school district figures Portage schools' enrollment is dropping — estimated at 50 to 100 students a year — and so there is actually an excess capacity of classrooms across the district.

"Is this a financial or an academic strategy?" Kurdys said, adding that the district should do a further analysis of what the classes will be used for.

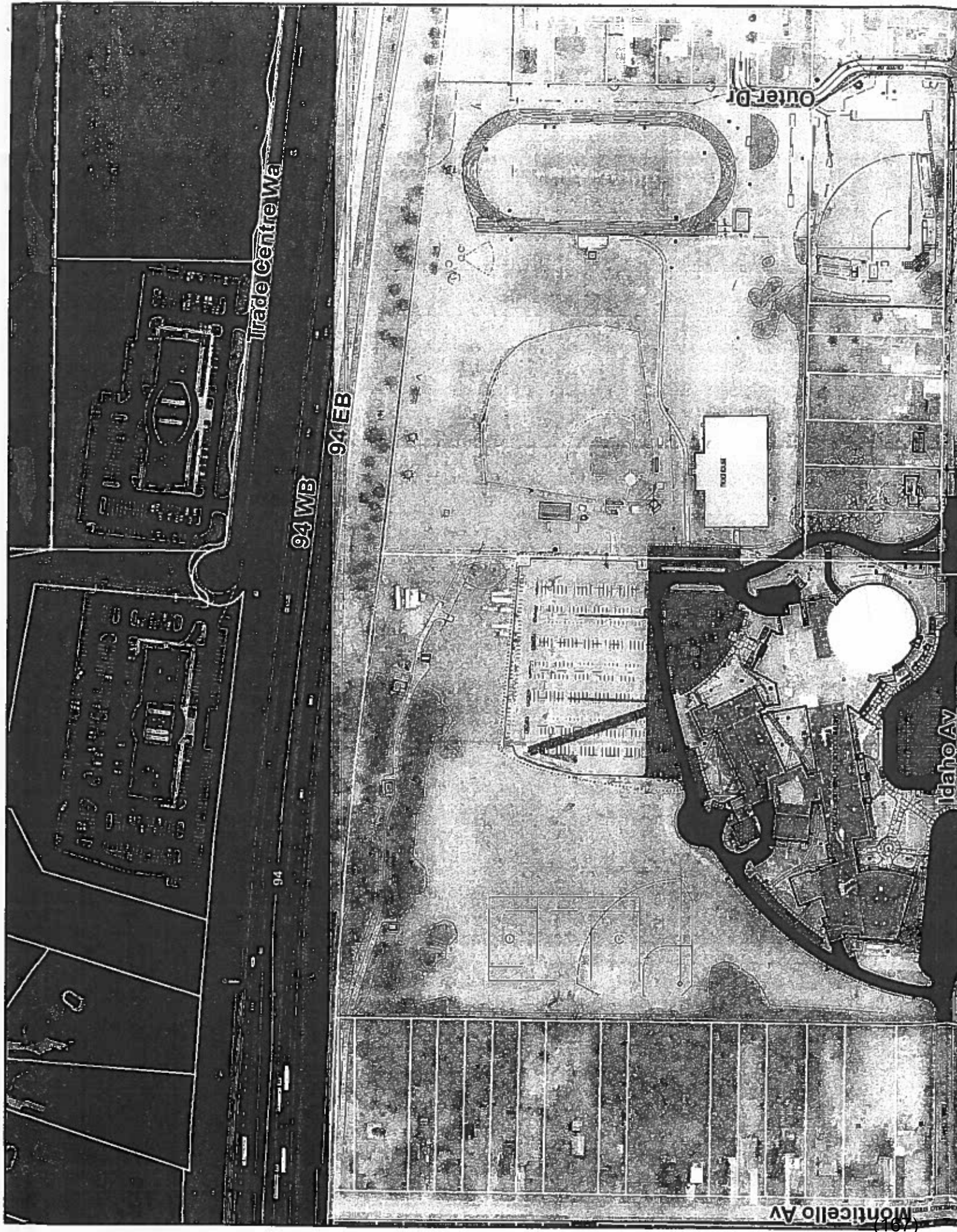
Such an analysis is likely to be done for the entire school district in preparation for next year's budget, Wells said.

In other action, the school board Monday approved nearly \$300,000 in new tables, chairs and other furniture and equipment for the new Lake Center Elementary School and more than \$175,000 in new telephone equipment for Lake Center and Amberly elementary schools, Community and Northern high schools and the Administration Building. Eventually, all school buildings will get new telephone equipment.

החלטת הוועדה

	INITIAL	DATE
Quantities by	WCB	1/15/2010
Quantities chkd		
Priced by		
Extended by		
Checked by		

Total Estimated Cost		\$766,092.90
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Trade Centre Wa

94 WB

94 EB

Outer Dr

RADIUM

Idaho Av

Monticello Av

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