

5:30 p.m. Committee of the Whole - Social Media Discussion

7:00 p.m. Call to Order.

Invocation: Father Stan Witek from St. Catherine of Siena Catholic Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. National Arbor Day
2. Fair Housing Resolution 2018

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting Minutes of April 10, 2018.
 - b. City Council Budget Session #1 of April 17, 2018.
 - c. Pre-Council Meeting Notes of April 23, 2018.
2. Approval of the Accounts Payable Register of April 24, 2018 as presented.
3. Adopt the Resolution setting a public hearing on May 8, 2018 for the Fiscal Year 2018-2019 Proposed City Budget and the proposed 2018 tax levy.
4. Authorize the City Manager to notify Public Media Network (PMN) that the City of Portage intends to withdraw its membership on or after July 1, 2018.
5. Authorize the Mayor and City Clerk to execute a three-year replacement labor agreement with the Portage Police Officers Association in accordance with an Act 312 Arbitration Award.
6. Approve Contract #18-5099 between the Michigan Department of Transportation and the City of Portage for reconstruction of West Centre Avenue from 12th Street to Oakland Drive and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.
7. Award a construction contract to Severance Electric, Incorporated, of Kalamazoo, Michigan, in the not to exceed amount of \$314,877.50 for J. L. Hudson Drive/South Westnedge Avenue Traffic Signal and authorize the City Manager to execute all documents related to the contract on behalf of the city.
8. Award a contract in the amount not to exceed \$117,480 to Abonmarche Consultants, Incorporated, to perform engineering services for the reconstruction of Romence Road, Oakland Drive to Constitution Boulevard and authorize the City Manager to execute all documents related to the contract on behalf of the city.
9. Approve Contract #18-5136 between the Michigan Department of Transportation and the City of Portage for installation of an overhead flashing warning beacon at the Oakland Drive/Vanderbilt Avenue intersection and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.
10. Receive the communication from the City Manager regarding the Kalamazoo County Identification Program as Information Only.
11. March 2018 Environmental Report - Information Only.
12. Department Monthly Reports
13. Minutes of Boards & Commissions:

- a. Park Board of January 3 and February 7, 2018.
 - b. Youth Advisory Committee of March 5, 2018.
 - c. Environmental Board of March 14, 2018.
 - d. Portage Public Schools Board of Education of March 26, 2018.
14. Materials Transmitted.
 - a. April 10, 2018.
- B. Petitions and Statements of Citizens:
- C. Communications:
 1. Calendar of Meetings:
 - Downtown Development Authority, Thursday, April 26, 2018, 8:00 a.m., City Hall Room #1.
 - Public Media Network, Thursday, April 26, 2018, 4:30 p.m., 359 S. Kalamazoo Mall.
 - City Council Budget Review Session #2, Tuesday, May 1, 2018, 5:00 p.m., City Hall Room #1.
 - Historic District Commission, Wednesday, May 2, 2018, 8:15 a.m., City Hall Room #2.
 - Park Board, Wednesday, May 2, 2018, 6:30 p.m., West Lake Nature Preserve.
 - Human Services Board, Thursday, May 3, 2018, 6:30 p.m., City Hall Room #1.
 - Planning Commission, Thursday, May 3, 2018, 7:00 p.m., Council Chambers.
 - Board & Commission Interviews, Tuesday, May 8, 2018, 5:15 p.m., City Hall Room #1.
 2. Annual Park Board update by Chairperson Tim Earl.
- D. Public Hearings:
 1. Subsequent to the public hearing, adopt Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs.
 2. Subsequent to the public hearing, adopt the:
 1. recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water;
 2. recommendation that the water commodity rate be decreased to \$3.14 per 1,000 gallons of metered water;
 3. recommendation that adjustments be made to the sewer and water base quarterly charges as noted in the 2018 Utility Rate Financial Study;
 4. recommendation that the new rates become effective on July 1, 2018; and
 5. recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2018 Utility Rate Financial Study.
- E. Regular Business Agenda:
- F. Unfinished Business:
- G. Council Committee Reports:
- H. New Business:
- I. Statements of Citizens:
- J. Statements of City Council and City Manager.

Adjournment.



CITY OF PORTAGE PROCLAMATION

National Arbor Day

- WHEREAS,** The importance of trees to the quality of the environment is recognized by designation of April 27th as National Arbor Day; and
- WHEREAS,** The National Arbor Day Foundation is a non-profit group committed to tree planting and conservation; and
- WHEREAS,** Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and
- WHEREAS,** Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and
- WHEREAS,** The City of Portage has been designated as a Tree City USA by The National Arbor Day Foundation for its efforts in tree planting and tree conservation; and
- WHEREAS,** Officials from the Youth Advisory Committee and other City officials donated 150 trees to the Portage Central High School Gardening Club and Portage Northern High School Gardening Club for campus beautification following construction projects; and donated 50 trees to the Gull Lake Partnership which works with home school students in relationship with the Gull Lake School System for an event celebrating Arbor Day.
- WHEREAS,** City Officials and officials from the Environmental Board and Youth Advisory Committee will be participating in planting 500 trees at the Gourdneck Lake State Game Area in celebration of Arbor Day.
- NOW, THEREFORE, BE IT RESOLVED THAT** I, Patricia M. Randall, Mayor of the City of Portage do hereby proclaim April 27, 2018 as Arbor Day in Portage and do hereby encourage all residents to plant trees at their homes and places of work.

Signed this 24th day of April, 2018

Patricia M. Randall, Mayor



CITY OF PORTAGE PROCLAMATION

FAIR HOUSING RESOLUTION

WHEREAS, April 11, 2018 was the 50th anniversary of the enactment of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended, to prohibit housing discrimination when based on race or color, national origin, religion, sex, familial status or disability, and declared that equal housing opportunity is a basic right of every American; and

WHEREAS, The Michigan State Legislature passed the Elliot-Larsen Civil Rights Act of Michigan in 1976 to protect people from housing discrimination based on religion, color, race, national origin, age, sex, familial status or marital status; and

WHEREAS, The Michigan State Legislature passed the Michigan Persons with Disabilities Civil Rights Law of 1976 to protect individuals with disabilities from housing discrimination; and

WHEREAS, The City of Portage passed a Non-Discrimination Ordinance in 2016 to prohibit housing discrimination based on their actual or perceived race, color, religion, national origin, sex, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity, and has completed an Analysis of Impediments to Fair Housing, and annually undertakes activities to further fair housing efforts and educate the public on fair housing issues; and

WHEREAS, Equal housing opportunity is a goal to be achieved within the City of Portage.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, by virtue of the authority vested in me as the Mayor of Portage, Michigan, do hereby resolve the month of April 2018, as Fair Housing Month in hope that this observance will promote fair housing practices throughout the City.

Signed this ____ day of _____

Patricia M. Randall, Mayor

CITY COUNCIL MEETING MINUTES FROM APRIL 10, 2018

The Regular Meeting was called to order by Mayor Randall at 7:00 p.m. At the request of Mayor Randall, the Deputy City Clerk called the roll with the following members present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and Deputy City Clerk Erica Eklov.

At the request of Mayor Randall, Pastor Paul R. Naumann from St. Michael Lutheran Church provided the invocation. Afterwards, Council led the audience in the recitation of the Pledge of Allegiance.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Mayor Pro Tem Pearson removed Item A.6 (Final Preliminary Plat for West Lake Estates); Councilmember Ford removed Item A.4 (6050 Constitution Boulevard Rezoning); Councilmember Burns removed Item A.3 (2018 Water/Sewer Rates); and Councilmember Reid removed Item A.11 (Board & Commission Interviews) from the Consent Agenda. Motion by Pearson, seconded by Knapp, to approve the Consent Agenda items as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Knapp, to approve the Regular Meeting Minutes of March 27 and Pre-Council Meeting Minutes of April 9, 2018. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 10, 2018: Motion by Pearson, seconded by Knapp to approve the Accounts Payable Register of April 10, 2018. Upon a roll call vote, motion carried 7 to 0.

DOWNTOWN DEVELOPMENT BONDS RESOLUTION: Motion by Pearson, seconded by Knapp to amend a refunding bond resolution previously adopted authorizing limited tax pledge to payment of the Downtown Development Limited Tax Refunding Bonds, Series 2018. Upon a roll call vote, motion carried 7 to 0.

CONTRACT AWARD FOR OAKLAND DRIVE (WEST MILHAM TO I-94) RECONSTRUCTION: Motion by Pearson, seconded by Knapp to award a construction contract in the amount not to exceed \$549,239.25 to Rieth-Riley Construction Company of Kalamazoo, Michigan for the reconstruction of Oakland Drive from West Milham Avenue to I-94 and authorize the City Manager to execute all documents related to the contract on behalf of the City. Upon a roll call vote, motion carried 7 to 0.

CONTRACT AWARD FOR LOVERS LANE IMPROVEMENTS (RAMONA TO EAST MILHAM): Motion by Pearson, seconded by Knapp to award a contract in the amount not to exceed \$80,900 to Hurley & Stewart, LLC, to perform engineering services for the reverse curve alignment correction and improvements of Lovers Lane from Ramona Avenue to East Milham Avenue and authorize the City Manager to execute all documents related to the contract on behalf of the City. Upon a roll call vote, motion carried 7 to 0.

FY 2016-17 LOCAL DEVELOPMENT FINANCE AUTHORITY ANNUAL REPORT: Motion by Pearson, seconded by Knapp to accept the FY 2016-17 Local Development Finance Authority Annual Report. Upon a roll call vote, motion carried 7 to 0.

CONFIRMATION OF LDFA APPOINTMENTS: Motion by Pearson, seconded by Knapp to confirm the City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Pearson, seconded by Knapp, to receive the minutes of the Human Services Board of March 1, 2018, Historic District Commission of March 7, 2018, and Planning Commission of March 15, 2018. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Mr. Tim Keck (7551 Montego Bay) voiced his opposition to the extension and development of Montego Bay Street northward to Bermuda Street due to concerns with property flooding and the water table in his area. He noted that at the corner of Jamaica and Bermuda streets there is one resident pumping water out through a 6-inch pipe into the storm sewer. Mr. Keck expressed his desire to have his concerns formally noted in the records of the Council Meeting Minutes. Mayor Randall thanked Mr. Keck for attending and expressing his concerns. She asked the City Manager to work with the Transportation & Utilities Department to look into the matter and maintain contact with Mr. Keck.

COMMUNICATIONS:

CALENDAR OF MEETINGS: At the request of Mayor Randall, Mayor Pro Tem Pearson read the meeting schedule for the record. Motion by Pearson, seconded by Ford, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

PFIZER INC. TAX ABATEMENT: Mayor Randall asked the City Manager to summarize the current development and tax abatement process. City Manager Shaffer spoke in regard to the project and the contingencies related to acceptance of proposals, the expected retention of jobs, as well as new jobs and staff efforts to date. Representatives from Pfizer including Dan Roth, Terry Clare and Patrick Bolthuis expressed their gratitude for City staff professionalism and the ease of the process with the City thus far. Mr. Roth noted that next steps for Pfizer are pending for May or June; that four hundred fifty jobs will be retained, and it is a desired project for the Portage location. Mayor Randall asked if Council had any additional questions for the Pfizer representatives. Seeing none and there being no other comments, the Mayor called for the close of the public hearing. Motion by Pearson, seconded by Knapp, to close the public hearing regarding the Industrial Facilities Exemption Certificate and tax abatement for the Pharmacia & Upjohn Company, LLC (Pfizer Inc.). Upon roll call vote, motion carried 7 to 0.

Mayor Randall then asked Mayor Pro Tem Pearson for a motion to adopt and approve the abatement agreement. Councilmember Reid requested an explanation on the difference between the twelve-year and fifteen-year abatement noting this aspect differed between the documents presented

at the March 27, 2018 Council Meeting and the current meeting. Mayor Randall asked the City Manager to elaborate. City Manager Shaffer noted that the difference concerns the beginning of the abatement which accounts for completion of construction. Councilmember Urban asked why the fifteen-year abatement had not been utilized in previous abatements. Southwest Michigan First representative Jill Bland came forward and spoke regarding the history of the abatement. She noted that it had always been an available option but had never been utilized before. Ms. Bland commented on the cooperative efforts with staff in researching the abatement possibilities and her confidence in the current proposal. Councilmember Urban thanked her for the explanation. Motion by Pearson seconded by Knapp, to adopt Resolution No. 4-18, approving the Industrial Facilities Exemption Certificate for the Pharmacia & Upjohn Company, LLC (Pfizer Inc.); and approve the tax abatement agreement and affidavit between the City of Portage and Pharmacia & Upjohn, LLC (Pfizer Inc.). Upon a roll call vote, motion carried 7 to 0. Mayor Randall thanked the Pfizer representatives for their efforts and attendance at the meeting.

REGULAR BUSINESS AGENDA:

2018 UTILITY RATES: Mayor Randall began the discussion by asking Councilmember Ford to summarize the recent developments with the Utility Rate Study Committee. Councilmember Ford explained the makeup and purpose of the Committee. He noted the City's good financial situation allowed the Utility Rate Study Committee to seek lower rates for the upcoming year. Councilmember Burns spoke in regard to citizen member Randy Orwig's contribution and stated that cash balances, as outlined in the City Manager's memo, were in a good position. Councilmember Burns stated that, based on his professional experience, he would like to see the City retain more cash in the utility funds going forward but is happy with the current situation. Councilmember Knapp noted that she had nothing further to add but appreciated the manner in which the City Administration clearly presented the technical information for the public to understand. Mayor Randall thanked the committee members for their participation and efforts on the 2018 rates. Councilmember Reid posed the question about ongoing high water table issues and whether that was discussed as part of the recent Utility Rate Study Committee meeting. Councilmember Ford noted that it had been discussed and related the Utility Rate Study Committee discussion, particularly in regard to the recent expenditure for a pump in the Black Forest neighborhood. City Manager Shaffer noted that the Black Forest pumping cost \$5,000 a week for six weeks, at a total cost of \$30,000, which was an unplanned expenditure. City Manager Shaffer remarked that it was impossible to predict such instances and assume future costs for that which can't be estimated but noted there was ample funding and resources in place for these types of emergencies going forward. Councilmember Reid noted her agreement with Councilmember Burns in retaining additional funds in the account for emergency purposes. Councilmember Burns conferred and further commented on the comparability with the City of Kalamazoo. He stressed that Portage incorporates storm water management costs into its rates, which Kalamazoo does not, yet both cities are quite competitive compared to statewide.

Motion by Ford, seconded by Knapp, to establish a public hearing on April 24, 2018, to consider resolutions to: adopt the recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water; adopt the recommendation that the water commodity rate be decreased to \$3.14 per 1,000 gallons of metered water; adopt the recommendation that adjustments be made to the sewer and water base quarterly charges as noted in the 2018 Utility Rate Financial Study; adopt the recommendation that the new rates become effective on July 1, 2018; adopt the recommended water

and sewer franchise area fees and other service fees and charges as outlined in the 2018 Utility Rate Financial Study. Upon a roll call vote, motion carried 7 to 0.

REZONING 6050 CONSTITUTION BOULEVARD: Mayor Randall asked Councilmember Burns to elaborate on pulling the item off consent. Councilmember Burns pointed out that the attached Planning Commission memo included citizen dissents from the recent Planning Commission meeting, as well as a petition of citizens in opposition. He had concerns with proceeding in light of the noted opposition and mentioned as an aside that the Public Media Network website had failed to post the March 1, 2018 Planning Commission video for him to personally review the comments made at the meeting, but that would be discussed as part of a later PMN discussion. The Mayor asked the City Manager who then asked Chris Forth, Acting Director of Community Development, to discuss the Planning Commission activities. Mr. Forth relayed that the City has requested Meyer C. Weiner & Co. to preserve the existing tree line on the subject parcel and to maintain construction of the proposed buildings away from the west property line. Mr. Forth further stated that Meyer C. Weiner & Co. only has two duplexes planned, to entail only four units total. Mr. Forth noted that citizen concerns with light and noise are both issues covered by ordinance and will be enforced as necessary. However, City staff don't foresee any issues based on the plans as presented. Councilmember Urban noted that vegetation cannot be stipulated by the city and clear-cutting can be done without a permit. He further stated that Meyer C. Weiner & Co. are free to clear cut the properties but voiced support for Meyer C. Weiner & Co.'s past track record and history with City developments. Motion by Burns, seconded by Ford, to accept Rezoning Application #17/18-2, 6050 Constitution Boulevard, for first reading and set a public hearing for May 8, 2018 and, subsequent to the public hearing, consider approving Rezoning Application #17/18-2, 6050 Constitution Boulevard, changing the north 130 feet from OS-1, office service to RM-1, multiple family residential. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF WEST LAKE ESTATES (9300 PORTAGE ROAD) FINAL PRELIMINARY PLAT:

Mayor Randall asked Mayor Pro Tem Pearson to elaborate on removing the item from consent. Mayor Pro Tem Pearson highlighted the Pre-Council Meeting discussion from April 9th. He inquired what steps the City has implemented to reduce the likelihood of flooding in the West Lake Estates, as well as future developments and was hoping Transportation and Utilities Director Kendra Gwin could discuss the plans. Ms. Gwin spoke and cited page eight of the map attachment on the agenda. She referenced the plans that had been presented thus far and addressed how the fluctuation in ground water will be addressed for all City lake properties going forward. Councilmember Urban inquired on the water table history used in City studies. Ms. Gwin replied that all weather events "on record" were consulted. Mayor Pro Tem Pearson asked how groundwater pumping issues affect the storm sewers and retention basins. Ms. Gwin mentioned that a feasibility study with Fishbeck, Thompson, Huber and Carr had recently been launched to study the issue and potential corrections going forward. Mayor Pro Tem Pearson asked about the use of trees to help with groundwater based on earlier citizen comments. Ms. Gwin noted that trees are used in retention basins but also increase silt issues. Councilmember Knapp also highlighted the tree issue in light of the Constitution Boulevard rezoning matter. Mayor Pro Tem Pearson asked if trees could be regulated and how do other cities handle this particular matter. Ms. Gwin was not aware how other cities address tree regulation.

Councilmember Burns questioned the 25-year storm history for storm water basin construction and asked about more planning for the worst-case scenario. Mayor Randall asked if the City plans take the greatest measures to mitigate future issues in the area surrounding this proposed development and whether this plan will affect adjacent neighborhoods. Ms. Gwin noted all reasonable

measures have been taken, but it is difficult to plan for unforeseen events. The City Manager commented the increased frequency of 100-year rain events and asked Ms. Gwin to explain the difference between surface water and ground water. Surface water is overseen by the City but ground water is not – City Manager Shaffer noted systems the City has designed to accommodate surface water are now found to host ground water more frequently. Councilmember Burns asked whether four feet above the highest water table is the only standard deviation and what the City is asking developers to project. Ms. Gwin noted recent fluctuations have reached up to ten feet. Mayor Randall asked the plat representatives to come forward and further explain the project. Brian Wood from Allen Edwin Homes commented on his efforts to fully examine the pre- and post-development effects on the Lakeview area from one to one hundred year effects. Mr. Woods stated the expected runoff to the wetland after this development should be less than the current runoff experience.

Pat Flanagan, Civil Engineer from Ingersoll, Watson & McMachen noted that the current runoff will be going into three retention basins planned with construction of the development, which will encompass ten percent of the surface water, mitigating the impact of rain events on groundwater. Mr. Flanagan noted recent flooding events resulted from a combination of rainfall, snow melt and frozen ground, especially in conjunction with the prior October 2017 rain events. Mr. Flanagan stated the recent six-month weather events compounded issues to create unexpected flooding and were not normal; however, he noted water levels are cyclical and will go up and down regularly. Councilmember Knapp interjected with the observation of clear-cutting trees in the area and questioned how that would affect the pre- and post- ponding. Mr. Flanagan responded that the new parcel lawns are also expected to help take over water consumption for the trees. Mr. Flanagan conveyed that neighbors north of Lakeview Drive would not be affected by the water with the development and commented that he has offered to meet with and has met with several area residents to discuss any concerns they might have. Councilmember Reid asked about the retention basins relative to basement depths. Mr. Flanagan explained that basements should be above the bottom of the retention basin levels. Mr. Flanagan and Mr. Wood noted a prior on-site permeability test in which they found that sand resides in the lower levels of the ground and the permeability is fast-paced, which is good news. Mr. Flanagan closed by stating he is confident that the proposed site plan is well done and fully researched. Motion by Pearson, seconded by Burns, to approve the Final Preliminary Plat (engineering plans) for West Lake Estates, 9300 Portage Road. Upon a roll call vote, motion carried 7 to 0.

SETTING BOARD & COMMISSION INTERVIEWS: Mayor Randall asked Councilmember Reid to explain removing the item from consent. Councilmember Reid wanted express the available board and commission positions for the public. Councilmember Reid questioned the lack of youth applicants to date. City Manager Shaffer relayed that he will look into the matter. Mayor Randall noted her interest in getting more applicants for City boards and commissions overall. She asked the City Manager to explain the application process, which he did. Motion by Reid, seconded by Burns, to set a Special Meeting on Tuesday, May 8, 2018, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 7 to 0.

FY 2018-2019 BUDGET PRESENTATION: Mayor Randall asked the City Manager to summarize the proposed 2018-2019 Budget. City Manager Shaffer explained the annual process with presenting the budget before City Council the first meeting in April. He noted that the proposed budget has increased capital improvements, funding for both internal and external Dispatch efforts in light of the anticipated transition, and a reduction in the water and sewer budget due to a smaller debt burden.

City Manager Shaffer confirmed two upcoming budget sessions scheduled and the planned structure of each meeting. Councilmember Reid inquired where the proposed budget document will be available for the public to review. The City Manager relayed that it will be posted on the City website the following day, as well as available for the public to view at City Hall. Motion by Knapp, seconded by Reid, to accept the presentation of the Proposed Fiscal Year 2018-2019 Budget. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

PURCHASING ORDINANCE AMENDMENT (SECTIONS 2-171 AND 2-173): Mayor Randall opened the floor for any comments. Councilmember Reid noted the amounts proposed that the City Administration can spend without City Council approval were being doubled and she does not see a related reason for doing so, expressing concern whether this is for efficiency as it relates to transparency. Councilmember Reid also commented that this change will affect future City Administrations and, while she has confidence in the current Administration, this will not necessarily be the case for future Administrations and she cannot support this motion. Councilmember Ford highlighted recent expenditures which have been solicited for bids, awarded to the lowest bidders and expressed his confidence in the City Administration's efforts to continue that practice. Councilmember Knapp expressed her support of the City Administration performing due diligence and believes this change reflects current 2018 costs and practices. Councilmember Reid noted recent expenditures highlighted by Councilmember Ford did remain on the Consent Agenda, but were at least visible to the public via the City Council Agenda. Councilmember Urban noted that this also affects future staff and believes there will be no increase in staff workload and cannot support the proposed amendment. Mayor Pro Tem Pearson noted that similar discussion on this topic had transpired at the previous City Council Meeting. Motion by Pearson, seconded by Ford, to adopt the amendment to Division 2, Sections 2-171 and 2-173, Article 5 "Purchases and Sales" in the City of Portage Code of Ordinances. Upon a roll call vote, motion carried 5 to 2 with Councilmembers Reid and Urban dissenting.

COUNCIL COMMITTEE REPORTS: Mayor Randall asked those that had attended recent meetings to speak and provide an update regarding their respective committee's efforts. Councilmember Burns noted that Mayor Pro Tem Pearson, as well as himself had recently met with the Central County Transportation Authority and that the highlight of the recent meeting was the vote to continue the 0.75 mils for the county to fund transportation. Motion by Reid, seconded by Ford, to accept the Council Committee reports as presented. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban had no comments. Councilmember Reid expressed a desire for the spring season. Councilmember Knapp had no comments. Councilmember Burns noted that this week was awareness for disaster preparedness and highlighted the City's PortageAlert platform for citizens. He also noted that the Youth Advisory Committee's annual Green-A-Thon event was scheduled for Saturday, April 14. Councilmember Ford highlighted the ongoing Spring Cleanup Program for residents. Mayor Pro Tem Pearson commented that the City's Farmers' Market would be starting May 6, 2018 with a new location at City Hall for increased visibility. He also highlighted the recently published City Summer Recreation Programs brochure, noting some of the programs offered. Finally, he reminded citizens that Ramona Park will be offering free beach entry for Portage residents this year. City Manager Shaffer noted that the previous Dog Park issues have been remediated and it is now open. Mayor Randall applauded the proposed Pfizer Inc. PA 198 project, including Pfizer representatives and City staff involved. The Mayor then

thanked the members serving on the Utility Rate Study Committee for their efforts on the 2018 Study and proposed utility rates. Mayor Randall closed with remarks on her recent visit to Denver, Colorado.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:51 p.m.

Erica L. Eklov, Deputy City Clerk

DRAFT

MINUTES OF THE BUDGET WORK SESSION OF THE PORTAGE CITY COUNCIL
APRIL 17, 2018

Mayor Randall called the meeting to order and the City Clerk called the roll. Councilmembers Chris Burns, Richard Ford, Claudette Reid and Terry Urban and Mayor Patricia Randall were present. Councilmember Lori Knapp arrived at 5:05 p.m. and Mayor Pro Tem Jim Pearson was absent with excuse. Also in attendance were City Manager Laurence Shaffer, Deputy City Manager Rob Boulis, Finance Director Bill Furry, Deputy Finance Director Lauren VanderVeen and City Clerk Adam Herringa.

At the request of Mayor Randall, City Manager Larry Shaffer began his presentation and recognized Bill Furry, Lauren VanderVeen, Rob Boulis and the various department heads for their efforts in putting together the proposed Fiscal Year 2018-2019 Budget. Mr. Shaffer also reviewed the format of the budget review sessions and how they are different from previous formats. Mr. Shaffer then reviewed the proposed budget and highlighted changes from the current Fiscal Year 2017-2018 budget. Mr. Shaffer stated the proposed budget focuses on capacity, perspective and creativity. He continued by stating that the proposed budget seeks to take advantage of the good financial health of the City while recognizing that financial good times will not go on forever. He stated that the City seeks to operate at a reasonable level while seeking out opportunities for creativity and long-term solutions to problems. Mr. Shaffer then reviewed the positive steps the City has taken to address long-term debt citing a reduction of over \$9 million in debt over the past year alone.

Next, City Manager Shaffer reviewed financial health indicators such as increasing construction value and building permit issuance. Councilmember Reid inquired as to the breakdown between residential permits and construction value to commercial/industrial. She also inquired how much of the construction value is tied to efforts at Stryker and Pfizer. Mr. Shaffer responded that a large percentage of the value is tied to efforts at Stryker and Pfizer. Mr. Shaffer shared positive news with City Council about an increase in ACT 51 dollars over the current fiscal year. He continued by reviewing the impact of the State of Michigan's repeal of Personal Property Tax on the City. He indicated that while the City lost funding from the repeal of the Personal Property Tax, the revenue provided by the State to replace the lost funding has exceeded expectations. Councilmember Reid inquired why the State is giving the City more than we are budgeting for. Mr. Shaffer replied that the revenue provided by the State in lieu of the Personal Property Tax is determined via statute and a formula. The formula, he stated, has been very positive for the City of Portage though other jurisdictions have not been so fortunate. Councilmember Knapp inquired when the City will know what will be received for FY 18-19 and Finance Director Furry indicated that last year a check was received in October and Mr. Shaffer stated that there is no established timeframe for when the State distributes the funding. Mayor Randall inquired if the experience of Portage is common across the State and Mr. Shaffer indicated it is widely variable.

Mr. Shaffer then reviewed the overall value of the tax base and that it now exceeds \$2 billion and the trend remains positive. Councilmember Knapp inquired if there is one particular business or sector that is driving the increase in tax base. Mr. Shaffer indicated positive growth in all sectors and stated that the mix between residential, commercial and industrial in the City is healthy. Councilmember Reid inquired if the City has been experiencing a softening in the residential sector. Mr. Shaffer stated that the residential sector was growing stronger.

Finance Director Bill Furry reviewed the budget development process and that efforts were made to minimize budget increases. He also stated that prior budgets were reviewed and matched with actual expenditures to develop a more accurate budget that is free of excess. Mr. Furry then reviewed major changes to the overall budget and highlighted key aspects of the Finance Department budget such as a change in banking services and recent contract for payroll services. With regard to the budget for City Council, he indicated the proposed budget is down 4% from the previous year. Councilmember Knapp pointed to the contract for the City Attorney and inquired where the legal funds are located for additional legal services such as labor counsel. Deputy City Manager Rob Boulis stated that attorney services for labor, bond counsel, assessing, etc. are located in the individual departments. Councilmember Knapp inquired if the City Attorney contract was multi-year and Mr. Boulis indicated that it is a five-year contract and we are currently in the third year.

Next, Mr. Furry reviewed special revenue funds including the street millage, leaf and brush pickup, Cable Television and Debt Service. Mr. Furry stated that there would be no reduction in the street millage, and the funding for leaf pickup is being provided at a level sufficient to handle a fourth pickup if necessary. He continued by stating that there would be no change to Cable Television and that it has a fund balance of approximately one-half million dollars. Mr. Furry stated that the tax base for the Downtown Development Authority is increasing along with expenditures for fleet and facilities. Councilmember Reid stated that, when the Department of Benefit Services was eliminated many functions were transferred to the Department of Human Resources but the compensation component stayed with the Finance Department. She inquired how this is working out. Finance Director Furry and Deputy City Manager Boulis indicated that the current arrangement is working out very well with Human Resources handling day to day interactions, with employees and insurance coverages, renewals and similar activities are the responsibility of the Finance Department.

Human Resources Director Shannon Hertz reviewed the operations of her department and shared that there is a strong effort to transition from paper-based forms and applications to electronic. She also highlighted an effort to reduce the length of time and types of documents that must be retrained and shared that an upcoming departmental effort will be to review the pay scale for the City of Portage to ensure pay and benefits are commensurate with the market. Ms. Hertz indicated that a new performance management system would be implemented in the next fiscal year and that new training software and materials were on the horizon. Mayor Randall inquired if the pay scale analysis would be for all positions and Ms. Hertz responded in the affirmative. Mayor Randall inquired if the City was experiencing a retention problem and Ms. Hertz responded in the negative but continued by saying that she does not want to see good employees being "poached" by other units of government or the private sector. Ms. Hertz continued by stating that the pay scale review is a long term plan and she does not foresee a need for immediate adjustments. City Manager Shaffer stated that employees have had offers to work other places and the City took steps to retain the employees. He shared his goal of keeping employees satisfied and happy with their employment. Councilmember Burns inquired if any fringe benefits were proposed to be reduced. Mr. Furry responded that the City is not proposing any cuts in benefits but that the figures used in the budget for fringe benefits are traditionally higher than necessary and are being reduced. Mr. Shaffer shared that non-union employees would be receiving a Cost of Living increase in the amount of 2.5%. Mr. Shaffer complimented the efforts of Ms. Hertz especially as it relates to introducing automation into her department.

City Assessor Ed VanderVries and Deputy City Assessor Meshia Rose shared that the Office of the City Assessor had a very successful year and were fully staffed though one employee recently took a job at another city. Mr. VanderVries shared that they are proposing to increase the commercial appraiser position from part to full time and explained why. Mr. VanderVries commended Deputy Assessor Meshia Rose for her running of the day to day operations of the office. He was especially complimentary on the efforts of the Office of the City Assessor related to customer service and efforts related to assisting taxpayers. Mr. VanderVries and City Council congratulated Ms. Rose on obtaining her Level III certification as an assessor. With regard to taxable value and assessments, Ms. Rose indicated that all of the numbers are on the rise. Ms. Rose shared that the Board of Review had only 36 appeals this year which is the lowest number in years and that City Council may consider utilizing one pod next year instead of two. Mayor Randall inquired how many written appeals were filed and Ms. Rose responded that the number was five. Councilmember Ford inquired if staff were working with potential appellants prior to them actually filing an appeal and Ms. Rose responded in the affirmative and stated that they work hard to help taxpayers understand the appeals process. Mr. VanderVries shared that he has handled several appeals via the process of "assessor review." Councilmember Ford inquired if there were any cases before the Michigan Tax Tribunal and Ms. Rose indicated there is one while last year there were eight. Mr. VanderVries complimented Ms. Rose on her ability to work with taxpayers and tax consultants to avoid the formal appeals process. Mr. Shaffer informed City Council that the Office of the City Assessor was very recently audited by the State of Michigan and received a clean audit. Mr. Shaffer also explained the high level of turnover in office, the need to bring on Mr. VanderVries as a contractor and the plan for Ms. Rose to eventually become the City Assessor. Councilmember Knapp noted a change in part time v. full time staffing and related budget numbers. Mr. VanderVries provided the rationale for converting the part time position into full time. Ms. Rose also explained that the contract for Mr. VanderVries was previously budgeted for in the full time category but has been moved to the part time category. Mr. VanderVries shared that an upcoming goal of the Office of the City Assessor is to become the first such office in the State of Michigan to receive a "Certificate of Excellence in Assessment Administration." Councilmember Ford inquired as to the legal costs included in the budget and Mr. VanderVries explained the need to have funding available to handle legal matters and for the potential need for retaining appraisal services for major development projects or appeals to the Tax Tribunal. Councilmember Reid inquired if the economy slows down, would we see more commercial "dark store" situations and Mr. VanderVries replied that he has been assisting in a legal case regarding the "dark store" theory and he believes the theory will be debunked.

City Manager Shaffer introduced Director of Information and Technology Devin Mackinder and complimented him on leading a "tech revolution" at City Hall. Mr. Mackinder pointed out that the current year budget for technological services is almost identical to the proposed budget. He also pointed out that the budget for Cable Access is down slightly and he attributes this to more people moving away from traditional cable television services. Mr. Mackinder then reviewed activities and accomplishments of his department over the previous year. With regard to a new City website, he informed City Council that it should go live on May 1st and confirmed that it would be mobile friendly. Mr. Mackinder next highlighted projects for the upcoming year such as a network security assessment, disaster recovery, consolidated dispatch migration and a possible transfer of cable access services. Both he and Mr. Boulis complimented the staff of the Information Technology Department and Mr. Boulis commented that, despite being contract employees, you would never know they aren't full time City employees. Councilmember Reid inquired as to the vendor for the website. Mr. Mackinder stated that

it was Civic Plus and then shared some details and thoughts about the project. Mr. Shaffer explained that there would be changes to the role and responsibilities of Mr. Mackinder in the next fiscal year. He explained that this is not reflective of Mr. Mackinder's performance but rather an effort to consolidate how the City communicates and interacts with residents. Mr. Shaffer continued by stating that a Communications Manager position was being created and some of Mr. Mackinder's responsibilities would move to the new position. Some of the duties of the new position would include the Portager, podcasting, press releases, website, social media communications, etc. To replace some of these responsibilities, Mr. Shaffer indicated that he has asked Mr. Mackinder to spend more time on matters related to security.

Mr. Shaffer introduced Director of Transportation and Utilities Kendra Gwin. Mr. Shaffer explained that her department is responsible for numerous street and utility projects and that Ms. Gwin is a master of details when it comes to these projects. Ms. Gwin reviewed the roles and responsibilities of her department. She explained that a large role of her department is the management of utilities in the City and that the proposed budget takes a conservative approach. Ms. Gwin explained that she is looking to add an engineer to her department as part of the proposed budget. She also explained that there is a slight increase in the contract for SUEZ and a decrease in debt service in the proposed budget. Next, she reviewed the major roadwork and utility projects that are upcoming. With regard to the reconstruction of a segment of South Westnedge Avenue, Councilmember Reid inquired how many lanes will be kept open and Ms. Gwin shared that there would be at least one travel lane in each direction along with a turn lane. Mayor Randall inquired if we have on-going updates on road construction on the city website and Ms. Gwin responded in the affirmative. Mayor Randall inquired, given all of the major roads that will be under construction, if there is a plan to reroute traffic. City Manager Shaffer responded that there is a plan but cautioned that traffic flow will be problematic this summer. With regard to work on Centre Avenue near the interchange with U.S. 131, Mayor Randall inquired if the ramps would be closed and Ms. Gwin explained that there may be times when access to ramps from Centre is limited or closed altogether due to restrictions by the Michigan Department of Transportation. Councilmember Burns stated that ACT 51 funding is going up and inquired how this was forecast and Finance Director Furry explained that there is a formula used to calculate the amount. Mr. Shaffer informed City Council that, as it relates to work on South Westnedge and Oakland Drive, the City was able to get the projects out to bid early and received good pricing which was less than was anticipated. Councilmember Reid inquired whether the high water table would impact any projects and Ms. Gwin responded that it may only impact a few sanitary sewer projects. Mayor Randall inquired when the new engineer would be on staff and Ms. Gwin explained that it has been difficult getting qualified applicants due to the high demand in the field. Mayor Randall inquired if former Director of Transportation and Utilities Chris Barnes would be available on a consultant basis and Mr. Boulis explained that he has assisted in a few projects in the past but is no longer a viable option. Ms. Gwin explained that they are looking for an engineer who would spend a majority of his or her time out in the field at project locations. Councilmember Burns inquired if a new water tower was being planned. Mr. Shaffer stated that a new tower is in the Capital Improvement Plan but it may not ever be built. He stated that the preferred alternative is to install a water main under the airport property to enhance water service in the City. He stated that they are closer to getting the easements and permissions needed to install the water main. Councilmember Burns inquired if the industrial sector of the City would be sufficiently covered if the new water line is installed. Mr. Shaffer explained that industrial developments frequently have fire suppression systems

in place that far exceed mandatory minimums. Ms. Gwin informed City Council that, while a new water tower may not be likely, the Haverhill Water Tower will need to be rehabilitated.

City Manager Shaffer introduced Director of Public Services Rod Russell and complimented him on the work of his department and his creative approach to meeting needs and solving problems. Mr. Shaffer shared that Mr. Russell looks for opportunities to utilize internal staff instead of contractors to perform work which results not only in cost-savings but boosts the morale of staff. Along these lines, Mr. Russell explained that an additional staff person is included in his proposed budget which will help reduce reliance on contractors to perform such services as mowing. He explained that the cost of the additional position will be offset by savings on contracted work. Mr. Russell explained that the Department of Parks and Recreation has numerous upcoming infrastructure and programmatic efforts that his department will be called on to support and maintain. With regard to his department, he explained that it is broken down into three areas including Park Maintenance, Street Maintenance and Fleet/Facilities. He then reviewed the general functions of each of these divisions and that efforts are being made to cross-train personnel and to keep quality employees. Mr. Shaffer explained that one reduction in the Department of Public Services budget is related to an emergency snow plow contract for which the City must pay regardless of whether the services are utilized. Councilmember Ford commented that he appreciated the effort to bring some of the work of the City in-house and questioned whether the emergency snow plow operators would perform as well as in-house operators. Mr. Russell next reviewed special programs such as Curbside Recycling and Household Hazardous Waste and highlighted positive participation trends in each of these areas. Councilmember Reid inquired if we received information on what percentage of collected recyclables are not able to be recycled. Councilmember Urban commented that many recyclables are shipped to China but that, due to policy changes by the Chinese government, the rejection rate is going up. Mr. Russell commented that he would research and respond to Councilmember Reid's question. Councilmember Reid asked that efforts be made on recycling education. With regard to the Leaf and Brush Pickup Program Mr. Russell shared that participation rates are increasing and that a budget increase is requested. He explained the need for the budget increase is related to a new contract and equipment rental. Finally, Mr. Russell reviewed a new piece of equipment called a "swap loader" that can serve multiple purposes for his department and that while his department has one swap loader, another is being requested in the proposed budget.

Recess: 7:00 p.m.

Reconvene: 7:10 p.m.

City Manager Shaffer introduced Director of Parks and Recreation Kathleen Hoyle and complimented her on the energy she has brought to her department. Mr. Shaffer also introduced Senior Citizen Services Manager Kim Phillips and complimented her on her efforts with the Portage Senior Center. Ms. Hoyle reviewed staffing changes within her department and efforts to obtain sponsorships and grants to help offset program expenses. She also emphasized the value in collaborating with other community organizations in planning and executing special events. Ms. Hoyle shared that there are proposed increases in maintenance costs and office supplies and that she is reviewing expenses related to activity management software. She pointed out a headliner summer concert and expressed optimism that it will be a major draw and that tickets will sell out which would more than offset the costs of the concert. Councilmember Reid inquired as to what number is considered "full attendance" for the concert. Ms. Hoyle replied that it would be 3,000. Councilmember Reid inquired if the Parks Department was

advertising and Ms. Hoyle responded in the affirmative and shared some of the methods. Ms. Hoyle then highlighted some events from the previous year and their popularity and also disclosed that the Farmer's Market would be relocating to the City Hall parking Lot. Councilmember Reid inquired as to any plans for the development of Betty Ongley Park and Ms. Hoyle responded that they are in the process of developing plans. Mayor Randall inquired if there is a rain venue for the summer concert and Ms. Hoyle said that Miller Auditorium has been reserved. Councilmember Knapp inquired if there would be more vendors at the Farmer's Market and Ms. Hoyle responded that she was uncertain since a third party is responsible for managing the market. Councilmember Burns inquired as to the logistics of the Farmer's Market as it related to parking and use of City Hall. Ms. Hoyle responded that they will be monitoring the transition and use of the City Hall parking lot along with use of the restroom facilities in City Hall and parking for the market. Councilmember Ford inquired if the City Centre area could accommodate parking for 3,000 and Ms. Hoyle assured him that a review of available parking had been conducted. Councilmember Randall inquired if, in regard to the concert, there will be a height restriction on the size of chairs people bring. Ms. Hoyle responded that chairs would be checked to make sure they are not too tall. Councilmember Burns inquired how the Parks Department was managing with invasive species and Ms. Hoyle shared that she anticipates receiving a report/study on the topic from the Kalamazoo Nature Center in July.

Senior Citizen Services Manager Kim Phillips reviewed highlights of the Senior Center and focused on the success of the speed dating program for seniors. Ms. Phillips emphasized the real success of the speed dating program and goal of other programs at the Senior Center is for people to be able to make connections. Ms. Phillips shared that overall program participation is trending higher than in previous years and that a new "Aging Mastery" program is proving popular. Ms. Phillips explained the Aging Mastery program and highlighted other areas of programmatic focus. She explained that there are no significant changes in budget and that the Senior Center has had success in keeping members up-to-date on events and happenings through a variety of communication methods. Councilmember Reid inquired if the Senior Center has had success attracting people between the ages of 50 and 65. Ms. Phillips explained that the median age of members is 74 but there is some membership growth at the younger end of the age spectrum.

Public Safety Director Nick Arnold shared that he was proud to be leading the Department of Public Safety and recognized Deputy Police/Fire Chief Dan Mills, Deputy Police Chief John Blue, Deputy Fire Chief John Podgorski, Assistant Fire Chief Stacy French and Communications Supervisor Ryan Enderich who were in the audience. Mr. Arnold explained that there is a Fire Division and Police Division within the Department of Public Safety and reviewed an ongoing trend of increasing service demands for each division. Mr. Arnold highlighted the national accreditations achieved by each division along with programs and efforts by his department that are outside the realm of routine public safety such as a back to school program for children. Mr. Arnold also highlighted a transition to a single ambulance provider that occurred in 2017 and shared that the transition has been smooth and beneficial. He then reviewed departmental efforts related to the opioid crisis, school safety and active shooter events. Next, Mr. Arnold reviewed upcoming projects such as the replacement of a fire station and closing of the Portage Dispatch Center and replacing it with Countywide Dispatch. Director Arnold closed by emphasizing the value and contributions of the men and women of the Public Safety Department. Mayor Randall shared that she has heard that morale is high in the Department of Public Safety and the community feels safe and complimented Mr. Arnold on his efforts. With regard to the opioid epidemic

Councilmember Urban inquired if any efforts have been made to encourage or equip other city staff such as park rangers or civilians with Narcan. Mr. Arnold said that at this point only Public Safety personnel carry Narcan and City Manager Shaffer stated that equipping additional staff would be explored. Deputy Police Chief Blue shared that Narcan is available by prescription only and some training on use is involved. Mayor Randall inquired as to the timeframe and location of the increase from 33 to 72 opioid related deaths and Mr. Arnold stated that the increase was for deaths over a two year period in Kalamazoo County. Councilmember Burns asked for Mr. Arnold to review any proposed changes in the Department of Public Safety. Mr. Arnold stated that they are looking to hire up to three positions to get staff in place to cover pending retirements. He also explained that six records clerk positions are included in the budget to cover the work that is currently performed by dispatchers when they are not involved in a call. Such work includes running computer checks, managing records, processing Freedom of Information Act requests and assisting patrol officers. The record clerk positions would ensure coverage 24 hours per day. Councilmember Ford noted that the police investigations budget is declining by approximately \$100,000 and asked why. Mr. Arnold explained that one detective had shifted responsibilities to professional standards from investigations. Councilmember Reid inquired how many records clerks would be working on weekends, evenings and holidays and Mr. Arnold stated there would always be one if not two. City Manager Shaffer explained that the need to cover for the transition and overlap in dispatch and hiring/training of new records clerks means that additional funding is needed in the coming fiscal year. Without the transition in dispatch Mr. Shaffer indicated that the City might be recommending a millage reduction. Councilmember Burns inquired as to the number of School Resource Officers and why an increase is not being proposed. Mr. Shaffer indicated there are two School Resource Officers and that the City is planning to talk with Portage Public Schools about adding additional officers. He indicated that Portage Public Schools pay half of the cost of these officers. Mr. Shaffer concluded by stating that if the talks go well City Administration may ask for a budget amendment. Mayor Randall pointed out that the City is still receiving \$75,000 per year for the upstairs level of the Public Safety building that was vacated by the Kalamazoo County Courts several years ago. Mr. Shaffer stated that the City would be receiving this compensation through the year 2023. Councilmember Knapp inquired if an additional K-9 unit was under consideration and Mr. Arnold shared that the Public Safety Department is looking into this possibility. Mayor Randall commented that she had spoken with the new Public Safety Director for the City of Kalamazoo and shared that, based on this conversation, she understands relationships have never been better between City of Kalamazoo Department of Public Safety and the Portage Department of Public Safety.

