

Traditional Holiday - Virtual Tree Lighting Ceremony & I Love Portage Essays

*Public Phone Line: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.)*

7:00 p.m.

Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations.

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting of November 17, 2020.
 - b. Pre-Council Meeting of November 30, 2020.
2. Approval of the Accounts Payable Register of December 1, 2020, as presented.
3. Approve:
 1. one-year contracts with Blue Cross Blue Shield of Michigan, Blue Care Network for employee health insurance;
 2. maintaining current employer/employee cost sharing practices by taking action to exempt the city from requirements of P.A. 152 for the 2021 medical benefits plan year, and authorize the City Manager to execute all documents related to the contract renewals on behalf of the city.
4. Confirm the appointment of Kelly Peterson as Director of Development Services.
5. Minutes of Boards & Commissions:
 - a. Construction Board of Appeals of September 15, 2020.
6. Materials Transmitted.
7. Calendar of Meetings:
 - Historic District Commission, Wednesday, December 2, 2020 - CANCELLED.
 - Planning Commission, Thursday, December 3, 2020 at 7:00 p.m. - Virtual Meeting.
 - Environmental Board, Wednesday, December 9, 2020 at 7:00 p.m. - Virtual Meeting.
 - Human Services Board, Thursday, December 10, 2020 at 6:30 p.m. - Virtual Meeting.
 - Zoning Board of Appeals, Monday, December 14, 2020 at 7:00 p.m. - Virtual Meeting.
 - Senior Citizen's Advisory Board, December 16, 2020 at 2:30 p.m. - Virtual Meeting.
 - *NOTE: All above meetings are subject to cancellation or inclusion/transition of a "virtual" aspect due to the on-going health crisis. Please monitor the City of Portage website at www.portagemi.gov for additional information. The public phone line to comment during public meetings is: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.) Meetings may be viewed live on Charter channel 995 and AT&T channel 99. All meetings can be viewed via live streaming at portagemi.gov/205.*

B. Petitions and Statements of Citizens:

C. Communications:

D. Public Hearings:

1. Approve Rezoning Application #20/21-2, 4627 S. Long Lake Drive, changing the zoning from B-1, local business to R-1B, single-family residential.

E. Regular Business Agenda:

F. Unfinished Business:

1. Adopt Ordinance Amendment #20/21-A, Grading and Soil Erosion Control.

G. Council Committee Reports:

H. New Business:

1. Set a hearing at City Hall on December 15, 2020, at 7:00 p.m. or as soon thereafter as may be heard, and provide the City Assessor and a representative of each of the taxing units which levies ad valorem taxes in the City of Portage an opportunity to be heard on the question of the transfer of the Industrial Facilities Tax Exemption Certificate from Scannell Properties to Stryker Corporation for Industrial Development District No. 90 at 6501 Portage Road.

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 17, 2020

Mayor Patricia Randall called the Regular Meeting to order at 7:00 p.m. The meeting was held virtually as permitted by Senate Bill 1108. Mayor Patricia M. Randall, Mayor Pro Tem Jim Pearson and Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, and Terry Urban were present. All members participated virtually from Portage, Michigan. Also in attendance were City Manager Joe La Margo, City Attorney Catherine Kaufman, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to honor all denominations and reflect upon all that people have to be thankful for during this unique Thanksgiving. Following the moment of silence, the City Council recited 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.3. Motion by Burns, seconded by Knapp, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Burns, seconded by Knapp, to approve the minutes of the Regular Meeting of October 20, 2020, and Pre-Council Meeting of November 2, 2020. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 17, 2020: Motion by Burns, seconded by Knapp, to approve the Accounts Payable Register of November 17, 2020. Upon a roll call vote, motion carried 7 to 0.

COMPUTER REPLACEMENTS - BID TABULATION: Motion by Burns, seconded by Knapp, to approve the three-year lease of replacement general-purpose computer devices and accessories from Capital Advantage Leasing of Grand Rapids, Michigan, at a total lease price of \$97,297.20 and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

AMENDMENT TO THE GENERAL APPROPRIATIONS ACT: Motion by Burns, seconded by Knapp, to amend the General Appropriations Act (budget) for the fiscal year ending June 30, 2021. Upon a roll call vote, motion carried 7 to 0.

EARLY REDEMPTION OF OUTSTANDING BONDS: Motion by Burns, seconded by Knapp, to adopt Refunding Bond Resolutions for City of Portage Capital Improvement Bonds, Series 2020C. Upon a roll call vote, motion carried 7 to 0.

2021 CITY COUNCIL MEETING SCHEDULE: Motion by Burns, seconded by Knapp, to establish the 2021 schedule of regular City Council meetings, and 2021 schedule of Pre-Council meetings. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Burns, seconded by Knapp, to receive the minutes of the Human Services Board of October 8, 2020. Upon a roll call vote, motion carried 7 to 0.

CALENDAR OF MEETINGS: Motion by Burns, seconded by Knapp, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: No citizens attended the meeting in-person or called into the meeting.

REGULAR BUSINESS:

HUMAN SERVICES BOARD - REMAINING VACANCIES: Mayor Randall summarized the reason for the special interviews, noting the October 6th Board and Commission interviews for the Human Services Board had two vacancies at which none of the new applicants were able to be present. She relayed that City Council was reluctant to make an appointment without first meeting the candidates. City Council first interviewed applicant Barbara Sagara who was present in Chambers.

City Council then interviewed applicant Cristy Cate who was attending remotely. Due to Ms. Cate's technical issues, City Council paused the interviews and moved on to the next Regular Business item regarding the Soil Erosion Ordinance Amendment. Following completion of that item, Ms. Cate was able to resolve her technical issues and City Council resumed interviewing her.

Following the interviews, motion by Burns, seconded by Pearson to appoint Ms. Sagara and Ms. Cate to the remaining two Human Services Board vacancies. City Clerk Eklov requested Councilmember Burns amend the motion to denote each applicant to a particular term. Amended motion by Burns, second maintained by Pearson, to appoint Barbara Sagara to the vacant term expiring October 1, 2023 and appoint Cristy Cate to the unfulfilled term expiring October 1, 2021 on the Human Services Board. Upon a roll call vote, motion carried 7 to 0.