City Manager Shaffer complimented the efforts of Deputy Director of Planning, Development and Neighborhood Services Chris Forth as he has been filling in for Director of Community Development Vicki Georgeau. Mr. Forth shared that the Department of Community Development is operating within the greatest construction boom in the City since the early 1990's. Mr. Forth explained that the Department of Community Development is broken into areas related to planning, development, construction, neighborhood protection and growth in the community. Mr. Forth then reviewed the work of the department and explained that, due to all of the construction activity, revenue has exceeded projections by over \$1 million and the current fiscal year is not yet over. With regard to residential development, Mr. Forth indicated that the City has not seen this level of activity since 2005. Mr. Forth then reviewed various residential developments followed by commercial and industrial development projects. With regard to commercial and industrial projects, Mr. Forth indicated that these are nearing record highs as well. Next Mr. Forth expressed optimism for the Crossroads Mall as it

is under new ownership and reviewed projects located within the Downtown Development Authority. In response to an inquiry, Mr. Forth stated that to the best of his knowledge Blain's Farm and Fleet is still planning to locate in the former Menard's location. Mr. Forth then reviewed a number of business developments within the City. Mayor Randall inquired if there were any plans for the Toys R' Us after it goes out of business and Mr. Forth stated that he was not sure of what would happen at that location. Mayor Randall next inquired if there are any developments forthcoming in the Lake Center District and Mr. Forth stated that a Biggby coffee shop would be going in. Councilmember Reid inquired as to the vacancy rate for office space and Mr. Forth shared that he would have to gather statistics in this regard. Councilmember Reid expressed optimism that vacancy rates in the Crossroads Mall would decline under the new ownership. Mayor Randall inquired if any development had occurred since the City altered parking requirements. Mr. Forth stated that there had been nothing since City Council voted on the matter but Jared's Jewelers is an example. He explained that conversations have been held to develop sites at other locations within the City. Mayor Randall inquired as to a pond and fountain being installed near the Hillside Center on Romence Road and Mr. Forth explained that this activity is taking place at the retention basin that services the Hillside Center. Councilmember Ford commented that Ring Road is getting bad and encouraged Mr. Forth to encourage the property owner to address the matter. Councilmember Burns noted that, despite increasing demands, there is no request for additional staff in the proposed Community Development budget. Mr. Forth stated that an additional neighborhood code enforcement position was recently added and this has helped the City to be more proactive when it comes to enforcement issues. Councilmember Urban inquired if the inspection aspect of the department was fully staffed. Mr. Forth responded in the negative and pointed out that the City is seeking a mechanical inspector. Unfortunately this is proving difficult due to competition with the private sector and limited qualified applicants. Mayor Randall inquired about the possibility of sharing an inspector with the City of Kalamazoo. Mr. Forth stated that this has been explored previously but he does not remember the result and confirmed the plumbing inspector is needed full time. Deputy City Manager Boulis shared that before the economic downturn the City had two plumbing/mechanical inspectors. Mr. Shaffer commented that the tax base in Portage is larger than in Kalamazoo with a bigger inventory of properties and a higher growth rate. The plumbing inspector, he stated, would have plenty to do in Portage. Councilmember Urban commented that there may be differences between the Code of Ordinances in Portage and other jurisdictions and City Manager Shaffer confirmed that while the State Code of Ordinances is standard across jurisdictions subtle differences can exist. Councilmember Burns inquired if the hiring difficulty was related to pay or pool of qualified candidates. Mr. Forth commented that qualified applicants can make a lot of money in the construction market right now. Mr. Forth emphasized that there is a goal of "speed to permitting" which is made easier by having inspectors on staff instead of relying on a contractor. Mayor Randall inquired if the various projects referenced by Mr. Forth could be made available on the city website. Mr. Forth stated that he would work to make sure the new website had a component in which such information can be shared.

Next, Mr. Forth reviewed the 54 projects contained within the first year of the proposed 10-year Capital Improvement Program (CIP). Mr. Forth stated that the City of Portage has many characteristics that make it attractive to developers and that one factor often overlooked is the investment the City makes in infrastructure. With regard to the CIP Mr. Forth stated that there is a strong investment in the community including heavy investments in public services and parks. The first category he highlighted were street improvement projects and pointed out that the CIP now includes "front-loading" of design and engineering for major street reconstruction projects in an effort to obtain better pricing and get an

earlier start. Mr. Forth referenced a project related to traffic calming on local streets and Councilmember Knapp inquired what traffic calming measures might look like. Mr. Forth explained that measures could include speed humps, speed tables and curb bump outs. In regard to the CIP project to straighten Lovers Lane Mr. Forth explained that most of the land used for this project would come from the east side of the road. Mr. Forth next reviewed projects related to sidewalks and bikeways. Councilmember Urban inquired if the project designed to link Lexington Green Park to Ramona Park had received approvals from Consumers Energy. Mr. Forth stated that although permission has not yet been obtained he does not foresee any problems. Following a review of sidewalks and bikeways Mr. Forth reviewed water and sewer projects followed by projects related to police and fire efforts. Councilmember Burns inquired what work was going to be performed in the basement of the Public Safety building. Mr. Boulis explained that the basement has drainage issues and water has caused damage to this part of the facility. Councilmember Urban expressed surprise that a project for replacing vests and/or firearms was not included in the CIP. There was a question as to whether either or both of these items were included in the operating budget. City Manager Shaffer stated that he would look into the question. Mr. Forth next reviewed projects related to public facilities and parks and recreation. Councilmember Knapp inquired if the new signage at Eliason and across the City would be consistent and Mr. Shaffer responded in the affirmative. Mr. Forth next reviewed a relatively new effort called the "Community Enhancement Program." He stated that the Planning Commission approved three projects that were brought forward by residents including a pedestrian crossing to more safely cross Oakland Drive to get to Oakland Drive Park, street lights on Towhee and better lighting in the Lexington Green neighborhood. Councilmember Ford inquired if the enhancement program had been well received and Mr. Forth assured him that it was and would be continued next year. With regard to the Parks and Recreation projects included in the CIP Mayor Randall expressed skepticism at supporting an investment of \$53,000 to promote a café at Millennium Park citing nearby food and beverage options and the location/accessibility of the park. Councilmember Knapp agreed that this is an awkward place to make a large investment.

Being the last department head to speak, City Clerk Herringa stated that he would keep it brief especially since City Council is familiar with the workings of his office. Mr. Herringa reviewed his proposed budget and highlighted various aspects including a pay raise for election workers, funding for multiple elections, the implementation of a program to manage Freedom of Information Act requests, a change in the way legal notices are paid and that his department would be responsible for the collection of medical marijuana permit fees. Councilmember Burns inquired as to the pay raise for election workers and whether training would be provided on the new election equipment. Mr. Herringa stated that the pay raise for election workers was based on reviewing salaries of other municipalities. He continued by stating that small group training was offered in advance of last November's election and the same would occur leading up to the election in August.

City Manager Shaffer stated that the City has been very busy and thanked staff that stepped up to fill a need such as Kendra Gwin and Chris Forth. Mr. Shaffer also complimented Bill Furry, Lauren VanderVeen and Rob Boulis on their efforts related to the budget. He then asked City Council for any questions or feedback on the budget.

Mayor Randall stated that she is amazed at the positive work being accomplished. She also stated that, with a 9.88% growth, she had hoped be able to lower the millage rate and give something back to residents. She pointed out that the City of Kalamazoo recently had a dramatic reduction in the millage

rate thanks to philanthropic donations and pointed out that nearby townships also have a lower millage rate than Portage. She expressed her goal that Portage be affordable for everyone and her support for ensuring the City of Portage is a great place to work. Mayor Randall stated that she understands the strategy and funding for consolidated dispatch, questions the work at Millennium Park and asked City Administration to see if a reduction in the millage rate can be achieved with this budget.

Councilmember Knapp commented that debt reduction has a value as well and Councilmember Reid asked that the City be more aggressive at marketing and promoting efforts related to debt reduction. She stated that while the City may not be reducing taxes it is engaged in a plan to be debt free and to pay for projects as they happen. Ms. Reid pointed out that the millage rate for the City of Portage is still on the low end when compared to similar municipalities and emphasized that a lower debt level gives the City added flexibility. Councilmember Urban shared that he is not concerned about a tax reduction at this time especially given that the City is still recovering from a loss in valuation due to the economic downturn. He pointed out that Parks and Recreation programs took a huge hit and are just now getting back to where they were. He stated that while taxes may be cheaper in Texas Township there is value in living in Portage. With regard to the City of Kalamazoo, Mr. Urban commented that it cannot be helped that Kalamazoo was the beneficiary of philanthropy. Councilmember Ford also inquired about the possibility of a millage reduction pointing to positive growth, business investments and debt reduction as the signs of a healthy economy. During such a healthy economy, he stated, it would be great to give back. He agreed with an enhanced effort to market debt reduction strategies and stated that he was supportive of keeping the millage rate the same as FY 2017-2018. Councilmember Burns stated his agreement with Councilmember Ford and that he would be open to a minor reduction in the millage rate either now or in the next year. Councilmember Knapp emphasized that she sees continued debt reduction as a priority and a consistent message in this regard should be promoted.

Councilmember Burns pointed to the sewer fund as a possible location for the City to be able to give back to residents. City Manager Shaffer stated that the City is planning a 4% reduction in the combined utility rate this year, next year and the year after that. Deputy Finance Director Lauren VanderVeen commented that while a millage reduction would be great, residents are benefitting from free access to Ramona Park and increased services and programs. City Manager Shaffer pointed out that additional funding has been included in the Community Development Block Grant program which would be reviewed at the next budget review session.

Adjournment: There being no further comments, Mayor Randall adjourned the meeting at 9:36 p.m.

**NOTES FROM THE PRE-MEETING OF THE PORTAGE CITY COUNCIL
OF APRIL 23, 2018**

Mayor Randall called the meeting to order at 8:00 a.m. Councilmembers Chris Burns and Lori Knapp joined via the conference phone line. Mayor Pro Tem Jim Pearson and Councilmembers Richard Ford, Claudette Reid and Terry Urban were absent with excuse. Also in attendance were City Manager Laurence Shaffer, Deputy City Manager Rob Boulis and City Clerk Adam Herringa.

Mayor Randall opened the meeting and inquired if there were any questions or concerns regarding items on the proposed April 24th Agenda. With regard to Item A.4., Public Media Network (PMN), Councilmember Burns inquired as to the budget impact of in-sourcing the work currently provided by PMN. City Manager Shaffer stated that the amount currently provided to PMN is in excess of expected costs associated with bringing services in-house. Mr. Shaffer indicated that approximately \$380,000 is provided to PMN annually while the anticipated costs of performing the work in-house should be in the range of \$120,000. Mayor Randall inquired if Information and Technology Director Devin Mackinder was working on a proposal related to this effort. Mr. Shaffer stated that a Request for Proposals has been issued with a goal of having services begin on July 1st. Councilmember Burns indicated that he has been reviewing minutes related to PMN and pointed out that a former Portage representative on the PMN Board of Directors, Ed Sackley, had commented that he believed PMN had an excessive fund balance and that some funding should be returned to participating entities. Councilmember Burns inquired if any discussion had occurred in this regard. Mayor Randall indicated that she is not aware of any plan to return funds to PMN participants. Mayor Randall shared that she has attended one meeting of the PMN Board of Directors, one meeting was cancelled and the next meeting will be April 26th. The question of Portage remaining part of PMN will be discussed at this next meeting. Mayor Randall shared that PMN has been discussing Kalamazoo County Government joining the consortium. She indicated that PMN is looking at charging Kalamazoo County \$500 per meeting for broadcast services.

With regard to Item A.5, Labor Agreement with Portage Police Officers Association (PPOA), Councilmember Burns inquired as to the “sticking points” that resulted in the Agreement needing to go to arbitration. Deputy City Manager Rob Boulis pointed to two issues which were PPOA asking to move to a defined benefit pension plan from the current contribution plan and for increases to their retiree health plan. Mr. Shaffer stated that he has no intention of city employees moving into a defined benefit plan citing the impacts such plans can have on municipal finances.

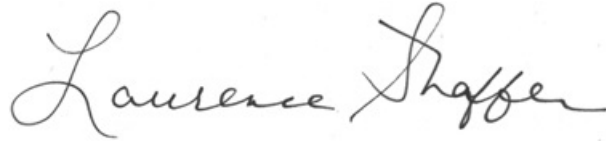
With regard to Item A.10, Kalamazoo County Identification Program, Mayor Randall inquired if the City Council needed to formally adopt participation in the program. Mr. Shaffer stated that City Administration has determined to participate in the program and the topic is being brought to the attention of City Council as an information item.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:11 a.m.

Adam Herringa, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Approval of the Accounts Payable Register of April 24, 2018 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period April 1, 2018 through April 15, 2018 and notes \$159,114.08 in automated clearing house payments, \$208,113.96 in paper checks and \$7,795.69 in auto-pay payments for a grand total of \$375,023.73.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of 4-24-2018

ACCOUNTS PAYABLE REGISTER
Check Dates From: 04/01/2018 To: 04/15/2018

Page 1 of 6

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
04/06/2018	8489(A)	A NEW LEAF	PLANT CARE	85.00
04/06/2018	8490(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMPORARY EMPLOYEES	13,407.47
04/06/2018	8491(A)	AIRGAS GREAT LAKES	MAINTENANCE SUPPLIES	73.08
04/06/2018	8492(A)	ALRO STEEL CORPORATION	MAINTENANCE SUPPLIES	276.53
04/06/2018	8493(A)	APOLLO FIRE APPARATUS REPAIR	FIRE APPARATUS MAINT	2,931.76
04/06/2018	8494(A)	BASIC CORPORATE	BASIC - 1095 FILING	1,850.50
04/06/2018	8495(A)	BILL'S LOCK SHOP, INC.	RE-KEY CMO TO MASTER	80.00
04/06/2018	8496(A)	BROWNELL'S INCORPORATED	GUN SUPPLIES	31.05
04/06/2018	8497(A)	C D W GOVERNMENT, INC.	WEB FILTERING SOFTWARE	943.55
04/06/2018	8498(A)	C M P DISTRIBUTORS, INC.	WEAPONS/MAG	2,726.70
04/06/2018	8499(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	2,917.02
04/06/2018	8500(A)	CARRIER & GABLE	TRAFF SIG MAINTENANCE	9,977.90
04/06/2018	8501(A)	CHARTER COMMUNICATIONS	CABLE TV	571.65
04/06/2018	8502(A)	CLEANIT CORP	CAR WASHES	317.99
04/06/2018	8503(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC MATERIALS	704.87
04/06/2018	8504(A)	ENGINEERED PROTECTION SYSTEMS, INC.	ACCESS CONTROL	2,000.00
04/06/2018	8505(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	WELDING SERVICES	1,480.00
04/06/2018	8506(A)	ETNA SUPPLY, INC.	CELERY FLATS PROJECT	115.00
04/06/2018	8507(A)	EXTREME POWER EQUIPMENT, INC.	MAINTENANCE SUPPLIES	113.32
04/06/2018	8508(A)	FARM N GARDEN	FERTILIZER	4,537.76
04/06/2018	8509(A)	FIDELITY SECURITY LIFE INSURANCE CO	FEB-JUNE 2018 VISION	1,222.78
04/06/2018	8510(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING	268.00
04/06/2018	8511(A)	GLOBAL EQUIPMENT CO., INC.	UTILITY CART - TS	237.51
04/06/2018	8512(A)	GORDON WATER SYSTEMS	WATER COOLER RENTAL	70.75
04/06/2018	8513(A)	GRAHAM FORESTRY SERVICE, INC.	FORESTRY CONSULTING	1,012.00
04/06/2018	8514(A)	GREATER KALAMAZOO UNITED WAY	CONTRIBUTIONS-MARCH	870.00
04/06/2018	8515(A)	GRIFFIN PEST SOLUTIONS, INC.	ANNUAL TERMITE INSPECS	673.00
04/06/2018	8516(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	8,539.43
04/06/2018	8517(A)	HOWARD PRINTING	PORTAGER PRODUCTION	11,275.40
04/06/2018	8518(A)	HURLEY & STEWART, LLC	2018 STORM DRAINAGE	6,904.24

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Check Date	Check	Vendor Name	Description	Amount
04/06/2018	8519(A)	INDUSCO SUPPLY CO., INC.	RESTROOM SUPPLIES	245.44
04/06/2018	8520(A)	KEHOE, EDWARD J	PROGRAM INSTRUCTOR	400.00
04/06/2018	8521(A)	LAND MATTERS LLC	LAND ACQUIS SERVICES	255.50
04/06/2018	8522(A)	LAWSON PRODUCTS, INC	REPAIR/MAINTENANCE	283.05
04/06/2018	8523(A)	LIBRA INDUSTRIES, INC. OF MICHIGAN	FIRE OPS SUPPLIES	510.00
04/06/2018	8524(A)	MAILFINANCE	MAILFINANCE SERVICE	733.77
04/06/2018	8525(A)	MARTIN SPRING & DRIVE, INC.	TIMBREN SPRINGS	298.33
04/06/2018	8526(A)	MATERIALS RESOURCES	JANITORIAL SUPPLIES	273.65
04/06/2018	8527(A)	MEEKHOF TIRE SALES & SERVICE INC.	REAR TIRES - 244	1,070.75
04/06/2018	8528(A)	MICHIGAN OFFICE ENVIRONMENTS	ADDITIONAL HARDWARE	310.50
04/06/2018	8529(A)	NYE UNIFORMS	UNIFORM	3,337.46
04/06/2018	8530(A)	PECKELS, CHRISTINE	PROGRAM INSTRUCTOR	180.00
04/06/2018	8531(A)	PEOPLEFACTS, LLC 740303	EMPLOYEE BACKGROUND	16.67
04/06/2018	8532(A)	PORTAGE FIREFIGHTERS	DUES FOR MARCH 2018	2,589.12
04/06/2018	8533(A)	PORTAGE ON-CALL FIREFIGHTERS	DUES FOR MARCH 2018	120.00
04/06/2018	8534(A)	PORTAGE POLICE OFFICERS ASSOC	DUES FOR MARCH 2018	1,078.00
04/06/2018	8535(A)	PREMIER SAFETY	FIRE OPS TRAINING	225.00
04/06/2018	8536(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE	9,252.75
04/06/2018	8537(A)	RIDGE AUTO NAPA	FLEET DIAGNOSTIC UPD	1,478.26
04/06/2018	8538(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	2,073.20
04/06/2018	8539(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL INSTALL	44,625.65
04/06/2018	8540(A)	SNELL, DEBRA	PROGRAM INSTRUCTOR	480.00
04/06/2018	8541(A)	SUEZ WATER ENVIRONMENTAL SERVICES	WATER METERS	2,953.05
04/06/2018	8542(A)	THE POSTMAN INC.	FENCE AND GATE REPAIRS	1,680.00
04/06/2018	8543(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	DUES FOR MARCH 2018	632.53
04/06/2018	8544(A)	UNITED PETROLEUM	FUEL TANK TIGHTNESS	787.70
04/06/2018	8545(A)	VERPLANK TRUCKING CO.	LIMESTONE	1,539.44
04/06/2018	8546(A)	W W GRAINGER INC	SAFETY SUPPLIES	29.85
04/06/2018	8547(A)	WARNER NORCROSS & JUDD LLP	LEGAL FEES & RETAINER	894.00
04/06/2018	8548(A)	WIGHTMAN & ASSOCIATES, INC.	SURVEYING SERVICES	2,800.00
04/06/2018	8549(A)	XEROX CORPORATION	COPY MACHINE	686.15
04/11/2018	8550(A)	GAIL ANDRUS TRAVEL	TRIP VENDOR PAYMENT	800.00

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Check Date	Check	Vendor Name	Description	Amount
04/11/2018	8551(A)	LAKE MICHIGAN MAILERS, INC.	BARCODING OF MAIL	260.00
			Total ACH Transactions:	159,114.08

Check Type: Paper Check

04/06/2018	305629	62B DISTRICT COURT	OUT OF COUNTY BOND	200.00
04/06/2018	305630	A S C A P	MUSIC LICENSE FEE	352.50
04/06/2018	305631	A T & T	TELEPHONE SERVICE	262.31
04/06/2018	305632	A. RIFKIN CO.	REPLACEMENT BALLOT	1,945.53
04/06/2018	305633	ADP, INC.	PAYROLL & TIME SERVICE	4,128.85
04/06/2018	305634	ALLEGAN COUNTY CIRCUIT COURT	BAIL BOND	521.00
04/06/2018	305635	ALLEGRA PRINT & IMAGING	PRINTING	1,679.90
04/06/2018	305636	ALTA EQUIPMENT CO.	MAINTENANCE SUPPLIES	32.08
04/06/2018	305637	AMERICAN CRIME PREVENTION INSTITUTE	BASIC CRIME PREV	1,250.00
04/06/2018	305638	AMERICAN PLANNING ASSOCIATION	APA/AICP MEMBERSHIP	631.00
04/06/2018	305639	AUTOBODY USA - SOUTHSIDE	VEHICLE REPAIRS	946.82
04/06/2018	305640	BEGEMAN, CRAIG	TRAINING EXPENSES	60.00
04/06/2018	305641	BEST WAY DISPOSAL, INC.	SEDIMENT HAULING	1,958.40
04/06/2018	305642	BLUEBEAM, INC.	PLAN REVIEW SOFTWARE	1,913.00
04/06/2018	305643	BORDEN, JESSICA	SCHRIER PARK DEPOSIT	100.00
04/06/2018	305644	BURKETT SIGNS(SIGN SPECIALIST)	BOND REFUND	60.00
04/06/2018	305645	CALHOUN COUNTY SHERIFF'S OFFICE	K9 TRAINING	150.00
04/06/2018	305646	CARLETON EQUIPMENT CO.	REPAIR SUPPLIES	4,303.98
04/06/2018	305647	CINTAS CORP.	PANT RENTAL	22.20
04/06/2018	305648	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	56,913.05
04/06/2018	305649	CLEAR CHANNEL AIRPORTS	ADVERTISING - AZO	888.00
04/06/2018	305650	COLLIER, MICHAEL	EMPLOYEE REIMBURSEMENT	5.45
04/06/2018	305651	CORNERSTONE CONSTRUCTION	BOND REFUND	1,565.31
04/06/2018	305652	CORNERSTONE OFFICE SYSTEMS	OFFICE SUPPLIES	225.00
04/06/2018	305653	DEARBORN INN	TRAINING EXPENSES	495.00
04/06/2018	305654	DEARBORN INN	TRAINING EXPENSES	495.00
04/06/2018	305655	DICK'S SPORTING GOODS	PROGRAM EQUIPMENT	479.00
04/06/2018	305656	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE REPAIRS	551.00

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Check Date	Check	Vendor Name	Description	Amount
04/06/2018	305657	FADER EQUIPMENT, INC.	CELERY FLATS PROJECT	80.00
04/06/2018	305658	FIDLAR COMPANIES	NEW ORDINANCE	542.92
04/06/2018	305659	FRED PRYOR SEMINARS/CAREERTRACK	MICROSOFT EXCEL TRAINING	128.00
04/06/2018	305660	GALL'S, LLC	FIRE OPS UNIFORMS	26.20
04/06/2018	305661	GALT HOUSE HOTEL	TRAINING COSTS	1,448.52
04/06/2018	305662	GEIB, MARK	OVER PAYMENT FINAL	80.75
04/06/2018	305663	GETTY IMAGES (US) INC.	STOCK PHOTO CREDITS	325.00
04/06/2018	305664	GOVCONNECTION, INC.	REPLACEMENT ELECTION	16,311.12
04/06/2018	305665	GRACEY, LARRY	TEMP PUMPING HOSE	1,020.00
04/06/2018	305666	GREATER KALAMAZOO FOP LODGE 98	DUES FOR MARCH 2018	5,052.64
04/06/2018	305667	GRIFFIN PEST SOLUTIONS, INC.	FIRE FACILITY MAINT	55.00
04/06/2018	305668	HOEKSTRA ROOFING CO.	ROOF INSPECTIONS	1,600.00
04/06/2018	305669	HOME DEPOT	LAB SUPPLIES	583.89
04/06/2018	305670	HOME DEPOT	ELIASON PROJECT SUPP	761.20
04/06/2018	305671	IAAO	MEMBERSHIP COST	142.50
04/06/2018	305672	IACP	MEMBERSHIP COST	150.00
04/06/2018	305673	INT'L ASSOC OF ARSON INVESTIGATORS	FIRE MARSHAL MEMBERS	70.00
04/06/2018	305674	INTERSTATE OFFICE INTERIORS	SHELVING	7,075.00
04/06/2018	305675	JOHN R. MANEY II	ADVANCED ROADSIDE	300.00
04/06/2018	305676	KALAMAZOO COUNTY HEALTH & COMMUNITY	FOOD/KITCHEN LICENSE	505.00
04/06/2018	305677	KALAMAZOO COUNTY TREASURER	MOBILE HOME TAXES	322.50
04/06/2018	305678	KEAN, MARGARET	TRIP REFUND	105.00
04/06/2018	305679	KIEBOOM, ANDREW	SCHRIER DEPOSIT REFUND	100.00
04/06/2018	305680	KIESER & ASSOCIATES, LLC	PROFESSIONAL SERVICE	1,336.25
04/06/2018	305681	KLINE, MICHAEL	TRAINING EXPENSES	60.00
04/06/2018	305682	KZOO TIRE COMPANY	TIRES AND TIRE REPAIRS	1,680.10
04/06/2018	305683	LARRY MOORE	CRISIS COMMUNICATION	405.00
04/06/2018	305684	LEXISNEXIS RISK SOLUTIONS	ACCURINT CHARGES	152.00
04/06/2018	305685	LOPEZ, GLORIA	RENTAL DEPOSIT REFUND	100.00
04/06/2018	305686	LYSTER EXTERIORS	ROOF REPAIRS	2,500.00
04/06/2018	305687	MAIN STREET PORTRAITS INC	REIREMENT PIC/FRAME	106.00
04/06/2018	305688	MAXWELL PRODUCTS, INC.	CRACK SEALING	20,441.62

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Check Date	Check	Vendor Name	Description	Amount
04/06/2018	305689	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	79.00
04/06/2018	305690	MI ASSOC. OF CHIEFS OF POLICE	2018 CONFERENCE	285.00
04/06/2018	305691	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIRS	1,557.42
04/06/2018	305692	MIGALA CARPET ONE, INC.	CARPET REMOVAL	1,229.52
04/06/2018	305693	MULDERS LANDSCAPE SUPPLIES INC	TOP SOIL AND GRASS	615.00
04/06/2018	305694	NATIONAL FIRE PROTECTION ASSOC	FIRE MARSHAL CERT	125.00
04/06/2018	305695	NATIONAL FIRE PROTECTION ASSOC	FIRE MARSHAL BOOKS	274.55
04/06/2018	305696	NATIONAL FIRE PROTECTION ASSOC.	ELECTRICAL CODE BOOK	138.95
04/06/2018	305697	NEIGHBORHOOD CLEANERS OF PORTAGE	TABLE CLOTH CLEANING	246.20
04/06/2018	305698	NYE UNIFORMS	UNIFORMS	197.86
04/06/2018	305699	OFFICE DEPOT, INC.	OFFICE CHAIRS	1,257.36
04/06/2018	305700	PAPER CENTRAL	30 CARTONS OF PAPER	808.00
04/06/2018	305701	PATTERSON, TREVER	TRAINING EXPENSES	500.00
04/06/2018	305702	PRINTING SERVICES INC	PHOTO CONTEST BANNER	147.00
04/06/2018	305703	SCHAEFFER MANUFACTURING COMPANY	BULK TANK ADDITIVES	3,282.95
04/06/2018	305705	SDV DEVELOPMENT, LLC	BOND REFUND	2,732.00
04/06/2018	305706	SLAVIN, NATHAN	EMPLOYEE REIMBURSEMENT	14.38
04/06/2018	305707	SOIL & MATERIALS ENGINEERS,INC	PROFESSIONAL SERVICE	3,900.00
04/06/2018	305708	SPARBEL, GARY & DEBORAH	TRIP REFUND	100.00
04/06/2018	305709	STATE OF MICHIGAN	SOR REGISTRATION FEE	570.00
04/06/2018	305710	STATE TAX COMMISSION	2018 ROSE APPRAISAL	250.00
04/06/2018	305711	THE UNION LLC	COOKING CLASS CHEF	240.00
04/06/2018	305712	THOMPSON, HELENE	PROGRAM INSTRUCTOR	672.00
04/06/2018	305713	TODD ARBANAS ENTERPRISES INC.	TREE REMOVAL	6,465.00
04/06/2018	305714	TRACTOR SUPPLY CORP.	CANINE SUPPLIES	37.99
04/06/2018	305715	U S POSTAL SERVICE	POSTAGE REFILL	3,000.00
04/06/2018	305716	U S POSTAL SERVICE	MAILING PERMIT #58 A	225.00
04/06/2018	305717	UNIFIRST CORPORATION	RUG DELIVERY	71.70
04/06/2018	305718	UNITED PARCEL SERVICE	WEEKLY DELIVERY	25.21
04/06/2018	305719	VANPORTFLIET, DEREK	TRAINING EXPENSES	60.00
04/06/2018	305720	VERIZON WIRELESS SERVICES, LLC	CELLULAR PHONES	2,267.94
04/06/2018	305721	WAYNE STATE UNIVERSITY	TRAINING COSTS	450.00

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Check Date	Check	Vendor Name	Description	Amount
04/06/2018	305722	WAYNE STATE UNIVERSITY	TRAINING COSTS	450.00
04/06/2018	305723	WAYNE STATE UNIVERSITY	TRAINING COSTS	450.00
04/06/2018	305724	WELLER AUTO PARTS INC.	GEAR BOX FOR UNIT 24	604.80
04/06/2018	305725	WEST MICHIGAN OFFICE INTERIORS	OFFICE FURNITURE	6,797.45
04/06/2018	305726	WITMER PUBLIC SAFETY GROUP	FIRE OPS UNIFORMS	69.99
04/06/2018	305727	WMCJTC	TASER INST CERT REYN	100.00
04/06/2018	305728	WMPIF	PLUMBING INSPECTOR FORUM	25.00
04/06/2018	305729	WOLFE, MATT	EMU TRAINING	583.66
04/10/2018	305730	BOWMAN, KAREN	TRIP REFUND	540.00
04/10/2018	305731	DAVIS, DAVE	PARK DEPOSIT REFUND	100.00
04/10/2018	305732	FIRST REFORMED CHURCH	TRIP VENDOR PAYMENT	100.00
04/10/2018	305733	HA, KATHERINE	LAKEVIEW#2 DEPOSIT	100.00
04/10/2018	305734	HANOVER-HORTON AREA HISTORICAL SOC	TRIP VENDOR PAYMENT	481.00
04/10/2018	305735	HOYLE, KATHLEEN	REIMBURSEMENT	290.44
04/10/2018	305736	MICHIGAN FIRE INSPECTOR'S SOCIETY	FIRE MEMBERSHIPS	240.00
04/10/2018	305737	MICHIGAN SECRETARY OF STATE	12 LICENSE PLATES	156.00
04/13/2018	305738	AEG DEVELOPMENT	GRADING EASEMENT	19,500.00
Total Paper Checks:				208,113.96

Check Type: Auto-Pay Payments

04/12/2018	6355	CONSUMERS ENERGY	GAS-ELECTRIC	1,039.78
04/13/2018	6359	CONSUMERS ENERGY	GAS-ELECTRIC	6,755.91
Total Auto-Pay Payments:				7,795.69

Grand Total: 375,023.73

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Public Hearing on Fiscal Year 2017-2018 Budget

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Adopt the Resolution setting a public hearing on May 8, 2018 for the Fiscal Year 2018-2019 Proposed City Budget and the proposed 2018 tax levy.

In order to permit adoption of the Fiscal Year 2018-2019 proposed budget on May 22, 2018 and satisfy the requirements of the City Charter and Public Act 5 of 1982, known as the Truth in Taxation Act, a public hearing must be held at the regular Council meeting of May 8, 2018.

Public Act 5 of 1982 requires that any millage rate above the “base tax rate” must be identified separately in the Notice of Public Hearing on the proposed 2018 tax levy. The “base tax rate” as defined by Public Act 5 of 1982 is the prior year operating millage adjusted for the inflationary growth in the Taxable Value of property in the city. As the proposed tax levy does not exceed the base tax rate, no Truth in Taxation hearing is required for 2018. However, a public hearing on the proposed budget and the tax rate needed to support the proposed budget is still required.

It is therefore recommended that City Council adopt the Resolution setting a public hearing on May 8, 2018 for the proposed Fiscal Year 2018-2019 Budget.

FUNDING: N/A

Attachments: 1. Resolution

CITY OF PORTAGE
RESOLUTION OF CITY OF PORTAGE

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on April 24, 2018 at 7:00 p.m. local time at the Council Chambers in the City of Portage, Michigan.

Present: _____

Absent: _____

The following resolution was offered by:

Councilmember _____, and supported by:

Councilmember _____

NOW THEREFORE, BE IT RESOLVED:

That the City of Portage set a public hearing for 7:00 p.m., or as soon thereafter as may be heard, on May 8, 2018, on the proposed 2018-2019 City budget as required by Chapter Seven of the City Charter and state law.

Be it further resolved:

That notice, in substantially the following form, be published in a newspaper of general circulation within the City, giving notice of the City's intent to set the public hearing.

CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING
ON PROPOSED CITY BUDGET AND
PROPOSED PROPERTY TAXES

The City Council of the City of Portage will hold a public hearing at 7:00 p.m., or as soon thereafter as may be heard, on May 8, 2018 in the Council Chambers at 7900 South Westnedge Avenue on the proposed 2018-2019 City budget and on the proposed 2018 City tax levy. Copies of the proposed budget are available for public inspection during regular business hours in the offices of the City Clerk and the Director of Finance and Purchasing.

The hearing is being held for the purpose of receiving testimony and discussing the proposed levy of the millage needed to support the proposed budget.

Public comments, oral or written, are welcome at the hearing on the proposed City budget and the proposed millage rate.

This notice published by: CITY OF PORTAGE
7900 SOUTH WESTNEDGE AVENUE
PORTAGE, MICHIGAN 49002
(269) 329-4412

Dated: _____, 2018

City Clerk

AYES: Councilmember _____

NAYS: Councilmember _____

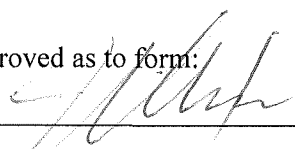
ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on April 24, 2018, the original of which is in the official proceedings of the City Council.

City Clerk

Approved as to form:



John R. Axe, Clark Hill PLC

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Authorization to Terminate Relationship with Public Media Network (PMN)

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: Authorize the City Manager to notify Public Media Network (PMN) that the City of Portage intends to withdraw its membership on or after July 1, 2018.

On May 11, 2010, the City Council authorized the City of Portage to enter into the *Urban Cooperation Act Agreement to Establish a Separate Legal Entity to Administer Cable TV Public Access*. The participation by the City of Portage in the consortium called for the city to transfer the franchise and public service fees earned from the various cable television providers to the entity created by the Agreement - Public Media Network (PMN). Since that time, the City of Portage has funded PMN a total of \$2,743,000 of its franchise and public service fees in order to provide the full range of public, educational and governmental (PEG) services. The city's most recent full year of payments to PMN, beginning July 1, 2016 and ending July 1, 2017, was \$380,489.16. All franchise and public service fees provided to PMN by the City of Portage originate with the cable television subscribers from Portage.

Although past performance of PMN had provided uneven results, PMN is presently providing a much improved broadcast and experience for the citizens of Portage, including enhancements to the quality of the production. Consequently, this current recommendation is not driven by PMN's current performance.

Fundamentally, the mechanisms by which Portage citizens receive their information has changed dramatically over the last decade. With the increase in social media, many residents increasingly receive information from mobile devices and platforms other than cable television. As a result, the City Administration must refine the manner in which it distributes information and garners citizen input. This recommendation results primarily from the need to update how information is exchanged from city to citizen and from citizen to the city.

Section 21: *Withdrawal of Membership*, of the above referenced Urban Cooperation Act Agreement states:

"Any member public agency may withdraw from this Agreement by giving thirty (30) days written notice to the Board of Directors prior to such withdrawal..."

In preparation for this recommendation, I met with Ron Coleman, PMN Board Chairman and Matt Schuster, PMN Executive Director to review the city's position and explain my intended

recommendation to the City Council. I further inquired as to whether PMN would be amenable to enter into a contract for services with the City of Portage consistent with the contract presently being negotiated between Kalamazoo County and PMN. In that proposed contract, PMN would provide broadcast and live stream services to Kalamazoo County for \$500 per meeting or up to \$30,000 per year.

Previous PMN board members Ed Sackley and Claudette Reid also met with me on several occasions, during which Mr. Sackley recommended that the City of Portage cease its membership with PMN due to many factors, not the least of which include administrative issues identified by him during his term as Treasurer and Secretary of the PMN Board.

I have asked Technology Services Director Devin Mackinder to begin the process for transitioning PMN's duties to the city's portfolio. Central technical aspects of the website and televising will remain with Technology Services. To date, the following activities have been initiated:

1. A specialist in television broadcasting and live streaming has been hired to engage in an initial evaluation of the equipment presently utilized to achieve transmission. The city wishes to determine how much of the existing equipment can be utilized versus how much requires replacement/updating.
2. An RFP has been prepared, pending the outcome of this request, to solicit an outside manager to plan, create and administer the city's long-term broadcast and live streaming of City Council and Planning Commission meetings.
3. A change in the city's organizational structure has been planned for next year to create the internal position of *Communication Manager*, similar to action the City of Kalamazoo recently initiated. This position will consolidate all media activities undertaken by the City into one division and would remove all marketing and media activities currently with Technology Services, instead placing them under the sole direction of the *Communication Manager*. The *Communication Manager* would be responsible for the following:
 - Website
 - Portager (and the new ePortager)
 - Social Media
 - Press Releases
 - Podcasts
 - TV Broadcast / live streaming meetings
 - Managing PEG channels

Given the number of variables in this proposal, it is my recommendation that the authorization to terminate the city's relationship with PMN be flexible. Although it is my goal to transition on July 1, 2018, there are any number of factors that might delay the cut-over. Consequently, this request provides the date of termination to be no earlier than July 1, 2018, with the option for a later date.

Finally, I am not pleased to recommend action that runs counter to the City of Portage's strategic goal to be a good partner in regional efforts that provide services to a broad range of Kalamazoo County citizens. I am mindful that a Portage withdrawal from this relationship will place a strain on PMN and the remaining members of the organization. However, the resources required to stay with PMN, when compared to the services received, cannot be ignored.

Consequently, I must recommend that the City Council authorize the City Manager to notify the Board of Directors of Public Media Network of the intention of the City of Portage to withdraw membership from PMN on or after July 1, 2018, consistent with the provisions of Section 21 of the *Urban Cooperation Act Agreement to Establish a Separate Entity to Administer Cable TV Public Access*, said agreement authorized by City Council on May 11, 2010, and as subsequently amended.

FUNDING: Resources previously provided to PMN would be utilized to fund these activities under the city's new oversight. Approximately \$380,000 in franchise and public service fees will assist in supporting this endeavor.

- Attachments:**
1. City of Portage Payments to Public Media Network
 2. Resolution to Join Public Media Network (5th Amendment)
 3. City Attorney Opinion - Public Media Network Contract
 4. 1st Amendment
 5. 2nd Amendment
 6. 3rd Amendment
 7. 4th Amendment

**City of Portage Payments to Public Media Network
Fiscal Year 2012-2013 through Fiscal Year 2017-2018***

Prepared by City of Portage Finance Department – 4/19/2018

Fiscal Year	Franchise Fees	Public Service Fees	Total Payments to PMN
2012-2013	\$285,007.20	\$71,947.63	\$356,954.83
2013-2014	\$294,928.53	\$70,455.94	\$365,384.47
2014-2015	\$311,482.90	\$75,414.31	\$386,897.21
2015-2016	\$321,186.54	\$75,491.85	\$396,678.39
2016-2017	\$311,196.10	\$69,293.06	\$380,489.16
2017-2018*	<u>\$152,736.38</u>	<u>\$35,577.53</u>	<u>\$188,313.91</u>
Total	<u>\$1,676,537.65</u>	<u>\$398,180.32</u>	<u>\$2,074,717.97</u>

*Through first two quarters of Fiscal Year 2017-2018

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: May 7, 2010

FROM: City Council Ad Hoc Cable Access Committee*

SUBJECT: Resolution to Join Public Media Network

ACTION RECOMMENDED: That City Council:

- a. approve the Resolution Approving a Fifth Amendment to the Urban Cooperation Act Agreement which established the Public Media Network to permit the City of Portage to become a Member Public Agency and to approve a Memorandum of Understanding related thereto;
 - b. appoint four individuals to serve on the Public Media Network Board of Directors on behalf of the City of Portage; and
- authorize the City Manager to execute all documents on behalf of the city.

Since January 2008, the Ad Hoc Cable Access Committee has been actively working to enhance cable access programming and services to the community. During the fall of 2008, the Committee oversaw and participated in a community needs assessment, which was conducted to evaluate the services currently being offered and where those services could be improved. Subsequent to the community needs assessment, a request for proposal (RFP) was developed and issued for the delivery of cable access television services within the City of Portage. The city received four proposals to the RFP during the summer of 2009. The Committee and City Administration reviewed the proposals and worked with the vendors who submitted the proposals on points of clarification and additional requirements for the services to be provided.

After a thorough review of vendor capabilities, the Committee recommended that the city join the Public Media Network (PMN), a five-member municipal consortium currently located in downtown Kalamazoo, for the provision of cable access programming and services to the community. PMN was the only vendor that met all the Committee requirements as well as a reduction in the annual services fee. City Council adopted a Resolution of intent to join PMN in December 2009.

Since that time, the Committee and City Administration have worked with PMN to finalize the agreement documents, which include the attached Fifth Amendment to the Urban Cooperation Act Agreement which established the PMN to permit the City of Portage to become a Member Public Agency and the Memorandum of Understanding.

The final documents provide for the development of a new Government Video Production Unit (GVPU) which will be constructed in the City Centre in a cooperative effort with the Portage Public Schools (PPS). It is anticipated that PMN and PPS will finalize a lease arrangement to allow for a portion of the Waylee Elementary facility located at 8106 Waylee to be reused as the GVPU. This new unit will expand the offerings provided by PMN to include exclusive video production resources for the member agencies. In addition, by joining PMN, the City of Portage expenditures for the provision of cable access services will be reduced by 20 percent as compared to the current arrangement with PPS for cable access services. The additional revenue can be utilized by the City Administration to help offset revenue reductions as a result of the current state of the economy.

It is important to note that by approving the Resolution to join PMN, the city relinquishes all decision-making, financial management and day-to-day operational authorities to the PMN Board of Directors. However, the City of Portage will be represented on the Board of Directors with four members to be appointed by the City Council. The Committee recommends that Council appoint two Councilmembers and two citizens-at-large to fill these positions. The Councilmembers would serve at the pleasure of the Council with no term limits. While future citizen-at-large members would be appointed for three-year terms, the initial appointment would be one for a three-year term and one for a two-year term in order to stagger the expiration of the terms.

To work toward a smooth transition, the start date with PMN has been determined to be July 1, 2010. This date was selected for financial, operational and community awareness reasons. July 1 represents the beginning of the new fiscal year and allows all parties the necessary time to communicate the change to the community as well as transition the new cable casting infrastructure from PPS to PMN.

It is recommended that City Council approve the attached Resolution Approving a Fifth Amendment to the Urban Cooperation Act Agreement which established the Public Media Network to permit the City of Portage to become a Member Public Agency and to approve a Memorandum of Understanding related thereto. It is further recommended that the Council appoint to the PMN Board of Directors Mayor Pro Tem Ed Sackley and Councilmember Claudette Reid and two citizens-at-large – one for a three-year term and one for a two-year term – who will be interviewed and selected as part of the Board and Commission interview process on Tuesday, May 11, 2010.

Attachments

1. Resolution Approving a Fifth Amendment to the Urban Cooperation Act Agreement
2. Fifth Amendment to the Urban Cooperation Act Agreement
3. Memorandum of Understanding

* Mayor Pro Tem Ed Sackley
Councilmember Margaret O'Brien
Councilmember Claudette Reid

CITY OF PORTAGE

RESOLUTION APPROVING A FIFTH AMENDMENT TO THE URBAN COOPERATION ACT AGREEMENT WHICH ESTABLISHED THE PUBLIC MEDIA NETWORK TO PERMIT THE CITY OF PORTAGE TO BECOME A MEMBER PUBLIC AGENCY AND TO APPROVE A MEMORANDUM OF UNDERSTANDING RELATED THERETO

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 _____, 2010, at 7:30 p.m. local time.

PRESENT:

ABSENT:

Resolution offered by:

Seconded by:

WHEREAS, certain local governments (the "Member Public Agencies") have entered into an Urban Cooperation Act Agreement (the "Agreement") to establish the Public Media Network as a separate legal entity to administer cable television public access and other community media services on a cooperative basis; and

WHEREAS, the Agreement establishes a Board of Directors to operate the Public Media Network ("PMN"); and

WHEREAS, the Board of Directors of the PMN has recommended to the Member Public Agencies that the Agreement be amended to permit the City of Portage to join the PMN as a Member Public Agency on the terms and conditions of the Agreement and a Memorandum of Understanding between the PMN and the City of Portage; and

WHEREAS, the Board of Directors of PMN has submitted to the Member Public Agencies a Fifth Amendment to the Agreement (attached) and a Memorandum of Understanding (attached) and requested that both be approved; and

WHEREAS, the Agreement provides that it may be amended with the approval of two-thirds of the Member Public Agencies; and

WHEREAS, the City of Portage finds and determines it to be in the public interest to approve the Fifth Amendment and the Memorandum of Understanding;

NOW, THEREFORE, BE IT RESOLVED that the City of Portage hereby approves the Fifth Amendment and Memorandum of Understanding in substantially the form attached to this Resolution.

BE IT FURTHER RESOLVED that the City of Portage and the Board of Directors of PMN are hereby authorized to sign the Fifth Amendment and Memorandum of Understanding in substantially the form attached to this Resolution.

All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YEAS:

NAYS:

ABSENT:

James R. Hudson, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2010, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2010.

James R. Hudson, City Clerk

Approved as to Form

Date: 5/5/2010
llw

City Attorney

Z:\Jody\PORTAGE\RES\PMN Resolution.050410.wpd

**FIFTH AMENDMENT TO THE URBAN COOPERATION ACT
AGREEMENT ESTABLISHING THE PUBLIC MEDIA NETWORK
TO AUTHORIZE THE CITY OF PORTAGE TO BECOME A MEMBER OF THE
PUBLIC MEDIA NETWORK**

WHEREAS, the City of Kalamazoo, the Charter Township of Kalamazoo, the Charter Township of Oshtemo, the Charter Township of Comstock, and the City of Parchment (hereinafter the "Member Public Agencies") have previously entered into an Urban Cooperation Act Agreement to establish Public Media Network to administer cable television public access and other community media services, and

WHEREAS, the City of Portage has requested to join Public Media Network and to become a Member Public Agency as described in the Urban Cooperation Act Agreement, and

WHEREAS, the Board of Directors of Public Media Network has recommended to the Member Public Agencies that the Urban Cooperation Act Agreement be amended to authorize the City of Portage to become a Member Public Agency, and

WHEREAS, the Member Public Agencies have determined that it would be in the public interest of their respective communities and would advance the efforts of Public Media Network in providing public access and other community media services if the City of Portage joined Public Media Network,

NOW, THEREFORE, IT IS AGREED between the Member Public Agencies that the Agreement shall be amended as follows:

1. Section 1 of the Urban Cooperation Act Agreement is hereby amended to read in its entirety as follows:

1. Membership. The following public agencies shall become members and parties to this Urban Cooperation Act Agreement:

- A. City of Kalamazoo
- B. Charter Township of Kalamazoo
- C. Charter Township of Oshtemo
- D. City of Parchment
- E. Charter Township of Comstock
- F. City of Portage

2. Section 23 of the Urban Cooperation Act Agreement is amended to read in its entirety as follows:

23. Additional Members. Additional Member Public Agencies may become parties to this Agreement under the same terms and conditions as the original members were permitted to become parties. Additionally, a prospective Member Public Agency may become a party to this Agreement upon terms and conditions in addition to those specified in this Agreement as amended, conditioned upon the approval of the Board of Directors of the Public Media Network and the Member Public Agencies. Such additional terms and conditions shall have the same status and effect as the terms and conditions in this Agreement as amended and shall be set forth in a Memorandum of Understanding executed between the prospective Member Public Agency and Public Media Network.

3. All other sections of the Urban Cooperation Act Agreement, as amended by the First, Second, Third, and Fourth Amendments which are not amended by this Fifth Amendment shall remain in full force and effect.

4. This Fifth Amendment, after being approved and signed by the Member Public Agencies, shall be filed with the Kalamazoo County Clerk and the Secretary of State and shall become effective on July 1, 2010.

CITY OF KALAMAZOO

By: _____

By: _____

Date: _____

TOWNSHIP OF OSHTEMO

By: _____

By: _____

Date: _____

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

TOWNSHIP OF KALAMAZOO

By: _____

By: _____

Date: _____

CITY OF PARCHMENT

By: _____

By: _____

Date: _____

CITY OF PORTAGE

By: _____

By: _____

Date: _____

17,556,142.3\109386-00001

APPROVED AS TO FORM
DATE 5/5/2010
Puz
CITY ATTORNEY

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, dated _____, 2010, is between Public Media Network, a public body corporate established by local municipalities under the Michigan Urban Cooperation Act, whose address is 359 S. Kalamazoo Mall, Ste. 300, Kalamazoo, MI 49007, (hereafter PMN), and the City of Portage, a Michigan municipal corporation, whose address is 7099 South Westnedge Ave., Portage, MI 49002, and is as follows:

Whereas, the City of Portage issued a Request for Proposals (RFP) for Public, Education, and Government Access Television Services on March 23, 2009, and

Whereas, the Public Media Network Board of Directors authorized the submission of a proposal in response to the City of Portage RFP on March 26, 2009, and a final proposal was submitted to the City of Portage on April 22, 2009, and

Whereas, in response to various questions and inquiries, Public Media Network submitted Board authorized supplemental responses to the City of Portage on June 26, 2009, July 31, 2009, and September 25, 2009, and

Whereas, Public Media Network's original proposal and supplemental responses provided the basis for the City of Portage's decision to become a Member Public Agency of PMN, they are included within this Memorandum of Understanding, and

Whereas the City of Portage desires to become a Member Public Agency of PMN, and

Whereas, PMN desires to have the City of Portage become a member, and

Whereas, the City of Portage and PMN desire to set forth their understandings of the terms and conditions upon which the City of Portage will join the PMN,

Now, therefore, PMN and the City of Portage agree that in addition to the conditions set forth in the Urban Cooperation Act Agreement, as amended, establishing PMN, the following conditions will apply to the membership of the City of Portage in PMN:

1. Government Production Service Unit. PMN will create a Government Production Services Unit (GPSU) for the production of informational media content for each Member Public Agency. This content will generally include, but not be limited to, regular and special meeting coverage, special "Town Hall" meetings, election and candidate forums, news and information content about municipal services, public safety and emergency management information, and electronic bulletin board announcements.

PMN will locate the GPSU facility in the City of Portage. Public Media Network, the City of Portage, and the Portage Public Schools are engaged in negotiations for the use of a portion of the Portage Public School's Training and Technology Center (formerly known as Waylee Elementary School) as a location for the Government Production Services Unit. In the event that an agreement for the use of the Portage Public School's Training and Technology Center cannot be reached by on or about March 31, 2010, Public Media Network will seek an alternative location for the Government Production Services Unit within the City of Portage. PMN will make a good faith effort to complete and have operational the GPSU facility in the City of Portage on or about December 01, 2010.

2. Public, Education, Government (PEG) Operation and Services. PMN will provide media production training, equipment loan, and PEG programming telecast services for all residents and community organizations in the PMN service area, including the City of Portage, from its existing facility located at The Epic Center, 359 S. Kalamazoo Mall, Suite 300, Kalamazoo, Michigan. This includes the operation of PMN's five existing PEG channels (19, 20, 21, 22, and 95) and does not include the operation of dedicated PEG channels for City of Portage cable television customers.

PMN will evaluate and consider a plan for providing PEG facilities and services in the City of Portage when resources and opportunities permit as determined by the PMN Board of Directors. This evaluation and planning process will be conducted between July 1, 2010 and December 31, 2010 and will consider the financial and operational conditions upon which such facilities and services could be provided.

3. AT&T Interconnection. Prior to its decision to join PMN, the City of Portage authorized and completed the interconnection of two (2) PEG channels to AT&T's U-verse cable television system. PMN's current Member Public Agencies (the City of Kalamazoo, the City of Parchment, the Charter Township of Oshtemo, the Charter Township of Kalamazoo, and the Charter Township of Comstock) (referred to individually as a "Current Member Public Agency" and collectively as the "Current Member Public Agencies") have not authorized interconnection of PMN channels to AT&T's U-verse cable television system due to inferior picture quality and functionality issues, and have reserved that decision for a future date.

The existing City of Portage PEG channel connection to AT&T will be maintained by connecting up to three (3) of PMN's PEG channels to the AT&T U-verse cable television system. The City of Portage will make arrangements to use the existing City of Portage/Portage Cable Access signal encoding devices, and acquire any additional encoding devices if necessary, to provide the City of Portage PEG interconnection for up to three (3) of PMN's PEG channels to AT&T. The City of Portage will also acquire the appropriate bandwidth for the transmission of up to three (3) PEG channels to the AT&T U-verse cable television system. The expenditures incurred by the City of Portage

to maintain the PEG interconnection for up to three (3) of PMN's PEG channels to the AT&T U-verse cable television system will be documented and deducted from the applicable Public Service Fee owed to Public Media Network by the City of Portage.

Public Media Network will provide technical assistance to the City of Portage for the installation, maintenance, and monitoring of the PEG signal interconnection to the AT&T U-verse cable television system.

The Current Member Public Agencies of PMN shall not be compelled to seek PEG interconnection with AT&T. Upon authorization of any Current Member Public Agency for PMN to interconnect PEG channels to the AT&T U-verse cable television system, such Current Member Public Agency will provide PMN with its escrowed AT&T Public Service Fees and will commence all applicable payments specified in Section 6 of the Urban Cooperation Act Agreement as amended.

Upon all Current Member Public Agencies authorizing interconnection of PMN channels to AT&T U-verse, PMN will assume full responsibility for PEG channel interconnection, maintenance, and monitoring for all members with AT&T U-verse service including the City of Portage.

4. Service Commencement. PMN will initiate PEG services for the City of Portage and the City of Portage will begin financial contributions and PMN Board participation on PMN on July 1, 2010. Similar to its delivery of PEG services to other Member Public Agencies, PMN will reasonably accommodate the timing and scheduling needs of the City of Portage and the Portage Public Schools in its delivery of PEG services to the Portage community.

5. City of Portage Video Production Facilities, Systems and Equipment. The City of Portage will transfer to PMN by appropriate documentation all video production facilities, systems, and equipment currently owned by the City of Portage in use by Portage Cable Access as managed by the Portage Public Schools. PMN and the City of Portage will jointly evaluate the video production facilities, systems, and equipment prior to making a decision on re-purposing, repair, or disposal.

6. Documents: The following documents are hereby incorporated as fully part of this Agreement as if herein set out verbatim, or if not attached, as if hereto attached:

- a. PMN letter to R. Luders dated December 9, 2009
- b. PMN letter to D. Mackinder dated November 16, 2009
- c. PMN supplement response documents dated September 25, 2009, July 31, 2009 and June 26, 2009 and email dated August 6, 2009
- d. The PMN Proposal dated April 22, 2009

In the event that any provision conflicts with any other provision within the documents above, the provision within the document first enumerated above shall govern, except as otherwise specifically stated.

7. Liability. This Memorandum of Understanding sets forth the understandings, plans, and intentions of the parties. Both parties will use their best efforts to carry out the terms and conditions of this Memorandum of Understanding. However, neither party wishes to incur any liability as a result of entering into this Memorandum of Understanding. Thus, in the event of a breach or violation of this Memorandum of Understanding, neither party shall have any liability to or claim against the other party.

Public Media Network

City of Portage

By: _____
Its: Executive Director

By: _____
Its: City Manager

By: _____
Its: Board Chair
Dated: _____, 2010

Dated: _____, 2010

APPROVED AS TO FORM
DATE 5/5/2010
Per
CITY ATTORNEY

RANDALL L. BROWN
& ASSOCIATES, PLC

ATTORNEYS AND COUNSELORS AT LAW

RANDALL L. BROWN
CHARLES R. BEAR
JULIE A. BRADFIELD

DENNIS E. KORDISH (1996-2008)

1662 EAST CENTRE AVENUE
PORTAGE, MICHIGAN 49002

TELEPHONE (269) 323-8812
FACSIMILE (269) 323-0055
brownandassociates@att.net

December 5, 2014

PERSONAL & CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE

Mr. Laurence Shaffer, City Manager
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Via Email

Re: **Public Media Network Contract**

Dear Larry:

You have asked whether the City has the ability to cancel the Public Media Network ("PMN") contract and the ramifications of doing so.

You have provided the Memorandum of Understanding ("MOU") as well as the Fifth Amendment to the Urban Cooperation Act ("UCA") Agreement establishing the PMN. The Fifth Amendment was prepared to add the City of Portage as a member to the UCA Agreement. The MOU is a separate agreement between PMN and the City. It should be noted that paragraph 6 of the MOU incorporates seven documents, including the MOU. I have retrieved five of these documents but still do not have PMN's letters dated September 25, 2009 and August 6, 2009.

Also, to answer your questions, a review of the original UCA Agreement, as well as the first four amendments is necessary. By agreeing to the Fifth Amendment, the City of Portage has agreed to be bound by the entire Agreement comprising the original Agreement, the five Amendments and the MOU.

Section 21, Withdrawal of Membership, of the original UCA Agreement has been incorporated into each amendment thereafter and reads as follows:

"Any member public agency may withdraw from this Agreement by giving thirty (30) days written notice to the Board of Directors prior to such withdrawal; provided, however, no member public agency may withdraw from this Agreement unless it has first satisfied any and all financial and/or other commitments for which it has become obligated during the term of its membership; provided, further, no such obligation shall be imposed upon a member public agency if the member public agency gives notice of withdrawal from this Agreement within fifteen (15) days of the day the obligations was imposed. A member public agency which has given notice of withdrawal shall have no further vote on the Board of Directors, shall not be counted for quorum purposes, and shall not have any additional obligations imposed upon it."

In essence, with thirty (30) days written notice, the City may withdraw if it satisfies all financial obligations for which it is obligated. Further, if there is a financial obligation which the City does not desire, it may withdraw and not be responsible for such obligation if notice of withdrawal is given fifteen (15) days after the obligation is imposed. Once notice of withdrawal has been given, the City has no vote on the board and cannot be counted for a quorum.

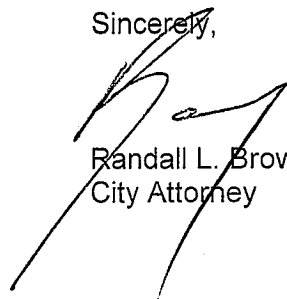
At this point, I do not know the particulars as to why the City is reviewing the possibility of withdrawing and, therefore, it is difficult to determine which provision(s) in the Agreement may be applicable with regard to the consequences of withdrawal. If more information is received with regard to those details, I can review the matter again to determine if other provisions may be applicable. I would note in the meantime, however, that if the City, as a result of and in connection with withdrawal, would violate any provision of the MOU, Section 7 of the MOU provides that in the event of a breach or violation, "neither party shall have any liability to or claim against the other party".

Also, I have enclosed the following documents which may provide assistance as you move forward:

1. The original UCA Agreement;
2. A February 19, 2010 correspondence from me to Bob Luders with regard to the PMN Agreement; and
3. An April 8, 2010 correspondence to Maurice Evans from me with regard to Section 7 of the MOU as well as paragraph 21 of the original Agreement.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Randall L. Brown
City Attorney

RLB/jat

Enclosures

cc: Rob Boulis (w/o encl.)
Devin Mackinder (w/o encl.)

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URBAN COOPERATION ACT AGREEMENT TO ESTABLISH
A SEPARATE LEGAL ENTITY TO ADMINISTER CABLE TV PUBLIC ACCESS

WHEREAS, Article VII, Section 28, of the Michigan Constitution of 1963, specifically authorizes two or more governmental units to enter into contractual undertakings or agreements with one another for the joint administration, sharing of costs and responsibilities, or transferring to one another of any of the functions, powers, or responsibilities which each would have the power to perform separately; and,

WHEREAS, The Urban Cooperation Act of 1967 (PA 1967, Extra Session, No. 7) implements this constitutional provision by providing that public agencies may provide for inter-local public agreements to carry out their respective functions, powers, and responsibilities; and,

WHEREAS, several local agencies within the County of Kalamazoo desire to establish a Separate Legal Entity under the Urban Cooperation Act of 1967 to administer cable television public access for the public agencies that will best meet the needs of the residents of the member public agencies;

NOW, THEREFORE, IT IS AGREED between the following public agencies, as follows:

1. Membership. The following public agencies shall become members and parties to this Urban Cooperation Act Agreement:

- A. City of Kalamazoo
- B. Township of Kalamazoo
- C. Township of Oshtemo
- D. _____
- E. _____
- F. _____
- G. _____
- H. _____

2. Body Corporate. By the signing of this Agreement by two or more of the public agencies listed in Paragraph 1 and the filing of this Agreement with the Kalamazoo County Clerk and the Secretary of State, the Community Access Center shall be established as a body corporate with the power to sue and be sued in its own name and to administer and/or execute the provisions of this Agreement.

3. Purpose. The purpose of the Community Access Center shall be to administer, coordinate, and promote, beginning on January 1, 1985, the use of cable television public access channels and facilities in the Kalamazoo Metropolitan Area for those public agencies who receive cable television service from Fetzer Cablevision.

4. Duties. The Community Access Center shall have the following duties:

- A. To administer public access for the participating municipalities.
- B. To establish rules and regulations governing the use of the Community Access Studio, channels, and equipment.
- C. To establish and promote training programs for public access channel users.
- D. To coordinate and control the schedule of public access programming.
- E. To set and control the budget for the Access Studio and operations and to establish such reasonable fees and charges to users of the facilities as may be necessary to fund the operation of the Access Center. In establishing any such fees and charges,

there shall be a reasonable differential rate between users of the facilities who reside within the boundaries of the member agencies of this Agreement and those users who do not.

- F. Such other reasonable and necessary duties as will assure the smooth, efficient, and cooperative running of the Access Studio and channels.
- G. To make and enter into contracts with public or private agencies to carry out the purposes of this Agreement.
- H. To employ agents or employees.
- I. To adopt an annual balanced budget of revenues and expenses on a calendar-year basis.
- J. To acquire, hold, or dispose of real or personal property.
- K. To incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the member public agencies to this Agreement.
- L. To purchase and maintain insurance to protect the interest of the body corporate and its Board of Directors, representatives, agents, and employees.
- M. To accept gifts, grants in aid, or other financial assistance from any public or private agency for use in carrying out the purposes of this Agreement.
- N. To adopt By-Laws to cover the procedures and general operation of the Access Center and channels.
- O. To make claims for Federal or State aid payable to an individual or any member public agencies on account of the execution of this Agreement.

- P. To adopt policies governing the general operation of the Access Center and channels, including, but not limited to, personnel policies, purchasing policies, affirmative action policies, retirement policies, etc.
- Q. To retain or hire legal counsel, accounting services, auditing services, and such other services as may be necessary in the determination of the Board of Directors.

5. Board of Directors and Representation. The Community Access Center shall be under the control of a Board of Directors who shall exercise the powers and duties as set forth in this Agreement. Each participating public agency shall have one (1) representative on the Board of Directors for each 4,000 cable subscribers (or any fraction thereof) to Fetzer Cablevision in its area. In January of each year, the number of Fetzer Cablevision cable subscribers in each member public agency shall be ascertained and the appropriate reallocation of representatives shall take place, if necessary. Each member public agency shall determine how it appoints its own representatives and their terms subject to the limitations on representation contained in this paragraph.

6. Financial Contribution. Each member public agency must contribute, on the same schedule as it receives revenue from Fetzer Cablevision (quarterly, semi-annually, etc.), a sum equal to two percent (2%) of the gross subscriber revenues from Fetzer Cablevision operations in its area. In the event the member public agencies no longer receive the two percent (2%) of gross subscriber revenues the financial contribution shall be reconsidered.

7. Property. The City of Kalamazoo will lease to the Community Access Center for One Dollar (\$1.00) per year the

Community Access Studio and fixtures on a long-term basis on such reasonable terms and conditions as the City of Kalamazoo and the Community Access Center shall agree upon. All member public agencies must transfer to the Community Access Center control of any cable television access equipment which they own or have control over at the time of their admittance to membership. Each public agency becoming a member must also turn over control of any cable television access equipment it has to the Community Access Center and assign to the Center any right it may have to receive Cable Access equipment or money therefor in the future.

8. Limitations. The Community Access Center created by this Agreement shall not have the power or authority to levy any tax within the boundaries of any governmental unit participating in this Agreement, or to issue any type of bond in its own name, or to in any way indebted a public agency participating in this Agreement.

9. Employees. The Community Access Center may employ, engage, compensate, transfer, or discharge necessary personnel, subject to any personnel system established by the Center and the restrictions set forth in Subsections 5(g), (i) and (ii), of the Urban Cooperation Act.

10. Public Agency Contributions. Each member public agency entering into this Agreement may appropriate funds and may sell, lease, give, or otherwise supply the Community Access Center such personnel, services, facilities, or property as may be within its respective legal power to furnish.

11. Signing of Documents. All checks, contracts, agreements, notes, and any other legal documents or obligations shall be signed by two (2) individuals as may be designated by the Board of Directors.

12. Bonding. Any individual, regardless of whether he/she is a member or not, who is involved in handling monies of the Community Access Center shall be bonded to the Community Access Center by a surety licensed to do business within the State of Michigan in an amount to be set by the Board of Directors.

13. Privileges, Immunities, and Benefits of Officers, Agents, or Employees. All of the privileges and immunities from liability, and exemptions from laws, ordinances, and rules, and all pensions, relief, disability, workers' compensation, and other benefits which apply to the activity of directors, officers, agents, or employees of any public agents or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents, or employees extraterritorially under the provisions of this Agreement.

14. Officers. The Board of Directors may have such officers as it deems appropriate by providing for same, with their respective duties, in the By-Laws.

15. Voting. Each member of the Board of Directors shall have one (1) vote on all issues that come before the Board of Directors. A majority vote of the members of the Board of Directors shall be required to approve any action of the Board of Directors.

16. Quorum. A majority of the members appointed to the Board of Directors shall constitute a quorum for the transaction of the business of the Board of Directors.

17. Compensation and Expenses of Member Public Agencies. The members of the Board of Directors shall serve without compensation, but shall be entitled to reimbursement for expenses under such terms and conditions as the Board of Directors may determine.

18. Public Meetings. Meetings of the Board of Directors shall be open to the public (except closed sessions permitted by the Open Meetings Act) and shall be held in a place available to the general public. As a public body, the Board of Directors shall comply with the Open Meetings Act of 1976 (Act 267). No special meetings shall be held without prior written notice to each member public agency as shall be provided in the By-Laws.

19. Public Records. All records of the Community Access Center shall be deemed to be public records pursuant to the Freedom of Information Act of 1976 (Act 442) and shall be open to public inspection unless exempt as provided in Act 442.

20. Duration of Agreement. This Agreement shall be in effect for so long as two (2) member public agencies desire to be a part of such Agreement.

21. Withdrawal of Membership. Any member public agency may withdraw from this Agreement by giving thirty (30) days written notice to the Board of Directors prior to such withdrawal; provided, however, no member public agency may withdraw from this Agreement unless it has first satisfied any and all financial and/or other commitments for which it has become obligated during the term of its membership; provided, further, no such obligation shall be imposed upon a member public agency if the member public agency gives notice of withdrawal from this Agreement within fifteen (15) days of the day the obligation was imposed. A member public agency which has given notice of withdrawal shall have no further vote on the Board of Directors, shall not be counted for quorum purposes, and shall not have any additional obligations imposed upon it.

22. Distribution of Assets. Upon dissolution of the Community Access Center, all assets accumulated by the Center

shall be distributed pro rata on the basis of contribution to the then participating member public agencies after all legal obligations have been met.

23. Additional Members. Additional member public agencies may become parties to this Agreement under the same terms and conditions as the original members were permitted to become parties.

24. Amendments. This Agreement may be amended at any time by having member public agencies which are parties to this Agreement approve and sign the amendment. An amendment shall not become effective until signed by at least 2/3's of the member public agencies.

25. Disbursement of Funds. No disbursement of funds under the control of the Community Access Center shall be made without formal approval of the Board of Directors or in accordance with written policies established by the Board of Directors.

26. Audit. The Community Access Center shall have an annual independent audit conducted of its financial affairs which shall be presented to each party to this Agreement.

27. Incompatibility and Conflict of Interest. Pursuant to Article 28, Section 28, of the Michigan Constitution of 1963, an elected official of the governing body of a member public agency may serve as a representative on the Board of Directors and such service shall not be deemed incompatible with his/her service as an elected official. In addition, said elected official may vote on any action before the Board of Directors that affects his/her public agency, including a contractual relationship.

28. Liberal Construction. This Agreement is an innovative concept attempted by the participating member public agencies to resolve issues of mutual concern. In this regard, the provisions of this Agreement and the Urban Cooperation Act of 1967 shall be

liberally construed in favor of the Community Access Center. The powers granted to the Board of Directors by this Agreement and the Urban Cooperation Act of 1967 shall include those fairly implied and not prohibited by this Agreement or the Urban Cooperation Act.

29. Conflicting Statutory Provisions. If any provision of this Agreement conflicts with any statute of the State of Michigan providing for the authorization or performance of joint or cooperative agreements or undertakings between public agencies of the State, the provisions of such statutes shall control.

31. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

32. This Agreement shall be filed with the Kalamazoo County Clerk and the Secretary of State. (Filed with County Clerk on October 29, 1984 and Secretary of State on October 31, 1984.)

City of Kalamazoo

Public Agency

By: Shereef L. Gulle

By: _____

Date: 10-15-84

Township of Kalamazoo

Public Agency

By: Daniel E. Hall

By: _____

Date: 10/24/84

Township of Oshtemo

Public Agency

By: Kenneth P. Maden

By: _____

Date: 10/17/84

Public Agency

By: _____

By: _____

Date: _____

RANDALL L. BROWN
& ASSOCIATES, PLC
ATTORNEYS AND COUNSELORS AT LAW

RANDALL L. BROWN
CHARLES R. BEAR
JULIE A. BRADFIELD

DENNIS E. KORDISH (1996-2008)

1662 EAST CENTRE AVENUE
PORTAGE, MICHIGAN 49002

TELEPHONE (269) 323-8812
FACSIMILE (269) 323-0055
brownandassociates@att.net

February 19, 2010

Mr. Robert Luders, Purchasing Director
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Via Facsimile

Re: Public Media Network

Dear Bob:

As a follow-up to our meeting with the Cable Access Council Committee, with regard to the PMN Agreement, please accept the following:

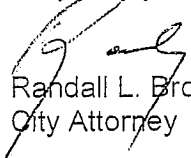
1. A certificate of insurance is needed showing the type and amount of liability insurance carried by PMN for itself and for the protection of its public agency members.
2. As you know, we have previously requested that PMN provide the Urban Cooperation Agreement originally signed by the founding public agency members. We have only been given the four amendments to the Urban Cooperation Agreement.
3. The Urban Cooperation Agreement Amendments refer to PMN's By-laws which may or may not exist. If there are by-laws, we also need a copy. Obtaining the By-laws is important because the third amendment to the Urban Cooperation Agreement modifies paragraph 5 by stating that the By-laws may provide "for additional members of the board and for the manner of their selection".
4. Paragraph 21 of the Urban Cooperation Agreement allows withdrawal of any public agency member with thirty days written notice. As discussed, there is nothing in the Agreement which describes what the withdrawing member would receive. I suspect that any member who withdraws will receive nothing. Paragraph 22, however, does state that upon dissolution of PMN, all the assets will be distributed on a pro-rated basis to the members.
5. The resolutions Don Schmidt discussed, which would be submitted to Council, as well as the Fifth Amendment to the Agreement adding the City of Portage, including the modification to paragraph 23 "Additional Members" is also still needed.

6. The third amendment to the Urban Cooperation Agreement modifies paragraph 6 to provide that the members contribution is 40% of the franchise fees. This modification replaced the previous paragraph 6 which required a 2% contribution. This modification was accomplished at the same time Section 7 of the Agreement was deleted which previously provided that the City of Kalamazoo will lease all facilities to PMN for one dollar. Therefore, the contribution is 40% not 42% as we discussed.

I think it is appropriate to make sure that these items are taken care of and that the City receives the "original" Urban Cooperation Agreement and by-laws, as well as all documents PMN desires the City to sign, including amendments to the Urban Cooperation Agreement and appropriate resolutions before the City staff informally represents to PMN representatives that an agreement has been reached.

If you have any additional questions regarding this matter, please do not hesitate to contact me.

Very truly yours,



Randall L. Brown
City Attorney

RLB/jat

cc: Maurice S. Evans
Devin Mackinder

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RANDALL L. BROWN
& ASSOCIATES, PLC
ATTORNEYS AND COUNSELORS AT LAW

RANDALL L. BROWN
CHARLES R. BEAR
JULIE A. BRADFIELD

DENNIS E. KORDISH (1996-2008)

April 8, 2010

1662 EAST CENTRE AVENUE
PORTAGE, MICHIGAN 49002

TELEPHONE (269) 323-8812
FACSIMILE (269) 323-0055
brownandassociates@att.net

Mr. Maurice S. Evans, City Manager
City of Portage
7900 S. Westnedge Ave.
Portage, MI 49002

Re: PMN - City Remedies Under MOU

Dear Maurice:

By now, I assume you have received my April 2, 2010 email to you and Bob with regard to Section 7, Liability and Remedy. Although, that email states that the alternate compromise language approved by the PMN Board "does not present liability concerns for the City", Bob has asked that a further opinion be provided with regard to the City's remedies generally for PMN's violation of the agreement.

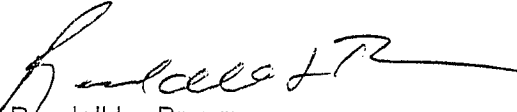
As you know, through the Administration's negotiations with PMN, provisions normally contained in City contracts providing for damages, indemnification and other provisions relating to remedies have been removed. Therefore, the only remedy the City will have for PMN's violation of any provision of the Memorandum of Understanding or the Urban Cooperation Agreement is to withdraw from the Agreement. Paragraph 21 of the Agreement states that any Member Public Agency may withdraw from the Agreement by giving thirty (30) days written notice prior to the withdrawal provided that "no Member Public Agency may withdraw from this Agreement unless it has first satisfied any and all financial and/or other commitments for which it has become obligated during the term of its membership". However, such obligation will not be imposed upon the withdrawing Member if the Member gives notice of withdrawal from the Agreement within fifteen (15) days of the date the obligation was imposed.

The City of Portage will have the same rights and obligations under the Agreement as the other Member Public Agencies. The difference, of course, is that the City is the first Member to enter into a separate MOU with PMN providing for additional terms and conditions relating only to the City. Because of this, PMN first desired to be released from all liability for violation of the MOU while impliedly reserving its right to pursue claims against the City. Conversely, the City insisted that the MOU include the ability to pursue claims against PMN for a violation. As a compromise, the end result was Section 7, Liability and Remedy, providing that neither party shall have any liability to or claim against the other party for a breach or violation of the Memorandum of Understanding.

Mr. Maurice S. Evans
April 8, 2010
Page 2 of 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Randall L. Brown
City Attorney

RLB/jat
cc: Bob Luders

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To make the
Community Access
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FIRST AMENDMENT TO
URBAN COOPERATION ACT AGREEMENT TO ESTABLISH
A SEPARATE LEGAL ENTITY TO ADMINISTER CABLE TV PUBLIC ACCESS

WHEREAS, the City of Kalamazoo the Township of Kalamazoo and the Township of Oshtemo (hereinafter Member Public Agencies) entered into an Urban Cooperation Act Agreement to Establish a Separate Legal Entity (Community Access Center) to Administer Cable TV Public Access, and

WHEREAS, said Member Public Agencies desire to qualify the Community Access Center as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, the Internal Revenue Service has requested that the Urban Cooperation Act Agreement be amended to include certain language to satisfy the requirements of Section 501(c)(3);

NOW, THEREFORE, the Urban Cooperation Act Agreement is hereby amended to include certain language to satisfy the requirements of Section 501(c)(3) as follows:

WHEREAS, Article VII, Section 28, of the Michigan Constitution of 1963, specifically authorizes two or more governmental units to enter into contractual undertakings or agreements with one another for the joint administration, sharing of costs and responsibilities, or transferring to one another of any of the functions, powers, or responsibilities which each would have the power to perform separately, and

WHEREAS, the Urban Cooperation Act of 1967 (PA 1967, Extra Session, No. 7) implements this constitutional provision by providing that public agencies may provide for inter-local public agreements to carry out their respective functions, powers, and responsibilities; and

WHEREAS, several local agencies within the County of Kalamazoo desire to establish a Separate Legal Entity under the Urban Cooperation Act of 1967 to administer cable television public access for the public agencies that will best meet the needs of the residents of the Member Public Agencies;

NOW, THEREFORE, IT IS AGREED between the following public agencies, as follows:

1. Membership. The following public agencies shall become members and parties to this Urban Cooperation Act Agreement:

- A. City of Kalamazoo
- B. Township of Kalamazoo
- C. Township of Oshtemo
- D. City of Parchment
- E. Township of Comstock
- F. _____
- G. _____
- H. _____

2. Body Corporate. By the signing of this Agreement by two or more of the public agencies listed in Paragraph 1 and the filing of this Agreement with the Kalamazoo County Clerk and the Secretary of State, the Community Access Center shall be established as a body corporate with the power to sue and be sued in its own name and to administer and/or execute the provisions of this Agreement.

3. Purpose. The purpose of the Community Access Center shall be to administer, coordinate, and promote, beginning on January 1, 1985, the use of cable television public access channels and facilities in the Kalamazoo Metropolitan Area for those public agencies who receive cable television service from Fetzer Cablevision.

The Community Access Center shall be operated exclusively for public, charitable, literary, educational and scientific purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

No part of the net earnings of the Community Access Center shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Community Access Center shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above. No substantial part of the activities of the Community Access Center shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Community Access Center shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of this constitution, the Community Access Center shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from

Federal income tax under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization or corporation, contributions to which are deductible under Section 170 (c)(2) of the Internal Revenue Code, or corresponding section of any future tax code.

4. Duties. The Community Access Center shall have the following duties:

- A. To administer public access for the participating municipalities.
- B. To establish rules and regulations governing the use of the Community Access studio, channels, and equipment.
- C. To establish and promote training programs for public access channel users.
- D. To coordinate and control the schedule of public access programming.
- E. To set and control the budget for the access studio and operations and to establish such reasonable fees and charges to users of the facilities as may be necessary to fund the operation of the Access Center. In establishing any such fees and charges, there shall be a reasonable differential rate between users of the facilities who reside within the boundaries of the member agencies of this Agreement and those users who do not.
- F. Such other reasonable and necessary duties as will assure the smooth, efficient, and cooperative running of the Access studio and channels.
- G. To make and enter into contracts with public or private agencies to carry out the purposes of this Agreement.
- H. To employ agents or employees.
- I. To adopt an annual balanced budget of revenues and expenses on a calendar-year basis.
- J. To acquire, hold, or dispose of real or personal property.
- K. To incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the Member Public Agencies to this Agreement.

- L. To purchase and maintain insurance to protect the interest of the body corporate and its Board of Directors, representatives, agents, and employees.
- M. To accept gifts, grants in aid, or other financial assistance from any public or private agency for use in carrying out the purposes of this Agreement.
- N. To adopt By-Laws to cover the procedures and general operation of the Access Center and channels.
- O. To make claims for federal or state aid payable to an individual or any member public agencies on account of the execution of this Agreement.
- P. To adopt policies governing the general operation of the Access Center and channels, including, but not limited to, personnel policies, purchasing policies, affirmative action policies, retirement policies, etc.
- Q. To retain or hire legal counsel, accounting services, auditing services, and such other services as may be necessary in the determination of the Board of Directors.

5. Board of Directors and Representation. The Community Access Center shall be under the control of a Board of Directors who shall exercise the powers and duties as set forth in this Agreement. Each participating public agency shall have one (1) representative on the Board of Directors for each 4,000 cable subscribers (or any fraction thereof) to Fetzer Cablevision in its area. In January of each year, the number of Fetzer Cablevision cable subscribers in each Member Public Agency shall be ascertained and the appropriate reallocation of representatives shall take place, if necessary. Each Member Public Agency shall determine how it appoints its own representatives and their terms subject to the limitations on representation contained in this paragraph.

6. Financial Contribution. Each Member Public Agency must contribute, on the same schedule as it receives revenue from Fetzer Cablevision (quarterly, semi-annually, etc.), a sum equal to two percent (2%) of the gross subscriber revenues from Fetzer Cablevision operations in its area. In the event the member public agencies no longer receive the two percent (2%) of gross subscriber revenues the financial contribution shall be reconsidered.

7. Property. The City of Kalamazoo will lease to the Community Access Center for One Dollar (\$1.00) per year the Community Access studio and fixtures on a long-term basis on such reasonable terms and conditions as the City of Kalamazoo and the Community Access Center shall agree upon. All Member Public

Agencies must transfer to the Community Access Center control of any cable television access equipment which they own or have control over at the time of their admittance to membership. Each public agency becoming a member must also turn over control of any cable television access equipment it has to the Community Access Center and assign to the Center any right it may have to receive cable access equipment or money therefor in the future.

8. Limitations. The Community Access Center created by this Agreement shall not have the power or authority to levy any tax within the boundaries of any governmental unit participating in this Agreement, or to issue any type of bond in its own name, or to in any way indebted a public agency participating in this Agreement.

9. Employees. The Community Access Center may employ, engage, compensate, transfer, or discharge necessary personnel, subject to any personnel system established by the Center and the restrictions set forth in Subsections 5(g), (i) and (ii), of the Urban Cooperation Act.

10. Public Agency Contributions. Each Member Public Agency entering into this Agreement may appropriate funds and may sell, lease, give, or otherwise supply the Community Access Center such personnel, services, facilities, or property as may be within its respective legal power to furnish.

11. Signing of Documents. All checks, contracts, agreements, notes, and any other legal documents or obligations shall be signed by two (2) individuals as may be designated by the Board of Directors.

12. Bonding. Any individual, regardless of whether he/she is a member or not, who is involved in handling monies of the Community Access Center shall be bonded to the Community Access Center by a surety licensed to do business within the State of Michigan in an amount to be set by the Board of Directors.

13. Privileges, Immunities and Benefits of Officers, Agents or Employees. All of the privileges and immunities from liability, and exemptions from laws, ordinances, and rules, and all pensions, relief, disability, workers' compensation, and other benefits which apply to the activity of directors, officers, agents, or employees of any public agency or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents, or employees extraterritorially under the provisions of this Agreement.

14. Officers. The Board of Directors may have such officers as it deems appropriate by providing for same, with their respective duties, in the By-Laws.

15. Voting. Each member of the Board of Directors shall have one (1) vote on all issues that come before the Board of Directors. A majority vote of the members of the Board of Directors shall be required to approve any action of the Board of Directors.

16. Quorum. A majority of the members appointed to the Board of Directors shall constitute a quorum for the transaction of the business of the Board of Directors.

17. Compensation and Expenses of Member Public Agencies. The members of the Board of Directors shall serve without compensation, but shall be entitled to reimbursement for expenses under such terms and conditions as the Board of Directors may determine.

18. Public Meetings. Meetings of the Board of Directors shall be open to the public (except closed sessions permitted by the Open Meetings Act) and shall be held in a place available to the general public. As a public body, the Board of Directors shall comply with the Open Meetings Act of 1976 (Act 267). No special meetings shall be held without prior written notice to each Member Public Agency as shall be provided in the By-Laws.

19. Public Records. All records of the Community Access Center shall be deemed to be public records pursuant to the Freedom of Information Act of 1976 (Act 442) and shall be open to public inspection unless exempt as provided in Act 442.

20. Duration of Agreement. This Agreement shall be in effect for so long as two (2) Member Public Agencies desire to be a part of such Agreement.

21. Withdrawal of Membership. Any Member Public Agency may withdraw from this Agreement by giving thirty (30) days written notice to the Board of Directors prior to such withdrawal; provided, however, no Member Public Agency may withdraw from this Agreement unless it has first satisfied any and all financial and/or other commitments for which it has become obligated during the term of its membership; provided, further, no such obligation shall be imposed upon a Member Public Agency if the Member Public Agency gives notice of withdrawal from this Agreement within fifteen (15) days of the day the obligation was imposed. A Member Public Agency which has given notice of withdrawal shall have no further vote on the Board of Directors, shall not be counted for quorum purposes, and shall not have any additional obligations imposed upon it.

22. Distribution of Assets. Upon dissolution of the Community Access Center, all assets accumulated by the Center shall be distributed pro rata (on the basis of contribution) to the then participating local governments (Member Public Agencies) for public purposes and after all legal obligations have been

met. Any such assets not so disposed of shall be disposed of by the Kalamazoo County Circuit Court exclusively for such purposes or to such organization or organizations as said Court shall determine, which are organized and operated exclusively for 501(c)(3) purposes.

23. Additional Members. Additional Member Public Agencies may become parties to this Agreement under the same terms and conditions as the original members were permitted to become parties.

24. Amendments. This Agreement may be amended at any time by having member public agencies which are parties to this Agreement approve and sign the amendment. An amendment shall not become effective until signed by at least two-thirds (2/3) of the Member Public Agencies.

25. Disbursement of Funds. No disbursement of funds under the control of the Community Access Center shall be made without formal approval of the Board of Directors or in accordance with written policies established by the Board of Directors.

26. Audit. The Community Access Center shall have an annual independent audit conducted of its financial affairs which shall be presented to each party to this Agreement.

27. Incompatibility and Conflict of Interest. Pursuant to Article 28, Section 28, of the Michigan Constitution of 1963, an elected official of the governing body of a Member Public Agency may serve as a representative on the Board of Directors and such service shall not be deemed incompatible with his/her service as an elected official. In addition, said elected official may vote on any action before the Board of Directors that affects his/her public agency, including a contractual relationship.

28. Liberal Construction. This Agreement is an innovative concept attempted by the participating Member Public Agencies to resolve issues of mutual concern. In this regard, the provisions of this Agreement and the Urban Cooperation Act of 1967 shall be liberally construed in favor of the Community Access Center. The powers granted to the Board of Directors by this Agreement and the Urban Cooperation Act of 1967 shall include those fairly implied and not prohibited by this Agreement or the Urban Cooperation Act.

29. Conflicting Statutory Provisions. If any provision of this Agreement conflicts with any statute of the State of Michigan providing for the authorization or performance of joint or cooperative agreements or undertakings between public agencies of the State, the provisions of such statutes shall control.

31. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

32. This Agreement shall be filed with the Kalamazoo County Clerk and the Secretary of State.

City of Kalamazoo
Public Agency

By: Henry L. Taylor

By: _____

Date: 1-31-86

Township of Kalamazoo
Public Agency

By: Beverly A. Butler

By: _____

Date: 2-5-86

Township of Oshtemo
Public Agency

By: John A. Hill

By: _____

Date: 2-5-86

City of Parchment
Public Agency

By: Richard J. Urdan

By: _____

Date: 2-20-86

Township of Comstock
Public Agency

By: Joseph M. Muzzey

By: _____

Date: 3/20/86

Public Agency

By: _____

By: _____

Date: _____

SECOND AMENDMENT TO URBAN COOPERATION ACT AGREEMENT
TO ESTABLISH A SEPARATE LEGAL ENTITY TO ADMINISTER
CABLE TELEVISION PUBLIC ACCESS

WHEREAS, the City of Kalamazoo, the Township of Kalamazoo and the Township of Oshtemo (hereinafter Member Public Agencies) originally entered into an Urban Cooperation Act Agreement in 1984 to establish a Separate Legal Entity ("Community Access Center") to Administer Cable Television Public Access, and

WHEREAS, Article VII, Section 28, of the Michigan Constitution of 1963, specifically authorizes two or more governmental units to enter into contractual undertakings or agreements with one another for the joint administration, sharing of costs and responsibilities, or transferring to one another of any of the functions, powers, or responsibilities which each would have the power to perform separately; and

WHEREAS, the Urban Cooperation Act of 1967 (PA 1967, Extra Session, No. 7) implements this constitutional provision by providing that public agencies may provide for inter-local public agreements to carry out their respective functions, powers, and responsibilities; and

WHEREAS, several local agencies within the County of Kalamazoo did desire to establish a Separate Legal Entity under the Urban Cooperation Act of 1967 to administer cable television public access for the public agencies that would best meet the needs of the residents of the Member Public Agencies; and

WHEREAS, subsequently the City of Parchment and the Township of Comstock entered into the Urban Cooperation Act Agreement between the City of Kalamazoo, the Township of Kalamazoo, and the Township of Oshtemo, which Agreement established the Separate Legal Entity ("Community Access Center") to administer Cable Television Public Access; and

WHEREAS, in 1986 said Member Public Agencies desired to qualify the Community Access Center as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, the Internal Revenue Service requested that the Urban Cooperation Act Agreement be amended to include certain language to satisfy the requirements of Section 501(c)(3); and

WHEREAS, the Urban Cooperation Act Agreement was amended in 1986, to include a certain language to satisfy the requirements of Section 501(c)(3), which language was placed into Sections 3 ("Purpose" of the Community Access Center) and 22 ("Distribution of Assets") of the Urban Cooperation Act Agreement; and

WHEREAS, the Board of Directors of the Community Access Center, after much study and consideration, have recommended to the Member Public Agencies that the Urban Cooperation Act Agreement be

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amended to allow the Community Access Center Bylaws to provide for additional members of that Board and the manner of their selection; and

WHEREAS, various Member Public Agencies have considered the recommendations of the Community Access Center Board of Directors to amend the Urban Cooperation Act Agreement and the Access Center Bylaws to permit the expansion of said Board of Directors; and

WHEREAS, the Member Public Agencies wish to amend said Urban Cooperation Act Agreement by amending Section 5 ("Board of Directors and Representation") of the Agreement to conform to the recommendation of the Access Center Board;

NOW, THEREFORE, IT IS AGREED between the following public agencies, as follows:

1. Membership. The following public agencies shall become members and parties to this Urban Cooperation Act Agreement:

- A. City of Kalamazoo
- B. Township of Kalamazoo
- C. Township of Oshtemo
- D. City of Parchment
- E. Township of Comstock
- F. _____
- G. _____
- H. _____

2. Body Corporate. By the signing of this Second Amended Agreement by two or more of the public agencies listed in Paragraph 1 and the filing of this Agreement with the Kalamazoo County Clerk and the Secretary of State, the Community Access Center shall be established as a body corporate with the power to sue and be sued in its own name and to administer and/or execute the provisions of this Agreement.

3. Purpose. The purpose of the Community Access Center shall be to administer, coordinate, and promote, beginning on January 1, 1985, the use of cable television public access channels and facilities in the Kalamazoo Metropolitan Area for those public agencies who receive cable television service from Cablevision, and/or its successor in interest, Cablevision Systems Corporation.

The Community Access Center shall be operated exclusively for public, charitable, literary, educational and scientific purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

No part of the net earnings of the Community Access Center shall inure to the benefit of, or be distributable to its members,

trustees, officers, or other private persons, except that the Community Access Center shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above. No substantial part of the activities of the Community Access Center shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Community Access Center shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of this constitution, the Community Access Center shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization or corporation, contributions to which are deductible under Section 170 (c)(2) of the Internal Revenue Code, or corresponding section of any future tax code.

4. Duties. The Community Access Center shall have the following duties:

- A. To administer public access for the participating municipalities.
- B. To establish rules and regulations governing the use of the Community Access studio, channels, and equipment.
- C. To establish and promote training programs for public access channel users.
- D. To coordinate and control the schedule of public access programming.
- E. To set and control the budget for the access studio and operations and to establish such reasonable fees and charges to users of the facilities as may be necessary to fund the operation of the Access Center. In establishing any such fees and charges, there shall be a reasonable differential rate between users of the facilities who reside within the boundaries of the member agencies of this Agreement and those users who do not.
- F. Such other reasonable and necessary duties as will assure the smooth, efficient, and cooperative running of the Access studio and channels.
- G. To make and enter into contracts with public or private agencies to carry out the purposes of this Agreement.
- H. To employ agents or employees.