ORDINANCE AMENDMENT #20/21-A, GRADING AND SOIL EROSION CONTROL: Mayor Randall introduced the item and asked Mayor Pro Tem Pearson to elaborate on pulling the item off the Consent Agenda. Mayor Pro Tem Pearson provided a brief background on the development of the ordinance and summarized the basis for the proposed amendment. He inquired about Section 42-965(b) regarding requirements for seeding/re-seeding land near waterways and whether the permitting process applied to private homeowners. Janelle Hohm from the Michigan Department of Environment, Great Lakes and Energy (EGLE) confirmed that private homeowners with riparian access are required to follow the same permitting process for seeding or re-seeding a property adjacent to waterways under state law. She further clarified the proposed amendments were to bring the City of Portage ordinance in line with state requirements. Interim Community Development Director Chris Forth confirmed that his department oversees this program for the City of Portage and historically assists private property owners through this permit process. Mayor Pro Tem Pearson stated that the law appears to have been written with the focus on a developer and is concerned that such a process for a private homeowner is burdensome. He cited his own background as a riparian

owner with regard to the ability to seed a front or side lot. Ms. Hohm responded that state law governs the process, which is applicable to all municipalities in Michigan. She stated that in some areas the county governments oversee the process as opposed to local governments, such as Portage. Ms. Holm further stated that Kalamazoo County could take over the permit process oversight for the City of Portage if necessary.

Councilmember Burns noted agreement with Mayor Pro Tem Pearson that the state requirement appeared burdensome to private homeowners, but noted the quality of service Portage residents would receive with the permitting process remaining locally. He stated he would be supporting the recommended action.

Councilmember Reid inquired of both Interim Director Forth and Ms. Holm regarding the resources available to homeowners on the permitting process. Ms. Holm noted EGLE has a website regarding the program, but highlighted that the content focuses more toward government agencies like the City of Portage. Interim Director Forth responded the Community Development Department has the application materials and supplementary checklist available for homeowners.

Mayor Pro Tem Pearson noted he would not be supporting the recommended action citing concerns with the state law. Councilmember Burns offered support in seeking the assistance of the local state representative to recommend a change to the state law.

Motion by Burns, seconded by Knapp, to accept Ordinance Amendment #20/21-A, Grading and Soil Erosion Control, for first reading and consider final adoption on December 1, 2020. Upon a roll call vote, motion carried 6 to 1 with Mayor Pro Tem Pearson voting no.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp provided an update on the Austin Lake Governmental Lake Board. She stated the Board had received mixed results from the lake aeration project aimed at improving water quality. As a result, Councilmember Knapp relayed that the Board voted unanimously to end the project early. She stated that this action left unexpended funding the Board would be reviewing in future meetings.

Councilmember Burns provided an update on the Central County Transportation Authority. He highlighted the upcoming millage renewal for the Kalamazoo County Transit Authority. Councilmember Burns stated the Authority decided to pose the millage renewal question with the November 2021 election.

Mayor Pro Tem Pearson noted his prior appointment on the Austin Lake Governmental Lake Board and praised the cancellation of the aeration project. Motion by Pearson, seconded by Reid, to receive the Council Committee Reports as presented. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER:

Councilmember Burns encouraged everyone to celebrate the upcoming Thanksgiving holiday safely, noting his family would be celebrating over Zoom this year. He also relayed that his household was getting a new puppy.

Councilmember Knapp expressed appreciation for the city video on kindness and thanked staff for its production. She then thanked the applicants for the Human Services Board. Councilmember Knapp closed by wishing everyone a safe and healthy Thanksgiving.

Councilmember Ledbetter thanked the City Administration for producing and including his own family in the kindness video, a topic he stressed during the holidays. He then

highlighted National Native American Heritage Month. Councilmember Ledbetter closed by wishing everyone a good Thanksgiving, noting his family would also be celebrating via Zoom.

City Manager La Margo provided an update regarding the city business in light of COVID-19. He then provided an update regarding the annual Tree Lighting Ceremony and the move to a virtual format scheduled for presentation before the December 1 Regular City Council Meeting. Mr. La Margo closed by highlighting the city's new video on kindness and stressed checking in with loved ones during the coming holidays.

Councilmember Reid stated her support of reviewing the Soil Erosion requirements with the state alongside Mayor Pro Tem Pearson. She then highlighted the November 15 orders issued by the Michigan Department of Health and Human Services (MDHHS) regarding COVID-19. Ms. Reid closed by praising the kindness video and stressed that continuing to wear a mask to protect the health of others is an act in kindness.

Councilmember Urban urged everyone to follow the recent MDHHS orders noting recent COVID-19 infection rates in the State of New York. He then compared the infection rates in the State of Michigan and highlighted the new developing on the new COVID-19 vaccine by Pfizer.

Mayor Pro Tem Pearson thanked Councilmembers Reid and Burns for their support and noted his plans to pursue the matter at the state level. He closed in stating he anticipation for the December 1st City Council Meeting in order to hear the name of Councilmember Burns' new puppy.

Mayor Randall expressed her appreciation for the kindness video and thanked City Manager La Margo for the idea. She complimented the Department of Public Works on its Fall Leaf Collection Program efforts, noting the large volume of leaves for collecting this year. She closed by wishing everyone a safe and happy Thanksgiving holiday.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:14 p.m.

Erica L. Eklov, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF NOVEMBER 30, 2020**

Mayor Patricia Randall, via the WebEx meeting platform, called the meeting to order at 8:01 a.m. Councilmembers Chris Burns, Vic Ledbetter, Claudette Reid, and Mayor Pro Tem Jim Pearson also joined via the WebEx meeting platform. In compliance with Senate Bill 1108, the Mayor and Councilmembers disclosed that they were all participating in the meeting virtually from Portage, Michigan. Councilmembers Knapp and Urban were absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, and City Clerk Erica Eklov.

With regard to Item A.4, Mayor Randall inquired whether Ms. Peterson would be present at the meeting. City Manager La Margo confirmed she would be attending virtually.

With regard to Item F.1, Councilmember Reid inquired about the current cost for a Soil Erosion Permit and whether the City Administration planned to increase the fee because of the updated ordinance. Deputy City Manager Carroll responded that the current fee for residential projects is \$50.00, while commercial and larger projects have an increased fee. He noted there was no plan to alter the current fees. Councilmember Reid stressed the importance of keeping this particular permit fee as low as possible. City Manager La Margo agreed.