- I. To adopt an annual balanced budget of revenues and expense on a calendar-year basis.
- J. To acquire, hold, or dispose of real or personal property.
- K. To incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the Member Public Agencies to this Agreement.
- L. To purchase and maintain insurance to protect the interest of the body corporate and its Board of Directors, representatives, agents and employees.
- M. To accept gifts, grants in aid, or other financial assistance from any public or private agency for use in carrying out the purposes of this Agreement.
- N. To adopt Bylaws to cover the procedures and general operation of the Access Center and channels.
- O. To make claims for federal or state aid payable to an individual or any member public agencies on account of the execution of this Agreement.
- P. To adopt policies governing the general operation of the Access Center and channels; including, but not limited to, personnel policies, purchasing policies, affirmative action policies, retirement policies, etc.
- Q. To retain or hire legal counsel, accounting services, auditing services, and such other services as may be necessary in the determination of the Board of Directors.

5. Board of Directors and Representation. The Community Access Center shall be under the control of a Board of Directors who shall exercise the powers and duties as set forth in this Agreement. Each participating public agency shall have one (1) representative on the Board of Directors for each 4,000 cable subscribers (or any fraction thereof) to Cablevision in its area, and the Bylaws of the Community Access Center may provide for additional members of the Board and for the manner of their selection. In January of each year, the number of Cablevision cable subscribers in each Member Public Agency shall be ascertained and the appropriate reallocation of representatives shall take place, if necessary. Each Member Public Agency shall determine how it appoints its own representatives and their terms subject to the limitations on representation contained in this paragraph.

6. Financial Contribution. Each Member Public Agency must contribute, on the same schedule as it receives revenue from

Cablevision (quarterly, semi-annually, etc.), a sum equal to two percent (2%) of the gross subscriber revenues from Cablevision operations in its area. In the event the member public agencies no longer receive the two percent (2%) of gross subscriber revenues the financial contribution shall be reconsidered.

7. Property. The City of Kalamazoo will lease to the Community Access Center for One Dollar (\$1.00) per year the Community Access studio and fixtures on a long-term basis on such reasonable terms and conditions as the City of Kalamazoo and the Community Access Center shall agree upon. All Member Public Agencies must transfer to the Community Access Center control of any cable television access equipment which they own or have control over at the time of their admittance to membership. Each public agency becoming a member must also turn over control of any cable television access equipment it has to the Community Access Center and assign to the Center any right it may have to receive cable access equipment or money therefor in the future.

8. Limitations. The Community Access Center created by this Agreement shall not have the power or authority to levy any tax within the boundaries of any governmental unit participating in this Agreement, or to issue any type of bond in its own name, or to in any way indebt a public agency participating in this Agreement.

9. Employees. The Community Access Center may employ, engage, compensate, transfer, or discharge necessary personnel, subject to any personnel system established by the Center and the restrictions set forth in Subsections 5(g), (i) and (ii), of the Urban Cooperation Act.

10. Public Agency Contributions. Each Member public Agency entering into this Agreement may appropriate funds and may sell, lease, give, or otherwise supply the Community Access Center such personnel, services, facilities, or property as may be within its respective legal power to furnish.

11. Signing of Documents. All checks, contracts, agreements, notes, and any other legal documents or obligations shall be signed by two (2) individuals as may be designated by the Board of Directors.

12. Bonding. Any individual, regardless of whether he/she is a member or not, who is involved in handling monies of the Community Access Center shall be bonded to the Community Access Center by a surety licensed to do business within the State of Michigan in an amount to be set by the Board of Directors.

13. Privileges, Immunities and Benefits of Officers, Agents or Employees. All of the privileges and immunities from liability, and exemptions from laws, ordinances, and rules, and all pensions,

relief, disability, workers' compensation, and other benefits which apply to the activity of directors, officers, agents, or employees of any public agents or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents, or employees extraterritorially under the provisions of this Agreement.

14. Officers. The Board of Directors may have such officers as it deems appropriate by providing for same, with their respective duties, in the By-laws.

15. Voting. Each member of the Board of Directors shall have one (1) vote on all issues that come before the Board of Directors. A majority vote of the members of the Board of Directors shall be required to approve any action of the Board of Directors.

16. Quorum. A majority of the members appointed to the Board of Directors shall constitute a quorum for the transaction of the business of the Board of Directors.

17. Compensation and Expenses of Member Public Agencies. The members of the Board of Directors shall serve without compensation, but shall be entitled to reimbursement for expenses under such terms and conditions as the Board of Directors may determine.

18. Public Meetings. Meetings of the Board of Directors shall be open to the public (except closed sessions permitted by the Open Meetings Act) and shall be held in a place available to the general public. As a public body, the Board of Directors shall comply with the Open Meetings Act of 1976 (Act 267). No special meetings shall be held without prior written notice to each Member Public Agency as shall be provided in the By-laws.

19. Public Records. All records of the Community Access Center shall be deemed to be public records pursuant to the Freedom of Information Act of 1976 (Act 442) and shall be open to public inspection unless exempt as provided in Act 442.

20. Duration of Agreement. This Agreement shall be in effect for so long as two (2) Member Public Agencies desire to be a part of such Agreement.

21. Withdrawal of Membership. Any Member Public Agency may withdraw from this Agreement by giving thirty (30) days written notice to the Board of Directors prior to such withdrawal; provided, however, no Member Public Agency may withdraw from this Agreement unless it has first satisfied any and all financial and/or other commitments for which it has become obligated during the term of its membership; provided, further, no such obligation

shall be imposed upon a Member Public Agency if the Member Public Agency gives notice of withdrawal from this Agreement within fifteen (15) days of the day the obligation was imposed. A Member Public Agency which has given notice of withdrawal shall have no further vote on the Board of Directors, shall not be counted for quorum purposes, and shall not have any additional obligations imposed upon it.

22. Distribution of Assets. Upon dissolution of the Community Access Center, all assets accumulated by the Center shall be distributed pro rata (on the basis of contribution) to the then participating local governments (Member Public Agencies) for public purposes and after all legal obligations have been met. Any such assets not so disposed of shall be disposed of by the Kalamazoo County Circuit Court exclusively for such purposes or to such organization or organizations as said Court shall determine, which are organized and operated exclusively for 501(c)(3) purposes.

23. Additional Members. Additional Member Public Agencies may become parties to this Agreement under the same terms and conditions as the original members were permitted to become parties.

24. Amendments. This Agreement may be amended at any time by having member public agencies which are parties to this Agreement approve and sign the amendment. An amendment shall not become effective until signed by at least two-thirds (2/3) of the Member Public Agencies.

25. Disbursement of Funds. No disbursement of funds under the control of the Community Access Center shall be made without formal approval of the Board of Directors or in accordance with written policies established by the Board of Directors.

26. Audit. The Community Access Center shall have an annual independent audit conducted of its financial affairs which shall be presented to each party to this Agreement.

27. Incompatibility and Conflict of Interest. Pursuant to Article 28, Section 28, of the Michigan Constitution of 1963, an elected official of the governing body of a Member Public Agency may serve as a representative on the Board of Directors and such service shall not be deemed incompatible with his/her service as an elected official. In addition, said elected official may vote on any action before the Board of Directors that affects his/her public agency, including a contractual relationship.

28. Liberal Construction. This Agreement is an innovative concept attempted by the participating Member Public Agencies to resolve issues of mutual concern. In this regard, the provisions of this Agreement and the Urban Cooperation Act of 1967 shall be

liberally construed in favor of the Community Access Center. The powers granted to the Board of Directors by this Agreement and the Urban Cooperation Act of 1967 shall include those fairly implied and not prohibited by this Agreement or the Urban Cooperation Act.

29. Conflicting Statutory Provisions. If any provision of this Agreement conflicts with any statute of the State of Michigan providing for the authorization or performance of joint or cooperative agreements or undertakings between public agencies of the State, the provisions of such statutes shall control.

30. Reserved.

31. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

32. This Second Amendment to the Urban Cooperation Act Agreement shall be filed with the Kalamazoo County Clerk and the Secretary of State.

CITY OF KALAMAZOO

By _____

By _____

Date: _____

TOWNSHIP OF KALAMAZOO

By _____

By _____

Date: _____

TOWNSHIP OF OSHTEMO

By _____

By _____

Date: _____

CITY OF PARCHMENT

By _____

By _____

Date: _____

TOWNSHIP OF COMSTOCK

By _____

By _____

Date: _____

By _____

By _____

Date: _____

THIRD AMENDMENT TO URBAN COOPERATION ACT
AGREEMENT TO ESTABLISH A SEPARATE LEGAL ENTITY
TO ADMINISTER CABLE TELEVISION PUBLIC ACCESS

WHEREAS, the City of Kalamazoo, the Township of Kalamazoo, the Township of Oshtemo, the Township of Comstock, and the City of Parchment (hereinafter the "Member Public Agencies") have previously entered into an Urban Cooperation Act Agreement to establish a Separate Legal Entity ("Community Access Center") to administer Cable Television Public Access, and

WHEREAS, the Member Public Agencies have amended the Urban Cooperation Act Agreement twice, and

WHEREAS, the Board of Directors of the Community Access Center has recommended to the Member Public Agencies that the Urban Cooperation Act Agreement be amended a third time to authorize the Community Access Center to more fully utilize multimedia technologies and implement new community media services, including but not limited to community based radio and web-streaming of video content, and to make certain other appropriate and necessary changes, and

WHEREAS, the Member Public Agencies wish to amend and update the Urban Cooperation Act Agreement by amending Section 3 ("Purpose"), Section 4 ("Duties"), Section 5 ("Board of Directors and Representation"), and Section 6 ("Financial Contribution"), and deleting Section 7 ("Property") to implement the recommendation of the Community Access Center Board of Directors.

NOW, THEREFORE, IT IS AGREED between the Member Public Agencies that the Urban Cooperation Act Agreement shall be amended as follows:

1. Section 3 of the Urban Cooperation Act Agreement is hereby amended to read in its entirety as follows:

3. Purpose. The purpose of the Community Access Center shall be to administer, coordinate, and promote the use of public access channels and facilities in the Kalamazoo Metropolitan Area for those Member Public Agencies who receive cable television service from Charter Communications, its successors, and/or video service from any other video service provider. Also, at the discretion of the Board of Directors, to provide and administer other community media services including but not limited to community-based radio and web-streaming of video content of Community Access Center Programming.

The Community Access Center shall be operated exclusively for public, charitable, literary, educational and scientific purposes within the

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meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

No part of the net earnings of the Community Access Center shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Community Access Center shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above. No substantial part of the activities of the Community Access Center shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Community Access Center shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding other provisions of this constitution, the Community Access Center shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization or corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future tax code.

2. Section 4 of the Urban Cooperation Act Agreement is hereby amended to read in its entirety as follows:

4. Duties. The Community Access Center shall have the following duties:

A. To administer for the Member Public Agencies the access channels and, at the discretion of the Board of Directors, to provide and administer other community media services, including, but not limited to, community-based radio and web-streaming of video content of Community Access Center Programming.

B. To establish rules and regulations governing the use of the Community Access Center services, facilities, equipment, and distribution resources.

C. To establish and promote training/educational programs for the public.

D. To coordinate and control the schedule of public access programming.

E. To set and control the budget for the Community Access Center operations and to establish such reasonable fees and charges to users of the facilities as may be necessary to fund the operation of the Community Access Center. In establishing any such fees and charges, there shall be a reasonable differential rate between users of the facilities who reside within the boundaries of the member agencies of this Agreement and those users who do not.

F. Such other reasonable and necessary duties as will assure the smooth, efficient, and cooperative running of the Community Access Center.

G. To make and enter into contracts with public or private agencies to carry out the purposes of this Agreement.

H. To employ agents or employees.

I. To adopt an annual balanced budget of revenues and expenses on a July 1 to June 30 fiscal year basis.

J. To acquire, hold, or dispose of real or personal property.

K. To incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the Member Public Agencies to this Agreement.

L. To purchase and maintain insurance to protect the interest of this body corporate and its Board of Directors, representative, agents and employees.

M. To accept gifts, grants in aid, or other financial assistance from any public or private agency for use in carrying out the purposes of this Agreement.

N. To adopt Bylaws to cover the procedures and general operation of the Community Access Center and channels.

O. To make claims for federal or state aid payable to an individual or any member public agencies on account of the execution of this Agreement.

P. To adopt policies governing the general operation of the Community Access Center and channels, including, but not limited to,

personnel policies, purchasing policies, affirmative action policies, retirement policies, etc.

Q. To retain or hire legal counsel, accounting services, auditing services, and such other services as may be necessary in the determination of the Board of Directors.

3. Section 5 of the Urban Cooperation Act Agreement is hereby amended to read in its entirety as follows:

5. Board of Directors and Representation. The Community Access Center shall be under the control of a Board of Directors who shall exercise the powers and duties as set forth in this Agreement. Each Member Public Agency shall have one (1) representative on the Board of Directors for each 4,000 cable subscribers (or any fraction thereof) of Charter Communications, its successor, and/or any other video service provider in its area carrying one or more access channels. The Bylaws of the Community Access Center may provide for additional members of the Board and for the manner of their selection. In January of each year, the number of such subscribers in each Member Public Agency shall be ascertained and the appropriate reallocation of representatives shall take place, if necessary. Each Member Public Agency shall determine how it appoints its own representatives and their terms subject to the limitations on representation contained in this paragraph.

4. Section 6 of the Urban Cooperation Act Agreement is hereby amended to read in its entirety as follows:

6. Financial Contribution. Each Member Public Agency must contribute to the Community Access Center, on the same schedule as it receives revenue from Charter Communications, its successor, and/or any other video service provider carrying one or more access channels, a sum equal to forty percent (40%) of the Franchise Fees (as defined in each Member Public Agency's franchises) collected by the Member Public Agency. In the event the Member Public Agencies no longer receive franchise fees, the financial contribution shall be renegotiated.

5. Section 7 of the Urban Cooperation Act Agreement is hereby deleted in its entirety.

6. All other sections of the Urban Cooperation Act Agreement, as amended by the First and Second Amendments, which are not amended by this Third Amendment, shall remain in full force and effect.

7. This Third Amendment, after being approved and signed by the Member Public Agencies, shall be filed with the Kalamazoo County Clerk and the Secretary of State.

CITY OF KALAMAZOO

By: [Signature]

By: _____

Date: 9-5-06

TOWNSHIP OF OSHTOMO

By: Deborah L. Everett

By: _____

Date: 10-3-06

TOWNSHIP OF COMSTOCK

By: [Signature]

By: _____

Date: 10-3-06

TOWNSHIP OF KALAMAZOO

By: [Signature]

By: _____

Date: 10-3-06

CITY OF PARCHMENT

By: [Signature]

By: Cc

Date: 9-5-06

By: [Signature]

By: _____

Date: 10-3-06

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8/21/06

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**FOURTH AMENDMENT TO THE URBAN COOPERATION ACT
AGREEMENT ESTABLISHING THE COMMUNITY ACCESS CENTER
TO CHANGE THE NAME FROM THE "COMMUNITY ACCESS CENTER" TO
THE "PUBLIC MEDIA NETWORK"**

WHEREAS, the City of Kalamazoo, the Township of Kalamazoo, the Township of Oshtemo, the Township of Comstock, and the City of Parchment (hereinafter the "Member Public Agencies") have previously entered into an Urban Cooperation Act Agreement (the Agreement) to establish a Separate Legal Entity (the "Community Access Center") to administer Cable Television Public Access and other community media services, and

WHEREAS, the Member Public Agencies have previously amended the Agreement, and

WHEREAS, the Board of Directors of the Community Access Center has recommended to the Member Public Agencies that the Agreement be amended to change the name from the "Community Access Center" to the "Public Media Network", and

WHEREAS, the Member Public Agencies, based upon the recommendation of the Board of Directors of the "Community Access Center", desire to amend the Agreement to change the name from the "Community Access Center" to the "Public Media Network."

NOW, THEREFORE, IT IS AGREED as follows:

1. The Agreement is hereby amended to change the name from the "Community Access Center" to the "Public Media Network."
2. All references to the "Community Access Center" in the Agreement, the bylaws, and any other documents shall hereafter be changed to the "Public Media Network."
3. This Fourth Amendment, after being approved and signed by the Member Public Agencies, shall be filed with the Kalamazoo County Clerk and the Secretary of State, as required by the Urban Cooperation Act.
4. The Executive Director is hereby authorized and directed to take any necessary action to implement this Amendment, including but not limited to filing the necessary notification and documents with the state and federal governments, regulatory agencies, and other third parties.

CITY OF KALAMAZOO

By: _____

By: _____

Date: _____

TOWNSHIP OF KALAMAZOO

By: _____

By: _____

Date: _____

TOWNSHIP OF OSHTEMO

By: _____

By: _____

Date: _____

CITY OF PARCHMENT

By: *Paul B. Bask*
Mayor

By: *W. Maerck*
Clerk

Date: November 17, 2008

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

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By: _____

By: _____

Date: _____

CITY OF KALAMAZOO

By: _____

By: _____

Date: _____

TOWNSHIP OF OSHTOMO

By: _____

By: _____

Date: _____

TOWNSHIP OF COMSTOCK

By: [Signature]

By: Anna K. Heston

Date: 20 Nov. 05

TOWNSHIP OF KALAMAZOO

By: _____

By: _____

Date: _____

CITY OF PARCHMENT

By: _____

By: _____

Date: _____

By: _____

By: _____

Date: _____

CITY OF KALAMAZOO

By: _____

By: _____

Date: _____

TOWNSHIP OF OSHTEMO

By: *Libby Heiny-Cogswell*
Libby Heiny-Cogswell, Supervisor

By: *Deborah L. Everett*
Deborah L. Everett, Clerk

Date: 12/9/08

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

TOWNSHIP OF KALAMAZOO

By: _____

By: _____

Date: _____

CITY OF PARCHMENT

By: _____

By: _____

Date: _____

By: _____

By: _____

Date: _____

KZLIB:590540.11109386-00001

CITY OF KALAMAZOO

By: [Signature]

By: _____

Date: 12/15/08

TOWNSHIP OF OSHTEMO

By: _____

By: _____

Date: _____

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

TOWNSHIP OF KALAMAZOO

By: _____

By: _____

Date: _____

CITY OF PARCHMENT

By: _____

By: _____

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By: _____

By: _____

Date: _____

KZLIB:590540.11109386-00001

CITY OF KALAMAZOO

By: _____

By: _____

Date: _____

TOWNSHIP OF OSHTEMO

By: _____

By: _____

Date: _____

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

TOWNSHIP OF KALAMAZOO

By: James E. McQuinn

By: William J. Hall

Date: 01-13-2009

CITY OF PARCHMENT

By: _____

By: _____

Date: _____

By: _____

By: _____

Date: _____

KZLIB:590540.1\109386-00001

FOURTH AMENDMENT TO THE URBAN COOPERATION ACT
AGREEMENT ESTABLISHING THE COMMUNITY ACCESS CENTER
TO CHANGE THE NAME FROM THE "COMMUNITY ACCESS CENTER" TO
THE "PUBLIC MEDIA NETWORK"

WHEREAS, the City of Kalamazoo, the Township of Kalamazoo, the Township of Oshtemo, the Township of Comstock, and the City of Parchment (hereinafter the "Member Public Agencies") have previously entered into an Urban Cooperation Act Agreement (the Agreement) to establish a Separate Legal Entity (the "Community Access Center") to administer Cable Television Public Access and other community media services, and

WHEREAS, the Member Public Agencies have previously amended the Agreement, and

WHEREAS, the Board of Directors of the Community Access Center has recommended to the Member Public Agencies that the Agreement be amended to change the name from the "Community Access Center" to the "Public Media Network", and

WHEREAS, the Member Public Agencies, based upon the recommendation of the Board of Directors of the "Community Access Center", desire to amend the Agreement to change the name from the "Community Access Center" to the "Public Media Network."

NOW, THEREFORE, IT IS AGREED as follows:

1. The Agreement is hereby amended to change the name from the "Community Access Center" to the "Public Media Network."
2. All references to the "Community Access Center" in the Agreement, the bylaws, and any other documents shall hereafter be changed to the "Public Media Network."
3. This Fourth Amendment, after being approved and signed by the Member Public Agencies, shall be filed with the Kalamazoo County Clerk and the Secretary of State, as required by the Urban Cooperation Act.
4. The Executive Director is hereby authorized and directed to take any necessary action to implement this Amendment, including but not limited to filing the necessary notification and documents with the state and federal governments, regulatory agencies, and other third parties.

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CITY OF KALAMAZOO

By: _____

By: _____

Date: _____

CITY OF PARCHMENT

By: Robert B. Bales
Mayor

By: [Signature]
Clerk

Date: November 17, 2008

TOWNSHIP OF KALAMAZOO

By: _____

By: _____

Date: _____

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

TOWNSHIP OF OSHTEMO

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CITY OF KALAMAZOO

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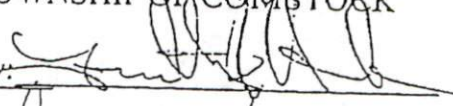
TOWNSHIP OF OSHTOMO

By: _____

By: _____

Date: _____

TOWNSHIP OF COMSTOCK

By: 

By: Anna K. Hirschel

Date: 20 Nov. 08

TOWNSHIP OF KALAMAZOO

By: _____

By: _____

Date: _____

CITY OF PARCHMENT

By: _____

By: _____

Date: _____

By: _____

By: _____

Date: _____

CITY OF KALAMAZOO

By: _____

By: _____

Date: _____

TOWNSHIP OF OSHTEMO

By: *Libby Heiny-Cogswell*
Libby Heiny-Cogswell, Supervisor

By: *Deborah L. Everett*
Deborah L. Everett, Clerk

Date: 12/9/08

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

TOWNSHIP OF KALAMAZOO

By: _____

By: _____

Date: _____

CITY OF PARCHMENT

By: _____

By: _____

Date: _____

By: _____

By: _____

Date: _____

KZLFB:590540.11109386-00001

CITY OF KALAMAZOO

By: [Signature]

By: _____

Date: 12/15/08

TOWNSHIP OF OSHTEMO

By: _____

By: _____

Date: _____

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

TOWNSHIP OF KALAMAZOO

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CITY OF PARCHMENT

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TOWNSHIP OF OSHTEMO

By: _____

By: _____

Date: _____

TOWNSHIP OF COMSTOCK

By: _____

By: _____

Date: _____

TOWNSHIP OF KALAMAZOO

By: James E. McSweeney

By: William J. Miller

Date: 01-13-2009

CITY OF PARCHMENT

By: _____

By: _____

Date: _____

By: _____

By: _____

Date: _____

KZLIB:590540.1\109386-00001

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Portage Police Officers Association Labor Agreement

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: Authorize the Mayor and City Clerk to execute a three-year replacement labor agreement with the Portage Police Officers Association in accordance with an Act 312 Arbitration Award.

The City of Portage and Portage Police Officers Association (PPOA) have been involved in negotiations for a replacement labor agreement that expired June 30, 2016. The parties were unable to reach a mutually acceptable replacement agreement and the city filed for Act 312 binding arbitration as permitted by State law. The Act 312 process has concluded and the independent arbitrator has presented his award. Changes to the labor agreement as a result of the arbitration award include:

- Modification of the sick leave accrual to provide that employees hired on or after December 11, 2012 will accrue sick leave at the same level, (eight hours per month), as employees hired prior to that date.
- Increase the amount of city contributions to the Retiree Health Insurance Fund from \$196,000 annually to \$212,000 in year one of the three year agreement and to \$231,000 in year two and then annually thereafter.
- Simplification of the annual college incentive payment program to provide an annual payment of \$500 to bargaining unit employees hired after March 1, 2017 who have a job related bachelor degree and \$750 annually to bargaining unit employees who have a job related master degree. Employees hired prior to that date will continue to receive an annual payment of \$50 for each twelve credit hours.
- Wage increases of 2% in the first year, 3% in the second year and 2.5% in the third year of the three-year labor agreement.
- An annual bonus of \$400 per year for Police Officers who perform the additional responsibility of Lab Officer or Accident Reconstructionist.
- Payment of one hour of overtime pay for each eight or twelve hours shift where Field Training Officers and Communication Training Officers are assigned a new Police Officer or a new Radio Operator.
- Given the pending startup of the Kalamazoo County Consolidated Dispatch Center, it was agreed that Radio Operators who are no longer employed by the city and who apply for employment with the Consolidated Dispatch Center but are not selected, will receive one week of base salary for each full year of service with the city. Such employees will also receive a payment for 50% of their accrued sick leave hours, regardless of their years of service. Radio Operators who apply for and are hired by the Consolidated Dispatch Center will receive a

payment of 100% of their accrued sick leave hours.

Execution of the revised three-year replacement labor agreement is recommended.

FUNDING: Funding is programmed in the current and upcoming fiscal year General Fund budgets.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: MDOT Contract #18-5099 (West Centre Avenue Reconstruction – 12th Street to Oakland Drive)

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve Contract #18-5099 between the Michigan Department of Transportation and the City of Portage for reconstruction of West Centre Avenue from 12th Street to Oakland Drive and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.

The 2017-2018 Capital Improvement Program budget contains a project for West Centre Avenue from 12th Street to Oakland Drive, including concrete sidewalk, ramps, curb and gutter, hot mix asphalt and traffic signal work. Major street reconstruction projects are selected based on pavement condition, average daily traffic, federal aid eligibility, as well as potential development activities.

On August 22, 2017, Wightman & Associates, Incorporated was awarded an engineering service contract for design and construction engineering for this project. Because the project involves Federal Surface Transportation funding, Michigan Department of Transportation (MDOT) is involved as a facilitator. The bid opening by MDOT for the construction is scheduled on May 4, 2018. MDOT requires that an agreement with the local government agency be executed prior to construction award. The estimated total cost of the project is \$1,811,900 with \$1,300,000 in Federal Surface Transportation funds. The balance of \$511,900 is being funded by the 2017-2018 Major Streets Capital Improvement Program budget.

Following the contract award by MDOT, construction will likely commence in the spring of 2018 with completion in summer 2018. Therefore, it is recommended that City Council approve the contract between the Michigan Department of Transportation and the City of Portage for reconstruction of West Centre Avenue (12th Street to Oakland Drive), adopt a Resolution authorizing the City Manager to sign Contract #18-5099 and authorize the City Manager to sign all documents related to the project on behalf of the city.

FUNDING: The estimated total cost of the project is \$1,811,900 with \$1,300,000 in Federal Surface Transportation funds. The balance of \$511,900 will be funded by the 2017-2018 Major Street Capital Improvement Program budget.

Attachments: 1. Resolution for Contract 18-5099

CITY OF PORTAGE

Resolution

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 _____, 2018 at 7:00 p.m., local time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____.

RESOLVED, the City Council for the City of Portage, does hereby authorize the City Manager, Laurence Shaffer, to sign contract 18-5099 between the City of Portage and the Michigan Department of Transportation. This contract is for reconstruction work along West Centre Avenue from 12th Street to Oakland Drive, including concrete sidewalk, ramps, curb and gutter, hot mix asphalt, and traffic signal work; and all together necessary related work.

ADOPTED: YEAS:

NAYS:

ABSENT:

Adam Herringa, City Clerk

CERTIFICATION

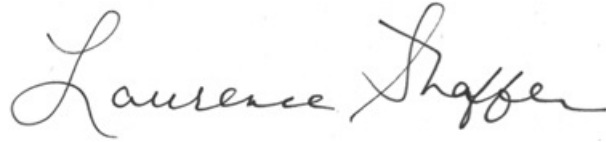
I hereby certify this _____ day of _____, 2018 that the foregoing is a true and complete copy of the original on file in my office.

Adam Herringa, City Clerk

APPROVED AS TO FORM
DATE 6/10/2018
[Signature]
CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: J. L. Hudson Drive/South Westnedge Avenue Traffic Signal - Bid Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a construction contract to Severance Electric, Incorporated, of Kalamazoo, Michigan, in the not to exceed amount of \$314,877.50 for J. L. Hudson Drive/South Westnedge Avenue Traffic Signal and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2017 – 2018 Capital Improvement Program budget includes funding for the upgrade of traffic signals on South Westnedge Avenue at the intersection of J. L. Hudson Drive. The project includes replacement of obsolete mast arms and upgrades to the signal controller and pedestrian signals. If approved, this project will be completed this summer in coordination with the South Westnedge Avenue Reconstruction project.

Invitations to bid were sent to four firms. On April 12, 2018, two bids were received for the traffic signal installation. The low bid in the amount of \$314,877.50 was submitted by Severance Electric, Incorporated, of Kalamazoo, Michigan. Severance has successfully completed many signal installations for the city and is the current traffic signal maintenance vendor.

Therefore, it is recommended that City Council award a contract to Severance Electric, Incorporated in the amount not to exceed \$314,877.50 for the J. L. Hudson Drive/South Westnedge Avenue Traffic Signal and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds are programmed and available in the 2017-2018 Capital Improvement Program budget.

Attachments: 1. South Westnege at JL Hudson Signal - Bid Tabulation

BID TABULATION
SOUTH WESTNEDGE AVENUE AT J. L. HUDSON Drive
TRAFFIC SIGNAL IMPROVEMENTS PROJECT

<u>BIDDER</u>	<u>TOTAL BID</u>
Severance Electric 4140 Rollridge Kalamazoo, MI 49004	\$314,887.50
J. Rank Electric, Inc. 1993 Gover Parkway Mt. Pleasant, MI 48858	\$357,503.93

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Romence Road Reconstruction Project – Tabulation of Proposals

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract in the amount not to exceed \$117,480 to Abonmarche Consultants, Incorporated, to perform engineering services for the reconstruction of Romence Road, Oakland Drive to Constitution Boulevard and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The proposed fiscal year 2018 – 2019 Capital Improvement Program (CIP) budget contains funding for the Major Street Reconstruction Program and the replacement of old cast iron water main on Romence Road from Oakland Drive to Constitution Boulevard. Major street reconstruction projects are selected based on pavement condition, average daily traffic, federal aid eligibility, as well as potential development activities adjacent to the project area.

The Romence Road Reconstruction project has been approved by the Kalamazoo Area Transportation Study Policy Committee for federal funding. In total, the project cost is estimated at \$972,000, with \$200,000 in federal funds being approved to assist in financing this project. The remaining city cost of approximately \$772,000 would be financed with \$322,000 from the Municipal Street Fund and \$450,000 from the Water Fund as programmed in the proposed 2018-2028 CIP.

On April 12, 2018, six proposals for professional engineering services were received for design and construction engineering services for the subject project. Based on review of the proposals, staff has determined that the low proposal from Abonmarche Consultants, Incorporated best fits the needs of the project. Abonmarche has significant experience with the City of Portage policies and procedures and is pre-qualified with the Michigan Department of Transportation.

Therefore, it is recommended that City Council award a contract to in the amount not to exceed \$117,480 to Abonmarche Consultants, Incorporated, to perform engineering services for the reconstruction of Romence Road, Oakland Drive to Constitution Boulevard and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: To enable an earlier start on engineering design of the proposed fiscal year 2018-2019 Major and Local Street Reconstruction project, City Council approved a budget transfer of \$550,000 from the General Fund to the Capital Fund on February 13, 2018. Funds are therefore available in the 2017-2018 Capital Improvement Program budget.

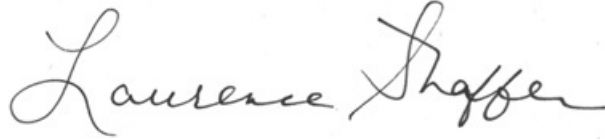
Attachments: 1. Romence Road Engineering - Proposal Tabulation

TABULATION OF PROPOSALS
ROMENCE ROAD REONSTRUCTION PROFESSIONAL ENGINEERING

<u>FIRM</u>	<u>PROPOSALS</u>
Abonmarche Consultants, Inc. 95 W. Main Street Benton Harbor, MI 49022	\$117,480.00
Fleis & Vandenbrink 4798 Campus Drive Kalamazoo, MI 49008	\$120,000.00
C2AE 211 E. Water Street, Suite 213L Kalamazoo, MI 49007	\$152,500.00
Wightman & Associates, Inc. 9835 Portage Rd. Portage, MI 49002	\$168,105.00
Williams & Works 549 Ottawa Ave. NW Grand Rapids, MI 49503	\$180,630.00
Hubbell, Roth & Clark, Inc. 834 King Higway, Suite 107 Kalamazoo, MI 49001	\$203,800.00

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: MDOT Contract #18-5136 (Flashing Warning Beacon - Oakland Drive/Vanderbilt Avenue Intersection)

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve Contract #18-5136 between the Michigan Department of Transportation and the City of Portage for installation of an overhead flashing warning beacon at the Oakland Drive/Vanderbilt Avenue intersection and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.

The fiscal year 2017 – 2018 Capital Improvement Program budget contains a project for the installation of an overhead flashing warning beacon at the Oakland Drive/Vanderbilt Avenue intersection. A high rate of stop sign violations have occurred at the intersection. The installation of blinking stop signs in May 2016 has not alleviated the problem.

On May 23, 2017, Abonmarche Consultants was awarded a contract for design and construction engineering services for this project. Because the project involves Federal Transportation Safety funding, the Michigan Department of Transportation (MDOT) is involved as a facilitator. The bid opening by the MDOT for the construction is scheduled on May 4, 2018. MDOT requires that an agreement with the local government agency be executed prior to construction award. The estimated total cost of the project is \$40,000 with \$32,000 in Federal Transportation Safety funds. The balance of \$8,000 is being funded by the 2017-2018 Major Streets Capital Improvement Program budget.

Following the contract award by MDOT, construction will likely commence in spring 2018 with completion in summer 2018.

Therefore, it is recommended that City Council approve Contract between the Michigan Department of Transportation and the City of Portage for installation of an overhead flashing warning beacon at the Oakland Drive/Vanderbilt Avenue intersection, adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city.

FUNDING: The estimated total cost of the project is \$40,000 with \$32,000 in Federal Transportation Safety funds. The balance of \$8,000 will be funded by the 2017-2018 Major Street Capital Improvement Program budget.

Attachments: 1. Resolution

CITY OF PORTAGE

Resolution

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 _____, 2018 at 7:00 p.m., local time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____.

RESOLVED, the City Council for the City of Portage, does hereby authorize the City Manager, Laurence Shaffer, to sign contract 18-5136 between the City of Portage and the Michigan Department of Transportation. This contract is for installation of an overhead flashing warning beacon at the Oakland Drive/Vanderbilt Avenue intersection; and all together necessary related work.

ADOPTED: YEAS:

NAYS:

ABSENT:

Adam Herringa, City Clerk

CERTIFICATION

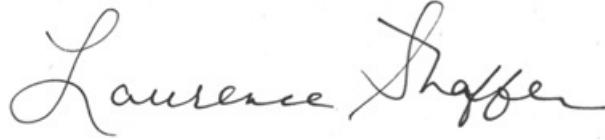
I hereby certify this _____ day of _____, 2018 that the foregoing is a true and complete copy of the original on file in my office.

Adam Herringa, City Clerk

APPROVED AS TO FORM
DATE 4/19/2018
[Signature]
CITY CLERK

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Kalamazoo County Identification Program

SUPPORTING PERSONNEL: Adam Herringa, City Clerk
Nicholas Arnold, Director of Public Safety - Police / Fire Chief

ACTION RECOMMENDED: Receive the communication from the City Manager regarding the Kalamazoo County Identification Program as Information Only.

On March 14, 2017, the Portage City Council voted unanimously to adopt a Resolution in Support of the Creation of a Kalamazoo County Identification Card program. After several months of program development, the Kalamazoo County Board of Commissioners announced that the first date of issuance for the Kalamazoo County ID cards will be Thursday, May 3, 2018. The cards will be issued and applications available at the Kalamazoo County Administration Building located at 201 West Kalamazoo Avenue in downtown Kalamazoo. The City of Portage recently received a request from Kalamazoo County Clerk Tim Snow and Kalamazoo County ID Board Chair Francisco Villegas on behalf of the Kalamazoo County Government requesting that the City of Portage formally commit to accepting the Kalamazoo County Identification Card as legitimate identification. Following a review and favorable opinion by Public Safety Department Director Nicholas Arnold, the City Clerk has been authorized to sign the committal on behalf of the city.

FUNDING: N/A

Attachments:

1. Kalamazoo County ID Commitment Letter
2. Kalamazoo County ID Support Resolution
3. Minutes from 3.14.17 - Kalamazoo County ID



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...



Greetings:

It is our pleasure to introduce the Kalamazoo County ID Card to the community at large. As an organization that may request to see identification from your clients, we wanted you to be among the first to be notified that the Kalamazoo County ID Card is coming very soon.

You may be aware that a year ago, a group of individuals from many walks of life gathered to collect information and talk to residents about the possibility of creating a County ID Card in Kalamazoo. Six months of hard work paid off and on July 5, 2017, the County Board of Commissioners voted to create the County ID Program. Kalamazoo County is only the second such program in the state (Washtenaw County is the other). These two counties, along with the City of Detroit are the three Michigan governments that offer an ID Card to their residents.

Questions may arise regarding how individuals can obtain an ID Card and what documentation is required. A committee chaired by Sheriff Richard Fuller developed a criteria, including list of documents to prove one's identity. For your convenience, a list of those documents and their point values is included with this letter. There are two methods of vetting one's identity; 300 points for individuals with a valid photo ID and 400 points for individuals without one.

Since last July, much work has been completed to make the introduction of the ID Card a success, and we are nearly ready to begin to issue the cards.

We are contacting as many organizations, governmental agencies and businesses that help people as possible to do a few things.

1 – Please review the enclosed materials. If your governmental agency feels comfortable with the requirements of an ID Card and would be willing to accept it as legitimate identification, we would like to place you on a list of similar governmental agencies. This list will be made available to our clients and will also be on the County website.

OFFICE OF THE COUNTY CLERK & REGISTER OF DEEDS – COUNTY ID PROGRAM

TIMOTHY A. SNOW, CMC, MCCO, CLERK & REGISTER OF DEEDS

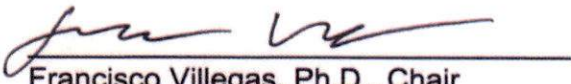
201 West Kalamazoo Avenue | Kalamazoo, MI 49007 | Clerk: 269.383.8840 | Register: 269.384.8970 | www.kalcounty.com/clerk

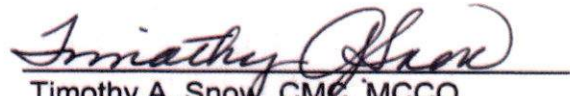
2 – If you have a public reception area or see clients that you believe would benefit by obtaining a County ID, we would be glad to provide information pamphlets to you to distribute as needed. Such pamphlets are being developed and should be available soon.

If your governmental agency can either accept the County ID, help get the word out about the ID Program, or both, please complete the form included with this letter and return it to the County ID Program staff. The form can also be scanned and e-mailed to countyid@kalcounty.com. In addition, this form is available on our website, <http://www.kalcounty.com/clerk/id/>.

Please contact either of us if you have questions regarding the County ID Program. Thank you for your time and consideration. We hope to hear from you soon.

Very truly yours,


Francisco Villegas, Ph.D., Chair
Kalamazoo County ID Advisory Board


Timothy A. Snow, CMC, MCCO
Kalamazoo County Clerk/Register

Category A

Provide at least one document for 300 points

Current or expired within
5 years of application date
Expires within 5-10 years
of application date

A-1	Current MI state ID/drivers license with Kalamazoo Co address	300	
A-2	US or foreign passport	200	100
A-3	US or foreign driver license	200	100
A-4	US state identification card	200	100
A-5	Consular ID card	200	100
A-6	US or foreign military identification	200	100
A-7	Common access card (military personnel)	200	100
A-8	Visa issued by a government agency	200	100
A-9	Tribal identification card	200	100
A-10	★ US permanent resident card or alien registration receipt card (form I-551)	200	100
A-11	★ US work permit/DACA with photo	200	100
A-12	Elector identification card with photo	200	100
A-13	Kalamazoo County ID card (renewals only, card surrendered)	300	100
A-14	Current MI handgun license	200	
A-15	Criminal record check (AFIS) with photograph	200	
A-16	Offender Tracking Information System record (OTIS)	200	
A-17	★ Homeless Management Information System (HMIS) service point ID or record service with photo	200	
A-18	★ Michigan Department of Corrections prisoner identification card	200	
A-19	Certificate of US citizenship/naturalization	200	
A-20	★ Michigan social services agency card	100	
A-21	★ Kalamazoo Metro Transit ID card with photo	75	
A-22	★ US union photo ID	75	
A-23	Educational institution ID card	75	
A-24	Employee identification card	75	

★ Affidavit of interdependence or copy of marriage certificate accompanied by residency document in name of head of household (head of household must appear with the applicant and present photo ID)

Category B

Other Identity Credentials

B-1	★ Electronic benefit transfer (EBT) card	150
B-2	★ Medicare card	150
B-3	★ US Selective Service registration card	125
B-4	US voter registration card	125
B-5	I-797, I-797A/B or I-797D issued by DHS	125
B-6	Court order issued by a state or federal court to verify applicant's identity (original or certified copy)	125
B-7	Social Security card	100
B-8	Military discharge/separation documents (DD-214) original or certified copy	125
B-9	US marriage license or divorce decree (original or certified copy)	125
B-10	Michigan adoption record (original or certified copy)	125
B-11	★ Michigan driver education certificate (for applicants age 17 and younger)	125
B-12	Criminal record check (AFIS) without a photograph	125
B-13	Taxpayer ID number (TIN) authorization letter (contains applicant's name)	125
B-14	★ Emancipation petition with file stamp	125
B-15	Federal or state tax return	100
B-16	★ Birth certificate [certified copy] issued to child of applicant (must include applicant's name and date of birth)	100
B-17	Employment verification form (I-9)	100
B-18	Affidavit of identifying witness who appears with applicant & presents photo ID	100
B-19	Criminal complaint or summons with proof of personal service	100
B-20	Financial Institution account records	50
B-21	Employment records (W-4, W-2, 1099 or pay stubs)	50
B-22	School and trade school records including diplomas, transcripts (original)	50
B-23	Baptismal records	50

Category B

Additional credentials (within 60 days of application unless noted)

B-24	Cable, phone, utility bill	75
B-25	Lease or sublease	75
B-26	Local property tax statement (within 1 year)	75
B-27	Property mortgage payment receipt	75
B-28	Banking, financial, credit card statement	75
B-29	Employment pay stub	75
B-30	Health institution statement (within 1 year)	125
B-31	Jury summons or court order	125
B-32	USPS change of address confirmation	75
B-33	Letter from Department of Education with proof of relationship	75
B-34	Insurance statement	75
B-35	Survivors of domestic violence: letter from city agency	75
B-36	Letter from administration for Children's Services	75

Category C

Proof of Kalamazoo Co Residency

Documents must be current or dated within the previous 60 days from the applicable date

C-1	Financial institution account statement
C-2	Utility (electricity, gas, heating, water or internet) or credit card bill or statement
C-3	Letter or record addressed to applicant from a school, college, or university located in Kalamazoo County that the applicant or child of the applicant attended
C-4	Housing lease or rental agreement, unexpired (subleases are acceptable if accompanied by original lease)
C-5	Employment record including pay stub, W-2, W-4 or earnings statement issued with the name and address of employer
C-6	Life, health, auto or home insurance policy document
C-7	Letter or record from a hospital or medical treatment facility addressed to applicant or letter confirming residency in the previous 60 days
C-8	Federal, state or Kalamazoo County government-issued document, letter or record
C-9	Michigan title or vehicle registration
C-10	Letter or record from a religious organization, social services agency, or homeless shelter located in Kalamazoo County confirming residency or services provided within previous 60 days
C-11	Mortgage or local property tax statements





KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

ORGANIZATION COMMITMENT FORM KALAMAZOO COUNTY ID PROGRAM

Organization Name

Organization Address

Organization Telephone

Organization Website

Contact Person

Contact Person e-mail

☐ Organization will honor the Kalamazoo County ID as sufficient identification for participation in the benefits/services the organization offers.

Specific programs: _____
Continue on back of form if necessary

☐ Organization will provide a space to display information about the Kalamazoo County ID Program.

Authorized Signature _____ Date _____

Please return to: countyid@kalcounty.com

Or mail to: Kalamazoo County ID Program, 201 W. Kalamazoo Ave., Kalamazoo, MI 49007

OFFICE OF THE COUNTY CLERK & REGISTER OF DEEDS – COUNTY ID PROGRAM

TIMOTHY A. SNOW, CMC, MCCO, CLERK & REGISTER OF DEEDS

201 West Kalamazoo Avenue | Kalamazoo, MI 49007 | Clerk: 269.383.8840 | Register: 269.384.8970 | www.kalcounty.com/clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Resolution in Support of the Creation of a Kalamazoo County Identification Card program.

SUPPORTING PERSONNEL:

ACTION RECOMMENDED: That City Council adopt the Resolution in Support of the Creation of a Kalamazoo County Identification Card Program.

The City Council has traditionally declined to advocate or oppose policy recommendations for matters not within the authority or responsibility of the City of Portage. Understanding that tradition, a request has been made by a Kalamazoo County Subcommittee reviewing the merits of recommending to the Kalamazoo County Board of Commissioners that the Portage Public Safety Department execute a letter in support of the Kalamazoo County Identification Card, designed to provide verifiable identification to those individuals who lack such an ID card. Further, a Resolution in Support of the creation of a county-wide identification card has been approved by the City of Kalamazoo (see attached).

City Council expressed humanitarian support for the Kalamazoo County Identification Card Program at the February 28, 2017 Regular City Council Meeting, but did not direct or suggest that another unit of government hire people for a program or spend their money a certain way. Further, Council directed the City Administration to bring a prepared Resolution in Support of the Creation of a Kalamazoo County Identification Card Program for consideration at this meeting.

It is recommended that City Council adopt the attached Resolution in Support of the Creation of a Kalamazoo County Identification Card Program.

FUNDING: N/A

Attachments:

1. Draft Resolution of Support (City of Kalamazoo February 20, 2017).
2. Draft Letter of Support
3. Draft Resolution of Support

**CITY OF PORTAGE, MICHIGAN
RESOLUTION IN SUPPORT OF THE CREATION OF A KALAMAZOO COUNTY
IDENTIFICATION CARD PROGRAM**

At a regular meeting of the City Council for the City of Portage, Kalamazoo County, Michigan held at the City Hall in said City on the 14th day of March, 2017 at 7:30 p.m. local time.