Mayor Randall inquired about the Virtual Tree Lighting Ceremony planned directly before the Regular City Council Meeting. Discussion regarding the schedule of events followed.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:08 a.m.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approval of the Accounts Payable Register of December 1, 2020, as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks, auto-pay payments, and electronic payments. The attached Accounts Payable Register covers the period November 8, 2020 through November 21, 2020 and notes \$649,032.76 in automated clearing house payments, \$1,499,114.29 in paper checks, \$38,750.09 in autopay payments, and \$3,054,092.26 in electronic payments for a grand total of \$5,240,989.40.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of December 1, 2020

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/08/2020 to 11/21/2020

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Check Type: ACH Transactions

Check Date	Check	Vendor Name	Description	Amount
11/13/2020	14092(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,580.20
11/13/2020	14093(A)	ALL-TRONICS, INC.	GLTC FIRE ALARM MONITORING	81.00
11/13/2020	14094(A)	ALRO STEEL CORPORATION	REPAIR AND MAINTENANCE SUPPLIES	146.50
11/13/2020	14095(A)	AMERICAN SAFETY & FIRST AID	SAFETY AND FIRST AID	267.73
11/13/2020	14096(A)	BATTERIES PLUS	FIRE MAINT SUPPLIES	65.00
11/13/2020	14097(A)	BELL EQUIPMENT COMPANY	SWEEPER MAINTENANCE	429.00
11/13/2020	14098(A)	C C I SOUTH, INC.	EMERGENCY PHONE	1,663.00
11/13/2020	14099(A)	C M P DISTRIBUTORS, INC.	AMMUNITION	2,545.00
11/13/2020	14100(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	2,485.81
11/13/2020	14101(A)	CARLETON EQUIPMENT CO.	EQUIPMENT MAINTENANCE	742.04
11/13/2020	14102(A)	CARRIER & GABLE	TRAFFIC SIGNAL SUPPLIES	3,199.10
11/13/2020	14103(A)	CLEAN EARTH ENVIRONMENTAL SERV	VIDEO STORM PIPE AT 512 BARBERRY	749.00
11/13/2020	14104(A)	COMPASS MINERALS AMERICA INC	ICE CONTROL SALT	3,782.94
11/13/2020	14105(A)	DEER CONTRACTING & LANDSCAPE	SIDEWALK REPAIRS	1,421.00
11/13/2020	14106(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	991.11
11/13/2020	14107(A)	ENGINEERED PROTECTION SYSTEMS, INC.	FIRE ST 2. INSTALLATION OF SECURITY EQUIP	20,050.00
11/13/2020	14108(A)	ENTENMANN-ROVIN CO.	RANGER BADGES	236.50
11/13/2020	14109(A)	ETNA SUPPLY, INC.	REPAIR & MAINT SUPPLIES-PARKS	606.15
11/13/2020	14110(A)	EVERETT, CHIP	FIRE TRAINING	349.00
11/13/2020	14111(A)	FARM N GARDEN	DPW GATE SERVICE CALLS	315.00
11/13/2020	14112(A)	FARR ASSOCIATES AND URBAN DESIGN PC	URBAN PLANNING & DESIGN SVC/PORTAGE RD	3,000.00
11/13/2020	14113(A)	FERRELLGAS, LP	GENERATOR RENTAL AT CITY HALL	36.00
11/13/2020	14114(A)	FURRY, WILLIAM	FINANCE CONSULTANT SERVICES	1,487.50
11/13/2020	14115(A)	GORDON WATER SYSTEMS	WATER SERVICE	518.30
11/13/2020	14116(A)	GRAINGER INC	HI VIS SHIRTS, MAINT SUPPLIES	847.10
11/13/2020	14117(A)	GRIFFIN PEST SOLUTIONS, INC.	ANT CONTROL-BICENTENNIAL PARK	263.00
11/13/2020	14118(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	9,376.43
11/13/2020	14119(A)	I.E.S.P. DBA COPSGEAR	NOPTIC THERMAL CAMERA REPAIR	220.50
11/13/2020	14120(A)	INDUSCO SUPPLY CO., INC.	CITY HALL RESTROOM SUPPLIES	387.68
11/13/2020	14121(A)	INTERNATIONAL CODE COUNCIL, INC	MICHIGAN CODE BOOK	44.00
11/13/2020	14122(A)	IRISH AYRES ENTERPRISES, LLC	MOWING, TRIMMING, LANDSCAPE MAINT	15,293.56
11/13/2020	14123(A)	J & J LAWN SERVICE, INC.	UTILITY MOWING AND TRIMMING	9,929.65

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/08/2020 to 11/21/2020

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Check Date	Check	Vendor Name	Description	Amount
11/13/2020	14124(A)	JACK DOHENY SUPPLIES INC.	VACTOR SUPPLIES	43.12
11/13/2020	14125(A)	KUSHNER & COMPANY, INC.	KUSHNER & CO. FSA & COBRA ADMIN	392.82
11/13/2020	14126(A)	LANDS END	RECORDS & IC UNIFORMS	143.18
11/13/2020	14127(A)	LAWSON PRODUCTS, INC	REPAIR & MAINT SUPPLIES	2,376.91
11/13/2020	14128(A)	LOWE'S HOME CENTER	FIRE FACILITY MAINT	96.52
11/13/2020	14129(A)	MARANA GROUP	METER SERVICE	273.00
11/13/2020	14130(A)	MAYHEW, BRYAN	REIMB INSURED SHIPPING OF FARO TO MFR	716.65
11/13/2020	14131(A)	MCNALLY ELEVATOR CO.	ELEVATOR MAINTENANCE	145.65
11/13/2020	14132(A)	MEJEUR ELECTRIC LLC	DPW GATE WORK	1,058.00
11/13/2020	14133(A)	MICHIGAN PAVING & MATERIALS CO.	MILL & FILL ASPHALT REPAIRS	261.12
11/13/2020	14134(A)	MULDERS LANDSCAPE SUPPLIES INC	SIDEWALK REPAIR RESTORE	577.00
11/13/2020	14135(A)	MULDERS LANDSCAPE SUPPLIES INC	HYDRANT METER DEPOSIT REFUND	100.00
11/13/2020	14136(A)	ONE WAY PRODUCTS	TOUCHLESS SOAP DISPENSERS	1,280.70
11/13/2020	14137(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICE	15,418.68
11/13/2020	14138(A)	PEOPLEFACTS, LLC	EMPLOYEE BACKGROUND CHECKS	33.90
11/13/2020	14139(A)	PERCEPTIVE CONTROLS, INC.	BLOCK STATION MAINTENANCE	1,129.00
11/13/2020	14140(A)	PREMIER SAFETY	FIRE SCBA MAINTENANCE	750.00
11/13/2020	14141(A)	PREMIER TRUCK SALES & RENTAL, INC.	BRUSH REMOVAL	5,142.87
11/13/2020	14142(A)	PRINTING SERVICES INC	BE BRIGHT BANNER PRINTING	147.00
11/13/2020	14143(A)	R W LAPINE INC.	HVAC MAINTENANCE SERVICES	3,690.50
11/13/2020	14144(A)	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE DISPOSAL SERVICES	2,356.61
11/13/2020	14145(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	231.74
11/13/2020	14146(A)	ROE-COMM, INC.	DVR & SWAT CHANNELS FOR 4 SWAT RADIOS	600.00
11/13/2020	14147(A)	ROTO-ROOTER SEWER & DRAIN SERV	ROUTINE SEWER CLEANING	497.03
11/13/2020	14148(A)	S B F ENTERPRISES, INC.	PRINTING/PROCESSING QTLY WATER	600.46
11/13/2020	14149(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	33.00
11/13/2020	14150(A)	SUEZ WATER ENVIRONMENTAL SERVICES	WATER METERS-SEPTEMBER 2020	24,290.33
11/13/2020	14151(A)	WARNER OIL COMPANY INC	2 DRUMS & DEPOSIT FOR LEAF PUCK UP	337.50
11/13/2020	14152(A)	WEST MICHIGAN INT'L LLC	EQUIPMENT MAINTENANCE	165.65
11/13/2020	14153(A)	WEST MICHIGAN STAMP & SEAL, INC	NAME PLATES FOR PLANNING COMMISSION	73.00
11/13/2020	14154(A)	WIGHTMAN	MEREDITH/SPRINKLE WATER MAIN REPLACEMENT	887.50
11/13/2020	14155(A)	WOLFE, MATTHEW	REIMB TRAVEL EXP-PROFESSION IN CRISIS	252.46
11/13/2020	14156(A)	WOLVERINE POWER SYSTEMS	ANNEX/HQ GENERATOR PM/OIL CHANGE	720.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/08/2020 to 11/21/2020

Check Date	Check	Vendor Name	Description	Amount
11/13/2020	14157(A)	XEROX CORPORATION	XEROX AGREEMENT SEPTEMBER 2020	210.85
11/13/2020	14158(A)	SYNERGISTIC ONLINE SOLUTIONS	HARDWARE MAINT & DISASTER RECOVERY	3,950.00
11/20/2020	14159(A)	A NEW LEAF	PLANT CARE @ CITY HALL	93.50
11/20/2020	14160(A)	AIRGAS USA LLC	WELDING SUPPLIES	805.02
11/20/2020	14161(A)	ALRO STEEL CORPORATION	REPAIR AND MAINTENANCE SUPPLIES	113.00
11/20/2020	14162(A)	ANALYTICAL TESTING & CONSULTIN	CDBG THILL 6828 ROTHBURY LBP TESTING	500.00
11/20/2020	14163(A)	B L HARROUN & SON INC.	LEAK REPAIR @ CITY HALL CONFERENCE ROOM	1,439.87
11/20/2020	14164(A)	BATTERIES PLUS	MISC BATTERIES	77.85
11/20/2020	14165(A)	BLUE CARE NETWORK-GREAT LAKES	BCN INSURANCE	148,454.82
11/20/2020	14166(A)	CAPITAL ADVANTAGE LEASING	KONICA MINOLTA COPIER LEASE	693.15
11/20/2020	14167(A)	CARRIER & GABLE	S WESTNEDGE/MALL DRIVE T/S CAMERA	4,970.00
11/20/2020	14168(A)	CHARTER COMMUNICATIONS	CABLE TV	676.99
11/20/2020	14169(A)	CLEANIT CORP	CAR WASHES	60.00
11/20/2020	14170(A)	COMPASS MINERALS AMERICA INC	ICE CONTROL SALT	130,996.24
11/20/2020	14171(A)	DEER CONTRACTING & LANDSCAPE	SIDEWALK REPLACEMENT	4,437.00
11/20/2020	14172(A)	DENISTON, AMBER	REIMB STATE TAX COMMISSION RENEWAL	175.00
11/20/2020	14173(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	1,633.69
11/20/2020	14174(A)	DOSTER, KYLE	TRAVEL REIMB DE-ESCALATION & CRISIS COMM	238.72
11/20/2020	14175(A)	EKLOV, ERICA	MVIC BALLOT INFO CARDS & HOLDER	439.71
11/20/2020	14176(A)	FOREMOST SALES COMPANY LLC	PARK FACILITY CLEANING	5,795.00
11/20/2020	14177(A)	GORDON WATER SYSTEMS	WATER SERVICE	104.75
11/20/2020	14178(A)	GREATER KALAMAZOO UNITED WAY	UNITED WAY DEDUCTIONS-NOVEMBER 2020	223.68
11/20/2020	14179(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL SERVICES	460.00
11/20/2020	14180(A)	LAWSON PRODUCTS, INC	REPAIR AND MAINTENANCE SUPPLIES	212.45
11/20/2020	14181(A)	LEWIS PAPER PLACE, INC.	COPY PAPER FOR CITY WIDE USE	1,340.47
11/20/2020	14182(A)	MIH MICHIGAN LLC	DISASTER RECOVERY SVC MONTHLY CHARGE	1,757.70
11/20/2020	14183(A)	OFF THE CUFF CATERING	BOXED MEALS FOR ELECTION WORKERS	465.00
11/20/2020	14184(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICE	8,061.04
11/20/2020	14185(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES-NOVEMBER 2020	1,740.00
11/20/2020	14186(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FIREFIGHTER UNION DUES-NOV 2020	34.59
11/20/2020	14187(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA PORTION OF PPOA UNION DUES-NOV 2020	637.00
11/20/2020	14188(A)	POWERDMS, INC.	ANNUAL SUBSCRIPTION RENEWAL	850.00
11/20/2020	14189(A)	PRINTING SERVICES INC	PORTAGER PRODUCTION	5,518.33