PRESENT: Ansari, Ford, Reid, Strazdas, Urban

ABSENT: Pearson, Randall

The following resolution was offered by:

COUNCILMEMBER: Urban and seconded by

COUNCILMEMBER: Reid.

WHEREAS, Kalamazoo County is considering a Countywide Identification Card Program ("Program"); and

WHEREAS, the Portage City Council supports the Program as a humanitarian effort for residents unable to secure governmental identification; and

WHEREAS, the City Council believes it is not appropriate to advise other units of government how to govern, and the adoption of this Resolution in Support is not meant to direct or suggest that the County of Kalamazoo use its resources, personnel, or funds in a certain manner, but only to convey that the City Council supports the creation of the Program as a humanitarian issue that affects Portage residents.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Portage hereby expresses support for the Program as a humanitarian effort that benefits all County residents and encourages all Portage residents to express their concerns regarding the Program to their Kalamazoo County Commissioners.

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

AYES: Councilmember Ansari, Ford, Reid, Strazdas, Urban

NAYS: Councilmember None.

ABSENT: Councilmember Pearson, Randall

RESOLUTION DECLARED ADOPTED: 5 to 0 (five to zero)


James R. Hudson, City Clerk

CERTIFICATION

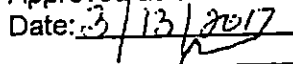
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified 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 14th day of March, 2017 the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 15th day of March, 2017.


JAMES R. HUDSON, City Clerk

Prepared by:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002

Approved as to form:
Date: 3/13/2017

City Attorney

this, and was really surprised to learn about the little things local government officials do, such as these meetings, and she found it all really interesting.

REPORT FROM THE ADMINISTRATION:

RESOLUTION IN SUPPORT OF THE CREATION OF A KALAMAZOO COUNTY IDENTIFICATION CARD PROGRAM: At the request of Mayor Strazdas, City Manager Larry Shaffer recounted the motion by Council to bring a prepared Resolution of Support of the Kalamazoo County Identification Card Program to this meeting. He reflected on the attempt of staff to provide a succinct, to the point draft Resolution that would demonstrate the commitment of the City of Portage to the Identification Card Program effort.

Mayor Strazdas asked for comment, and allowed City Clerk James Hudson to read a communication from Councilmember Patricia M. Randall into the official record as requested: "I regret not being able to be present this evening to vote in support of the Creation of a Kalamazoo County Identification Card Program. Data has shown that hundreds of people in the City of Portage would benefit from having this option. Both Portage Police and Fire Departments have expressed support of this ID card and the benefits it would offer when trying to more safely serve the community.

Portage City Council responded to a single school incident of a grandparent last month in co-hosting a community wide conversation on diversity. I see this as just another step in reaching and serving all the citizens of our community and urge this Council to approve this resolution. Thank you, Patricia Randall." Discussion followed.

Motion by Urban, seconded by Reid, to adopt the Resolution in Support of the Creation of a Kalamazoo County Identification Card Program (as presented on the dais, not the one in the Council Packet). Discussion followed. Upon a roll call vote, motion carried 5 to 0. Resolution recorded on page 363 of City of Portage Resolution Book No. 46.

COMMUNICATION:

KALAMAZOO COUNTY CONSOLIDATED DISPATCH AUTHORITY EXECUTIVE DIRECTOR JEFF TROYER: City Council received a Presentation by Kalamazoo County Consolidated Dispatch Authority Executive Director Jeff Troyer regarding the May 2, 2017 Proposition and 9-1-1 Consolidation. Discussion followed. In response to Mayor Strazdas, Mr. Troyer pointed out that a person can check his or her telephone bill, and where there is a current charge of \$0.42, that is how many surcharges you will have at \$2.30 if the measure passes. Discussion followed.

As a Co-Chair of the Campaign Committee and not as a Councilmember, Claudette Reid stepped down from the dais and up to the podium as a citizen to speak in favor of voting for the Proposition and 9-1-1 Consolidation. She noted that Jeff Troyer cannot ask for a vote in favor of the measure since he is an employee of the Authority.

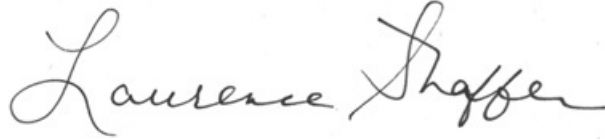
At the request of Mayor Strazdas, motion by Ford, seconded by Reid, to receive the Presentation by Kalamazoo County Consolidated Dispatch Authority Executive Director Jeff Troyer regarding the May 2, 2017 Proposition and 9-1-1 Consolidation. Upon a voice vote, motion carried 5 to 0.

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

Portage Public Schools Board of Education Policy Governance and Regular Business of December 12, 2016, Board Retreat and Organizational of January 9, 2017, Special of February 6, 2017, and Committee of the Whole Work Session of February 13, 2017.
Portage Human Services Board of February 2, 2017.
Portage Planning Commission of February 2, 2017.
Portage Youth Advisory Committee of February 6, 2017.
Portage Park Board of February 8, 2017.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: March 2018 Environmental Report

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Information Only

Attached please find the March 2018 Summary Environmental Activity Report from Department of Transportation & Utilities Director Kendra Gwin. New material or material of specific interest to City Council is presented in italics.

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

FUNDING: N/A

Attachments: 1. Environmental - March

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
March 2018 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. General groundwater quality continues to improve. Initial groundwater and methane results indicate no off-site impact. AHC has completed their contract. <i>The City is working with Attorney Brown to obtain a Hold Harmless Agreement for four properties in the influence area to have connected to municipal water. One property has applied for a municipal water use permit.</i>
Site Inspection / Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	Coordination with property owners and City or State agencies ongoing. <i>Review of 8 site/building plans and/or plats completed in March 2018.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>Sanitary sewer hookup permits issued in March 2018: 8 residential; 1 commercial.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district in 2014. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. The Association elected to use Restorative Lake Sciences, LLC for consulting services in 2015 and to renew the contract with Restorative Lake Sciences for 2017.
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	Nova Consultants was awarded a four-year contract by City Council on April 29, 2014 for a four year program to monitor groundwater levels in the city. Monthly sampling at two retention basins continues. <i>The 2017 Annual Report was provided March 7, 2018.</i>

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

	Portage River Watershed Management Plan	Draft watershed plan submitted to MDEQ on December 30, 2005. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant for watershed update was awarded to Calhoun County Conversation District. No new developments.
	Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.	On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled “Storm Water Illicit Discharges and Connections.” Continued outfall sampling is required by permit and will be budgeted accordingly. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Report submitted to MDEQ as part of the annual report. Follow-up reporting on IDEP procedures submitted on August 25, 2016. Program implementation is ongoing.
Garden Lane Water Treatment Plant	Native Prairie Restoration	Native prairie burn completed in March 2016. Staff assisting the Environmental Board with invasive species control. City staff are working together to implement a management program for future burns. Procedures are being implemented and resources identified so that the fire department will have the ability to administer and control native prairie burns.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Emergency spill response contract for 2017-18 with Terra Contracting is in process.
Deer Management	Assist the Environmental Board with the impact of the native deer population in the city.	The city has contracted with the Kalamazoo Nature Center to install and monitor deer exclosures. The exclosures were constructed as a local boy scout project and will help assess damage from deer in the areas they are placed. The agreement concerning deer exclosures between the city and the Kalamazoo Nature Center expiring March 1, 2017 was extended through October 1, 2017. The Kalamazoo Nature Center provided a final report February 19, 2018. <i>The Environmental Board is currently evaluating the report, whether damaged exclosures should be repaired, and if additional monitoring should be completed.</i>

Internal Environmental Efforts	Summarize internal city environmental efforts including recycling, building improvements, and hybrid vehicle inclusion.	Environmental efforts in the City of Portage are ongoing. Replacement of 90T8 florescent bulbs were replaced in the Public Services facility mechanics bays, reducing energy consumption by 50%.
Environmental Board	Summarize efforts of the Environmental Board projects.	The Environmental Board is currently providing assistance and expertise, as needed, to the Parks Department on their Land Management Plan and looking into opportunities to educate the community on environmental topics. <i>The Board has begun to look into other priority projects established earlier this year including lakeshore management and education outreach. The Board has planned four garlic mustard invasive species pulls beginning in April. They will be participating in the annual green-a-thon at Celery Flats and the Earth Day event sponsored by the city.</i>

Submitted by: Jamie Harmon, Assistant City Engineer

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 3, 2018

FROM: Meshia Rose, Deputy City Assessor *Meshia Rose*

SUBJECT: March 2018 Department Operations Report

The following summarizes the operations of the City Assessor's Office during March 2018:

- **March Board of Review:** The majority of the department efforts during the month of March were concentrated on the activities related to the preparation for and conduction of the March Board of Review (MBOR). The MBOR was held as scheduled by City Charter commencing March 12th for the organizational meeting. The Board heard appeals by appointment beginning March 13th through March 15th and adjourned after the final meeting on March 27th.

The total number of appointment and letter appeals were 41 which was a decrease from the 79 in 2017. The Board made a total of 155 changes to assessed and taxable values which includes the granting of 11 poverty exemptions, 63 disabled veteran exemptions and 42 personal property amendment or exemption requests. An increase to the number of personal property changes made by the Board of Review is the result of recent changes in the law which allow taxpayers to submit Form 5076 Small Business Taxpayer Exemption to the March Board of Review if that person failed to meet the deadline of February 20th, 2018. Changes to the 2018 assessment roll were made in accordance with the MBOR actions and notification of the results were mailed to all whom appealed the last week of March.

- **County and State Reports:** Numerous financial reports required by statute have been prepared and forwarded to the Kalamazoo County Equalization department and the State Tax Commission for county and state equalization purposes. As of March 30th, the City of Portage balanced with the County Equalization Department and will begin the roll-over process for the new tax year. Additionally, the City Assessing Department Report Book, a large compilation of useful tables and statistical reports used by other city departments and citizens is currently being prepared.
- **Customer Service:** The staff of the City Assessor's Office provided a high level of customer service during the month of March.

Please contact me if you have any questions or comments concerning the information reported herein.

TO: Laurence Shaffer, City Manager**DATE:** April 13, 2018**FROM:** Adam Herringa, City Clerk**SUBJECT:** March Monthly Report

ELECTIONS

Hosted and attended mandatory Bureau of Elections training for election administrators in Council Chambers.

Attended training session on the Qualified Voter File “Refresh” which is the new online system utilized by the Michigan Bureau of Elections for managing voter files.

Arranged for installment of shelving for the election records re-storage project with the low cost bidder. Shelving was installed on March 26.

Continued processing additions, changes and deletions from the Qualified Voter File, including 262 new voters.

BOARDS AND COMMISSIONS

Coordinated the monthly meeting of the Youth Advisory Committee. At this meeting numerous presentations were held including Fathers Against Distracted Driving, the Park Board and Kalamazoo Youth Development Network. Began recruitment for new members as half of the Youth Advisory Committee are seniors and will be graduating.

Continued preparation for the annual Green-A-Thon Earth Day event.

Assisted in preparing materials and attended the Historic District Commission monthly meeting on March 7. Advised several district property owners and area realtors on property matters.

PUBLIC INFORMATION AND CITIZEN ASSISTANCE

Provided Notary Public Service to citizens upon request.

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

Coordinated approximately five (5) Freedom of Information Act (FOIA) requests, published legal notices and posted meeting notices.

Performed research for city departments on a variety of topics.

CEMETERIES

Processed four (4) grave openings/closings, including the preparation of invoices and Burial Rights Certificates. Updated cemetery maps, researched availability of lots for citizens in cooperation with the Department of Public Services and assisted with burials.

CITY COUNCIL AGENDAS

Assisted in the research of potential technological solutions for remote meeting participation by Councilmembers.

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

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

OTHER

Participated in a webinar for a software designed to assist with the archiving of social media activities.

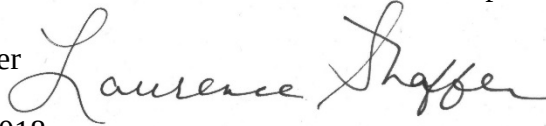
Participated in Information Technology training on managing the incoming City website.

Assisted in the swearing in ceremony for two new police officers.

Deputy City Clerk Eklov participated in the Municipal Clerks Institute to make progress toward becoming a Certified Municipal Clerk.

Prepared a draft application for medical marihuana facility licenses.

Coordinated a meeting of the Customer Service Task Force with Dr. Hartmann of the Kercher Center regarding customer service surveys.

TO: Honorable Mayor and City Council**DATE:** April 2, 2018**FROM:** Laurence Shaffer, City Manager**SUBJECT:** Monthly Report – March 2018

The following summarizes some of the activities in which staff of the Office of the City Manager were involved during the month of March 2018.

1. City Council:

- Coordinated and/or prepared agenda and other materials for the following meetings:
 - City Council Regular Meetings on March 13 and 20.
 - Pre-Council meetings on March 12 and 26.
 - Committee of the Whole Meetings on January 13 and 27.

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

- Attended the “Topping Ceremony” for the Stryker R&D facility on Portage Road.
- Held a meeting with Consumers Energy Representatives regarding their transmission route through Portage.
- Had a meeting with the Kalamazoo County Drain Commissioner.
- Attended the monthly meeting of the Kalamazoo County Consolidated Dispatch Authority.
- Attended the First and Foremost breakfast.
- Met with a citizen regarding water issues in the Black Forest Drive neighborhood.
- Had a meeting with State Representative Brandt Iden.
- Attended Portage Rotary Meetings
- Met with Jonathan Start of KATS to discuss CMAQ funding.
- Attended a meeting of the LDFA.
- Conducted a meeting with representatives from the Kalamazoo Nature Center regarding deer exclosures and invasive species.
- Met with a citizen regarding the Lexington Green Park drain.
- Attended the Southwest Michigan First Civic Leaders Economic Council meeting.
- Participated in Bike Friendly Kalamazoo's 2018 planning session.
- Met with representatives from PMN regarding the city's contract with the organization.
- Met with area developers concerning potential development projects.
- Attended the Kalamazoo Area Transportation Study meeting.
- Attended the Utility Rate Study Committee meeting.

3. Projects - Completed and Ongoing:

- Held a Department Head meeting to discuss matters that resulted from the City Council Goal Setting Session and the financial status of the city.
- Continued the transition and design of the new city website through CivicPlus.
- Continued review of medical marijuana related matters with city legal counsel.
- Continued oversight of planning, design and construction for various city construction projects and developments.
- Continued meetings and work on various labor agreements.
- Held weekly or bi-weekly meetings with Department Heads regarding ongoing projects and operational matters.
- Conducted several meetings regarding the fundraising effort for a proposed new Senior Center.
- Attended and Emergency Coordination Center training session.

4. Public Information and Citizen Assistance:

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

TO: Laurence Shaffer, City Manager**DATE:** April 11, 2018**FROM:** Christopher Forth, Acting Director of Community Development**SUBJECT:** Monthly Customer Service Report for March 2018

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

PLANNING, DEVELOPMENT AND NEIGHBORHOOD SERVICESPlanning Commission

March 1, 2018 meeting:

1. Approved a Special Land Use Permits for Blain's Farm & Fleet, 751 and 879 Mall Drive, 6500 Ring Road and 980 Martin Luther King Jr. Drive.
2. Approved a Site Plan for Blain's Farm & Fleet, 751 and 879 Mall Drive, 6500 Ring Road and 980 Martin Luther King Jr. Drive
3. Convened a public hearing and then adjourned Rezoning Application #17/18-2, 6050 Constitution Boulevard, to the March 15, 2018 meeting.
4. Convened a public hearing and then recommended to City Council approval of Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs
5. Recommended to City Council approval of the FY 2018-2028 Capital Improvement Program.

March 15, 2018 meeting:

1. Recommended to City Council approval of the Final/Site Plan for Whisper Rock Condominiums (Phase III), 2200 Whisper Rock Trail.
2. Reconvened a public hearing and then recommended to City Council approval of Rezoning Application #17/18-2, 6050 Constitution Boulevard.
3. Reviewed and provided comments on the 2018 Kalamazoo County Master Plan Update.

Zoning Board of Appeals

March 12, 2018 meeting:

1. Approved a variance for 1912 Forest Drive to construct a second story addition over the existing dwelling located four feet, five inches from the west (side) property line.

2. Approved a Temporary Use Permit for 7518 South Westnedge Avenue to allow outdoor wood product and accessory building sales from April 1 – October 1, 2018 and from April 1 – October 1, 2019.
3. Approved a variance for Blain's Farm & Fleet, 751 and 879 Mall Drive, 6500 Ring Road and 980 Martin Luther King Jr. Drive to operate an open air sales area on the (west) long side of the building.

Human Services Board:

March 1, 2018 meeting:

1. Recommended FY 2018-19 Human/Public Service Funding Allocations to City Council.
2. Reviewed the Draft FY 2018-19 CDBG Annual Action Plan.

Historic District Commission:

March 7, 2018 meeting:

1. Postponed action regarding a request to remove a corn crib, barn and chicken coop from 2663 Mandigo Avenue.
2. Discussed the upcoming Portage Green-A-Thon event.

OTHER BOARD ACTIVITIES

- Local Development Finance Authority – The Board met on March 19, 2018 and approved a Resolution authorizing the transmission of the FY 2016-17 Annual Financial Report.
- Downtown Development Authority - The Authority did not meet in March 2018.
- Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority – The Authority did not meet in March 2018.

Citizen Information Requests:

During the month of March 2018, a total of 147 cases/violations were inspected in response to citizen service requests or staff field observations and include: 43 debris/refuse; 26 property maintenance; 24 signs; 18 parking; 11 inoperable vehicles; 10 safety, sanitation & health; 7 zoning; 3 housing maintenance; 3 non permitted work; and 2 building maintenance.

BUILDING AND HOUSING SERVICES

Construction Board of Appeals:

The Board did not meet in March.

Building Construction Activity

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

Type of Permit/Application	Number of Permits	Project Valuations
Single-family Detached	4	\$969,898
Single-family Attached	6	\$1,100,990
Residential Additions, Interior Remodels, Garages, Sheds, etc.	16	\$364,963
Commercial Additions, Interior Remodels, etc.	12	\$3,565,099
Permits Not on Report (i.e., demolition, electrical, plumbing, mechanical, driveway, sign, water use/sewer use, etc.).	213	N/A
Totals	251	\$6,000,950

CDBG Housing Assistance Programs

CDBG PROGRAMS				
Activity	Housing Rehabilitation	Water / Sewer	Emergency Repair	Down Payment Assistance
New Applications	4	0	0	1
Applications Approved	3	0	0	1
Loan Closings	0	0	N/A	0
Monthly Projects Completed	0	0	0	1
Projects Underway	4	0	0	0
FY YTD Projects Completed	8	0	1	3

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CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 13, 2018

FROM: William Furry, Director of Finance *wkf*

SUBJECT: Monthly Report-March 2018

ACCOUNTING /PAYROLL

- During the month, 665 invoices for payment were processed. Bi-weekly Accounts Payable payments included 275 paper checks totaling \$1,318,228.25 and 130 automated clearinghouse (ACH) payments totaling \$1,067,533.24. The count of ACH vendors at the end of the month was 387.
- Processed 3 payrolls, creating 747 checks and deposit advices for 250 employees, with a total monthly payroll expenditure of \$1,515,295.38.
- Completed quarterly “personal use of city vehicle” tax calculations based on statements provided by applicable staff.
- Issued quarterly payroll checks for City Council.
- Completed quarterly verification of social security numbers for new employees for accurate tax reporting
- Accounting Specialist II attended additional city website training.
- Worked with employees and managers on electronic time system questions and issues

TREASURY

- Settled with Kalamazoo County Treasurer for the 2017 delinquent tax roll on March 6, 2018.
- Issued 19 letters to delinquent business personal property taxpayers indicating small claims court litigation for unpaid taxes.
- Additionally, mailed 84 statements to delinquent business personal property taxpayers showing balances due for tax years 2012 through 2017 and requesting payment.
- Printed 29 miscellaneous receivable statements for unpaid invoices.
- Prepared and issued the following utility billing statements:
 - 5,462 regular quarterly bills mailed (cycle 3)
 - Emailed 274 regular quarterly bills (cycle 3)
 - 145 final bills mailed
 - 18 final bills emailed
- Prepared and issued the following utility billing delinquent notices:
 - 575 reminder notices (an increase of 2 percent from 2017) and 357 disconnect notices (increase of 7 percent from 2017) (cycle 2)
 - 48 notices were sent to property owners regarding delinquent final bills on their property.
- 34 customers were on the Shut Off list on March 28.
- Sent 32 new accounts for “pre-note” related to the direct debit program.

- Processed 137 requests to initiate or terminate water/sewer services. On average, Treasury staff handles 9 such requests per business day.
- Staff handled 1,028 phone calls during March 2018. Since July 1, 2017, 9,572 phone calls have been handled, averaging 49 per business day.
- During March 2018, staff worked with 137 customers at the Treasury Counter to whom receipts were not issued. On average, staff works with 6 such customers per day.

FINANCE/BUDGET

- Participated in budget team meetings held to prepare the proposed budget and incorporated any changes to budget numbers.
- Worked with department heads to obtain responses to budget team questions.
- Implemented a General Fund budget cut in the 2018-2019 proposed budget to reduce a budgeted deficit. Finance worked to make all reductions possible prior to requesting cuts by departments, communicated the size of cut required, collected responses and made changes in the BS&A system for incorporation into budget document.
- Prepared proposed budget book for publication. Reviewed and edited the proposed budget book through several iterations. Worked with the Assistant to the City Manager to complete the final document and arrange printing.
- Worked with the Director of Transportation and Utilities on the preparation of the annual Utility Rate Study.
- Attended and participated in Utility Rate Committee meeting.
- Worked with Community Development department to coordinate publication of 2018-2028 Capital Improvement Program books.
- Defined the account codes for the Capital Improvement Program projects to be entered in BS&A for the 2018-2019 budget.
- Attended the kick-off conference call with the new bank and began the initial transition process.
- Attended an ECC meeting in the Fire Training Room to discuss the recent flood event and the new Active911 system.
- Attended the monthly budget review meeting with Public Safety.
- The Deputy Director of Accounting/Budget attended the MGFOA Spring Seminar.
- Cashed in maturing investments, analyzed cash position and reinvested called bonds.
- Prepared monthly investment scorecard, input investment activity into SymPro software, generated monthly SymPro reports, and performed the JPMorgan Chase monthly risk analysis for the investment committee report.
- Reviewed and approved all invoices prior to payment.
- Prepared and reviewed monthly bank reconciliations.
- Completed automated clearing house, wire, and transfer banking transactions and related journal entries, as needed and requested.
- Communicated with departments regarding discrepancies between purchase orders that have been received but not paid to discover and clear up any potential unpaid invoices.
- Worked with software provider, BS&A, on various issues.
- Prepared and posted several budget amendments.
- Prepared and approved various journal entries as needed to reconcile and maintain the general ledger.
- Responded to questions from various departments regarding purchase orders, invoices, general ledger, or budget status.

BENEFITS/COMPENSATION

- Continued to monitor, research, and implement requirements of the Affordable Care Act (ACA).
- Continued to track city share of health insurance premium limits as provided for by PA-152.
- Calculated health insurance taxes and fees required under the ACA.
- Calculated and approved monthly payments for employee fringe benefit plans (medical, vision, dental, life and long-term disability insurance, flexible spending accounts, pension contributions, etc.).
- Continued to administer Defined Benefit Plan, including locating and coordinating benefit payments for terminated vested participants.
- Continued to work on restatement of Defined Benefit Plan as required by the IRS.
- Continued process for upcoming life and long-term disability renewal with The Hartford.
- Administered contractual wage adjustments per applicable labor agreements.
- Administered contractual bonus payments per applicable labor agreements.
- Responded to various employment verifications for employees.

WORKERS' COMPENSATION

- Continued with aggressive case management on a number of work related injury claims. Special attention continues to be directed toward high reserve cases. Focus also directed toward lost-time cases with emphasis placed on returning employees to restricted duty assignments.
- Continued to assist supervisory personnel with employees in restricted duty assignments.
- Provided direction to third party administrator in regard to workers' compensation claims.
- Updated the OSHA 300 Log.
- Attended Annual Bleakley, Cypher, Parent, Warren & Quinn, P.C. Workers' Compensation Seminar.

04/05/2018

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/31/2018

FUND	DESCRIPTION	ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
	Totals for dept 1001-City Council	122,320	123,520	77,321	63%
	Totals for dept 1085-City Council-Human Services	139,330	139,380	90,253	65%
	Totals for dept 1501-District Court	68,250	68,250	47,544	70%
	Totals for dept 1720-City Manager	600,300	600,300	379,386	63%
	Totals for dept 2001-Finance Accounting	437,716	437,716	280,476	64%
	Totals for dept 2002-Finance & Budget	307,283	303,333	193,121	64%
	Totals for dept 2053-Finance Treasury	154,207	154,207	103,673	67%
	Totals for dept 2110-MIS	847,110	867,110	588,465	68%
	Totals for dept 2133-MIS Public Information	55,142	55,142	37,009	67%
	Totals for dept 2209-Assessor	444,076	444,076	246,026	55%
	Totals for dept 2247-Assessor Board Of Review	35,403	35,403	15,085	43%
	Totals for dept 2310-Attorney	226,728	226,728	169,290	75%
	Totals for dept 2415-City Clerk	140,666	140,666	95,981	68%
	Totals for dept 2416-City Clerk Records Management	75,170	85,170	43,501	51%
	Totals for dept 2491-City Clerk Elections	175,582	175,582	106,484	61%
	Totals for dept 2610-Human Resources	475,442	475,442	278,755	59%
	Totals for dept 2733-Purchasing	83,845	83,845	52,813	63%
	Totals for dept 2734-Purchasing Risk Management	29,302	29,302	13,010	44%
	Totals for dept 2865-Parks Maintenance	1,252,864	1,282,864	849,348	66%
	Totals for dept 2876-Cemeteries	74,326	74,326	42,930	58%
	Totals for dept 2877-Parks & Rec - Parks	617,260	621,750	400,418	64%
	Totals for dept 2878-Parks & Rec - Kalamazoo In Bloom	10,000	10,000	0	0%
	Totals for dept 2880-Parks & Rec Rec - Admin	174,720	173,720	123,040	71%
	Totals for dept 2882-Parks & Rec Rec - Team Sports	64,540	64,540	28,291	44%
	Totals for dept 2885-Parks & Rec - Programs	4,000	11,500	9,601	83%
	Totals for dept 2886-Parks & Rec Rec - Ramona Park	93,891	93,891	42,509	45%
	Totals for dept 2887-Parks & Rec Rec - Special Events	41,000	45,750	42,798	94%
	Totals for dept 2888-Parks & Rec - Ice Rink	106,893	106,893	65,397	61%
	Totals for dept 3005-Police Administration	837,053	874,053	515,450	59%
	Totals for dept 3006-Police Youth Services	502,931	502,931	309,054	61%
	Totals for dept 3007-Police Investigation	785,060	787,110	553,791	70%
	Totals for dept 3010-Police Patrol	5,323,698	5,321,808	3,299,372	62%
	Totals for dept 3020-Police Training	117,735	117,735	97,551	83%

FUND	DESCRIPTION	ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
	Totals for dept 3021-Police Training-Grant Funded	8,000	8,000	2,956	37%
	Totals for dept 3030-Police Public Safety Dispatch/ts	1,015,221	1,015,221	689,911	68%
	Totals for dept 3031-Police Emergency Sirens	23,676	17,676	9,187	52%
	Totals for dept 3035-Police 911 Cmrs PSAP	204,919	204,919	125,677	61%
	Totals for dept 3040-Police Records & PST	468,370	468,370	295,286	63%
	Totals for dept 3050-Police Drug Law Enforcement	319,101	319,101	228,989	72%
	Totals for dept 3065-Police Facility Management	101,400	101,400	63,501	63%
	Totals for dept 3090 - Police KCCDA support	0	756,793	756,793	100%
	Totals for dept 3310-Fire Admin	681,621	681,621	395,229	58%
	Totals for dept 3320-Fire Operations	3,994,823	3,982,741	2,780,856	70%
	Totals for dept 3330-Fire On Call Firefighters	120,037	120,037	50,773	42%
	Totals for dept 3331-Fire Emergency Operations	3,700	3,700	913	25%
	Totals for dept 3340-Fire Prevention	152,488	152,488	109,743	72%
	Totals for dept 3350-Fire Training	192,041	192,041	92,600	48%
	Totals for dept 3365-Fire Facility Management	98,400	98,400	46,845	48%
	Totals for dept 3710-Comm Dev Building Services	483,592	483,592	324,604	67%
	Totals for dept 3720-Comm Dev Planning & Development	311,937	319,837	219,803	69%
	Totals for dept 3730-Comm Dev Neighborhood Services	226,687	226,637	156,880	69%
	Totals for dept 3765-Comm Dev Building Maintenance	243,164	243,164	140,959	58%
	Totals for dept 4210-General Public Services	506,415	520,840	317,631	61%
	Totals for dept 6720-Senior Center	333,045	336,145	223,139	66%
	Totals for dept 6721-Senior Center Trips	284,777	284,777	254,117	89%
	Totals for dept 6725-Aging Mastery Program	0	1,640	64	0%
	Totals for dept 8050-Contingencies	50,000	50,000	0	0%
	Totals for dept 9610-Transfers Out	1,234,327	1,859,327	1,859,327	100%
	TOTAL - GENERAL FUND	25,481,584	26,982,510	18,343,526	68%

FUND	DESCRIPTION	ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
202	Major Street Fund	3,914,345	5,834,344	3,135,285	54%
203	Local Streets Fund	1,356,319	1,506,319	829,582	55%
204	Municipal Streets Fund	1,675,990	1,675,990	1,615,000	96%
223	Curbside Recycling Fund	691,859	698,499	428,350	61%
226	Leaf Pickup / Spring Cleanup Fund	781,801	803,301	487,458	61%
230	CDBG Program Income Fund	110,000	110,000	41,279	38%
252	West Lake Weed Mgt	32,120	32,120	6,000	19%
296	Community Development Block Grant	223,000	216,112	165,641	77%
298	Cable Television Fund	911,600	936,350	487,391	52%
400	Capital Improvement General *	11,766,000	18,811,072	8,855,809	47%
490	Capital Improvement Sewer *	710,000	3,029,317	1,309,772	43%
491	Capital Improvement Water *	2,260,000	6,185,869	1,222,553	20%
590	Sewer Fund	8,078,430	8,505,187	4,404,957	52%
591	Water Fund	6,029,920	6,070,941	4,136,122	68%
TOTAL - ALL FUNDS		64,022,968	81,397,931	45,468,725	56%

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

TO: Laurence Shaffer, City Manager**DATE:** April 16, 2018**FROM:** Shannon Hertz, Director Human Resources **SUBJECT:** Human Resources Department Monthly Report – March 2018**RECRUITING**

The following positions were filled in March:

- Administrative Assistant for Public Safety
- Police Officer (2)
- On-Call Firefighter
- Finance Clerk

The following positions have candidates identified:

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

- Administrative Assistant City Manager's Office
- Mechanical Inspector
- Senior Center Building Coordinator (1)
- Master Mechanic
- Purchasing Manager
- Property Appraiser II/III
- Assistant City Engineer
- Summer Engineering Intern
- Ramona Park Lifeguards (7)
- Ramona Park Sr. Lifeguards (3)
- Ramona Park Supervisors (3)
- Administrative Assistant Transportation & Utilities
- Police Records Clerk

Employment applications, assessments and recruitment activities:

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

SAFETY, TRAINING AND DEVELOPMENT

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

- Randomly tested 3 participants for the drug testing program
- Conducted on-boarding for 3 **new**/returning employees
- Attended 1 department-specific Safety meetings
- Attended 4 meetings regarding implementation of new software.

HEALTH MANAGEMENT PROGRAM

- Continued to administer Health Management Program (HMP) for Department Head, Non-Union, PPCOA, PPOA and UAW employee groups.
- Sent reminders to UAW, PPCOA & PPOA about deadlines for preventive examinations
- Conducted DH/NU 3rd quarter planned activities – Dot-to-Dot and word search.

BENEFITS

- Provided benefit consultation to employees terminating, retiring and beginning employment.
- Assisted employees and retirees with various benefit matters, including claim resolution and dependent eligibility.
- Processed benefit changes as necessary, including calculation and submission of payroll deductions.
- Issued retiree health insurance invoices to 6 retirees and 2 unions.
- Monitored Flexible Spending Account (FSA) reimbursements processed by Kushner & Company for 19 participants for the 2018-2019 plan year.
- Completed the 2018-2019 plan year annual benefits open enrollment
- Performed administrative requirements to meet legal compliance in regard to the Family Medical Leave Act (FMLA). Processed 45 notifications for employees.
- Performed administrative requirements to meet legal compliance in regards to the Consolidated Omnibus Budget Reconciliation Act (COBRA) for 1 COBRA participants.
- Documented and monitored sick leave usage.

CITY OF PORTAGE**COMMUNICATION****TO:** Laurence Shaffer, City Manager**DATE:** April 11, 2018**FROM:** Kathleen Hoyle, Director of Parks, Recreation and Senior Citizen Services**SUBJECT:** Monthly Operations Report for March 2018**PARKS & RECREATION****RENTALS** (March 2018- 2 rentals totaling \$650; March 2017- 3 rentals totaling \$850)

FACILITY	2018 RENTALS	2017 RENTALS
Celery Flats		
Hayloft	0	
Grain Elevator	0	
Gazebo	0	
Schoolhouse	0	
Amphitheater	0	
Stuart Manor	0	1
Lakeview Park		
Shelter	0	
Softball Field	0	
Westfield Park		
Shelter	0	
Softball	0	

FACILITY	2018 RENTALS	2017 RENTALS
Ramona Park		
Shelters	0	
Football Field	0	
Soccer Field	0	
Softball Field	0	
Schrier Park		
Building	2	2
Shelter	0	
South Westnedge Park		
Softball Fields	0	
Central Park		
Shelter	0	

NOTE: Only 3 facilities heated & open for rent in winter: Grain Elevator, Schrier Park and Stuart Manor.**Active Net Registration**

Online Activity 87
 Walk In Activity 28

EVENTS	2018 PARTICIPANTS	NOTES	2017 PARTICIPANTS
Reading Rangers	2		New
Portage Culinary Academy	14	Maximum capacity	New
Binder Park Zoomobile	83		New
Geocaching with KNC	45		New

MILLENIUM PARK ICE RINK

FEES	FY 17/18 PARTICIPANTS	FY 17/18 REVENUE
Skating Admissions-Paid	1,781	\$ 7,109
Skating Admissions-Punch Card	418	0

FY 16/17 PARTICIPANTS	FY 16/17 REVENUE
1,822	\$ 7,260
845	0

Skating Admissions-PCC	21	0	N/A	N/A
Free Day (None)	0	0	0	0
TOTAL ADMISSIONS	2,220	\$ 7,109	2,667	\$ 7,260
Skate Rental-Paid	1,359	4,062	1,447	4,326
Skate Rental-Punch Card	300	0	664	0
Skate Sharpening-Paid	3	\$9	0	0
Skate Sharpening-Punch Card	50	0	N/A	0
Ten Punch Skate Card Purchase	167	4,175	187	4,650
Concessions	N/A	1,712	N/A	1,371
TOTAL USAGE	4,099	\$ 17,067	4,965	\$ 17,607

PARKS & RECREATION HIGHLIGHTS

- Began hiring process for lifeguards, seasonal recreation attendants, and one ranger.
- Working with the Portage District Library on a WWI Memorial Walk on the trail between Celery Flats and the Library which is planned to run Saturday, May 19 through Armistice Day on Sunday, November 11, 2018.
- Parks Board is planning three new events this year, including the Heritage Festival on Saturday, May 12; Great American Campout at Ramona Park on Saturday, June 23; and Tour de Portage Bike Event on Saturday, August 11.
- The Dog Park is officially open to the general public for the season.
- Plans are being finalized to move the Farmer's Market to the City Hall parking lot to begin on Sunday, May 6.
- Volunteer Park Patrol training was held on March 22 with another scheduled for May.
- Met with the Lexington Green Neighborhood Association on March 27 with approximately 50 people in attendance to review the park plans which were enthusiastically received.
- Preparing draft trail map for the MDNR property along Centre Avenue in conjunction with the MDNR representatives.
- Conducting title and survey work for future trail development along sixteen Pfizer owned parcels along Portage Road and north of Austin Lake.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 24, 2018

FROM: Nicholas J. Arnold, Public Safety Director – Police/Fire Chief

SUBJECT: Monthly Report for March 2018

MARCH STATISTICS

Police Incidents Dispatched	2,919
Fire Incidents Dispatched	424
9-1-1 Calls Received	1,622

POLICE DIVISION

SIGNIFICANT INCIDENTS:

- On March 5, 2018 at 11:12 PM, PDPS officers responded to the 6100 block of Newport on an armed robbery. A 65-year-old Portage resident who works at a local business was hit over the head while taking out the trash. The suspect displayed a handgun and demanded money. The suspect fled the scene on foot after striking the victim. A KCSD K-9 assisted with a track, but was unsuccessful. Upon checking dumpsters to the south of the incident location, officers located a CO2 BB gun. The suspect wore all dark clothing and a red/pink ski mask. The suspect is believed to be a thin, B/M in his 20's. The case remains under investigation.
- On March 7 at 10:46 am, a caller reported that there was a man walking down the sidewalk with two long guns in the 8400 Block of South Westnedge. Officers made contact with the schools to advise them of the situation, the schools went into a "lockup" and numerous officers began checking for the subject. No one was located and officers began canvassing the homes in the area where the subject was seen walking. An officer made contact with the subject at a residence in the 8400 Block of S. Westnedge. The subject said that he had been walking his two long guns from his residence to his friend's home a few doors down the street. He said he didn't have a gun safe and wanted to store them at his neighbor's. There was no crime.
- On March 10, 2018 at 4:26 p.m., PDPS officers responded to Biggby Coffee located at 3279 W. Centre Avenue to investigate a report of a vehicle window being "shot out" in the parking lot. Officers determined the victim, identified as a 19-year-old Texas Township resident, was placing an order in the drive thru when the front passenger side window suddenly shattered. Unaware of what was taking place, the driver left in the vehicle while employees of Biggby Coffee secured the business. The employees and patrons sought shelter inside until the scene was deemed secure. The preliminary investigation suggests the vehicle was damage by what appeared to be projectile

from an Air-soft style firearm, possibly from a passing vehicle. No one was injured during the incident and it was determined the business would close for the day and re-open Sunday morning.

- On March 11, 2018 at 8:57 PM Portage Police and Fire Units along with EMS were sent to the 5500 Block of S. Westnedge to the Holiday Motel in reference to a call of a female who overdosed on heroin. Ofc. Bryant was near the scene at the time of the call and immediately made contact with the victim. Ofc. Bryant quickly administered NARCAN and she started coming back to. He administered the second dose and she regained consciousness and was transported to the hospital. The related portion of the investigation is continuing and a subject with the victim at the time of the incident was arrested on several outstanding warrants.
- On February 16, 2018, an unknown male entered Airway Lanes while the business was open to the public. The male suspect in the attached photos forced entry into a money kiosk and was able to obtain cash from the machine. The same male suspect committed a similar crime at a Lansing, Michigan area bowling alley prior to the Airway Lanes incident.



TRAINING

- During March, PDPS officers finalized officer training in ALICE awareness response to school related critical events.
- During March, Officers Stapert and May attended a one day domestic violence response training hosted by KCSD on 3/21/2018. Officer Stapert also attended a three day training seminar in Texas for the accident investigation vehicle data download instrument.
- Part-time Police Officer Slancik completed field training and will be assisting the other part-time officers with court runs, subpoena service, video arraignments and patrol duties.
- During March, two PDPS officer who are members of the KMETRO SWAT team received training in the operation of the new MRAP armored vehicle. The vehicle will be used in high-risk tactical and officer rescue operations.

PATROL INSPECTIONS/AUDITS:

- All patrol teams reported compliance with weekly and monthly cases, MCT chat and MVR audits. Patrol vehicle inspections continued to be conducted via MVR as recommendations for policy amendment continues to be evaluated. Additionally, bi-monthly officer case audits were conducted.

FIRE DIVISION

PUBLIC RELATIONS:

For Reading Month, the Fire Marshal was invited to read to kindergarteners at Amberly Elementary where he read two books to 25 students ages 5-7.

FIRE INVESTIGATIONS:

During the month there was one fire that required investigation. In the 10000 block of Oakland Drive, a furnace ignited combustibles that were stored too closely to the unit. This caused significant smoke damage to the house. The house also contained a marijuana grow operation, which was determined to be compliant with the Michigan Medical Marijuana rules.

SIGNIFICANT INCIDENTS:

- March 9 (18-1086), all fire units were dispatched for a structure fire in the 10600 block of Oakland. The first unit on scene reported a working fire with smoke showing. A second alarm was requested to back fill all stations. The home owner was in the front yard and reported all occupants were out of the home. An aggressive interior attack was made with an active fire found in the basement. The fire was deemed under control within 25 minutes from arrival. No injuries were reported and the estimated damage was determined at \$30,000.
- March 23rd (18-1266), PFD responded to a report of a car into the swamp on Oakland Drive. PFD crews used a ladder to assist the driver of the vehicle over the muck. Crew then assisted the tow truck driver by hooking the cables to the vehicle.



- March 26th, Incident # 1317, 1243 assisted SKCFA with a Structure Fire Assignment involving chemical release and explosion at Bridge organics in Vicksburg. FF Huss and Capt. Playford functioned as operational and interior crew for both SKCFA and the Kalamazoo County HazMat Team. PFD personnel assisted in emergency mitigation, incident command, and decon of personnel. Portage personnel were utilized on scene for approximately 4 hours, with additional decon and equipment management taking place back at PFD facilities.

Training:

In addition, the Fire Division had the following training sessions, number of members and hours of each class:

- Smoke ventilation and flow path studies from UL. 34 members, 2 hours each.
- A.L.I.C.E Active violence awareness training with PPD. 29 members, 1 hour each.
- Wildland & Surface fuel firefighting basics. 31 members, 2 hours each.
- MiOSHA annual training- Part 74, Lock out-Tag out, Bloodborne Pathogens, 35 members, 2 hours each.
- EMS Education, Geriatrics and special needs population issues. 24 members, 1 hour each.

TO: Laurence Shaffer, City Manager**DATE:** April 13, 2018**FROM:** Rod Russell, Director of Public Services **SUBJECT:** Monthly Operations Report for March 2018**STREET MAINTENANCE ACTIVITIES**

- Removed 6.5 inches of snow during Winter Street Maintenance Program
- Cleared snow from city owned sidewalks, trails and four city bridges
- Inspected snow plow equipment and cleaned out trucks from March winter street maintenance activities
- Provided softball field maintenance training to one laborer covering proper base placement, line painting requirements and dragging of fields in preparation for the start of city softball league play
- Provided bull dozer training to one operator
- Provided 'Safety Briefings' to crews regarding construction and maintenance activities and best practices
- Consolidated salt piles in salt barn in preparation for delivery of DuraPatch limestone
- Supported Fleet & Facilities Division with snow plow truck maintenance and cleaning of repair bays
- Organized materials and equipment throughout DPS facility grounds and sign shop
- Repaired damaged mailboxes caused during snow removal operations
- Replaced or repaired damaged and faded traffic control signs
- Repaired damaged lawns caused during Fall Leaf Pickup and Snow Removal operations
- Removed roadside markers and delineators from islands on major roadways
- Continued work at Lexington Green Park by removing tennis court and hauling debris to transfer station in Kalamazoo in preparation for new tennis and pickleball court installations
- Continued removal of fence and gate at Portage South Cemetery in preparation for installation of new fence
- Removed brush and overgrowth from fence lines at city cemeteries
- Continued work at Hayloft Theatre in Celery Flats Historical Area for installation of new restroom facilities
- Continued work at Eliason Trailhead Park installing pavilion metal roof, pouring floors and initial interior wall assembly
- Cleared stone and debris from center boulevard islands along Centre Avenue
- Removed litter and debris from city owned outlots, guardrails, Romence Road from South Westnedge to Lovers (including the area behind Sams Club), I-94 at Westnedge,

I-94 at Trade Centre Way, I-94 at Oakland, Garden Lane railroad tracks, Shaver Road at Sugarloaf Avenue, West Centre at US-131,

- Cleared culvert at Garden Lane near South Westledge Avenue
- Continued restoration work along Romence Road Bikeway by adding millings, top dirt and grass seed to trail edge; trimmed trees and bushes as needed for patron safety
- Continued clearing work at Celery Flats Visitor's Center in preparation for parking lot reconstruction and installation of new pavilion; installed silt fence.
- Hauled millings to Celery Flats Historical Area parking lot construction site to create new parking lot
- Installed message boards near Celery Flats Historical Area to warn park patrons of construction and alternate parking location at auxiliary lot
- Removed nine dead trees from Mandigo Avenue, Lakeview Park, Schrier Park, East Kilgore, and Celery Flats
- Hauled wood chips from compost site to West Lake Nature Preserve to restore upper woodchip trail
- Removed sidewalk trip hazards with concrete grinding machine
- Provided mechanic and shop support to Fleet & Facilities division
- Removed old bushes at Senior Center and restored areas with top dirt; also repaired handicap signs.
- Repaired potholes on local and major roadways
- Cleared brush and debris from DPS fence lines
- Hauled stumps from compost site to facility in Battle Creek for recycling
- Conducted final debris inspection and cleanup at Dog Park in preparation for opening day on April 1
- Relocated gazebo at Celery Flats Historical Area from Interpretive Center to area near Hayloft Theatre

Weekly Curbside Recycling Program - The following summarizes total weights of recyclable materials collected during the month of March 2018 as well as Fiscal Year-to-Date totals:

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

		Tier I	Total	Tier II	Dumpster	Dumpster	Dumpster
Date	Total (tons)	Carts	Carts	Carts	2 Cyd	4 Cyd	6 Cyd
Mar 2018	216.93	46	13,695	3	5	6	23
YTD Total	2,025.15	417	13,695	1,813	5	6	23

PARKS MAINTENANCE ACTIVITIES

- Prepared facilities for upcoming rentals
- Removed 6.5 inches of snow from city owned properties, sidewalks and trails
- Assisted Streets Division with snow removal from sidewalks along city owned properties
- Removed trash and debris from parks and trail systems
- Trimmed trees and removed brush from parks, trails and city owned properties
- Repaired split rail fence at various city park locations
- Performed repairs to super deck at West Lake Nature Preserve
- Repaired locking gate at West Lake Nature Preserve
- Replaced parking bumper blocks moved during snow removal operations
- Cleared fallen limbs from Lakeview Park and Ramona Park
- Cleared leaves and debris from fence lines at West Lake Nature Preserve and Ramona Park playground
- Removed graffiti at Lexington Green Park, Portage Creek Bicentennial Park and Westfield Park
- Removed sidewalk delineators at City Centre and along park trails
- Supported 4 burials in city cemeteries
- Repaired lighting fixtures through the parks system
- Repaired restroom signs throughout the parks system
- Trimmed brush and overgrowth from overlook deck at Millennium Park
- Removed trash and debris from Millennium Park Trail
- Repaired picnic tables
- Purchased and installed liner fabric for canoe display in preparation for installation at City Hall grounds this spring
- Painted flower tree towers at City Centre in preparation for spring planters
- Cleaned and prepared butterfly planter display
- Added woodchips to South Cemetery landscaping
- Removed trash and debris from Park-n-Ride locations on Centre Avenue and Oakland Drive
- Removed obsolete phone booth from Celery Flats Historical Area and stored at DPS facility for disposal
- Inspected gas line at Millennium Park
- Repaired trash cans at Ramona Park
- Provided training for trash run to one new seasonal employee
- Assisted Streets Division with tree removals at Lakeview Park
- Performed repairs to dumpster doors and inspected playground carpet damage at Ramona Park
- Disassembled ice rink tractor at Millennium Park and returned to DPS for maintenance and storage
- Cleared brush and debris from fence lines at Schrier Park, Ramona Park, South Westnedge Park and along West End Drive at West Lake Nature Preserve
- Performed spring leaf cleanup from city parks and cemeteries and hauled to compost site
- Repaired white fencing at Celery Flats Historical Area
- Applied grass seed and fertilizer at Dog Park

- Delivered large flower pots to Corstange for spring planting
- Hired contractor to repair lock at Grain Elevator at Celery Flats Historical Area
- Turned on water for restrooms at Ramona Park and South Westnedge Park in preparation for spring softball league practice

FLEET & FACILITIES DIVISION

The Fleet & Facilities Division generated 47 work orders for the month of March 2018. A total of \$6,856.29 was spent on billable labor hours while the parts costs were \$1,951.95. Outside contracted work was \$7,534.29.