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/08/2020 to 11/21/2020

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Check Date	Check	Vendor Name	Description	Amount
11/20/2020	14190(A)	R W LAPINE INC.	HVAC MAINTENANCE SERVICES	11,886.44
11/20/2020	14191(A)	VOID		0.00
11/20/2020	14192(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE AND DIESEL	11,972.75
11/20/2020	14193(A)	RIDGE AUTO NAPA	MAINTENANCE SUPPLIES	101.59
11/20/2020	14194(A)	ROE-COMM, INC.	FIRE COMMUNICATIONS-BATTERIES	354.00
11/20/2020	14195(A)	SEVERANCE ELECTRIC COMPANY,INC	TRAFFIC SIGNAL REPLACEMENT S. WESTNEDGE	140,954.15
11/20/2020	14196(A)	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	360.95
11/20/2020	14197(A)	SUEZ WATER ENVIRONMENTAL SERVICES	BLOCK STATION MAINTENANCE - E. OSTERHOUT	1,700.00
11/20/2020	14198(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES FOR NOVEMBER 2020	446.89
11/20/2020	14199(A)	WARNER NORCROSS & JUDD LLP	LEGAL & RETAINER FEES	3,720.00
11/20/2020	14200(A)	WARNER OIL COMPANY INC	DEF DRUM & DEPOSIT	228.75
11/20/2020	14201(A)	XEROX CORPORATION	OCTOBER 2020 XEROX PAYMENT	211.12
Total ACH:				649,032.76

Check Type: Paper

11/09/2020	315184	CHICAGO TITLE OF MICHIGAN, INC.	CITY PROPERTY PURCHASE @ 225 E CENTER AV	201,125.90
11/10/2020	315185	CHICAGO TITLE OF MICHIGAN, INC.	CITY PROPERTY PURCHASE @ 225 E CENTRE AV	8,829.28
11/13/2020	315186	4 SEASONS TREE SERVICES, LLC	TREE REMOVAL @ RETENTION BASIN/WOODLAND	1,600.00
11/13/2020	315187	4 SEASONS TREE SERVICES, LLC	TREE REMOVAL @ RETENTION BASIN/VANHOESSEN	2,800.00
11/13/2020	315188	7206 WESTNEDGE LLC	BD BOND REFUND	1,240.00
11/13/2020	315189	8150 BUILDING, LLC	BD BOND REFUND	375.00
11/13/2020	315190	A M LEONARD	LEAF PICK UP SUPPLIES	131.53
11/13/2020	315191	ACTION TRAFFIC MAINTENANCE	GUARDRAIL REPAIRS	4,150.00
11/13/2020	315192	ADP, INC.	MONTHLY ETIME AND IDI	4,333.65
11/13/2020	315193	ADVANCE II LLC	TEMP EMPLOYEE SERVICE	691.60
11/13/2020	315194	AFFORDABLE LIMOUSINE LLC	TROLLEY RENTAL	663.34
11/13/2020	315195	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	1,663.00
11/13/2020	315196	AMERICAN ARBOR LLC	TREE WORK-REMOVAL/PRUNE/STUMP GRINDNG	9,132.00
11/13/2020	315197	AT&T	ELECTRONIC COMMUNICATIONS	6,572.42
11/13/2020	315198	AVIAN SEARCH PARTNERS LLC	FINANCE DEPUTY DIRECTOR RECRUITMENT	18,000.00
11/13/2020	315199	BAKER, STACEY	REIMB INTL FOUND FOR EMPLOYEE BENEFIT MSHP	325.00
11/13/2020	315200	BARLOW, STEVEN	FIRE APPARATUS MAINT	340.00
11/13/2020	315201	BLAIN SUPPLY, INC.	LEAF PICK UP-OPERATING SUPPLIES	62.34

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Check Date	Check	Vendor Name	Description	Amount
11/13/2020	315202	BLUE CROSS/BLUE SHIELD OF MICH	BCBSM INSURANCE	43,542.63
11/13/2020	315203	CC CONSULTING LLC	CONSULTING SVC/RETAIL MARKETING ANALYSIS	1,500.00
11/13/2020	315204	CHICAGO TITLE OF MICHIGAN	OP WATER/SEWER AT 6648 TROTWOOD	64.65
11/13/2020	315205	CHICAGO TITLE OF MICHIGAN	OP FINAL WATER SEWER BILL 5327	33.73
11/13/2020	315206	CINTAS CORP.	UNIFORM RENTAL FOR INSPECTORS	639.61
11/13/2020	315207	CITY OF KALAMAZOO TREASURER	WATER SERVICES	312.12
11/13/2020	315208	CLARK, JASON	CDBG SMITH 8830 WARUF ROOFING	9,047.21
11/13/2020	315209	COMMUNITY IMAGE BUILDERS	CONSULTING/REDEV READY COMMUNITIES	11,062.00
11/13/2020	315210	CORELOGIC TAX SERVICES, LLC	OP STAX20 PENALTY PARCEL 01422-103-O	29.01
11/13/2020	315211	COSTAR REALTY INFORMATION, INC.	COMM REAL ESTATE DATABASE	367.23
11/13/2020	315212	CREATIVE CIVIC SOLUTIONS LLC	PORTAGE RD & CROSSROADS MALL CONSULTANT	3,000.00
11/13/2020	315213	D L GALLIVAN INC.	COPY MACHINE USAGE CHARGES	169.34
11/13/2020	315214	DAVE'S CONCRETE PRODUCTS, INC.	CONCRETE FOR REPAIRS	582.50
11/13/2020	315215	DE WOLFE, RICHARD II & TERESA L	BD PAYMENT REFUND	50.00
11/13/2020	315216	DEVON TITLE AGENCY	OP FINAL SEWER BILL 4736 CHASEM	27.46
11/13/2020	315217	DIFFIN, TONNIE	REPLACE STALE CHECK - ELECTION WORKER	159.82
11/13/2020	315218	EMERGENCY VEHICLE PRODUCTS	DOCKING STATIONS/OUTFITTING 4 POL VEH	10,298.75
11/13/2020	315219	ENVIRONMENTAL RESOURCES GROUP, LLC	STORM WATER MONITORING PROGRAM	10,749.04
11/13/2020	315220	FIDLAR COMPANIES	ADDITIONAL RESOLUTIONS/BOOK/PAPER	342.58
11/13/2020	315221	FOOT LOCKER INC	MSTC DOCKET #154-20-0218-REFUND	12.72
11/13/2020	315222	FOUNDATION BUILDING MATERIALS LLC	CEILING TILES FOR CITY HALL	75.60
11/13/2020	315223	GOLDEN TREE APARTMENTS	PRECINCT PAYMENTS	100.00
11/13/2020	315224	GOVHR USA, LLC	COMM DEV DIRECTOR RECRUITMENT	6,666.00
11/13/2020	315225	GREAT LAKES SYSTEMS, INC.	POLICE ROOF REPLACEMENT	29,200.00
11/13/2020	315226	GREAT LAKES WEST, LLC	NEW FIRE ST2 - COFFEE MAKERS/CARAFES	1,586.62
11/13/2020	315227	HALL BUILDERS LLC	NEW FIRE ST2 - GENERAL CONTRACT SVCS	340,360.61
11/13/2020	315228	HERPETOLOGICAL RESOURCE MANAGEMENT	HAMPTON BOG BOTANICAL ASSESSMENT	3,295.00
11/13/2020	315229	HOME DEPOT	MISCELLANEOUS BUILDING SUPPLIES	1,529.07
11/13/2020	315230	VOID		0.00
11/13/2020	315231	HORN, STEPHANIE	SCHRIER PARK BLD. DEPOSIT REFUND	150.00
11/13/2020	315232	HUBER, MEGAN	REIMB STRING LIGHTS-TRAD HOL TREE WALK	393.41
11/13/2020	315233	INSIGHT PUBLIC SECTOR, INC.	ADOBE PRO 2020 LICENSE	414.12
11/13/2020	315234	INSTITUTE OF TRANSPORTATION ENG	ITE MEMBERSHIP FOR ARIF	315.00