March 2018	March 2017	
47	130	Work Orders
\$1,951.95	\$8,920.08	Parts Cost
\$6,856.29	\$15,174.03	Labor Cost
6	17	Preventative Maintenance (P.M.) Work Orders Completed
\$121.58	\$102.92	Average Cost per P.M
\$729.50	\$1,749.68	Total P.M. Cost
\$946.82	\$957.33	Contracted Repairs - Body & Paint
\$7,534.29	\$2,605.50	Contracted Repairs (not including body & paint)
\$3,364.89	\$1,267.00	Building Renovations

BUILDING MAINTENANCE

- Custodial Operations
- City Hall, Police and Senior Center facility support services

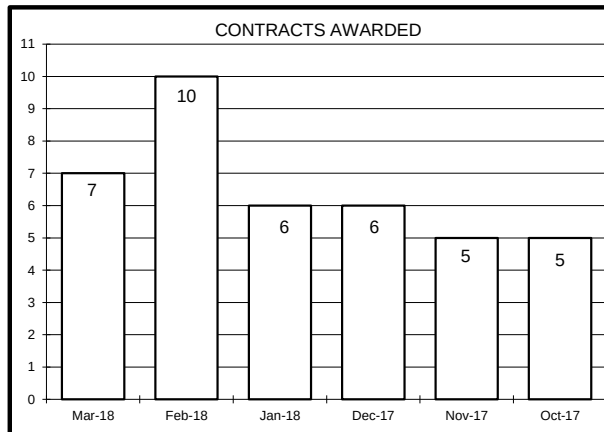
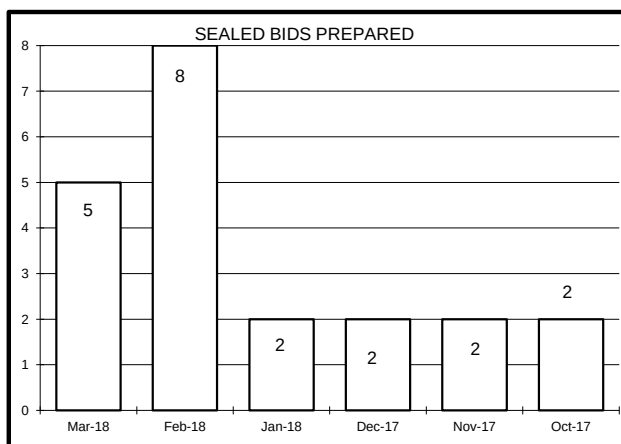
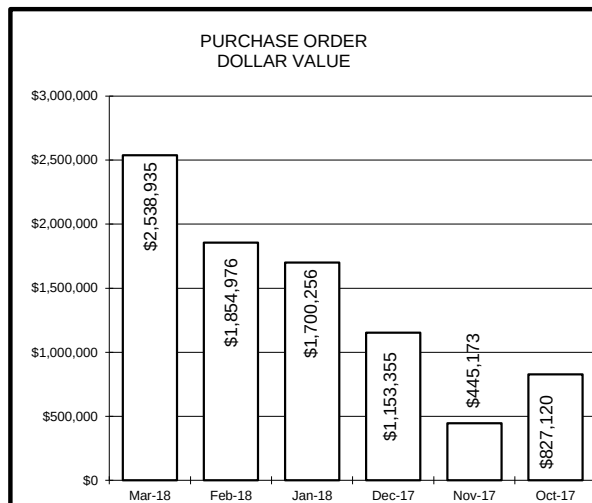
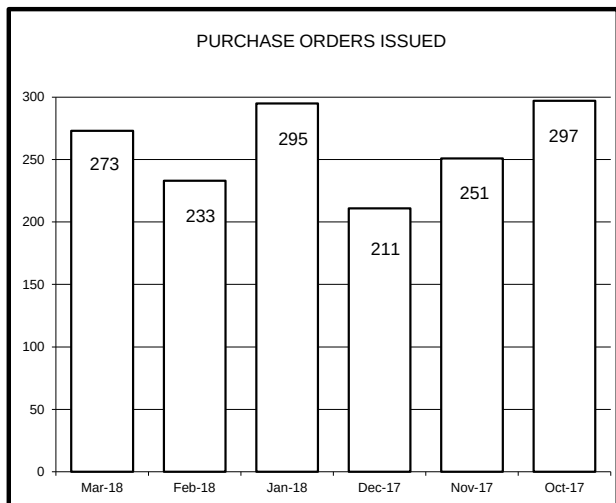
TO: Laurence Shaffer, City Manager

DATE: April 2, 2018

FROM: Rob Boulis, Deputy City Manager



SUBJECT: Purchasing Monthly Report - March 2018



SEALED BIDS OPENED / CONTRACTS AWARDED

Spring Mill & Fill Asphalt Repairs
 Parking Lot Asphalt Overlays
 W. Milham Avenue Reconstruction Engineering
 City Gateway Signs
 Lexington Green Park Court Improvements
 Lexington Green Park Fence Improvements
 Stuart Manor Roofing

SEALED BIDS PREPARED

S. Westnedge/JL Hudson Drive Improvements
 Romence Road Reconstruction Engineering
 Stuart Manor Roofing
 Romence Road Bikeway Mill & Fill
 Lovers Lane Reverse Curve Alignment Eng.

- Two new claims were filed with MMRMA, two claims were settled.
- Purchasing staff added 19 new vendors to the purchasing software vendor file.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 12, 2018

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



SUBJECT: Department Monthly Report – March, 2018

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

Cable Access

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

Significant Activities:

- Continued taping various special programs (HMP, PSI, Lunch & Learn, etc.)
- Emergency broadcast protocols – on hold
- Continued working on new city marketing video materials
- Continued addressing long-standing cable issues with Matt Schuster
- Continued working on a transition plan from PMN

Internet/Intranet Web Site

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

Significant Activities:

- Continued working on the city website rebuild.

Telecommunications

- Continued working on the AT&T DAS permit process.

Contract Administration

- In Process: Papervision Annual Maintenance

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

Significant Activities:

- In Process: working with the City of Kalamazoo IT director on connecting fiber
- Continued PortageAlert mass notification system for emergency initiatives
- Continued development of new city website
- Continued investigating options for upgrading the decades-old multi-mode fiber ring
- Continued working on a Soofa Sign pilot program application
- Continued researching various new technologies
- Continued working on consolidated dispatch
- Continued working on migrating old AS400 data to new platforms and consolidating data
- Continued migrating paper forms to the new electronic Seamlessgov system
- Continued working with departments on electronic document management
- Continued review of department procedures
- Continued working on GPS snow plow tracking mobile application
- Continued working on replacement of the primary network firewall

Marketing Activities

- Continued oversight and management of all city marketing activities
- Continued Branding support initiatives
- Continued working on Soofa Sign branding
- Completed working on new city signage
- Continued working on the Senior Center Case for Support document

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 16, 2018

FROM: Kendra Gwin, Director of Transportation & Utilities



SUBJECT: Transportation & Utilities Department Monthly Report for March 2018

The month of March 2018 was busy for both Transportation & Utilities staff and the Suez Environmental staff. In regards to the Suez Environmental operations, emphasis during the month continued to be directed at ensuring the various activities related to the utility operation were being completed professionally and in a manner to ensure that service levels committed under the Suez Environmental contract with the city are completed in a timely manner.

Major accomplishments involving the Suez operations during the month include:

1. Inspections continued on sewer lift stations and water wells. During the month of March, 569 inspections were made by Suez personnel.
2. Suez personnel received 60 customer service calls throughout March.
3. Suez personnel responded to 14 after-hour panel alarms as indicated on the SCADA control panel monitoring the city's water and sanitary sewer facilities.
4. Approximately 101 million gallons of water were produced/pumped during the month of March. Production averaged around 3.3 million gallons of water per day during the month. Six hundred twenty-two water quality analyses were completed during the month.
5. Ten new meters were installed and four new water taps were required during the month of March.
6. Miss Dig stakings were completed at 361 locations.
7. There were two water main breaks during the month at 7710 Garden Lane and 2312 East Heverly Avenue.
8. Suez was busy during the month of March getting ready for spring and completing lawn repairs from the winter months, repairing hydrants and repairing catch basins.

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

1. Review of new development plans from a transportation and utility standpoint continued during the month. Eight development and building plans were reviewed.
2. The Utility Contract Administrator oversaw the Suez Environmental operations, addressing customer concerns, inspecting public and private utility construction and inspecting city-owned stormwater and utility facilities.
3. The Traffic Engineering section was active during the month of March investigating complaints/concerns regarding operation of traffic signals, performing traffic volume/accident analyses and reviewing new streetlight installations.
4. Nova Consultants was awarded a four-year contract by City Council on April 29, 2014 for a four year program to monitor groundwater levels in the city. Monthly sampling at two retention basins continues.
5. City traffic signal maintenance is performed under contract to a specialized electrical traffic signal contractor. City staff initiated a bid package for traffic maintenance with bids received July 23, 2015 with the sole bid in the amount of \$176,300 submitted by Severance Electric. City Council approved on August 11, 2015 and renewed on September 1, 2016. Recent work continues to focus on LED sign upgrades, illuminated sign replacements, and controller cleaning.
6. Completed inspections for soil erosion and sedimentation control permitting program. City staff are currently working on updating documents and responding to comments and requests resulting from audit performed by MDEQ staff. The on-site portion of the MDEQ audit is scheduled for April 23, 2018.

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

1. Local Street Calming Program

The 2015-16 Capital Improvement Program includes a project for a Local Street Neighborhood Calming Program. A budget of \$10,000 was established for professional services and the remaining \$15,000 to be used for implementation of the program. OHM was selected based on experience and their proposed approach to developing a project plan that will best meet the City's needs. Draft Program complete with final program documents forthcoming. The first street to use the program is Meredith Street, which is currently underway. A request was also received for Lakeview Drive and is being reviewed.

A pedestrian island crossing on Oakland Drive at Oakland Drive Park has been chosen to be funded through the Neighborhood and Community Enhancement Program. Design has been completed and city staff are working on amending an existing contract to complete the project.

2. US-131 Crossing Forcemain Replacement

The 2014 – 2015 Capital Improvement Program includes a project to replace the 20” force main under US-131 from 12th Street to east of Angling Road. The force main has suffered several breakages and is nearing the end of its effective life. On March 30, 2016, an engineering contract was awarded to Prein & Newhof for design of the force main project. Under agreement with Texas Township, the township is responsible for approximately 94% of the project cost. On March 28, 2017, City Council awarded a contract to Kamminga & Roodvoets, Incorporated in the amount of \$567,323. On January 23, 2018, Change Order No. 1 was approved by City Council with Kamminga & Roodvoets for installation of the water meter at the lift station. The meter has been ordered.

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

Rockford Street, Schuring Road to Romence Road

A preliminary design has been completed for Rockford Street, but due to limited funds needed for Portage Road, will be delayed until the 2017-2018 Capital Improvement Program. On September 26, 2017, City Council approved a budget transfer from the Major Street fund to the Capital Improvement fund. Design is being finalized for bidding and construction summer 2018.

Portage Road, Mandigo Avenue to Osterhout Avenue

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

Portage Road/Lakeview Drive Intersection Realignment

Preliminary design services for the intersection improvements at Portage Road and Lakeview Drive have been completed by Abonmarche Consultants. On May 23, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$48,450. A grade inspection meeting was held with MDOT on January 3, 2018. The right-of-way must be secured before final documents can be submitted to MDOT. Staff plans to submit documents on April 20, 2018, the project will then be included in the July bid letting

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

South Westnedge Avenue Reconstruction – Romence Road to Mall Drive

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

West Centre Avenue Reconstruction – 12th Street to Oakland Drive

On August 22, 2017 City Council awarded an engineering contract to Wightman & Associates, Incorporated in the amount of \$156,500. Design engineering underway. The final bid package has been sent to MDOT and will be on the May bid letting. Construction is scheduled for summer 2018. Project includes \$1,300,000 in federal funding.

Oakland Drive Reconstruction – Milham to I-94

On August 22, 2017 City Council awarded an engineering contract to Wightman & Associates, Incorporated in the amount of \$89,900. Design engineering complete and the project opened bids on March 29, 2018. Construction is scheduled for spring/summer of 2018.

Oakland Drive/Vanderbilt Flashing Beacon

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

2017 Local Streets

The 2017-2018 Capital Improvement Project includes the reconstruction of local streets to include the milling and resurfacing of these streets, as well as implementing complete streets enhancements. On January 24, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$131,118. Design is complete. On August 8, 2017 City Council awarded construction to Michigan Paving and Materials in the amount of \$1,038,360.35. Construction in 5 neighborhoods in 2017 is complete with construction in 3 neighborhoods remaining for spring of 2018. This work is scheduled to begin mid-April 2018.

Wetherbee Avenue Utility Project

On October 10, 2017, City Council awarded an engineering contract to Hurley & Stewart in the amount of \$39,315. Design engineering is underway and includes the installation of sanitary sewer and water main, along with concrete curb and gutter and sidewalk on the north side. Construction is scheduled for summer 2018.

2018 Storm Drainage Improvements

On January 26, 2018 City Council awarded an engineering contract to Hurley & Stewart in the amount of \$130,546. Design engineering is underway on all divisions of the contract which include improvements in the Meadows at Constitution Plat, Winter Forest Drive, and South Westnedge Avenue. All divisions are planned for construction in summer 2018. Storm sewer easement acquisitions underway.

Emily Lift Station

On February 27, 2018 City Council approved the purchase of 9125 Portage Road. Phase I environmental assessment and survey was completed. The property closing was March 28, 2018.

Minutes of Boards & Commissions

Portage Park Board Meeting Minutes
January 3, 2018

Board Present:

Tim Earl, Lana Escamilla, Robb Krueger, Jon Peer, Elanor Riley, Kazmira Ruhland, Staci Salisbury, Charles Thomas

Kathleen Hoyle – Director of Parks, Recreation, and Senior Center Services

Rodney Russell – Director of Public Services

Board Absent – Excused:

Rashik Patel – Student Member

Meeting called to order 6:44pm

I. INTRODUCTION OF GUESTS

No Guests Present

II. APPROVAL OF AGENDA

Meeting agenda was distributed and reviewed. Mr. Krueger moved for approval of agenda, Mr. Peer seconded, approved by voice vote

III. APPROVAL OF MINUTES

Minutes from the prior meeting were distributed and reviewed. Mr. Krueger moved for approval of minutes, Mr. Peer seconded, approved by voice vote

IV. DEPARTMENT REPORT – Hoyle

1. Lexington Green master plan draft will be available this week, at the next meeting we will review the plan for Lexington Green
2. The invasive species plan is in development – an inventory of the parks has been completed and will be spot checked in spring. Expect full plan end of June / beginning of July. At that point we will evaluate the scale of the project to manage the invasive species, whether we need an organized effort or can use volunteers, etc.
3. Portage City Center renovation
 - a. Community visioning session results wanted the creation of a “downtown” area
 - b. Idea to create a “city center” area around city hall and the surrounding area
 - c. Draft plan for “city center” – tied to Celery Flats as an entertainment district, converting the path between the two as a promenade area.
 - d. Planned inclusion of mixed-use housing would demand shopping, entertainment, etc.
 - e. Draft was to be complete EOY 2017 but should be complete W2 2018

V. PUBLIC SERVICES REPORT – Russell

1. Eliason Park updates: Footings have been poured, and are ready for construction once the snow has cleared and temperatures have increased to acceptable level
2. Celery Flats parking lot design finalized
 - a. 57 spots up to ~99
 - b. Permitting from DEQ was delayed
 - c. 4-5 weeks until permitting and planning will be finalized

- d. Trees for removal have been identified
- e. In spring, building will be demolished, parking lot will be torn up, trees removed and new construction / plumbing will be started
- 3. Snow overview
 - a. Continuing to plow and handle the snow as it arrives

VI. NEW BUSINESS

- 1. January Meeting Financial Report
 - a. No change since previous meeting
- 2. MDNR Open Space & Recreation Plan Review
 - a. Revise titles on the acknowledgements page to correct student member
 - b. At our next parks board meeting (February 7, 2018), the public will comment and Park Board will discuss and forward recommended changes to the City Council
 - c. The Plan draft was created based on several committee meetings, community survey, and public meetings by Viridis Design Group
 - d. Plan for Future Parks
 - i. A piece of land was donated adjacent to the Portage trail north of I-94 and will be dedicated as a nature preserve and become a new Portage Park: Betty Lee Ongley Nature Preserve
 - 1. Planned walking paths, outdoor spaces, etc
 - 2. Public access will potentially be from Kilgore via walking trail
 - ii. Martin Luther King Jr. Park
 - iii. Farmers Market
 - iv. Celery Flats updates
 - v. Land Acquisition
 - 1. Two large wetland parcels south of Centre Ave that are currently DNR State Game Areas
 - 2. Intent is to keep it as natural land
 - e. All the projects / ideas that we discussed at the November Park Board meeting have been integrated as best as possible into the appropriate sections of the Action Plan
- 3. Vote for Open Space & Recreation Plan Public Hearing on Feb. 7
 - a. Motion to approve the plan by Mr. Krueger
 - b. Motion was amended by Mr. Krueger to:
 - i. hold a hearing on February 7 at the next Park Board Meeting and
 - ii. to forward letter of support to the planning commission
 - c. Ms. Escamilla seconded
 - d. Motion passed unanimously by voice vote
- 4. Letter of Support (Open Space & Recreation Plan) to Planning Commission and City Council was included and approved by prior vote
- 5. Heritage Festival Update (Saturday, May 12)
 - a. Ms. Ruhland will be the event chair, Mr. Peer will co-chair
 - b. Ms. Ruhland reports positive feedback from community about the event
 - c. What should the event look like / not look like?

- i. Event will most likely be food centered so we need to contact local restaurants to have them attend
 - ii. Entertainment, groups from each locale / ethnic group
 - iii. Can we have alcohol on site, and if so, how do we manage it? Discussion resolved that probably no alcohol at least not in the first year
 - iv. Mrs. Hoyle suggested crafts or other family-oriented activities that could feature each group
 - d. Vendors: do we charge for vendors to attend? Discussion was concerned with the vetting of vendors. Do we need to differentiate between item vendors and food vendors? Do we need to charge entertainment attendees to attend?
 - e. Do we need to have insurance for this type of event? Will we require our vendors to have insurance?
 - f. Ms. Ruhland will prepare a report for inclusion in the next meeting packet
6. Summer Bash Update (Saturday, June 23) – Date Changed to July 28, 2018
- a. If we have the resources to support the June date, Mr. Earl would like to maintain that date
 - b. June 23 is “National Camp Out Day” and we had moved the day to correspond to a similar city event
 - c. Discussion concluded that we’d prefer to do our own event and maintain the original June date
 - d. Ms. Escamilla and Ms. Salisbury will work together to plan the event and report back for inclusion in the next meeting packet
7. Kzoo Folklife Music Fest Co-Chair Selection (Sunday, July 8)
- a. Mr. Earl needs a new co-chair as Ms. Hirschmann is no longer available and Mr. Earl may not be able to be the chair next year
 - b. Ms. Ruhland will co-chair the event with Mr. Earl
8. Picnic in the park events during the summer (Jun 13, Jul 18, Aug 7)
- a. Mr. Krueger is the organizer for these events
 - b. Mrs. Riley and Mr. Thomas will work together to co-coordinate these events
9. “Bike-A-Palooza” Discussion (Saturday, August 11)
- a. Mr. Thomas and Mrs. Riley will begin discovery and planning for this event
10. Friends of the Park Report
- a. Board of Directors
 - i. We need to identify people who will serve as members of the board of directors for Friends of the Park
 - ii. Ms. Escamilla suggested former Park Board members be solicited for involvement
 - iii. Mr. Krueger suggested that people with fund-raising skills would be valuable
 - b. Facebook Update
 - i. Nothing to report
 - c. Website Update
 - i. Nothing to report
11. Summary of Activity
- a. Board members reviewed the summary of activities

12. Comments from Board Members

- a. Ms. Ruhland was wondering about the status and future plans for Liberty Park
- b. Ms. Escamilla requested additional help for event coordination, Mr. Earl suggested the creation of subcommittees to better organize this work between meetings
- c. Mr. Crispy is going to attend the mascot skate-off and needs a handler
- d. Mr. Earl will encourage more offline work between meetings with the establishment of subcommittees for each upcoming event and will send out assignments to applicable Board members

Mr. Peer moved to adjourn the meeting, Mr. Thomas seconded
Meeting adjourned 8:05pm

Respectfully submitted,

Mrs. Elanor Riley, Park Board Secretary

Portage Park Board Meeting Minutes
February 7, 2018

Board Present: Tim Earl, Jon Peer, Kazmira Ruhland, Charles Thomas, Staci Salisbury, Elanor Riley, Tara Gish

Kathleen Hoyle – Director of Parks, Recreation, and Senior Center Services

Board Absent – Excused: Lana Escamilla, Robb Krueger

Rodney Russell – Director of Public Services

Meeting was called to order at 6:34pm by Mr. Earl

I. INTRODUCTIONS

1. New board member Tara Gish
2. Guests in attendance:
 - a. John McCann, Viridis Design Group
 - b. Donna DeBault
 - c. Maxine June
 - d. David Parkhill
 - e. Gerald Kroehn

II. APPROVAL OF AGENDA

Agenda was distributed and reviewed. Mr. Thomas moved to approve the agenda, Mr. Peer seconded, approved by voice vote.

III. APPROVAL OF MINUTES

1. Park Board Meeting Minutes
Minutes from prior meeting were distributed and reviewed. Mr. Peer moved to approve the minutes, Ms. Ruhland seconded, approved by voice vote.
2. Bicycle Advisory Committee Meeting Minutes
Minutes from the bicycle advisory committee meeting were distributed and reviewed. Mr. Thomas moved to approve the minutes, Mr. Peer seconded, approved by voice vote.

IV. DEPARTMENT REPORT

1. Capital Improvement Plan is almost complete and should be submitted to the City Council by April
2. Budget planning for this year will be reviewed by the City Council soon
3. The Parks department is planning upcoming collaborative programming with the KIA
4. Construction of the new trail-head at Osterhout has begun; there is new signage detailing the project at the location
5. Celery Flats parking lot expansion to add 40 new parking spaces will begin soon
6. The interpretative center at Celery Flats will be demolished and a new shelter will be constructed through August
7. More trail additions to be discussed in the future

V. PUBLIC SERVICE REPORT

Mr. Russell not present, Mrs. Hoyle reported there have been public complaints about trails not being cleared of snow. Primary streets and roads remain the priority for the public services department.

VI. NEW BUSINESS

1. Public Hearing for 5-year Parks Master Plan
 - a. Items in the 5 year plan are what the city of Portage is hoping to accomplish in development of public spaces for the next 5 years
 - b. The DNR will not fund projects unless they were included in this plan.
 - c. Inclusion in the plan does not guarantee completion of projects.
 - d. The plan includes items on the capital improvement schedule as well as public suggestions for improvement
 - e. Citizen Comments and Concerns:
 - i) Gordon Estate Game Area land purchase:
 - Mrs. Debault requested clarification of what parcels are being purchased and what the plans for development are on this land. She was also concerned about the effect on the deer population if these areas were developed and hunting was prohibited.
 - Mr. Parkhill was concerned that hunting may be prohibited on the land which would push hunters into adjacent areas and make them more crowded. Due to the small area and growing surrounding development, he was also interested in the potential for bow hunting of deer in these areas.
 - Mr. Kroehn was similarly concerned that hunting may become prohibited on the purchased parcels or that they would be developed.
 - Mrs. Hoyle clarified that the parcels which are being purchased are adjacent to Centre St. and Vanderbilt. Nothing south of Vanderbilt will be developed as both the DNR and Portage wish to keep this as a natural area. If and when any plans are finalized, there will be public hearings scheduled to get input from the citizens.
 - ii) Oakland Park
 - Mr. Kroehn expressed his appreciation for the facilities and amenities at Oakland park, stating that he and his family members greatly enjoy the park.
 - f. Additional Citizen Comments which were received electronically were reviewed at the meeting and are included in Appendix A
 - g. After the final comments, Mr. Earl asked for a motion to close the public hearing and approve the 5-Year Recreation and Open Space plan with revisions from the citizen comments.
 - h. Mr. Peer motioned to close the public hearing and Ms. Ruhland seconded. Vote passed by voice vote
 - i. The Plan will be sent to the Planning Commission and Council for final adoption
2. February Financial Report
 - a. Expense for annual website hosting, no other changes since previous report

- b. Board Members discussed the purchase of nametags for new board members
 - i) Motion to approve this expense by Mrs. Riley
 - ii) Ms. Salisbury seconded
 - iii) Motion approved by voice vote
- 3. 2018 Park Board Goals
 - Board members reviewed the list of goals from 2017 and will return with new ideas and suggestions for review at the next meeting
- 4. Subcommittee Reports
 - a. Heritage Festival Update (Saturday, May 12)
 - i) Ms. Ruhland has begun the process of planning this event and collecting information for potential vendors.
 - ii) The event will be held at Celery Flats on May 12 from 2 – 5pm
 - iii) The event will include different cultural groups from Portage and the surrounding area including food, vendors, dancing, and other entertainment.
 - iv) Park board members discussed other ideas for potential vendors and group invitations and will report back at the next meetings
 - b. Kalamazoo Folk Life Music Festival (Sunday, July 8)
 - i) Board members discussed event funding and event sponsorship ideas
 - c. Great American Camp Out – Portage (Saturday, June 23)
 - i) This event was previously titled “Summer Bash” but has been renamed to coordinate with National Camp Out Day
 - ii) Board members discussed event funding and camp site location planning
 - iii) Event coordinators (Ms. Escamilla and Ms. Salisbury) are continuing to work on finding sponsors and vendors for this event
 - d. Bike Event (Saturday, August 11)
 - i) The previously suggested name “Bike-a-palooza” is used by another group for a fundraiser so the name is not available.
 - ii) Mrs. Riley and Mr. Thomas will continue work together to coordinate this event and gather vendors and sponsorship
 - e. Recycled Art in the Park
 - i) This event has been rescheduled from its usual time in May to better fit with artist schedules through the year
 - ii) New categories this year include both adults and youth
 - iii) Mr. Earl requested board members to lead the organizing subcommittee for this event
 - iv) Ms. Gish and Ms. Ruhland will coordinate the subcommittee for planning this event and will report back at the next meeting
- 5. Fundraising Activities – Hiking Sticks
 - Nothing to report currently
- 6. Friends of the Park Report
 - a. Board members discussed potential candidates for the board of directors and will report back at the next meeting

- b. Facebook Updates
 - i) Ms. Ruhland shared the page with many of her friends and increased the social media reach of the facebook page
- c. Website Updates
 - i) Mr. Peer will work with Mrs. Riley to update the website
 - ii) Annual hosting costs have been paid
- d. Board members discussed how events are currently marketed and how this could be improved. Events are normally published in the spring / summer event booklet and the Portager. Ms. Ruhland suggested that we increase the amount of posts that we share on Facebook and other social media so that we can more effectively share information with the community.

VII. SUMMARY ACTIVITY REPORT

Board members reviewed summary activity report

VIII. PARK ASSIGNMENTS / REPORT

Ms. Gish was assigned to Lexington-Green park

IX. COMMENTS FROM BOARD MEMBERS

1. Mr. Peer welcomes Tara to the board
2. Ms. Ruhland suggested that we should make a patch or pin to sell at events
3. Ms. Ruhland also suggested that we reach out more frequently to the Girl Scout council who has expressed interest in being involved in more events
4. Mr. Thomas welcomed Ms. Gish
5. Mrs. Riley welcomed Ms. Gish

Motion to adjourn by Mr. Peer, Ms. Ruhland seconded

Meeting adjourned at 8:21 pm

Next meeting is March 7 at Stuart Manor

Respectfully Submitted,

Mrs. Elanor Riley
Park Board Secretary

Youth Advisory Committee Minutes

March 5, 2018, 6:30 p.m.

- I. Introductions and Attendance
- II. Report from Liaisons
 - a. No liaisons
- III. Kalamazoo Youth Development Network Presentation
 - a. Wants to engage more youth committees from all over the county
 - b. Conference on white privilege, April 4-7
 - c. Loaves and Fishes, Saturday, March 9, 9am – 12pm
 - i. Training for youth volunteers
- IV. Summer Campout at Ramona Park
 - a. Saturday, June 23rd at 5:00 p.m.- overnight
 - b. Start with dinner, Bonfire/swimming 7:00-9:00, Movie at 9:00 p.m. (Wonder Woman), Curfew at 11:30 p.m., Yoga in the morning
 - c. \$50/family of 5
 - d. Waiting for sponsors for grants
 - e. Plan games
- V. Summer Movie Night
 - a. Wonder
 - b. August 10, 2018
- VI. Green-a-Thon 2018
 - a. Saturday, April 14th from 11:00 a.m.-3:00 p.m.
 - b. Exhibitors: Aligned Care Chiropractic, Substance Abuse Task Force, Everdry Waterproofing, ChocolaTea
 - c. Advertising – March and April Portager
 - d. Trees – Spicebush, Eastern Redbud, White Flowering Dogwood
 - e. T-shirts: Who needs one?
- VII. Spreading the Word about YAC
 - a. Parents
 - b. Flyers for teachers
 - c. Deadline: end of April
- VIII. YAC Appointments to Boards and Comissions
 - a. Seniors: Ben Miller, Aiyla Arif, Samhita, Amanda Valente, Omar, Sid Pagariya, Anjana Krishnan , Rushik Patel
- IX. Substance Abuse Task Force
 - a. Working on new campaign
 - b. Later this year

- X. Fathers Against Distracted Driving
 - a. Pledge not to text or drive at fadd.info
- XI. Next Meeting: Wednesday, April 11th 6:30 p.m.

Environmental Board Minutes, March 14, 2018

Meeting called to order at 7:00pm.

Members Present: Chair William Beck, Martha Dahlinger, Roger Lonoza, Dave Solberg, William Strong, Deirdre Courtney, Jerry Kroehn, Brian Harrison, Student Advisory member Owen Gwyn, Assistant City Engineer Jamie Harmon, and Secretary Tim Winslow.

Excused Members: William Strong

Unexcused Members: None

Guests: None.

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

City's Trash Hauling Services

Bill's draft report to City Council is as follows:

Honorable Mayor and City Council:

The Environmental Board was asked by City Administration to comment on the potential environmental impact of a possible switch to a single-vendor trash hauling system. The following considerations are the product of a rich discussion on this request and represent a set of recommended lines of investigation for the City Council to pursue rather than a specific "Yes/No" endorsement. The Board feels that there is much more research and discussion necessary to come to a sustainable, environmentally-sound decision. With that in mind, please accept the following as areas upon which to focus your attention.

I. Issues related to the number/type of trucks used and associated infrastructure

A.) A change in the number and type of trucks on the road and the potential impact of that change.

A casual assessment of a proposed single-vendor relationship might suggest that fewer trucks would be involved. However, that assessment may overlook the fact that the amount of trash to be picked up would likely not change dramatically due to this one factor - the current number of trucks on the road are likely already well correlated to the amount of trash to be hauled. A single service provider would need to alter their available capacity either through an increase in the number of their trucks to meet an increased load challenge or through fleet changes to increase the load capacity of each truck. Route optimization, schedule flexibility, vendor scalability are all issues in need of scrutiny.

Other perspectives to consider in this equation are: 1. How would this change impact traffic safety, both vehicular and pedestrian? 2. How would this change impact road maintenance? The currently available data on these two issues is not sufficient to tip the decision scales either pro or con. These questions though should be included amongst the factors to be weighed as Council debates this decision.

B.) Potential fleet improvement requested/required of a single vendor contract.

An environmentally sound decision should include the potential range of improvements in performance beyond those mentioned in section A above, to include: 1. Fuel economy, 2. Type of fuel used, 3. Emissions.

Currently the fleets of haulers serving the City of Portage tilt heavily toward diesel-powered trucks, with good reason. Diesel power is usually associated with heavy hauling capabilities. Various studies comparing the three variables listed in section A above are inconclusive as to clear benefit of any one power source (diesel, gasoline, compressed natural gas, electric/hybrid, etc.) but City Council should query any potential vendor as to their strategic planning to minimize negative environmental impact by virtue of fleet improvements in these technologies as well others discussed in following sections of this report.

II. Service Innovation Capabilities

Although not central to an environmental impact assessment, any consideration of moving to a single-provider system should include the degree to which future innovations might be employed by the vendor selected.

A.) Hazardous waste collection (including "sludge" organic waste).

A determination of the amount of hazardous waste generated (present and future) in the City should be factored into the discussion with a single vendor candidate regarding the potential cost/benefit of this service to the City. Since hazardous waste is a highly regulated element of "trash," much more study would be necessary to determine an optimal way forward for the City, but as the City continues to grow its business footprint it should be a prime consideration.

B.) Enhanced/expanded recycling services.

Portage has received national acclaim for its recycling efforts but we are still short of our optimal level of participation and efficacy. Recycling exerts a major impact on the amount and quality of trash and further efforts to increase and improve our recycling program should be at the forefront of discussion of trash processing, not seen as a separate issue. One example is latex-based paint, which predominates over oil-based paint for most consumer and commercial applications. Technology exists for recycling greater amounts of latex paint and should be encouraged locally. In addition to the paint itself, paint cans, both spoked and plastic, could be more effectively recycled in the process. There are a number of other opportunities yet to be explored with a variety of materials that have been difficult to recycle in the past as we see

more technology emerge.

C.) The amount of plant-based organic material in trash has decreased dramatically with the availability of yard-waste pick up locally. However, much more can be done to reduce the amount of plant materials, especially food waste, in processed trash. Residential composting should be encouraged as part of this effort - whether as individual participation or collectively in some yet-to-be-developed schema.

D.) Waste-to-energy initiatives have had modest success across the nation, whether through methane capture in landfills, incineration, or as anaerobic gasification. As a means of reducing trash burden it is probably the most effective means minimizing environmental damage long-term. However, it represents a very heavy up-front cost burden that poses a major hurdle to broad acceptance. Nonetheless, as the newer technologies become less costly, this type of management program should receive much more attention, if not locally, then on a regional basis at a minimum. Any discussion with neighboring municipalities and governmental agencies.

E.) In balance with desired increases in service the City should also consider that reduction in service quality or increased costs may arise from limited competition for customer loyalty. This potential may flow from considerations listed in earlier sections above. The City should remain vigilant to the possibility and should consider means to prevent loss of service quality.

III. Regional Collaboration.

As with many issues of this nature, local governments may not be in the best bargaining position alone and should consider combining "bargaining power" with other entities with shared interests.

A.) An obvious first attempt at collaboration should be one that is county-wide. The growth of Kalamazoo County into areas formerly agricultural in nature has continued. Many of the surrounding townships could benefit from the leadership that Portage has provided and might be willing partners in collaboration as they too begin to struggle with the effects of growth.

B.) Regional collaboration, while more difficult to manage, also benefits from other pre-existing mechanisms of group effort in the business and economic spheres. Portage has been a central player in many of these collaborations and would be looked to for leadership in this area of trash management as well.

C.) Short of close collaboration, Portage might still benefit from further exploration of "best practices" emerging from across the state and nation at large. Best practice adoption would not be a separate effort but should be integrated with any and all of the above opportunities to share ideas and workload.

IV. Types of Customers to be Served in a Single Vendor System.

The types and mix of customers to be served by a single vendor system in the City will have a

significant impact on the success of this program. Many of the considerations above will be magnified if the City includes commercial and industrial customers along with residential customers. This will be especially the case for potential hazardous waste.

A.) Residential customers only. Because Portage is rather densely populated, a program with only one vendor providing service is likely to be quite lucrative as compared to a more rural service area. With that in mind the City should seek to maximize its leverage to bargain for as many innovative and premium services in return for exclusivity. Despite this advantage for the City, the current companies serving Portage also do business over a wide area of Southwest Michigan so this exclusivity may not be important enough in their eyes to offer too many concessions. The pursuit toward a final agreement then should reflect a "win-win" opportunity where the negotiations are not adversarial but conducted in such a way as to optimize the potential collaborative partnership.

B.) Residential and business customers. This combination will likely offer a greater opportunity for both sides to negotiate a true "win-win" agreement because of the significant business footprint within the City. It will likely also progress to more complex negotiations with an attendant need to think very strategically from the outset. Not knowing at this point what specific goals the City Council has in mind for a project of this magnitude, the Environmental Board can only stress the need to engage in a good measure of strategic discussion with all parties potentially affected long in advance of soliciting any bids for service.

V. Post-collection Issues.

The actual curbside collection of trash is obviously only part of the issue we face. There are significant considerations to be studied downstream. Our present model of using landfills as primary depositories presents a challenge to maintaining water quality (the original charge for the Environmental Board) as landfills eventually experience seepage beyond the barriers constructed. This occurs despite the strict environmental regulatory controls already in place. Lastly, landfills are not currently constructed with aesthetic features foremost in mind.

A.) Impact on Landfills Utilized by Service Providers. Since the current cadre of vendors serve customers in a wide geographical network, they maintain ownership and or contractual relationships with different landfill operators. Although Portage represents a relatively small trash burden when viewed regionally, diversion to landfills beyond the current arrangements should be studied for any possible negative effects, either environmental or economic, which could affect optimal outcomes long term. Again, the Environmental Board recommends maintaining the most strategic mindset even as local details are examined.

B.) Transfer Station Capability. Here again, the capabilities and capacities of existing facilities handling trash need to be studied both for immediate impact as well as longer term. No transfer stations currently exist in Portage and it would be desirable to maintain that situation going forward. Despite this fact, the City should strive to be a "good neighbor" to those municipalities that house transfer stations as to how they might be affected by this move to single vendor.

C.) Environmental Regulations Violations (System-wide) History. All current service providers in the area are corporate entities with operations across the region if not the country. Looking at only local history of compliance may not give the City enough information to determine the very best partner. Scanning the websites of those currently operating in this area, all seem to be much more environmentally conscious these days. Nonetheless, due diligence will be essential to determine if this beauty is only skin deep or something more substantial. Environmental catastrophes have long-lasting effects, and when viewed in hindsight, various predictors of those calamities were in view if only someone had taken the time to look. An ounce of prevention...

VI. Consumer Issues (Residential and Business).

Beyond the issues discussed above, the Environmental Board encourages the City Council to consider that the true problem is not the hauling, processing, and ultimate disposal of trash, but rather the "creation" of trash in modern society. We've become ever more oriented toward the disposable versus the reusable.

A.) Reduction of Trash Volume and Character. The Environmental Board is currently developing a plan for Resident and Stakeholder Education on Environmental Issues. One obvious aspect of that is the need to revisit the 1970s mantra of "Reduce, Re-use, Recycle" in our approach to the trash burden we place on our environment. One specific example having economic as well as environmental impact on our City is the predisposition of many to order online many items available for purchase in Portage stores. Some of the packaging for online orders can be recycled but a significant portion cannot - e.g. styrofoam. Many consumer goods manufactured overseas also contain plastic packaging not compliant with recycling standards here in the USA and eventually end up in the trash. There is no easy answer here but we recommend that any discussion of trash hauling include an educational component directed at reducing the amount of trash as well as the character of products we purchase to ensure that as little as possible ends up buried in a landfill.

B.) Bi-weekly Collection versus weekly. Another potential element for enhancing the program might be to move to a bi-weekly collection of trash, alternating with the current bi-weekly recycling pick up. This would certainly drive home the awareness by residents and businesses of the need to re-think our "lifestyle contributions to the trash problem." Out of sight, out of mind seems to drive some of the behaviors with regard to trash. One way to incentivize this behavior might be to include in the vendor negotiations a provision for discounts to those customers who voluntarily accept bi-weekly pick up or possibly a requirement that those who need more capacity must accept and pay for an additional container in a bi-weekly program. At the very least, this model should be included among options to be studied.

C.) Consumer Acceptance and Compliance (Prohibited Items). As part of the educational project mentioned above, we recommend consumer education directed toward their responsibility to participate in reducing risk of environmental contamination, especially with regard to

prohibited/hazardous items. Education is a "carrot" which can be effective in reducing the need for complementary "sticks" to enforce compliance. An education citizenry is far more likely to participate effectively compared to an enforced mandate. This can be reinforced through enhanced services to make it easier to properly dispose of dangerous items (see Section II. Service Innovation Capabilities).

D.) Litter. Although not a top of mind component of trash hauling, litter seems to be an all too visible facet of modern life. Portage is no exception. As part of the aforementioned educational effort, litter reduction should be a companion focus to any project relating to trash.

Discussion on the statement/report

Bill would like to finalize this statement tonight so he can send it on to City Council. Martha made a few points on the number of trucks making visits might actually be more than necessary and not necessarily correlated to the issue especially if we are hauling our trash far away.

Brian asked his trash hauler if there is a discount for a smaller bin and found out there is no discount for a smaller bin although you can get one. Bill will try to add some more specificity regarding this point to the report.

Bill makes the point that this issue really doesn't solve the overlying trash problem. This might reduce the number of trips a truck makes or it could not as well. Bill is hoping that providing City Council with this report will get City Council to see there are many issues concerning trash and not to leave any stone unturned. If the city goes to a single vendor, they have a carrot that might be able to get these trash haulers to start some other types of programs with the City of Portage. Dave and Roger agree with this point.

Jerry brings up some points in that a single vendor if they went bankrupt or had labor issues then the City could be in trouble too. He does mention that it is possible the streets to become safer as well with fewer trucks going down the roads.

Jamie brings up that maybe a cover letter that summarizes the report with its key points might be good so this good information does not get lost to city council.

Environmental Board Progress Team Reports

Bill would like us to make some good progress on these teams over the next few months so we can prove our utility to City Council and how we can be a beneficial resource to them.

Bill provided an updated roster of who is on which project team at this time.

Bill would like the teams to think about what they can deliver to the city. He would like the Shoreline Preservation project team and the Business Incentive project team to have something developed by year-end that the city can act upon.

Brian brought up if the board could get an email address to send emails out to interested people regarding the invasive plant pulls. Tim has a list of people that we currently email with the dates of the invasive plant pulls but it would be good to email from an official account. Jamie will explore this option as well.

Resident Education Plan Development Project Team

Brian will setup a meeting soon for this project team.

Land Management Plan Development Support Project Team

Deirdre emailed Kathleen Hoyle to get an update and the Kalamazoo Nature Center has visited a few of the sites. They are still looking as an April target for getting a draft of this report out.

Bill would like this project team to develop a recommendation regarding the deer enclosure project since the KNC's contract with the city has run out with the City regarding that project.

Shoreline Preservation Project Team

Martha spoke with Todd Barkman, Professor of Biological Sciences at Western Michigan University, and Kathleen Hoyle, Director of Parks, Recreation, and Senior Services regarding the possibility of creating a natural shoreline on Austin Lake at Lakeview Park. Martha is still researching the project but thinks that this could be a possibility. Martha would like for the board to meet with Todd Barkman to discuss this possibility of involving the WMU students in this project as well.

Martha will arrange a meeting with the project team as soon as possible to discuss this project.

Business Incentive Project Team

Tim has emailed Chris Forth to setup a meeting regarding the history of mixed use zoning in Portage. The team will then decide on what next steps are after this meeting.

Calendar of Events

The Greenathon has been moved to Saturday, April 14th at Celery Flats. The City would really like to also do an Arbor Day event on Friday, April 27th that involves planting a tree somewhere and would include adding a tree every year to this area too.

Here is who has committed to be at what even over the next few months.

Greenathon: Tim, Deirdre, Brian, Bill, Owen, and Roger

Arbor Day event: Dave, Jerry, and Owen

April 21st Invasive Plant Pull: Roger, Jerry, Deirdre, Owen

May 5th Invasive Plant Pull: Brian, Roger, Owen
May 19th Invasive Plant Pull: Dave, Owen
June 2nd Invasive Plant Pull: Owen, Bill,

Purple Loosestrife Beetles: Brian

April Agenda Planning

We will discuss Arbor Day 2019, deer enclosure project, and maybe lighting within the City of Portage.

Announcements

Jamie showed us the article going in the next Portager regarding the invasive plant pulls.