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Check Date	Check	Vendor Name	Description	Amount
11/13/2020	315235	JENNINGS, PAUL	BD BOND REFUND	775.00
11/13/2020	315236	KALAMAZOO AREA TRANSPORTATION STUDY	KATS MEMBERSHIP DUES	1,500.00
11/13/2020	315237	KALAMAZOO CORNHOLE, LLC	CORNHOLE LEAGUE FEE PAYOUT	560.00
11/13/2020	315238	KALAMAZOO COUNTY HEALTH & COMMUNITY	DPW WASTE DISPOSALS	285.24
11/13/2020	315239	KALAMAZOO COUNTY TREASURER	OAKBROOK NOVEMBER MOBILE HOME TAXES	1,100.00
11/13/2020	315240	KALAMAZOO FIRST ASSEMBLY OF GOD	PRECINCT PAYMENTS	100.00
11/13/2020	315241	KALAMAZOO FLAG COMPANY, LLC	FLAG REPLACEMENT	347.00
11/13/2020	315242	KALAMAZOO OIL COMPANY	FUEL FOR SMALL EQUIPMENT	148.25
11/13/2020	315243	KANTOLA PRODUCTIONS	EMPLOYEE TRAINING LIBRARY	4,880.95
11/13/2020	315244	KENTWOOD OFFICE FURNITURE INC.	CITY MANAGER ADMIN FURNITURE	5,097.50
11/13/2020	315245	KSS ENTERPRISES	DISINFECTANT WIPES	123.31
11/13/2020	315246	LANGUAGE LINE, INC	LANGUAGE SERVICES	95.79
11/13/2020	315247	LORD OF LIFE LUTHERAN CHURCH	PRECINCT PAYMENT	100.00
11/13/2020	315248	LUPINA, SAMANTHA	SCHOOL HS & AMP DEPOSIT/RENTAL FEES REF	225.00
11/13/2020	315249	MANDERS, HARRISON	FIRE TRAINING	467.43
11/13/2020	315250	MATTRESS MART	NEW FIRE ST2 -MATTRESSES/FRAMES	4,982.40
11/13/2020	315251	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	45.00
11/13/2020	315252	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR AND MAINT	777.33
11/13/2020	315253	MICHIGAN ELECTION RESOURCES, LLC	ELECTION SUPPLIES	486.40
11/13/2020	315254	MICHIGAN PARKINSON FOUNDATION	GRAIN ELEV DEPOSIT & RENTAL REFUND	400.00
11/13/2020	315255	MIGALA CARPET ONE, INC.	CDBG SMITH 8830 WARUF FLOORING	4,302.79
11/13/2020	315256	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL LEGAL SERVICES	2,820.00
11/13/2020	315257	MLIVE MEDIA GROUP	OCT 2020 PUBLIC NOTICES--MLIVE	1,397.58
11/13/2020	315258	MMTA	MMTA MEMBERSHIP DUES	75.00
11/13/2020	315259	MOSES FIRE EQUIPMENT, INC.	FIRE HOSE SUPPLIES	84.19
11/13/2020	315260	MULDER, MATT	GRAIN ELEVATOR DEPOSIT & RENTAL REFUND	242.50
11/13/2020	315261	NAPIER, PEGGY	REIMB MONS MASH- FRANCO'S PIZZA FOR STAFF	144.95
11/13/2020	315262	NATIONS TITLE AGENCY OF MICHIGAN	OP WATER SEWER 5832 COPPERLEAF	49.16
11/13/2020	315263	NATIONS TITLE AGENCY OF MICHIGAN	OP 5807 MONTICELLO WATER/SEWER	451.30
11/13/2020	315264	O'REILLY AUTO PARTS	FIRE APPARATUS MAINT	40.98
11/13/2020	315265	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,373.31
11/13/2020	315266	VOID		0.00
11/13/2020	315267	OWEN AMES KIMBALL	HYDRANT METER DEPOSIT REFUND	23.20

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11/13/2020	315268	PATHFINDER CHURCH	PRECINCT PAYMENT	100.00
11/13/2020	315269	PERRY, TINA	MCAT COURSE REIMBURSEMENT OF EXPENSES	296.14
11/13/2020	315270	PETER BASSO ASSOCIATES, INC.	NEW FIRE ST2 COMMISSIONING SERVICES	4,311.08
11/13/2020	315271	PORTAGE CHAPEL HILL UMC	PRECINCT PAYMENT	100.00
11/13/2020	315272	PRINCE OF PEACE LUTHERAN CHURCH	PRECINCT PAYMENT	100.00
11/13/2020	315273	PRINCIPAL FINANCIAL GROUP	ACTUARIALLY RECOMMENDED CONTRIBUTION	44,646.00
11/13/2020	315274	PROJECT LIFESAVER INC	PROJECT LIFESAVER BATTERY/BAND/TRANSMIT	434.42
11/13/2020	315275	PUBLIC AGENCY TRAINING COUNCIL, INC	DE-ESCALATION & CRISIS COMMUNICATION TR	325.00
11/13/2020	315276	PURITY CYLINDER GASES, INC	WELDING SUPPLIES	52.74
11/13/2020	315277	QUADMED, INC.	FIRE EMS SUPPLIES	360.45
11/13/2020	315278	RAFFERTY, ERIN	BANDSHELL DEPOSIT RENTAL REFUND	150.00
11/13/2020	315279	RATHCO SAFETY SUPPLY, INC.	LANDSCAPE IMPROVEMENTS	10,565.00
11/13/2020	315280	ROAD COMMISSION OF KALAMAZOO COUNTY	DURAPATCHER MATERIAL	3,437.05
11/13/2020	315281	SAFEBUILT MICHIGAN, LLC	FILL IN INSPECTIONS FOR BUILDING SERVICE	7,245.00
11/13/2020	315282	SARKOZY BAKERY LLC	SNAP REIMBURSEMENT	101.00
11/13/2020	315283	SCHIEMAN, KIRK & KAREN	BD BOND REFUND	375.00
11/13/2020	315284	SEAMLESSDOCS	SEAMLESSDOCS SOFTWARE RENEWAL	15,125.00
11/13/2020	315285	SEVO, MONA LISA	TRIP REFUND 190609 CUBS/CARDINALS	140.00
11/13/2020	315286	SHERMAN TOOL / CORNWELL TOOLS	SHOP TOOLS	98.14
11/13/2020	315287	SHI INTERNATIONAL CORP.	LAPTOPS/MONITORS/10GB SFP FOR FIRE ST 2&3	2,444.00
11/13/2020	315288	SIRCHIE FINGER PRINT LABORATORIES	MISC INFO CENTER SUPPPIES/FINGERPRINTING	620.22
11/13/2020	315289	ST. CATHERINE OF SIENA CHURCH	PRECINCT PAYMENT	100.00
11/13/2020	315290	STATE OF MICHIGAN	SOR REGISTRATION FEES	90.00
11/13/2020	315291	STATE SYSTEMS RADIO, INC	EQUIPMENT RADIO SERVICES	2,673.67
11/13/2020	315292	STEENSMA LAWN & POWER EQUIPMENT	SMALL EQUIPMENT- PARKS	256.43
11/13/2020	315293	SUZOR, EMILY	HAYLOFT DEPOSIT & RENTAL REFUND	535.00
11/13/2020	315294	SYNTECH INC.	FUELMaster ANNUAL MAINT AGREEMENT	2,650.00
11/13/2020	315295	TARGET SOLUTIONS LEARNING LLC	FIRE SOFTWARE	3,038.50
11/13/2020	315296	TENNIS COURTS UNLIMITED, INC.	GRAFFITI REMOVAL	1,000.00
11/13/2020	315297	THE BRIDGE	PRECINCT PAYMENTS	100.00
11/13/2020	315298	TIMID RABBIT MAGIC & MAS. SHOP	SANTA COSTUME - TRADITIONAL HOLIDAY	73.00
11/13/2020	315299	TOTAL ENERGY SYSTEMS	BUILDING GENERATOR	1,099.00
11/13/2020	315300	TOTAL ENERGY SYSTEMS	ANNUAL INSPECTION	1,200.00

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11/13/2020	315301	ULINE, INC.	OPERATING SUPPLIES	167.69
11/13/2020	315302	UNION STREET HYDRAULICS	CYLINDER REBUILD	892.44
11/13/2020	315303	UNITED PARTY & EVENT SERVICES	SOUND SYSTEM RENTAL-EMPLOYEE TRAINING	400.00
11/13/2020	315304	VERIZON CONNECT NWF, INC.	GPS SERVICES	626.03
11/13/2020	315305	VERIZON WIRELESS	WIRELESS SERVICE	48.48
11/13/2020	315306	VICKSBURG HARDWARE	SMALL EQUIPMENT SERVICE	212.30
11/13/2020	315307	WADE TRIM ASSOCIATES, INC.	ANNUAL ACTION PLAN	1,396.67
11/13/2020	315308	WEBER, MACHELLE	SCHRIER DEPOSIT & RENTAL REFUND	350.00
11/13/2020	315309	WESTMINSTER PRESBYTERIAN CHURCH	PRECINCT PAYMENT	100.00
11/13/2020	315310	XAVUS SOLUTIONS	MEMBERSHIP CARDS	515.00
11/20/2020	315311	A M LEONARD	LEAF PICK UP SUPPLIES	211.02
11/20/2020	315312	ADVANCE II LLC	TEMP EMPLOYEE SERVICE	622.44
11/20/2020	315313	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	806.50
11/20/2020	315314	AT&T	ELECTRONIC COMMUNICATIONS	4,178.67
11/20/2020	315315	BAINBRIDGE, BRANDON	UAW SHOE ALLOWANCE	153.65
11/20/2020	315316	BALKEMA EXCAVATING, INC.	WETHERBEE IMPROVEMENTS/SAN SEWER	182,523.46
11/20/2020	315317	BLOOM SLUGGETT, PC	LITIGATION - S WESTNEDGE AVE STORM SEWER	6,867.00
11/20/2020	315318	C&C PROFESSIONAL CLEANING SERVICE	FACILITY CLEANINGS	3,143.47
11/20/2020	315319	CIVIL COATINGS AND CONSTRUCTION INC	RELEASE RETAINAGE/PED BRIDGE REHAB	13,795.66
11/20/2020	315320	CLARK EQUIPMENT COMPANY	STUMP GRINDER	7,308.92
11/20/2020	315321	CLEAR CHANNEL AIRPORTS	AIRPORT ADVERTISING	1,426.00
11/20/2020	315322	COMMUNITY ACTION AGENCY	REFUND OF OVERPAID WATER/SEWER ACCOUNTS	1,912.48
11/20/2020	315323	CRONENWETT, NATHAN B	BD BOND REFUND	280.00
11/20/2020	315324	DAVE'S CONCRETE PRODUCTS, INC.	SIDEWALK REPAIRS	578.25
11/20/2020	315325	DTN, LLC	WEATHER SERVICES	942.00
11/20/2020	315326	ELLIS, DAN	UAW SHOE ALLOWANCE	74.19
11/20/2020	315327	EMERGENCY VEHICLE PRODUCTS	REPAIR SERVICES	4,020.40
11/20/2020	315328	FRANCESCA'S COLLECTIONS, INC	OVERPAYMENT STAX20 PARCEL # 90009-451-F	16.33
11/20/2020	315329	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION PPOA UNION DUES-NOVEMBER	3,020.60
11/20/2020	315330	GUARDIAN TRACKING, LLC	GUARDIAN EMP PERF TRACKING 150 LICENSES	5,331.00
11/20/2020	315331	HALT FIRE, INC.	FIRE APPARATUS MAINT	995.60
11/20/2020	315332	HOME DEPOT	MONSTER MASH - LIGHTED DECORATIONS	374.14
11/20/2020	315333	INT'L SOCIETY OF FIRE SERVICE INSTR	FIRE TRAINING	1,300.00