Martha brought up a good article in the New Yorker regarding the stink bug and how it is affecting our ecosystems, agriculture, etc.

Brian made a motion to adjourn, seconded by Dave. Meeting adjourned at 8:12pm.

/s/ Tim Winslow

**PORTAGE PUBLIC SCHOOLS
BOARD OF EDUCATION
REGULAR BUSINESS MEETING MINUTES**

March 26, 2018

The regular business meeting of the Board of Education of Portage Public Schools held on Monday, March 26, 2018, was called to order at 6:30 p.m. by President Van Antwerp in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed the audience and the Pledge of Allegiance was recited.

Board Trustees Present: Kurt Droppers, Celeste Shelton-Harris, Terri Novaria (participated via speaker phone), Rusty Rathburn, Randy Van Antwerp, Joanne Willson

Board Trustees Absent: 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

Superintendent's Report

Change Order Summary/Project Update. Mr. Ron Herron, Assistant Superintendent of Operations, indicated projects are on schedule and progressing nicely. He reviewed a financial update of work committed through Bond Change Order 7. Mr. Dan Rathburn, Project Manager from OAK, detailed change orders by construction change directive for the Central Natatorium, Northern AEF and North Middle School. Mr. Herron and Mr. Rathburn responded to Trustee questions.

Financial Report. Mrs. Karla Colestock, Director of Finance, reviewed details of the financial report for the seven month period ending February 28, 2018. In addition, Mrs. Colestock shared information on the state's budget development for 2018-19, reported our preliminary count day FTE is up by approximately 10 from the fall count, and shared information regarding the ORS post-employment benefit system.

COMMENTS OR COMMUNICATIONS

President Van Antwerp opened the comments and communications portion of the meeting. Dr. Shelton-Harris reviewed the Bylaw regarding public participation which was followed by public comment.

Katherine Roberts, 7659 Haflinger Cir., thanked the Board for implementing ALICE training to keep our children safe in the District and addressed the Board regarding plans for implementing additional safety/security measures.

Sheila Clothier, 2211 Sheffield Drive, a teacher at Central Elementary, addressed the Board in support of Mr. Dygert, Central Elementary Principal, returning to Central Elementary.

Debra Miller, 2104 Eckener Drive, secretary of the secretarial union, addressed the Board against outsourcing secretarial/support staff position in the District.

Katrina Schreuder, 2016 Greenbriar Drive, a parent, addressed the Board in support of Principal Dygert returning to Central Elementary.

Joslyn Elhart, 7406 Starbrook Street, a citizen, addressed the Board regarding the principals at Central Elementary and Woodland Elementary.

Don Taylor, 4400 Stonebrooke, a citizen, addressed the Board regarding the principal at Central Elementary and the principal at Woodland Elementary.

Aidan Hierholzer, a student, addressed the Board in support of Principal Dygert.

Judy Santek, 7537 Autumn, a citizen, thanked the Board for the bond work updates and addressed Trustees regarding safety/security at the two new middle school buildings.

Josie Hall, a student, addressed the Board in support of Principal Dygert.

Jonathon Bradley, 690 Anchor Lane, a citizen, addressed the Board in support of Principal Dygert.

President Van Antwerp thanked the citizens for their comments and opened the floor for Board comments.

Mr. Van Antwerp commented on a document he shared with the Board pertaining to the cost of educating a child in Michigan.

Dr. Shelton-Harris shared positive comments regarding the recent CommuniTEEN event and the production of Once on This Island at North Middle School.

Mrs. Willson also shared positive comments relative to the CommuniTEEN event held earlier this month.

Mr. Rathburn thanked the audience for attending and sharing their comments.

Mr. Van Antwerp thanked the audience and indicated the Board would be moving forward with the agenda.

There were no Board Committee Reports.

CONSENT AGENDA

President Van Antwerp presented the following Consent Agenda items for approval by the Board of Education: approval of the February 26, 2018 Policy Governance Retreat and Regular Business Meeting minutes and the March 12, 2018 Committee of the Whole Work Session minutes as presented; approval of the purchase of Destiny Resource Management Software from Follett School Solutions of McHenry, Illinois, for the purpose of tracking textbook and curriculum assets throughout our district, in the amount of \$68,235.00, the funding for which will come from the General Fund and offset from a new High School Pupil

Support Categorical of approximately \$66,000.00 in this budget year; approval of the construction contract with Hackett Construction & Millwright of Battle Creek, Michigan, for the Central High School Storage Building for a total cost of \$49,860.00, the funding for which will come from the 2016 Bond Construction Fund #1.

There being no objection to the items, the motion carried unanimously.

ACTION ITEMS

Approve District Financial Auditor

Motion offered by Mr. Rathburn, seconded by Mrs. Willson, that the Board of Education approve extending the independent external auditing services contract with Rehmann Robson for one year, as presented.

The Board discussed the pros and cons of extending the contract for one year vs. three years which was followed by a vote.

The motion failed via a roll call vote (2 yes, 4 no). Voting yes were Mr. Rathburn, Mrs. Willson; voting no were Dr. Shelton-Harris, Mr. Van Antwerp, Mr. Droppers, Mrs. Novaria.

Motion offered by Mr. Droppers, seconded by Mrs. Novaria, that the Board of Education approve extending the independent external auditing services contract with Rehmann Robson for three years, as presented.

The motion carried via a roll call vote (4 yes, 2 no). Voting yes were Dr. Shelton-Harris, Mr. Van Antwerp, Mr. Droppers, Mrs. Novaria; voting no were Mr. Rathburn, Mrs. Willson.

Approve Bond Funded Improvement Plans at PCEC/WMS

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education approve the use of \$2 million of the unallocated fund balance from the 2016 Bond Fund and reallocate \$2 million from the PCEC Building Renovation Budget for additional improvements and furnishings at West Middle School, as presented.

Board discussion followed. Mr. Van Antwerp thanked Administration for their work on this item.

The motion carried unanimously upon a roll call vote.

DISCUSSION ITEMS

Band Instrument Purchase

The purchase of band instruments is included on the District's Bond Project Enhancement list as a high priority. Mr. Ron Herron explained the allocation of \$250,000 from the Unallocated Contingency of the 2016 Bond Fund #1 is recommended to make the purchase. He responded to Trustee questions and was given the consensus of the Board to seek bids and return to the Board with a recommendation for action.

Sale of District-Owned Property

Per Mr. Herron, a land owner in the District is interested in purchasing a parcel of land (approximately one acre) at the northeast corner of the Northern High School property. He added the land has not been used by the District, and the District has no anticipated plan for its use. He responded to Trustee questions. Having the consensus of the Board, Mr. Herron will move forward to negotiate the sale and return with a proposal for Board action.

Closed Session

Motion offered by Mr. Rathburn, seconded by Mr. Droppers, that the Board of Education move into Closed Session under Section 8(c) of the Open Meetings Act to discuss Collective Bargaining Strategies.

The motion carried unanimously upon a roll call vote at 7:58 p.m.

The Board moved into closed session in the Superintendent's Conference Room of the Administration Building.

The Board returned to open session at 8:47 p.m.

There being no further business to come before the Board, the meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Barb Atkinson
Recording Secretary

**PORTAGE PUBLIC SCHOOLS
BOARD OF EDUCATION
CLOSED SESSION MINUTES**

March 26, 2018

The closed session of the Board of Education of Portage Public Schools held on Monday, March 26, 2018, was called to order at 8:00 p.m. by President Van Antwerp in the Superintendent's Conference Room of the Administration Building, 8107 Mustang Drive.

Board Trustees Present: Kurt Droppers, Celeste Shelton-Harris, Terri Novaria (participated via telephone), Rusty Rathburn, Randy Van Antwerp, Joanne Willson

Board Trustees Absent: Bo Snyder

Administration Present: Mark Bielang, Superintendent; Karla Colestock, Finance Director; Michael Pascoe, Assistant Superintendent of Instruction and Assessment

Mr. Bielang provided information pertaining to Collective Bargaining Strategy as allowed under Section 8(c) of the Open Meetings Act.

Motion offered by Mr. Droppers, seconded by Mr. Van Antwerp, that the Board of Education return to open session.

The motion carried unanimously upon a roll call vote.

The Board returned to open session at 8:47 p.m.

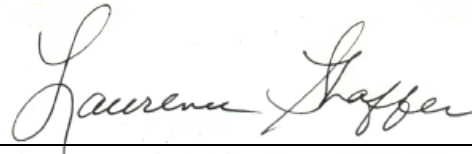
Respectfully submitted,

Barb Atkinson
Recording Secretary

MATERIALS TRANSMITTED

Tuesday, April 10, 2018

1. Communication from the City Manager transmitting the Proposed 2018-2019 Budget – Information Only.



Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Proposed 2018-2019 Budget – **Agenda Item E.1.**

SUPPORTING PERSONNEL: Bill Furry, Finance Director

In reference to Agenda Item E.1., attached are the proposed 2018-2019 Budget, line item detail and supplemental budget information. These materials will be discussed at the April 10, 2018 City Council meeting.

City Council Budget Review Sessions are scheduled on Tuesday, April 17 and Tuesday, May 1, 2018 beginning at 5 p.m. on each date. The schedule for those sessions are noted below:

Review Session #1	Tuesday, April 17
Budget Overview – City Manager	5:00 – 5:10 p.m.
Finance, Purchasing & Funds	5:10 – 5:30
Human Resources	5:30 – 5:40
City Assessor	5:40 – 5:50
Technology Services	5:50 – 6:00
Transportation & Utilities	6:00 – 6:15
Public Services	6:15 – 6:30

30-MINUTE DINNER BREAK 6:30 – 7:00

Parks, Recreation & Senior Citizen Services	7:00 – 7:15
Public Safety	7:15 – 7:45
City Clerk	7:45 – 7:55
Community Development	7:55 – 8:10
City Manager	8:10 – 8:15
Capital Improvement Program	8:15 – 8:45

Review Session #2	Tuesday, May 1
Legislative / Human Services	5:00 – 5:30 p.m.
Summary and Review (if needed)	5:30

Attachments:

1. Proposed 2018-2019 Budget
2. Proposed Annual Operating Budget for Fiscal Year 2018-2019 Line Item Detail
3. Supplemental Budget 2018-2019



CITY OF PORTAGE

PARK BOARD

7900 SOUTH WESTNEDGE AVENUE, PORTAGE, MI 49002

Date: April 24, 2018

RE: Proposed Park Board Goals for FY 2018/19

Honorable Mayor and City Council:

During the February 7, 2018 meeting, the Portage Park Board recommended the following fiscal year 2018/19 goals for Council consideration:

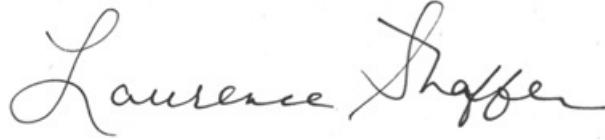
1. *Grow the "Friends of the Park" volunteerism and support program by continuing to pursue its 501(c)(3) status to assist the City with fundraising efforts in alignment with the Portage 2025 goals .*
2. *Establish new bicycle-themed event at Ramona Park to replace "Get Active Portage."*
3. *Establish new "Heritage Festival" at Celery Flats to educate citizens on the different cultural heritages represented in the City.*
4. *Continue cooperative assistance with Youth Advisory Committee and Environmental Board for an Earth Day event, building upon the framework developed for previous years' event.*
5. *Continue growing the "Recycled Art in the Park" activity in cooperation with the Parks and Recreation Department.*
6. *Continue to implement the annual Music Fest in cooperation with the Kalamazoo Folklife Organization and the Parks and Recreation Department.*
7. *Continue the Summer Picnic in the Park series to encourage residents to gather at their neighborhood parks and provide an opportunity for them to interact with the board and City Administration.*
8. *Work together with the Parks and Recreation Department to investigate new recreational and cultural programming for the parks.*
9. *Work with the Environmental Board to investigate opportunities to address invasive species challenges and educational opportunities in the parks.*
10. *Advise the City Council in areas/subjects under the purview of the Parks Board.*
11. *Continue to assist the city with the Traditional Holiday Tree Lighting Ceremony and other special events.*
12. *Forward update to goals for FY 2017/18 (November 2017 and April 2018) and recommend goals for FY 2018-19 (April 2019).*
13. *Present an annual verbal report to the City Council.*

Sincerely,

Tim Earl, Chairperson
City of Portage Park Board

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ordinance Amendment #17/18-B Micro-breweries and Brew-pubs - Public Hearing

SUPPORTING PERSONNEL: Chris Forth, Deputy Director of Planning, Development & Neighborhood Services

ACTION RECOMMENDED: Subsequent to the public hearing, adopt Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs.

An application has been received from PCL Curtis, LLC requesting an ordinance amendment to allow micro-breweries and brew-pubs to be located within the CPD, commercial planned development zoning district. Additionally, the applicant has requested that the current requirement regarding the size and nature of the restaurant element of the micro-brewery/brew-pub also be modified. Based on the applicant's request, the Department of Community Development and the City Attorney have researched this matter in the context of state licensing requirements, practical experiences and customer interactions since adoption of the micro-breweries and brew-pubs ordinance in 2003. Other pertinent sections of the Zoning Code have been reviewed as well. Amendments were subsequently prepared and are summarized below:

- Currently, micro-breweries and brew-pubs are only allowed as a special land use in the B-3, general business district and as a permitted use in the CCA, City Centre Area district. The amendment proposes to expand locations where micro-breweries/brew-pubs are permitted to include the B-2, community business and CPD, commercial planned development zoning districts.
- The amendment proposes to modify the minimum requirements for a restaurant requirement from having "...a minimum seating occupancy of 100 persons providing full lunch and dinner service" to having "...a minimum seating occupancy of 50 persons".
- The amendment proposes to modify the maximum brewery production from 20,000 barrels per year to 18,000 barrels per year consistent with the State of Michigan licensing requirements.
- The amendment proposes to modify the names from micro-breweries and brew-pubs to brewpubs and micro brewers consistent with State of Michigan licensing requirements.
- The amendment proposes to include micro brewer as a permitted use in the industrial zoning districts.

The proposed amendments will expand potential locations for brewpubs and micro brewers in the city, while minimizing brewery production intensity and related impacts located in commercial districts on adjacent land uses. Changes involving the restaurant requirements will allow for smaller brewpub/micro brewer operations and assist entrepreneurs in reducing initial start-up expenses.

City Council completed first reading of the proposed amendments at the regular meeting on March 27,

2018 and was published in the Kalamazoo Gazette on March 30, 2018. The Planning Commission reviewed the proposed amendments at its March 1, 2018 meeting. After careful consideration, the Planning Commission voted unanimously to recommend to City Council approval of Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs.

Therefore it is recommended that City Council, subsequent to the public hearing, adopt Ordinance Amendment #17/18-B, Micro-breweries and Brew-Pubs.

FUNDING: Not applicable

Attachments:

1. March 16, 2018 Planning Commission transmittal
2. March 1, 2018 PLanning Commission meeting minutes
3. February 23, 2018 Community Development staff report with attachments
4. Microbrewery and Brewpub Ordinance

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: March 16, 2018
SUBJECT: Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs

During the March 1, 2018 Planning Commission meeting, the Commission members discussed proposed amendments to the various sections of the Zoning Code that address micro-breweries and brew-pubs. The ordinance amendment was originally requested by Mike Marshburn of PCL Curtis, LLC to allow micro-breweries and brew-pubs within the CPD, commercial planned development zoning district and to modify the condition regarding the restaurant requirement.

The Planning Commission convened a public hearing at the March 1st meeting. Mr. Marshburn of PLC Curtis, LLC (applicant) was present and spoke in support of the proposed ordinance amendment. One additional citizen (Jake Lohse, 8475 Valleywood Lane) also spoke in support of the proposed ordinance amendment. Mr. Lohse stated that he would like to establish Presidential Brewing Company (micro brewer) within the Portage Creek Landings CPD, Commercial Planned Development. No additional citizens spoke regarding the proposed ordinance amendment.

The Commission is supportive of the proposed ordinance amendment that will expand locations for micro-breweries and brew-pubs within the city, allow for smaller micro-breweries and brew-pub operations and assist entrepreneurs in reducing initial start-up expenses. Subsequently, and after further discussion, the Commission agreed to waive the optional second hearing date and a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs, be approved. The motion was unanimously approved 9-0.

Sincerely,

A handwritten signature in blue ink that reads "Wayne Stoffer". The signature is fluid and cursive, with a stylized "W" and "S".

Wayne Stoffer
Chairman

the adjacent neighborhood. Mr. Weiner stated that he has owned the subject parcel for over 50 years and is proud of the developments his company has constructed in Portage. Mr. Weiner indicated that he considers Portage his home and wants to be a good neighbor and would be happy to meet with the adjacent residents at his company offices at 700 Mall Drive. No additional citizens spoke regarding the proposed rezoning. After additional discussion, a motion was then made by Commissioner Bosch, seconded by Commissioner Patterson, to adjourn the public hearing for Rezoning Application #17/18-2, 6050 Constitution Boulevard, to the March 15, 2018 meeting. The motion was unanimously approved 9-0.

2. Preliminary Report: Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs. Mr. Forth summarized the February 23, 2017 staff report regarding a request from PCL Curtis, LLC to amend the Zoning Code to allow micro-breweries and brew-pubs within the CPD, commercial planned development zoning district and also modify the requirement for "...a restaurant with a minimum seating occupancy of 100 persons providing full lunch and dinner service." Mr. Forth discussed the original development and adoption of the micro-breweries and brew-pubs ordinance in 2003 and practical experiences and customer interactions since this adoption. Based on these experiences and interactions and after consultation with the City Attorney, staff is recommending several amendments to the ordinance which would do the following: 1) Allow micro-breweries/brew-pubs in the B-2 and CPD zoning districts; 2) Modify the minimum requirements for having a restaurant (reduce seating occupancy from 100 persons to 50 persons, and eliminate "full lunch and dinner service"); 3) Modify the names to "brewpubs and "micro brewers" and reduce maximum brewery production from 20,000 barrels per year to 18,000 barrels per year to be more consistent with the State of Michigan licensing requirements; and 4) Include micro brewer as a permitted use in the industrial zoning districts. Mr. Forth stated the proposed changes will expand potential locations for brewpubs and micro brewers in the city, while minimizing brewery production intensity and related impacts in commercial district. Additionally, Mr. Forth stated the proposed changes to the restaurant requirements will also allow for smaller brewpub/micro brewer operations and assist entrepreneurs in reducing initial start-up expenses.

Chairman Stoffer questioned the inclusion of a "tasting room" in industrial districts. Mr. Forth stated that tasting rooms are common to larger micro brewer operations and would need to be clearly accessory to the principal brewery production. Mike Marshburn of PLC Curtis, LLC (applicant) was present and spoke in support of the proposed ordinance amendment. Mr. Marshburn stated that he is an owner in the Portage Creek Landings Commercial Planned Development at the corner of Shaver Road and West Centre Avenue, zoned CPD, and has an interested tenant that would like to establish a small micro brewer within the development. The public hearing was then opened by Chairman Stoffer. One additional citizen (Jake Lohse, 8475 Valleywood Lane) also spoke in support of the proposed ordinance amendment. Mr. Lohse stated that he would like to establish Presidential Brewing Company (micro brewer) within the Portage Creek Landings CPD, Commercial Planned Development. No additional citizens spoke regarding the proposed ordinance amendment.

The Commission and staff next discussed various aspects of the proposed ordinance amendment. A motion was then made by Commissioner Shoup, seconded by Commission Schimmel, to adjourn the public hearing to the March 15, 2018 meeting. Prior to a vote on this motion, the Commission discussed the possibility of waiving the second meeting and making a recommendation to City Council at tonight's meeting. After a brief discussion, the Commission concurred that a second meeting was not necessary. The motion was then voted upon and failed 0-9. A motion was then made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs, be approved. The motion was unanimously approved 9-0.

OLD BUSINESS:

None.

TO: Planning Commission **DATE:** February 23, 2018

FROM: Christopher Firth, Acting Director of Community Development

SUBJECT: Preliminary Report: Ordinance Amendment #17/18-B, Micro-breweries and Brew-pubs

I. INTRODUCTION

An application has been received from PCL Curtis, LLC requesting an ordinance amendment to allow micro-breweries and brew-pubs within the CPD, commercial planned development zoning district. Additionally, the applicant has requested that the current requirement regarding the size and nature of the restaurant element of the micro-brewery/brew-pub also be modified. Currently, the ordinance requires micro-breweries/brew-pubs to include "...a restaurant with a minimum seating occupancy of 100 persons providing full lunch and dinner service". The applicant has requested that this ordinance language be modified to simply require the micro-brewery/brew-pub to include a restaurant.

The Department of Community Development and City Attorney have researched this matter in context with the applicant's request, state licensing requirements, practical experiences and customer interactions since adoption of the micro-breweries and brew-pubs ordinance in 2003, and other pertinent sections of the Zoning Code. Amendments have been prepared for Planning Commission consideration and are summarized below:

- Currently, micro-breweries and brew-pubs are only allowed as a special land use in the B-3, general business district and as a permitted use in the CCA, City Centre Area district. The amendment proposes to expand locations where micro-breweries/brew-pubs are permitted to include the B-2, community business and CPD, commercial planned development zoning districts.
- Modify the minimum requirements for a restaurant requirement from having "...a minimum seating occupancy of 100 persons providing full lunch and dinner service" to having "...a minimum seating occupancy of 50 persons".
- Modify the maximum brewery production from 20,000 barrels per year (currently) to 18,000 barrels per year consistent with the State of Michigan licensing requirements.
- Modify the names from micro-breweries and brew-pubs to brewpubs and micro brewers consistent with State of Michigan licensing requirements.
- Include micro brewer as a permitted use in the industrial zoning districts.

The proposed amendments will expand potential locations for brewpubs and micro brewers in the city, while minimizing brewery production intensity and related impacts located in commercial districts on adjacent land uses. Changes involving the restaurant requirements will allow for smaller brewpub/micro brewer operations and assist entrepreneurs in reducing initial start-up expenses.

For Commission information, the State of Michigan defines a micro brewer as a brewer that produces in total less than 60,000 barrels of beer per year and that may sell the beer for consumption on or off (take-out) the premises and to retailers. In comparison, a brewpub is a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that allows the operator to manufacture and brew not more than 18,000 barrels of beer per calendar year and sell for consumption on or off (take-out) the premises. Additionally, the State of Michigan requires a brewpub to be licensed as a food service establishment and is prohibited from selling to retailers via a licensed distributor. The primary advantages for a business owner that has been issued a micro brewer license from the State of Michigan is 1) they're allowed to sell beer to retailers through a licensed distributor, 2) they're not required to obtain a class C, tavern, class A hotel, or class B hotel license and 3) not required to be licensed as a food service establishment.

A micro brewer is permitted in the commercial zoning districts; however, annual production is limited to 18,000 barrels and must also include a restaurant component consistent with a brewpub type of operation. Without a restaurant component, a micro brewer would be considered a manufacturer more appropriately located in an industrial zoning district. Latitude 42 is a local example of a business that obtained a micro brewer license from the State of Michigan, producing less than 18,000 barrels annually, includes a restaurant component, distributes their beer to other retailers and is located in a commercial zoning district (B-3).

II. PROPOSED AMENDMENTS

The following sections provide more detailed information concerning the proposed amendments.

Section 42-261.C (Special Land Uses in the B-2 Community Business District). The amendment would add the following language to the B-2 as a special land use and since special land uses in the B-2 district carry forward to the CPD zoning district (see Section 42-412.D), brewpubs and micro brewers would also be allowed in the CPD district as a principal permitted use.

1. Brewery production shall not exceed 18,000 barrels per year.
2. No outdoor storage of any kind shall be permitted.
3. The use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
4. An off-street loading space shall be required in the rear yard, as approved by the planning commission.

The language above would also replace the current language in the B-3, general business (Section 42-262.C.8) and CCA, city centre area (Section 42-436.F) zoning districts.

Section 42-280.B (Permitted Uses in the I-1, Light Industry). A micro brewer is not specifically listed as a permitted use in the I-1 district. However, a micro brewer dedicated to production, storage and distribution is considered a manufacturer more appropriately located the I-1 district. This amendment proposes to clarify that a micro brewer with brewery production up to 60,000

barrels per year is a more intensive land use appropriate in the I-1 district and not in the commercial zoning districts. Since the emphasis of the use would be production, storage and distribution, a micro brewer in the I-1 district may (or may not) include an accessory tasting room. The amendment proposes two conditions:

1. Brewery production in total shall be less than 60,000 barrels per year.
2. The use may also include an accessory tasting room.

The addition/clarification of a micro brewer in the I-1 district would also allow this use in the I-2, heavy industry district since Section 42-281.B.1, Principal permitted uses in the I-2 district currently allows "Any principal permitted use in an I-1 light industrial".

III. RECOMMENDATION

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the ordinance amendment consideration at a subsequent meeting, the Commission is advised to receive public comment during the March 1, 2018 meeting and adjourn the public hearing to the March 15, 2018 meeting.

Attachment: Application
 Draft Ordinance Amendment

S:\Commdev\2017-2018 Department Files\Board Files\Planning Commission\PC Reports\Ordinance Amendments\2018 02 23 Ordinance Amendment #17-18-B, Micro breweries and brew pubs (preliminary).doc

APPLICATION FOR ZONING AMENDMENT

Application number #17/18-B

Date 1/16/18
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 _____ between _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

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

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

b. Name of the owner of the property to be rezoned: _____

Address _____

RECEIVED
 JAN 16 2018
 COMMUNITY DEVELOPMENT

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

4. CURRENT ZONING: _____ PROPOSED ZONING: _____

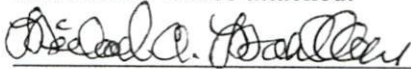
ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):
ADD PARAGRAPH "H" TO PERMIT MICRO-BREWERIES OR BREW-PUBS
AS A PERMITTED USE IN THE CPD DISTRICT

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.
CHAPTER 42, SECTION 42-412- PRINCIPAL PERMITTED USES IN CPD ZONE

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.
OWNERS OF CPD ZONED LAND ON WHICH WE WANT TO BUILD A
BREW-PUB RESTAURANT

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.



(Signature of Applicant)
MICHAEL A. MARSHBURN

450 WEST CENTRE, PORTAGE, MI
(Address)

(269) 327-8510
(Phone)

(Signature of Applicant)

(Address)

(Phone)

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

January 16, 2018

Vicki Georgeau, Director,
Department of Community Development and Portage Planning Commission
City of Portage
2900 S. Westnedge Ave.
Portage, MI 49002

RECEIVED

JAN 16 2018

COMMUNITY DEVELOPMENT

Re: Request for a Text Amendment to the City of Portage Zoning Ordinance

Dear Vicki and Planning Commission members:

As the owners and developers of the CPD zoned vacant land at the northwest corner of Centre Ave and Shaver Road, we are appealing to the City for a favorable interpretation that the Code of Ordinances, Section 42-412 can be amended to add a paragraph to include the following permitted uses in all CPD Districts within the City.

H. Micro breweries and brew-pubs.

1. No outdoor storage of any kind shall be permitted.
2. The use shall also include a restaurant.
3. The use shall not include those for the exclusive production and/or service of alcoholic beverages.
4. An off-street loading space shall be required in the rear yard.

Adding this permitted use would bring the CPD district into agreement with both the B-3 District which permits brew-pubs as a special use as well as matching the newly created CCA City Centre Area – Mixed Use Floating District as recognized in Subdivision 15 of the Zoning Ordinance.

We are currently working on a new, two tenant commercial building of 8000 SF that would be located on the parcel that is immediately north of the Huntington Bank site (Building #2 on the conceptual plan). The initial tenant of that proposed building has already submitted a specific site plan for Planning Commission review. With a favorable action on this appeal, a second tenant (a brew-pub restaurant) could be added to that new building.

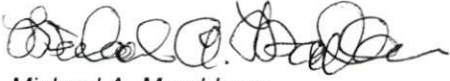
We are anxious to fully commit this City Centre development. We know we can create an upscale environment for working, dining, shopping and recreation that is unique to the lifestyles now seen in Portage. Your support in this request is very much appreciated. We look forward to the opportunity to continue to work on this plan to create a showpiece for us and the City of Portage.

To take advantage of the new opportunity, we respectfully request that City take what ever means are available to them to expedite this review and hearing process. We would appreciate it if this matter could be placed on the Planning Commission's February 1 agenda. We will plan to attend to answer any questions that may arise.

Thank you for the chance to be heard.

City of Portage Planning Commission
January 16, 2018
Page 2 of 2

Sincerely,
PCL Curtis, LLC

A handwritten signature in black ink, appearing to read "Michael A. Marshburn". The signature is fluid and cursive, with the first name being the most prominent.

Michael A. Marshburn
Managing Member

Enc: Conceptual Site Plan



PROJECT TITLE
**PORTAGE
CREEK
LANDINGS
CITY
CENTRE**

SHEET TITLE
Conceptual
Site Plan

OWNER & DEVELOPER
PCL CURTIS, LLC
470 WEST CENTRE AVE
PORTAGE, MI 49824
(269) 327-0077

	1ST FLOOR	2ND FLOOR
WALGREEN'S	14,820 SF	0 SF
SMW	3,000 SF	0 SF
BUILDING 2	7,000 SF	0 SF
BUILDING 3	19,500 SF	0 SF
BUILDING 4	7,000 SF	3,000 SF
BUILDING 5	10,000 SF	5,000 SF
BUILDING 6	12,500 SF	5,000 SF
BUILDING 7	10,000 SF	0 SF
TOTAL GROSS AREA	83,820 SF	13,000 SF

PARKING REQUIRED = 523 CARS (@ 5.4 PER 1000 CSA)

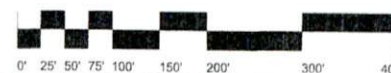
TOTAL PARKING SPACES = 445 CARS

TOTAL SITE AREA = 16.63 ACRES

SITE AREA SOUTH OF CREEK = 14.63 ACRES



SITE PLAN
SCALE: 1" = 80'



05159

SHEET NO.

AS.1

**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:

That Chapter 42, Article 4, shall be amended as follows:

Sec. 42-261. B-2 Community Business District.

Sections A and B, *No Change.*

C. Special Land Uses.

The following uses may be allowed in the B-2 Community Business District, subject to the conditions imposed in this Section for each use, and subject further, to the review and approval of the Planning Commission in accordance with the provisions of Division 5, Subdivision 1 of this Article:

Subsections 1 – 7, *No Change.*

8. Brewpubs and Micro brewers
 - a. Brewery production shall not exceed 18,000 barrels per year.
 - b. No outdoor storage of any kind shall be permitted.
 - c. The use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
 - d. An off-street loading space shall be required in the rear yard, as approved by the planning commission.

Sec. 42-262. B-3 Community Business District

Sections A and B, *No Change.*

C. Special Land Uses

The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

Subsections 1 – 7, *No Change.*

8. Brewpubs and Micro brewers
 - e. Brewery production shall not exceed 18,000 barrels per year.
 - f. No outdoor storage of any kind shall be permitted.

- g. The use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
- h. An off-street loading space shall be required in the rear yard, as approved by the planning commission.

Subsection 9, No Change.

Sec. 42-280. I-1 Light Industrial District.

Section A, No Change.

B. Principal Permitted Uses

In and I-1 light industrial zoning district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

Subsections 1 – 20, No Change.

- 21. Micro brewer
 - a. Brewery production in total shall be less than 60,000 barrels per year.
 - b. The use may also include an accessory tasting room.

Sec. 42-436. Principal Permitted Uses (City Centre Area)

In an approved development project within a city centre area – mixed use floating district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses unless otherwise provided in this article:

Sections A – E, No Change.

- F. Brewpubs and Micro brewers
 - 5. Brewery production shall not exceed 18,000 barrels per year.
 - 6. No outdoor storage of any kind shall be permitted.
 - 7. The use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
 - 8. An off-street loading space shall be required in the rear yard, as approved by the planning commission.

Subsection G, No Change.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2018.

Adam Herringa, City Clerk

(App #17/18-2)

Approved as to Form:

Date: _____

By: _____

City Attorney

**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:

That Chapter 42, Article 4, shall be amended as follows:

Sec. 42-261. B-2 Community Business District.

Sections A and B, *No Change*.

C. Special Land Uses.

The following uses may be allowed in the B-2 Community Business District, subject to the conditions imposed in this Section for each use, and subject further, to the review and approval of the Planning Commission in accordance with the provisions of Division 5, Subdivision 1 of this Article:

Subsections 1 – 7, *No Change*.

8. Brewpubs and Micro brewers
 - a. Brewery production shall not exceed 18,000 barrels per year.
 - b. No outdoor storage of any kind shall be permitted.
 - c. The use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
 - d. An off-street loading space shall be required in the rear yard, as approved by the planning commission.

Sec. 42-262. B-3 Community Business District

Sections A and B, *No Change*.

C. Special Land Uses

The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

Subsections 1 – 7, *No Change*.

8. Brewpubs and Micro brewers
 - e. Brewery production shall not exceed 18,000 barrels per year.
 - f. No outdoor storage of any kind shall be permitted.

- g. The use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
- h. An off-street loading space shall be required in the rear yard, as approved by the planning commission.

Subsection 9, *No Change*.

Sec. 42-280. I-1 Light Industrial District.

Section A, *No Change*.

B. Principal Permitted Uses

In and I-1 light industrial zoning district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

Subsections 1 – 20, *No Change*.

- 21. Micro brewer
 - a. Brewery production in total shall be less than 60,000 barrels per year.
 - b. The use may also include an accessory tasting room.

Sec. 42-436. Principal Permitted Uses (City Centre Area)

In an approved development project within a city centre area – mixed use floating district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses unless otherwise provided in this article:

Sections A – E, *No Change*.

- F. Brewpubs and Micro brewers
- 5. Brewery production shall not exceed 18,000 barrels per year.
- 6. No outdoor storage of any kind shall be permitted.
- 7. The use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
- 8. An off-street loading space shall be required in the rear yard, as approved by the planning commission.

Subsection G, *No Change*.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2018.

Adam Herringa, City Clerk

(App #17/18-2)

Approved as to Form:
Date: 3/21/2018
By: R
City Attorney

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2018 Utility Rate Financial Study - Public Hearing

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Subsequent to the public hearing, adopt the:

1. recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water;
2. recommendation that the water commodity rate be decreased to \$3.14 per 1,000 gallons of metered water;
3. recommendation that adjustments be made to the sewer and water base quarterly charges as noted in the 2018 Utility Rate Financial Study;
4. recommendation that the new rates become effective on July 1, 2018; and
5. recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2018 Utility Rate Financial Study.

The City Council Water/Sewer (Utility) Rate Study Committee, comprised of Council members Burns, Ford and Knapp and citizens Randy Orwig and Ted W. Vliek, Sr., has completed a review of the 2018 Utility Rate Financial Study as prepared by the City Administration. The 2018 Utility Rate Financial Study focused on ensuring the financial health and stability of the utility system. Following a thorough review and analysis of the 2018 Utility Rate Financial Study, the Utility Rate Study Committee voted (5 to 0) to recommend to City Council the water and sewer rates and charges as proposed.

As background information, City Council awarded a contract to Utility Financial Solutions, LLC (UFS) to perform the 2011 Water and Wastewater Rate Study in November 2010. The purpose of the UFS analysis was to determine the actual cost to provide water and wastewater services to utility customers. The proposed fiscal year 2018-2019 utility rates are based in large part on the results of the comprehensive analysis performed by UFS.

The cost of service analysis prepared by UFS showed that the former rate structure (prior to 2011) was insufficient to ensure the receipt of revenues necessary to cover the fixed costs of the utility. To address this issue, the proposed fiscal year 2011-2012 utility rates began the trend of balancing revenue collection based on the quarterly meter charges while keeping the commodity rate increases in line with normal inflationary costs. The City Administration's financial action plan consists of the following elements:

1. The focus of the annual utility rate review has been modified to give additional consideration to working capital, debt service and fund balance within the utility funds. More specifically:
 - In addition to the current revenue/expenditure analysis, a working capital analysis is performed annually and includes necessary cash elements to ensure that adequate funds are available to meet ongoing obligations.
 - A minimum debt coverage ratio of 1.25 has been established and targeted in future years to ensure adequate funds are available to meet debt payments, support variations in sales due to dry summers, fluctuating treatment costs and other such variables, as they may occur.
 - Levels of working capital (cash) will be re-established over time, then maintained within the range of approximately three to four months of current liabilities for each fund. This estimate currently translates to approximately \$2.8 million for the Sewer Fund and \$2.9 million for the Water Fund, without jeopardizing the fundamental integrity of the utility system. As of June 30, 2017, cash in the Sewer Fund is in the amount of \$11.5 million and cash in the Water Fund amounts to \$6.7 million, fully satisfying the need for working capital.
 - Outstanding bond issues will continue to be reviewed/recommended for potential payoff to save on interest charges and lower expenses to the utility funds. Significant capital expenses have been anticipated and working capital increased to minimize bond debt.
1. The City Administration will continue to investigate opportunities in the areas of the utility fund operations in the interest of further reducing operating expenses of the utility funds over time.
2. The financial plan has been effective and projected revenues, expenditures and resulting rate modifications in the Sewer Fund and Water Fund as contained in the 2018 Utility Rate Financial Study for fiscal year 2018-2019 result in a combined rate decrease of 3.92 percent to the typical residential customer. Project rates for the combined funds for 2019-2020 through 2021-2023 are projected to remain the same in the 2018 Utility Rate Financial Study.

For fiscal year 2018-2019, the sewer commodity rate is recommended to remain at \$4.60 per thousand gallons of metered water. The water commodity rate is recommended to decrease to \$3.14 per thousand gallons of metered water. Basic quarterly charges for both sewer and water use, which are calculated to provide funding for certain fixed costs for the utility systems, are recommended as noted in the 2018 Utility Rate Financial Study.

The net effect of the combined sewer and water rate recommendations on the typical residential customer is an overall utility rate decrease of 3.92 percent. The combined utility rate recommendations represent an annual decrease of approximately \$29.64 (from approximately \$756.76 per year to approximately \$727.12 per year) for the typical residential customer with both public sewer and water service. Overall, in terms of public health, utility costs represent a tremendous benefit for the cost incurred by the customer.

Items less significant in dollar amount but still important to the continuing financial health of the utility systems were also reviewed by the Utility Rate Study Committee. It is essential that the amount charged for these services recover the costs to provide such services. If charges are inadequate to

allow for recovery of costs, rate payers subsidize the service provided. Charges and fees reviewed in the context of the 2018 Utility Rate Financial Study include water connection charges, meter charges, meter box charges, hydrant meter charges and water processing fees. It is recommended that all current charges remain unchanged. If approved, the proposed rate changes would be adopted and become effective July 1, 2018.

As such, it is recommended that City Council establish a public hearing on April 24, 2018 for consideration of the proposed rates and charges as set forth in the 2018 Utility Rate Financial Study.

FUNDING: N/A

Attachments:

1. 2018 Utility Rate Financial Study
2. Water Rates Resolution
3. Sewer Rates Resolution



2018 Utility Rate Financial Study

2018 UTILITY RATE FINANCIAL STUDY

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2018 UTILITY RATE FINANCIAL STUDY

SECTION I - UTILITY RATES

INTRODUCTION

The City Administration has reviewed the utility rate structure for the purpose of considering necessary adjustments to utility rates, while addressing long-term needs of the city utility system. During the development of the 2018 Utility Rate Financial Study, a review of the previous study and the present rate structure was conducted.

As part of the ongoing effort to control costs and maintain the lowest possible utility rates for water and sewer customers, the City Administration reviewed the overall utility operation in light of the privatization of the operation and maintenance functions of the utility initiated in March 1997. Privatization has been extremely effective in cutting overall utility costs while still providing a high level of service to customers. The city's contractor performs all routine operation and maintenance activities for the water utility, including operation of the pumping and overhead storage facilities; meter installation, repair and reading; water service repair and maintenance; water main repair; fire hydrant flushing and repair; MISS DIG staking and other miscellaneous activities. Routine operation and maintenance activities performed for the sewer utility include cleaning and inspection of sanitary sewers; cleaning of storm sewer piping and manholes; daily inspection, maintenance and repair of sanitary sewage pumping facilities; repair and cleaning of sanitary sewer manholes; street sweeping and other miscellaneous activities. On November 1, 2016 the City Council awarded a 5- year contract extension to Suez Environmental Services, Incorporated to end March 2022.

The proposed Fiscal Year 2018-2019 utility rates are based in large part on the recommendations of the comprehensive rate analysis performed by Utility Financial Solutions, LLC (UFS) in 2011. On November 16, 2010, City Council awarded a contract to UFS to review past and current financial reports of the water and wastewater utilities, along with detailed accounting of the utilities finances. The purpose of the UFS analysis was to determine the actual cost to provide water and wastewater services to the utility customers. The cost of service analysis showed that the 2010 rate structure was insufficient to ensure the receipt of revenues necessary to recover the fixed costs of the utility. To address this concern, in Fiscal Year 2011–2012 utility rates began the trend of shifting revenue collection to basic quarterly charges based on meter size, while keeping the commodity rate increases in line with the normal inflationary costs to provide the water and wastewater service. This trend is continued in the 2018 Utility Rate Study.

Background

The Governmental Accounting Standards Board (GASB) requires that Sewer and Water Funds be enterprise funds and be operated in a manner similar to private business, with costs recovered primarily through user charges.

In 1986, the first Water and Sanitary Sewer Rate Committee reviewed the financial status of the Sanitary Sewer and Water Funds. The Water and Sanitary Sewer Rate Committee has met every year since to review the rates and make recommendations to the City Council. Prior to 1986 utility rates were reviewed and adjusted on an as needed basis, which lead to unpredictable rates and charges.

In 2008, the city received a letter from the State of Michigan requiring a financial plan to rectify a water fund deficit. The city has followed the plan submitted to the State of Michigan and the water fund deficit has been eliminated. Water and sanitary sewer rate increases required to eliminate the deficit, meet the conditions in the financial plan submitted to the State of Michigan and reach a positive working capital balance for the utility funds as a whole were substantial. Over the past several years the utility funds have been able to pay cash for capital improvement projects and pay off all callable debt. Rate adjustments since 2007 are as follows:

<u>Fiscal Year</u>	<u>Combined Water & Sewer % Rate Change (Typical Residential Customer)</u>
2007	14.89
2008	13.68
2009	12.22
2010	15.03
2011	10.85
2012	4.85
2013	2.73
2014	1.40
2015	0.94
2016	0.75
2017	0.62

Rate adjustments typically result from inflationary pressure, material changes in programs and operations, and other factors which cannot be controlled by the city, such as charges from the City of Kalamazoo for sewage treatment and Consumers Energy for gas and electricity.

CURRENT STATUS

A fundamental principle of utility fund financing is that user rates should be sufficient to fund the entire cost of utility system operations. This principle is accepted by all authoritative sources (Government Finance Officers Association, American Water Works Association, etc.) and is based on the enterprise fund status. Enterprise funds operate as a private business and all businesses must generate sufficient revenues to cover costs in order to be viable.

Utility System Rate Structure

For provision of sanitary sewer and water service, a two-part rate structure is in effect. For sanitary sewer and water customers, the rate consists of a fixed portion, referred to as the "basic quarterly charge" and a unit rate, referred to as the "commodity" rate.

For water and sewer activities of the utility, the basic quarterly charge is designed to cover the fixed costs of providing service. These costs, which are generally stable throughout the year despite the amount of water produced or sewage transported, include: Personnel salaries and fringes, the Suez

operation and maintenance contract, office supplies, mailing expenses, telephone charges, environmental testing, water quality testing, printing and publishing and equipment repair and maintenance. The fixed costs are applied to the meter size using a formula which recognizes the capacity of the meter size and the impact on the water and sanitary sewer systems.

Commodity rates are designed to cover more variable costs, including sewage treatment costs, public utilities, sewer lead repair, equipment rental costs, equipment replacements, retention basin testing and administrative costs. Commodity rates are based on a dollar amount per thousand gallons of water metered for both water and sewer billings, with sewer billings capped for residences as described below. All classes of customers are billed quarterly with a quarterly of the annual basic rate applied in addition to the commodity charge.

Sanitary Sewer System

The City of Portage sanitary sewer system consists of 235 miles of sewer main and 56 sewage lift stations. The sanitary sewer system has a capacity of 10.8 million gallons per day, with an average daily flow of 4.3 million gallons. Future expansion projects are prioritized to address the areas with greatest potential for groundwater contamination. Citizen petitions are also given high priority. Priorities are reviewed annually by the City Administration to ensure consistency with Council goals and environmental concerns. Current and projected resources of the Sanitary Sewer Fund appear adequate to accommodate increased expansion of the sanitary sewer system. The recommended ten-year 2018-2028 Capital Improvement Program (CIP) includes \$8.155 million in sanitary sewer system improvements and expansions. The proposed improvements would be funded through various financing methods. The projects are considered important in order to pursue placement of sanitary sewer throughout the city and to continue with the mandatory sewer hookup program emphasis. In addition to extension of sanitary sewer mains, operational improvements over the next ten years include:

- Installation of sewer leads where not included in original construction.
- Installation of mains in existing developed plats.
- Renovation of sanitary sewer lift stations and force mains

The proposed sanitary sewer rate structure was developed taking into account the capital expenditures necessary to meet these needs through various financing means.

Sanitary Sewer Billing Cap

Sewer bills are calculated based upon water usage with the assumption that water used within a residence is generally discharged to the sanitary sewer system as wastewater. A cap on sewer billing to residential customers limits the sewer bill to 125% of the customer's winter quarter water usage. The 125% cap was established based upon an analysis of residential accounts with separate water meters for irrigation. This analysis was undertaken to determine the quarterly water usage pattern of the "typical residential customer." Results of the analysis indicated that average summer water usage discharged to the sanitary sewer system, for a single-family residence, is approximately 125% of the winter water consumption when external irrigation is excluded. Winter usage is defined as that quarter in which January occurs. The sanitary sewer billing cap ensures that residential customers are billed for flow to the sanitary sewer and not for outdoor water use.

Water System

The city water system consists of 20 production wells, one 750,000 gallon elevated storage tank, one 1,500,000 gallon elevated storage tank and 250 miles of water main. In 2006, the Environmental Protection Agency lowered the allowable arsenic levels in public drinking water to 10 micrograms per liter. As a result, two wells were abandoned, one well was decommissioned and the Garden Lane Water Treatment Plant was constructed to eliminate high arsenic level in the water. The water system currently has a capacity of 26.35 million gallons per day. The average day production is 4.75 million gallons. Fishbeck, Thompson, Carr & Huber, Inc. completed a comprehensive Water Reliability Study for the city in 2013 and updated the Wellhead Protection Program in 2015. These studies, together with current management information and system use data, are the basis for planned future system improvements.

The recommended 2018-2028 CIP includes \$19.690 million in water system improvements. Current and future anticipated demands placed on the system necessitate provision of numerous operational improvements over the next ten years, including:

- Installation of transmission mains in currently unserved areas and for needed conveyance of large volumes of water throughout the service area.
- Installation of service lines in developed plats.
- Improvement of the stormwater collection and recharge system.
- Additional treatment facility with iron removal capabilities.
- Additional water storage.

The proposed water rate structure was developed taking in consideration of the capital expenditures necessary to meet the above noted needs through various types of financing.

On February 11, 2014, Portage City Council approved reinstatement of a 10% discount on water use charges for eligible senior citizens. Redistribution of the 10% discount to senior citizen customers to the remaining water customers was also taken into account in the development of the water rate structure. The subsidy for the Senior Citizen Discount in Calendar Year 2017 was \$69,445.60.

Utility Customer Growth

The utility customer base has grown to 15,567 sanitary sewer customers and 14,099 water customers as of January 1, 2018. An increase in the number of customers has a general impact of stabilizing system-wide operation costs as cost of service can be spread over a larger number of users. Although the total number of water and sewer customers continues to increase, the rate of increase in utility customers has slowed in recent years. The utility system is a mature system with 96.7 % of developed properties served by municipal sewer and 87.5% served by municipal water. Graph A highlights the utility customers by fiscal year. In the future, new customer growth will be most directly related to new development occurring in the city.

FINANCIAL REVIEW

Using current information on the status of the utility systems as background, the 2018 Utility Rate Financial Study was conducted to determine appropriate cost recovery rate levels. These rates provide for operation of the utility systems, funding of utility-related capital improvement needs and repayment of Limited Tax General Obligation (LTGO) city share debt and Utility Revenue bond debt related to infrastructure extensions and replacements.

The Comprehensive Annual Financial Reports for prior fiscal years provide the primary source for review of the past financial condition of the Utility Funds. Additional sources include the Municipal Budget for Fiscal Year 2017-2018, the 2017-2027 CIP, the recommended 2018-2028 CIP and prior utility rate studies. The financial condition of the Utility Funds as of June 30, 2017 is healthier than previous expectations.

As of June 30, 2017, the Sewer Fund had a working capital balance of \$11,596,474, which was 161% of operating expenses, and the Water Fund had a working capital balance of \$6,762,965, which was 203% of operating expenses. These balances have been generated through conservative budgeting and forecasting methods as well as substantial rate increases over the last decade.

Typical Residential Customer

The typical residential customer in Portage purchases 19,000 gallons of water and is billed for 15,000 gallons of sewage flow per quarter. The typical residential customer has been defined based upon an analysis of all residential accounts and represents the baseline used for comparison since single-family residences represent about 90% of utility accounts. The table below demonstrates the typical average residential customer quarterly usage of water and billing of sewage flow.

TYPICAL RESIDENTIAL CUSTOMER

	Metered Water (x1000 gallons)	Billed Sewer (x1000 gallons)
Winter usage (quarter including January)	14	14
Spring usage	14	14
Summer usage	33	18
<u>Autumn usage</u>	<u>14</u>	<u>14</u>
Annual Total	75	60

The differential between the metered water and the billed sewer is a result of the 125% sewer cap. The cap impacts the summer sewage billing quarter by limiting it to 125% of the winter metered water.

RATE RECOMMENDATIONS

Tables 1, 2 & 3 summarize Sanitary Sewer Fund and Water Fund statements of estimated revenue and expenses for the fiscal years ending June 30, 2018 through 2023. Projected commodity rates, sales in millions of gallons and an analysis of capital/debt needs and funding are also presented. Factors that impact these projections include the cost of living increase, the number of utility customers, revised arsenic level standards promulgated by the USEPA, reduced flow from sewer customers and the sewage treatment costs by the City of Kalamazoo in the case of the Sewer Fund, which has seen a significant increase over the past several years. Table 4 analyzes the recommendations as applied to the "typical residential customer." The following recommendations are presented regarding 2018 Utility Rates.

Sanitary Sewer Fund

It is recommended that the sewer commodity rate remain at \$4.60 per thousand gallons. The rate will: 1) provide for treatment charges billed by the City of Kalamazoo, 2) continue funding operations, capital improvement needs, repayment of outstanding sewer-related Limited Tax General Obligation (LTGO) bonds and Utility Revenue bonds and 3) provide for future LTGO and revenue bond debt. Privatization of the utility operation has resulted in a significant savings in the sewer fund over the last eighteen years, in spite of a lower billable flow growth compared to previous years.

It is recommended that the sewer basic quarterly charges be reduced as shown below:

SANITARY SEWER BASIC QUARTERLY CHARGE CITY OF PORTAGE CUSTOMERS

<u>Meter Size</u>	<u>Current Quarterly Charge</u>	<u>Proposed Quarterly Charge</u>
5/8"	\$ 34.75	\$ 30.58
3/4"	\$ 52.12	\$ 45.87
1"	\$ 78.19	\$ 68.81
1-1/2"	\$ 139.00	\$ 122.32
2"	\$ 208.50	\$ 183.48
3"	\$ 347.50	\$ 305.80
4"	\$ 695.00	\$ 611.60
6"	\$ 1,216.25	\$ 1,070.30
8"	\$ 1,737.50	\$ 1,529.00

The basic quarterly charges are designed to cover the fixed costs related to the operation of the sanitary sewer system. The decrease in the Basic Quarterly Charge conforms to the recommendation in the 2011 Comprehensive Rate Analysis by Utility Finance Solutions, LLC. With the continuation of the sanitary sewer bill cap of 125%, the recommended basic quarterly charges and continuing the commodity rate at \$4.60 per thousand gallons will result in a 4.02% decrease for the typical residential sanitary sewer customer.

In previous utility rate studies, emphasis has been placed on stabilizing retained earnings in the Sanitary Sewer Fund at a level of \$1,500,000 as recommended by the city's financial advisor. An adequate cash balance must be maintained for operation of the utility and to make debt service

payments. Basic Quarterly Charges are recommended to ensure sufficient resources are available within the Sanitary Sewer Fund to meet obligations to avoid the need for subsidy by non-utility related funds.

For Fiscal Year 2017-2018 the estimated working capital (i.e., cash) at the end of the year is \$13,413,420. Based on the recommended basic quarterly charges and commodity rate for Fiscal Year 2018-2019, an acceptable level of working capital balance can be maintained through Fiscal Year 2022-2023.

The recommended rate for Fiscal Year 2018-2019 is lower than the rate forecast in the 2017 Utility Financial Rate Study. As shown in Table 1 (Utility Fund Statements of Revenues and Expenses – Sanitary Sewer Fund) no rate changes are recommended in subsequent years.

Sanitary Sewer Rate - Schoolcraft Township

The service agreement with Schoolcraft Township establishes the rate charged to customers in Schoolcraft Township. The basic quarterly charge is the same as charged to the City of Portage customers. There is a 5% surcharge on the commodity rate and a \$0.35 charge per thousand gallons for capital costs. It is recommended that the sanitary sewer commodity rate to Schoolcraft Township customers be continued at \$5.18 per thousand gallons.

Water Fund

Water Service Charges

It is recommended that the water commodity rate be decreased to \$3.14 per thousand gallons. The basic quarterly costs are designed to cover fixed costs related to the operation of the water system. It is recommended that the water basic quarterly charges be decreased as shown below:

WATER BASIC QUARTERLY CHARGE CITY OF PORTAGE CUSTOMERS

<u>Meter Size</u>	<u>Current Quarterly Charge</u>	<u>Proposed Quarterly Charge</u>
5/8"	\$ 25.44	\$ 23.40
3/4"	\$ 38.16	\$ 35.10
1"	\$ 57.24	\$ 52.65
1-1/2"	\$ 101.76	\$ 93.60
2"	\$ 152.64	\$ 140.40
3"	\$ 254.40	\$ 234.00
4"	\$ 508.80	\$ 468.00
6"	\$ 890.40	\$ 819.00
8"	\$ 1,272.00	\$ 1,170.00

This decrease conforms to the recommendation in the 2011 Comprehensive Utility Rate Study by Utility Financial Solutions, LLC. The proposed rate will result in a 3.79% decreased monthly expense for the typical residential water customers.

Private Fire Protection Service Charges.

Dedicated fire protection service is defined as a separate water service line that solely provides fire protection to a property. The Basic Quarterly Charge will ensure that the cost of providing a dedicated fire service that only benefits one property is borne by the benefiting customer and not the utility customers at large. In addition to the Basic Quarterly Charge a \$6.40 per 1,000 gallon charge for all water use recorded on the fire service bypass meter is assessed. It is recommended that the Basic Quarterly Charge for fire protection services remain unchanged as shown in the table below.

Private Fire Protection - Basic Quarterly Charge

<u>Fire Protection Service Size</u>	<u>Current Basic Quarterly Charge</u>	<u>Proposed Basic Quarterly Charge</u>
4 – inch	\$15.00	\$15.00
6 – inch	\$35.00	\$35.00
8 – inch	\$60.00	\$60.00
10 – inch	\$95.00	\$95.00
12 – inch	\$135.00	\$135.00
16 - inch	\$240.00	\$240.00

As shown on Table 2 (Utility Fund Statements of Revenues and Expenses - Water Fund), no rate changes are recommended in subsequent years. The water quarterly basic charges and commodity rate can be decreased and continue to fund operations, meet major capital improvement needs, keep up with inflationary increases in water production costs (pumping, disinfection, etc.), repay outstanding water-related Limited Tax General Obligation (LTGO) bonds and Utility Revenue bonds and provide for future LTGO and revenue bond debt. In future years, costly major water projects such as additional water storage and iron removal facilities will be required as demands on the Portage water system increase. In addition, the Water Fund will finance needed storm drainage improvements throughout the city.

Emphasis has been placed on stabilizing retained earnings in the Water Fund at a level of \$2,500,000 as recommended by the city's financial advisor. An adequate cash balance needs to be maintained for operation of the utility and to make debt service payments. There are sufficient resources available within the Water Fund to meet obligation to avoid the need for subsidy by non-utility related funds with the recommended rate over the coming years. For Fiscal Year 2017-2018, the estimated working capital (i.e., cash) at the end of the year is \$4,419,586. Based on the recommended basic quarterly charges and commodity rate for Fiscal Year 2018-2019 an acceptable level of working capital balance can be maintained through Fiscal Year 2022-2023.

It is important that the city continue to plan for an additional water tower or replacement for the Haverhill water tower (currently scheduled in Fiscal Year 2019-2020 in the recommended 2018-2028 CIP). The new water tower will provide for greater storage capacity in the city's residential and commercial areas to improve system reliability during peak demand and also improve fire flow in the northern portion of the city. The installation of new iron removal facilities at the Shuman well site (currently scheduled in Fiscal Year 2021 through 2023 in the recommended 2018-2028 CIP) to relieve pressure on the Kalamazoo/Portage groundwater aquifer and the Milham well field located north of Portage Northern High School. Exploration in southern Portage, Schoolcraft Township and Pavilion Township was not successful in locating any new suitable well sites with low iron content.

Water Rate — Pavilion Township and Schoolcraft Township

It is recommended that the basic quarterly charges for Pavilion Township and Schoolcraft Township residents be the same as charged to City of Portage customers. It is also recommended that the water commodity rate for Pavilion Township and Schoolcraft Township residents decrease to \$3.78 per thousand gallons.

SUMMARY OF RECOMMENDATIONS

The effect of the combined recommendations on the typical City of Portage residential customer is projected through Fiscal Year 2022-2023 in Table 3. The Fiscal Year 2018-2019 combined rate decrease of 3.91% for the typical residential customer is a lower rate than projected for Fiscal Year 2018-2019 in the 2017 Utility Rate Financial Study. For the typical residential customer having both municipal water and sewer service, the proposed rate will result in an annual decrease of \$29.64. With operations, capital improvements and debt service continuing to be funded, the utility systems have been self-supporting since July 1989. Self-supporting status is essential for these important enterprise funds so that the funds do not become a financial drain on either the General Fund or the Capital Improvement Fund.

In 2012 City Administration moved the effective date of the annual rate adjustment to October 1 from July 1. The change minimizes the impact of rate increases on customers during the summer billing cycle when usage is highest. To provide customers the full advantage of the Fiscal Year 2018-2019 rate decrease, it is recommended that the effective date for 2018 rate adjustments be July 1, 2018.

SECTION II – UTILITY

FEES AND CHARGES

INTRODUCTION

Although the establishment of appropriate commodity rates and basic quarterly charges for water and sewer service is the primary focus of the annual Utility Rate Financial Study, it is also prudent to give attention to matters which may be less significant in dollar amounts but are still important to the financial health of the utility system, i.e., utility fees and charges.

Background

The establishment of adequate fees and charges for services performed in addition to the delivery of water and sewer service is necessary to fairly and equitably recover costs for services provided. When fees and charges are inadequate, the utility rate payer must bear the cost for services provided to others. Examples include costs for service connections, meters, turn-on fees, etc. In each case, if the charges for these services are inadequate to recover costs, the rate payers subsidize the service provided to some extent.

CURRENT STATUS AND RECOMMENDATIONS

Meter Charges

The current meter installation charges are based on the cost of the meter plus the cost of labor and equipment to install the meter. The current charges have been reviewed and it was determined that no adjustments are needed to recover the cost of the meter and installation. It is recommended that water meter charges remain unchanged.

<u>Meter Size</u>	<u>Current Charges</u>	<u>Actual Cost/Recommended Charges</u>
5/8"	\$225	\$225
3/4"	\$280	\$280
1"	\$345	\$345
1-1/2"	\$815	\$815
2" SR (Irrigation)	\$1,010	\$1,010
2" Compound	\$2,225	\$2,225
3" Compound	\$2,925	\$2,925
4" Compound	\$4,530	\$4,530
6" Compound	\$7,840	\$7,840

Meter Box Charge

A meter box charge is based on the cost of materials to install the meter box. Meter boxes are used when a suitable location for meter installation is not available in the building or property being served. The charge has been reviewed and it was found that the cost has not increased. It is recommended that the meter box charge remain unchanged at \$1050.

Hydrant Meter Charges

The use of meters on fire hydrants is a service provided as a convenience to contractors or individuals who need to obtain large quantities of water in a short period of time. It is recommended that the minimum charge for use of a hydrant meter remain at \$150. The minimum charge for supplying and installing a meter on a fire hydrant includes the use of 15,000 gallons of water. It is also recommended that the commodity charge for use over 15,000 gallons of water remain at \$6.40 per 1,000 gallons. Furthermore, that the deposit required to ensure the return of all hydrant meter hoses and other items remain at \$250. This deposit eliminates the potential problem of collecting for the service provided.

Fire Hydrant Flow Test Charge

Fire hydrant flow tests are often requested by insurance companies and developers to determine the quantity of water available for fire protection at a property. The established charge for providing a flow test ensures that the cost is borne by the benefiting customer and not the utility customers at large. It is recommended that the charge for a hydrant flow test remain at \$135.

Reinstatement Processing Fee

A fee is charged for reinstating water service turned off due to delinquency or at the request of the customer. In the case of delinquency, three notices are sent to the customer with a shut-off date established on the third notice. Once a work order has been issued for water shut-off, the processing fee is automatically added to the customer's bill and payment of the delinquent bill plus the processing fee is required prior to reactivation of service. The current fee is \$50 and is recommended to be continued for Fiscal Year 2018-2019. No fee is charged for a water turn-off and subsequent restoration of water service when requested by the customer or contractor due to an emergency or scheduled maintenance activity. For water service turn-on after normal working hours, the current processing fee of \$100 is recommended to be continued for Fiscal Year 2018-2019. The \$100 processing charge reflects the added hourly cost for the service technician associated with the provision of water service turn-on after normal working hours.

Other Charges and Policies

1. **Flat Rate:** Non-metered sewer customers are billed based on a water usage of 15,000 gallons per quarter (flat rate). It is recommended that this policy be continued.
2. **Irrigation Allowance:** Single family residences, residential condominiums and all other individually metered residential units may be given a discount for irrigation as follows:
 - a. Charges for such customers are based on actual water consumption, except that there is no sewage charge for water consumption exceeding 125% of the water consumption for the most recent quarter billing in which the month of January is included;
 - b. Residential customers who do not have a quarter billing in which the month of January is included or who have a zero (0) water usage for the quarter which includes the month of January have the sewer charge for the other three quarters established at the maximum rate volume of 15,000 gallons or actual usage, if less, per quarter until such time as quarter billing information, in which the month of January is included, is available. It is recommended that the irrigation allowance be continued.
3. **Senior Citizen Water Allowance:** City of Portage water customers 65 years of age and older who submit an application and provide proof of age are eligible for a 10% discount on water use charges for their primary residence account.
4. **Non-Sufficient Funds (NSF) Check Fee:** It is recommended to maintain the current fee of \$30 per occurrence to reflect current administrative cost for any returned/unpaid check or other failed financial instrument which results in uncollected funds.
5. **Outstanding Charges Limit:** The amount of past due/outstanding charges necessitating water shut-off is recommended to be maintained at \$60.
6. **Utility Late Fee Waivers:** It is recommended that the utility billing late fee be waived if the customer:
 - a. has paid all of the last 12 or more utility bills on time and the customer requests that the late fee be waived/removed or;
 - b. signs up for automatic payment where the amount due is taken from their bank account on the due date.

SUMMARY OF RECOMMENDATIONS

Summarizing recommendations for Fiscal Year 2018-2019 utility fees and charges, it is advised that:

1. Charges for meters (all sizes) remain the same.
3. Charges for installation of meter box remain the same.
4. The current charge of a \$250 deposit for the installation of a hydrant meter remains the same and the current minimum charge including the use of up to 15,000 gallons of water remains at \$150. Further, the current commodity charge of \$6.40 per thousand gallons for all water used over 15,000 gallons remains the same.
5. The \$50 processing fee associated with turn-on or shut-off of a water service is continued, except the initial turn-on for first-time customers will be at no charge. When the city dispatches a person to turn on water during non-business hours, the processing fee of \$100 will be continued.
6. The flat rate based on a consumption of 15,000 gallons per quarter for non-metered sewer customers continues in effect.
7. The sewer billing cap for residential customers having a zero water meter reading in the quarter that contains January remains at 15,000 gallons.
8. The current charge of \$30 per occurrence will be assessed for any returned/unpaid check or other failed financial instrument which results in uncollected funds.
9. The utility billing late fee will be waived:
 - a. if the customer has paid all of the last 12 or more utility bills on time and the customer requests that the late fee be waived/removed or;
 - b. if the customer signs up for automatic payment.
10. A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.
11. An amount past due of more than \$60 remain as the shut-off level amount.

Utility Fund Statement of Revenues and Expenses

SEWER FUND							Table 1
2018/2019 RATES							
	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	Audited	Estimated	Budgeted	Projected	Projected	Projected	Projected
SALES (million gallons)	1,257	1,123	1,123	1,123	1,123	1,123	1,123
RATE (per 1000 gallons)	\$4.60	\$4.60	\$4.60	\$4.60	\$4.60	\$4.60	\$4.60
BASE CHARGE (per quarter)	\$34.75	\$34.75	\$30.58	\$30.58	\$30.58	\$30.58	\$30.58
User charges	9,116,764	9,292,032	8,502,000	8,106,000	8,107,000	8,109,000	8,110,000
Tap in fees and other revenue	391,574	391,111	392,000	392,000	392,000	392,000	392,000
TOTAL OPERATING REVENUE	9,508,338	9,684,143	8,894,000	8,498,000	8,499,000	8,501,000	8,502,000
Operations and maintenance	2,332,609	2,299,180	2,265,750	2,300,000	2,335,000	2,370,000	2,406,000
Sewer treatment charges	2,853,832	2,203,800	2,340,142	2,375,000	2,411,000	2,447,000	2,484,000
General and administrative	1,192,788	1,514,465	1,836,142	1,864,000	1,892,000	1,920,000	1,949,000
Depreciation	769,855	785,359	798,784	813,184	831,259	846,334	858,071
TOTAL OPERATING EXPENSE	7,149,084	6,802,803	7,240,818	7,352,184	7,469,259	7,583,334	7,697,071
OPERATING GAIN (LOSS)	2,359,254	2,881,340	1,653,182	1,145,816	1,029,741	917,666	804,929
Interest income	78,251	47,551	48,300	49,000	49,700	50,400	50,000
Interest on outstanding debt	(164,461)	(123,850)	(106,197)	(92,006)	(78,199)	(65,024)	(52,159)
Capital outlay	(45,242)	(463,000)	(140,000)	(140,000)	(140,000)	(140,000)	(140,000)
NET NON-OPERATING REVENUE (EXPENSE)	(131,452)	(539,299)	(197,897)	(183,006)	(168,499)	(154,624)	(142,159)
NET GAIN (LOSS) BEFORE TRANSFERS	2,227,802	2,342,041	1,455,285	962,810	861,242	763,042	662,770
TRANSFERS IN (OUT)	688,358	(80,000)	(85,000)	(85,000)	(85,000)	(85,000)	(85,000)
CHANGE IN NET POSITION	2,916,160	2,262,041	1,370,285	877,810	776,242	678,042	577,770
CASH FLOW ANALYSIS							
Beginning Cash Balance	8,873,055	11,303,117	12,755,124	13,413,420	13,727,561	13,370,085	13,963,556
Net Cash from Operating Activities	3,566,511	3,666,698	2,451,966	1,959,000	1,861,000	1,764,000	1,663,000
Net Transfers In & Investing Activities	192,440	47,551	48,300	49,000	49,700	50,400	50,000
Proceeds of Bond Issuance	-	-	-	-	-	-	-
CASH AVAILABLE	12,632,006	15,017,366	15,255,390	15,421,420	15,638,261	15,184,485	15,676,556
Capital Improvement Needs	753,181	1,233,000	1,245,000	1,125,000	1,735,000	725,000	1,290,000
Principal & Interest on Long Term Debt	575,708	1,029,242	596,970	568,859	533,176	495,929	480,311
CASH OUTFLOW	1,328,889	2,262,242	1,841,970	1,693,859	2,268,176	1,220,929	1,770,311
ENDING CASH BALANCE	11,303,117	12,755,124	13,413,420	13,727,561	13,370,085	\$13,963,556	13,906,245
WORKING CAPITAL	11,596,474	13,086,166	13,761,548	14,083,842	13,717,088	14,325,962	14,267,163
Typical residential % change	0.66%	0.00%	-4.02%	0.00%	0.00%	0.00%	0.00%

Utility Fund Statement of Revenues and Expenses

WATER FUND							Table 2
2018/2019 RATES							
	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	Audited	Estimated	Budgeted	Projected	Projected	Projected	Projected
SALES (million gallons)	1,500	1,356	1356	1356	1,356	1,356	1356
RATE (per 1000 gallons)	\$3.19	\$3.20	\$3.14	\$3.14	\$3.14	\$3.14	\$3.14
BASE CHARGE (per quarter)	\$24.46	\$25.44	\$23.40	\$23.40	\$23.40	\$23.40	\$23.40
User charges	6,831,179	6,885,557	6,411,000	6,411,000	6,411,000	6,411,000	6,411,000
Tap in fees and other revenue	247,258	297,304	247,258	297,304	297,304	297,304	297,304
TOTAL OPERATING REVENUE	7,078,437	7,182,861	6,658,258	6,708,304	6,708,304	6,708,304	6,708,304
Operations and maintenance	1,320,705	1,414,791	1,318,100	1,341,000	1,364,000	1,388,000	1,412,000
General and administrative	1,180,902	1,265,029	1,812,639	1,844,000	1,876,000	1,909,000	1,942,000
Depreciation	793,460	842,908	901,358	1,007,858	1,178,958	1,211,658	1,241,508
TOTAL OPERATING EXPENSE	3,295,067	3,522,728	4,032,097	4,192,858	4,418,958	4,508,658	4,595,508
OPERATING GAIN (LOSS)	3,783,370	3,660,133	2,626,161	2,515,446	2,289,346	2,199,646	2,112,796
Interest income	73,088	60,000	61,200	62,400	63,600	64,900	63,600
Interest on outstanding debt	(534,462)	(567,595)	(499,503)	(434,550)	(371,015)	(251,886)	(246,947)
Capital outlay	(35,160)	(70,636)	(180,000)	(180,000)	(180,000)	(180,000)	(180,000)
NET NON-OPERATING REVENUE (EXPENSE)	(496,534)	(578,231)	(618,303)	(552,150)	(487,415)	(366,986)	(363,347)
NET GAIN (LOSS) BEFORE TRANSFERS	3,286,836	3,081,902	2,007,858	1,963,296	1,801,931	1,832,660	1,749,449
TRANSFERS IN (OUT)	355,864	(50,000)	(55,000)	(55,000)	(55,000)	(55,000)	(55,000)
CHANGE IN NET POSITION	3,642,700	3,031,902	1,952,858	1,908,296	1,746,931	1,777,660	1,694,449
CASH FLOW ANALYSIS							
Beginning Cash Balance	5,765,130	7,829,619	6,067,959	5,116,643	3,564,338	3,111,905	3,564,338
Net Cash from Operating Activities	4,830,500	3,924,810	2,909,216	2,971,154	2,980,889	3,044,318	2,990,957
Net Transfers In & Investing Activities	89,453	125,119	136,616	117,063	126,266	126,649	123,326
Proceeds of Bond Issuance	-	-	-	-	-	-	-
CASH AVAILABLE	10,685,083	11,879,548	9,113,792	8,204,860	6,671,493	6,282,872	6,678,621
Capital Improvement Needs	927,533	2,310,000	1,380,000	2,055,000	1,165,000	1,105,000	940,000
Principal & Interest on Long Term Debt	1,927,931	3,501,589	2,617,149	2,585,522	2,394,588	2,247,425	2,267,581
CASH OUTFLOW	2,855,464	5,811,589	3,997,149	4,640,522	3,559,588	3,352,425	3,207,581
ENDING CASH BALANCE	7,829,619	6,067,959	5,116,643	3,564,338	3,111,905	2,930,447	3,471,040
WORKING CAPITAL	6,762,965	5,241,302	4,419,586	3,078,757	2,687,961	2,531,223	2,998,169
Typical residential % change	0.85%	1.39%	-3.79%	0.00%	0.00%	0.00%	0.00%

Utility Fund Statement of Revenues and Expenses

SEWER AND WATER FUNDS						Table 3
2018/2019 RATES						
	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
	Audited	Estimated	Budgeted	Projected	Projected	Projected
User charges	15,947,943	16,177,589	14,913,000	14,517,000	14,518,000	14,520,000
Tap fees	638,832	688,415	639,258	689,304	689,304	689,304
TOTAL OPERATING REVENUE	16,586,775	16,866,004	15,552,258	15,206,304	15,207,304	15,209,304
Operations and maintenance	3,653,314	3,713,971	3,583,850	3,641,000	3,699,000	3,758,000
Sewer treatment charges	2,853,832	2,203,800	2,340,142	2,375,000	2,411,000	2,447,000
General and administrative	2,373,690	2,779,494	3,648,781	3,708,000	3,768,000	3,829,000
Depreciation	1,563,315	1,628,267	1,700,142	1,821,042	2,010,217	2,057,992
TOTAL OPERATING EXPENSE	10,444,151	10,325,531	11,272,915	11,545,042	11,888,217	12,091,992
OPERATING GAIN (LOSS)	6,142,624	6,540,473	4,279,343	3,661,262	3,319,087	3,117,312
Interest income	151,339	107,551	109,500	111,400	113,300	115,300
Interest on outstanding debt	(698,923)	(691,445)	(605,700)	(526,556)	(449,214)	(316,910)
Capital outlay	(80,402)	(533,636)	(320,000)	(320,000)	(320,000)	(320,000)
NET NON-OPERATING REVENUE (EXPENSE)	(627,986)	(1,117,530)	(816,200)	(735,156)	(655,914)	(521,610)
NET GAIN (LOSS) BEFORE TRANSFERS	5,514,638	5,423,943	3,463,143	2,926,106	2,663,173	2,595,702
TRANSFERS IN (OUT)	1,044,222	(130,000)	(140,000)	(140,000)	(140,000)	(140,000)
CHANGE IN NET POSITION	6,558,860	5,293,943	3,323,143	2,786,106	2,523,173	2,455,702
CASH FLOW ANALYSIS						
Beginning Cash Balance	14,638,185	19,132,736	18,823,084	18,530,063	17,291,899	16,481,991
Net Cash from Operating Activities	8,397,011	7,591,508	5,361,182	4,930,154	4,841,889	4,808,318
Net Transfers In & Investing Activities	281,893	172,671	184,916	166,063	175,966	177,049
Bond issue Proceeds	-	-	-	-	-	-
CASH AVAILABLE	23,317,089	26,896,915	24,369,182	23,626,280	22,309,755	21,467,357
Capital Improvement Needs	1,680,714	3,543,000	2,625,000	3,180,000	2,900,000	1,830,000
Principal & Interest on Long Term Debt	2,503,639	4,530,831	3,214,119	3,154,381	2,927,764	2,743,354
CASH OUTFLOW	4,184,353	8,073,831	5,839,119	6,334,381	5,827,764	4,573,354
ENDING CASH BALANCE	19,132,736	18,823,084	18,530,063	17,291,899	16,481,991	16,894,003
WORKING CAPITAL	18,359,439	18,327,468	18,181,134	17,162,598	16,405,048	16,857,184
Typical residential % change	0.74%	0.62%	-3.92%	0.00%	0.00%	0.00%

Table 4

	Fiscal 2017-2018 Current Rates			Fiscal 2018-2019 Proposed rates		
	Sewer Cap = 125%			Sewer Cap = 125%		
	Sewer (000 Gal.)	Water (000 Gal.)	Total	Sewer (000 Gal.)	Water (000 Gal.)	Total
Winter	14	14		14	14	
Spring	14	14		14	14	
Summer	18	33		18	33	
Fall	14	14		14	14	
Total	60	75		60	75	
Rate per 1000 gallons	\$4.60	\$3.20		\$4.60	\$3.14	
Usage charge	\$276.00	\$240.00	\$516.00	\$276.00	\$235.20	\$511.20
Annual basic rate	139.00	101.76	240.76	122.32	93.60	215.92
Total	\$415.00	\$341.76	\$756.76	\$398.32	\$328.80	\$727.12
% change				-4.02%	-3.79%	-3.92%

Increased cost for the Typical Portage Residential Customer

	<u>for sewer</u>	<u>for water</u>	<u>for both</u>
per year	-\$16.68	-\$12.96	-\$29.64
per quarter	-\$4.17	-\$3.24	-\$7.41
per month	-\$1.39	-\$1.08	-\$2.47
per week	-\$0.32	-\$0.25	-\$0.57
per day	-\$0.05	-\$0.04	-\$0.09

Project Expenditures (\$000)

Project Number/Title		Fiscal Year										Total
		18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	
1	Lift Station Renovations	500	500	500	500	750	500	500	500	500	500	5,250
2	Romence Road Sanitary Sewer, Angling Road to west end	295										295
3	Trunk Sewer Condition Assessment	225										225
4	Pump Station Mechanical Upgrades		400									400
5	South Westnedge Avenue Sanitary Sewer Lead Installation			60								60
6	Ramona Park Plat Sanitary Sewer			950								950
7	Weaver Drive Sanitary Sewer, Charles Street to north end					315						315
8	Zylman Avenue Sanitary Sewer, South Sprinkle Road to Deep Point Drive						660					660
TOTALS		1,020	900	1,510	500	1,065	1,160	500	500	500	500	8,155
Special Assessments		25		75		40	55					195
Municipal Street Fund		25		75		40	55					195
Sewer Fund cash		970	900	1360	500	985	1050	500	500	500	500	7,765

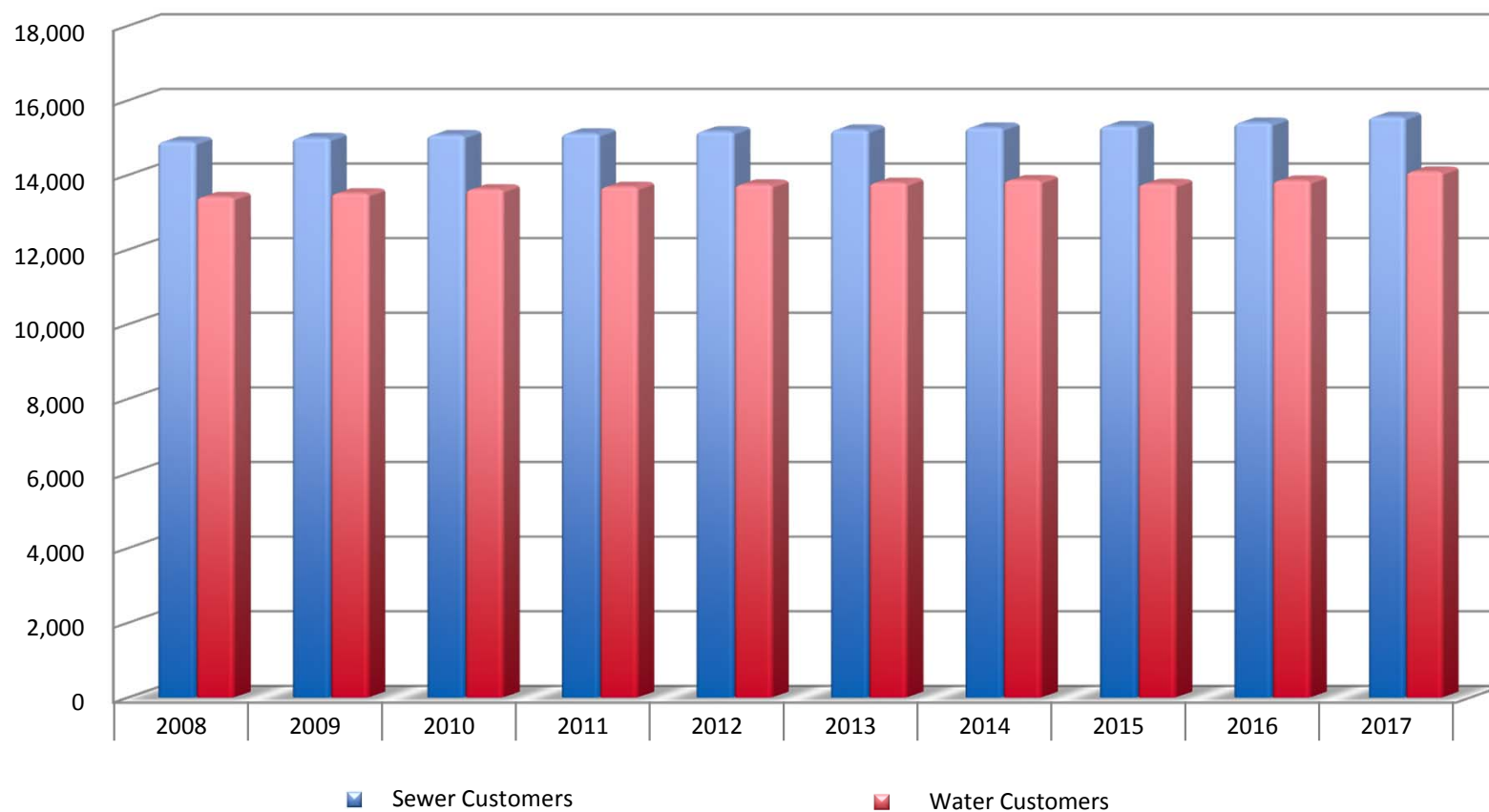
CAPITAL IMPROVEMENT PROJECT SUMMARY

WATER

Project Expenditures (\$000)

Project Number/Title	Fiscal Year										Total
	18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	
1 Storm Drainage Improvements Program	50	50	50	50	50	50	50	50	50	50	500
2 Water System Reliability Study Update	55					55					110
3 Romence Road Water Main Replacement	450										450
4 Lake Connection Elimination Program	275										275
5 Wetherbee Avenue Water Main Extension, Portage Road to Woodlawn Drive	200										200
6 Portage Road Water Main Extension, East Milham Avenue to 750 feet North	185										185
7 Willoughby Drive Water Main Extension, East Milham Avenue to the north end	110										110
8 Shaver Road Water Main Replacement		250		1,000							1,250
9 Northwest Water Storage Facility		6,000									6,000
10 Idaho Avenue Water Main Replacement		500									500
11 Portage Road Water Main Extension, Helen Avenue to Byrd Drive		350									350
12 Lakeview Avenue Water Main Replacement		500									500
13 Pine View Water Storage Facility Renovation		350									350
14 Consolidated Drain Rehabilitation			400								400
15 Ramona Park Plat Water Main			350								350
16 East Milham Avenue Water Main Replacement			250								250
17 SCADA System Upgrade			60								60
18 Schuring Road Water Main Replacement					525						525
19 East Shore Drive Water Main Replacement					310						310
20 Northeast Quadrant Well Field Development						1,200					1,200
21 Woodland Elementary School Water Main						115					115
22 Shuman Wellfield Iron Removal Facility						650	5,000				5,650
23 Lovers Lane Water Main Abandonment										50	50
TOTALS	1,325	8,000	1,110	1,050	885	2,070	5,050	50	50	100	19,690
Special Assessments			100								100
Capital Improvement Bonds		5,790		1,000	525	1,850	5,000				14,165
Other Financing (LDFA funds for water tower)		1,210									1,210
Water Fund Cash	1,325	1,000	1,010	50	360	220	50	50	50	100	4,215

NUMBER OF UTILITY CUSTOMERS



There were significant increases in customers up to the late 1990's but the system is close to serving the maximum number of potential customers available. Any significant increase in future customers is likely to come from new housing developments.

CITY OF PORTAGE

RESOLUTION

WATER RATES

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2018 at 7:00 p.m.

PRESENT:

ABSENT:

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____:

WHEREAS, it is necessary for the Council to establish by resolution rates for water service in the City of Portage.

NOW, THEREFORE BE IT RESOLVED: That the following rates are hereby established for charges to be paid by users of water service rendered by the water system in the City of Portage, said rates to be in effect commencing with the first billing after June 30, 2018.

A. CUSTOMER CHARGES

The charges to be paid by users of water service rendered by the water system shall consist of a basic quarterly charge plus commodity charges as follows:

<u>Meter Size</u>	<u>Basic Quarterly Charge</u>
5/8"	\$ 23.40
3/4"	\$ 35.10
1"	\$ 52.65
1-1/2"	\$ 93.60
2"	\$ 140.40
3"	\$ 234.00
4"	\$ 468.00
6"	\$ 819.00
8"	\$1170.00

COMMODITY CHARGES

For all use, except as may be provided under Hydrant Meter Charges, Fire Protection Service Charges and Township Customer Charges, the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
<u>Per 1000 Gallons</u>
\$3.14

B. TOWNSHIP CUSTOMER CHARGES

The basic quarterly charge for Pavilion Township and Schoolcraft Township customers shall be the same as charged to City customers, as detailed in section "A" above. Commodity charges for Pavilion Township and Schoolcraft Township customers shall be set at \$3.78 per thousand gallons of water used. Other charges and fees to township customers will be the same as for City of Portage customers.

C. FIRE PROTECTION SERVICE CHARGES

The charges to be paid by users of fire protection service rendered by the water system shall consist of a basic quarterly charge as follows:

Service <u>Size</u>	Basic Quarterly <u>Charge</u>
4"	\$ 15.00
6"	\$ 35.00
8"	\$ 60.00
10"	\$ 95.00
12"	\$135.00
16"	\$240.00

For all use metered on Fire Protection Services the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
<u>Per 1000 Gallons</u>
\$6.40

D. METER CHARGES

The charges to be paid for installing meters are as follows:

<u>Meter Size</u>	<u>Meter Charge</u>
5/8"	\$ 225
3/4"	\$ 280
1"	\$ 345
1 1/2"	\$ 815
2" SR (Irrigation)	\$ 1,010
2" (Compound)	\$ 2,225
3" (Compound)	\$ 2,925
4" (Compound)	\$ 4,530
6" (Compound)	\$ 7,840

E. METER BOX CHARGE

The charges to be paid for Meter Boxes are as follows:

<u>Service Provided</u>	<u>Meter Box Charge</u>
Meter Box	\$1,050

F. HYDRANT METER CHARGES

The charges to be paid for installation of hydrant meters and use of hydrant water are as follows:

<u>Service Provided</u>	<u>Hydrant Meter Charge</u>
Meter installation	\$150*
Hydrant Use	\$6.40/thousand gallons

*Charge includes 15,000 gallons of water.

Furthermore, a deposit of \$250 will be required before installation of the hydrant meter. The deposit will be applied to the charges and water usage.

H. HYDRANT FLOW TEST

A charge of \$135 per occurrence will be charged for a fire hydrant flow test to determine the quantity of water available for fire fighting use.

I. PROCESSING FEE

The charge to be paid by users having water service turned on is as follows:

<u>Service Provided</u>	<u>Processing Fee</u>
Turning on water service	\$50 (except for first time customers and customer repairs) \$100 (turn on after normal working hours)

This fee also applies to services that are turned off for delinquency and is applied once a city work order has been issued.

J. NON-SUFFICIENT FUNDS

A fee of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

K. UTILITY BILLING AUTOMATIC PAYMENT PLAN

A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.

L. WATER SHUT OFF DUE TO NON-PAYMENT

An amount past due of more than \$60.00 is established as the water shut-off level amount.

M. LATE FEE

The utility billing late fee shall be waived by the Finance Director under the following conditions:

1. (a) The customer has paid all of the last 12 or more quarterly utility bills on time; and

(b) The customer requests that the late fee be waived; or
2. The customer requests participation in the city's automatic payment program and the amount due is taken from their bank account on the due date. However, if the customer discontinues participation in the automatic payment program, no further waivers shall be granted under subsections 1(a) and (b) or this subsection 2.

YEAS:

NAYS:

Adam Herringa, City Clerk

CERTIFICATION

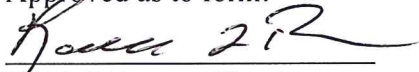
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of 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 _____ 2018, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature the _____ day of _____, 2018.

Adam Herringa, City Clerk

Approved as to form:



Randall Brown, City Attorney

WaterRateResolution2018

CITY OF PORTAGE

RESOLUTION

SEWER RATES

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2018 at 7:00 p.m.

PRESENT:

ABSENT:

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____:

WHEREAS, it is necessary for the Council to establish by resolution rates for sewer service in the City of Portage.

NOW, THEREFORE BE IT RESOLVED: That the following rates are hereby established for charges to be paid by users of wastewater service rendered by the wastewater system in the City of Portage, said rates to be in effect commencing with the first billing after June 30, 2018.

A. CUSTOMER CHARGES

The charges to be paid by users of wastewater service rendered by the sewer system shall consist of a basic quarterly charge plus commodity charges as follows:

<u>Meter Size</u>	<u>Basic Quarterly Charge</u>
5/8"	\$ 30.58
3/4"	\$ 45.87
1"	\$ 68.81
1-1/2"	\$ 122.32
2"	\$ 183.48
3"	\$ 305.80
4"	\$ 611.60
6"	\$1070.30
8"	\$1529.00

COMMODITY CHARGES

For all metered use, except as may be provided under Township Customer Charges, the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
<u>Per 1000 Gallons</u>
\$4.60

B. MINIMUM FOR NON-METERED (FLAT RATE) CUSTOMERS

The flat rate for non-metered customers shall be established based on water usage of 15,000 gallons per quarter.

	<u>Flat Charge</u>	<u>Basic Charge</u>	<u>Total Charge</u>
Per quarter based on commodity charge for 15,000 gallons	\$69.00	\$30.58	\$99.58

C. IRRIGATION ALLOWANCE

Residential customers shall be given a discount if the customer is eligible for an irrigation discount under City Ordinance as follows: 1) Charges for such customers shall be based on actual water consumption, except that there shall be no sewage charge for the water consumption exceeding 125 percent of the water consumption for the most recent quarter billing in which the month of January is included; 2) Residential customers who do not have a quarterly billing in which the month of January is included or who have a zero (0) water usage for the quarter which includes the month of January, shall have the sewer charge for the other three quarters established at the maximum rate volume of 15,000 gallons or actual usage, if less, per quarter until such time as quarterly billing information, in which the month of January is included, is available.

D. SURCHARGES AND CREDITS

Surcharges for pollutant loadings above standard domestic waste will be charged rates established by ordinance of the City of Kalamazoo. Industries which pretreat may qualify for credits for pollutant loading at a strength below standard domestic strength in accordance with rates established by ordinances of the City of Kalamazoo.

E. ADDITIONAL CHARGES

Additional charges shall be as follows:

- (1) Equal to the actual expense incurred by the City for removing prohibited material discharged or caused or allowed to be discharged by the user and/or for the handling and/or treating of material in the wastewater system; and
- (2) Equal to the actual expense incurred by the City for cleaning or repairing the waste water system or any part thereof as required by a discharge by, or caused or allowed by, a user.

F. TOWNSHIP CUSTOMER CHARGES

The basic quarterly charge for Schoolcraft Township customers shall be the same as charged to city customers, as detailed in Section "A" above. Commodity charges for Schoolcraft Township customers shall be set at \$5.18 per thousand gallons of water used. Other charges and fees to township customers shall be the same as for City of Portage customers.

G. NON-SUFFICIENT FUNDS

A fee of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

H. UTILITY BILLING AUTOMATIC PAYMENT PLAN

A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.

I. LATE FEE

The utility billing late fee shall be waived by the Finance Director under the following conditions:

1. (a) The customer has paid all of the last 12 or more quarterly utility bills on time; and
(b) The customer requests that the late fee be waived; or
2. The customer requests participation in the city's automatic payment program and the amount due is taken from their bank account on the due date. However, if the customer discontinues participation in the automatic payment program, no further waivers shall be granted under subsections 1(a) and (b) or this subsection 2.

YEAS:

NAYS:

Adam Herringa, City Clerk

CERTIFICATION

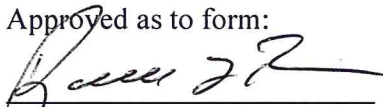
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of 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 _____ 2018, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature the _____ day of _____, 2018.

Adam Herringa, City Clerk

Approved as to form:



Randall Brown, City Attorney