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11/20/2020	315334	KALAMAZOO AREA TRANSPORTATION STUDY	TRAFFIC TECH SERVICES	1,047.00
11/20/2020	315335	KALAMAZOO FLAG COMPANY, LLC	REPAIR FLAG POLE	484.60
11/20/2020	315336	KALAMAZOO SPORTSWEAR	FACILITY UNIFORM SHIRTS	106.00
11/20/2020	315337	KAMMINGA & ROODVOETS, INC.	CONSTRUCT WATER MAIN ACROSS AIRPORT	288,135.00
11/20/2020	315338	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER CONTRACT-COMMUNICATION SVCS	728.00
11/20/2020	315339	LEEBURG, EMILY	GRAPHIC DESIGN SERVICES - ANNUAL REPORT	3,350.00
11/20/2020	315340	LOVERS LANE PROPERTIES, LLC	BD BOND REFUND	1,786.00
11/20/2020	315341	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	235.00
11/20/2020	315342	MICHIGAN ASSOC. OF PLANNING	MAP'S WINTER INSTITUTE VIRTUAL CONFERENCE	130.00
11/20/2020	315343	MICHIGAN FIRE INSPECTOR'S SOCIETY	FIRE MARSHAL TRAIN	700.00
11/20/2020	315344	MOORLAG, TODD	SHOE ALLOWANCE	175.00
11/20/2020	315345	MOSES FIRE EQUIPMENT, INC.	FIRE FACILITY MAINT	690.19
11/20/2020	315346	MULDER'S MOVING AND STORAGE	NOVEMBER ELECTION EQUIP DELIVERY/PICK-UP	2,175.00
11/20/2020	315347	NESBITT, FRED	UAW SHOE ALLOWANCE	175.00
11/20/2020	315348	PEERLESS, INC.	PEERLESS, INC	350.00
11/20/2020	315349	PORTAGE BUDGET STORAGE, LLC	STORAGE UNIT 6233- 6 MOS	1,176.00
11/20/2020	315350	RENEWED EARTH, INC.	LEAF AND BRUSH REMOVAL	18,166.66
11/20/2020	315351	REV X PRODUCTS, INC.	BULK FUEL ADDITIVE	3,860.80
11/20/2020	315352	ROSSIO, STEVEN ADAM	MC FOR TRADITIONAL HOLIDAY	100.00
11/20/2020	315353	SAFEBUILT MICHIGAN, LLC	FILL IN INSPECTIONS FOR BUILDING SERVICE	4,680.00
11/20/2020	315354	SCHNYDERS, BRIAN	UAW SHOE ALLOWANCE	175.00
11/20/2020	315355	SECURALARM SYSTEMS, INC.	REPLACE ENCODER IN INTERVIEW ROOM	531.25
11/20/2020	315356	SHI INTERNATIONAL CORP.	REPLACEMENT WEBCAM ORDER	744.00
11/20/2020	315357	STANSBERRY, EUGENE AND DEBORAH	REFUND FIRE ESCROW FUNDS	13,058.00
11/20/2020	315358	STATE INDUSTRIAL PRODUCTS CORP	PARTS WASHER MAINT	1,042.91
11/20/2020	315359	STATE OF MICHIGAN (MGT & BUDGE	RADIO ACTIVATION FOR 24 RADIOS	5,750.00
11/20/2020	315360	STATE SYSTEMS RADIO, INC	REPLACEMENT RADIOS	2,349.00
11/20/2020	315361	STIVER, JOSEPH	UAW SHOE ALLOWANCE	175.00
11/20/2020	315362	TR SYSTEMS, LLC	TEXA SUPPORT RENEWAL	1,790.00
11/20/2020	315363	ULINE, INC.	MPIR POSTER STANDS	207.55
11/20/2020	315364	UNITED PARTY & EVENT SERVICES	ELECTION - TABLE, RUG CHAIR RENTAL	1,034.50
11/20/2020	315365	VANDEBOR, TODD A & A M	BD BOND REFUND	300.00
11/20/2020	315366	WAURIO, RAYMOND	SHOE ALLOWANCE	63.07

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11/20/2020	315367	WILLIAMS ASSOCIATES ARCHITECTS, LTD	NEW FR ST2 CONST PHASE ARCHITECT SVC	1,765.05
11/20/2020	315368	WINTER EQUIPMENT COMPANY, INC.	CURB GUARDS	6,184.03
11/20/2020	315369	WISE, MICHAEL	UAW SHOE ALLOWANCE	175.00
11/20/2020	315370	WRIGHT, JOSEPH	UAW SHOE ALLOWANCE	175.00
11/20/2020	315371	YEO & YEO	2019-2020 AUDIT AND CAFR PREPARATION	15,000.00
11/20/2020	315372	YOUNG, DENISE A	BD BOND REFUND	300.00
Total Paper Checks:				1,499,114.29

Check Type: Auto-pay payments

11/10/2020		CONSUMERS ENERGY	GAS-ELECTRIC	5,627.88
11/12/2020		CONSUMERS ENERGY	GAS-ELECTRIC	15,818.05
11/13/2020		CONSUMERS ENERGY	GAS-ELECTRIC	6,442.40
11/17/2020		CONSUMERS ENERGY	GAS-ELECTRIC	6,029.74
11/18/2020		CONSUMERS ENERGY	GAS-ELECTRIC	4,275.91
11/19/2020		CONSUMERS ENERGY	GAS-ELECTRIC	556.11
Total Auto-pay Payments:				38,750.09

Check Type: Electronic Payment

11/04/2020	MULTIPLE		UAW PENSION PAYMENTS	16,586.57
11/06/2020	ICMA		PENSION WITHOLDINGS	35,061.79
11/06/2020	MULTIPLE		WEEKLY TAX DISBURSEMENT 10/30/20	154,555.42
11/13/2020	MULTIPLE		WEEKLY TAX DIRBURSEMENT 11/6/20	107,548.75
11/13/2020	EAGLE CLAIMS		WORKERS' COMPENSATION	85,999.00
11/13/2020	MULTIPLE		PENSION PAYMENTS	73,301.65
11/16/2020	ATTORNEY		LEGAL & ARBITRATION	18,810.00
11/20/2020	SBF		WINTER TAX BILL POSTAGE	7,232.43
11/20/2020	MULTIPLE		WEEKLY TAX DISBURSEMENT 11/13/20	31,323.64
11/20/2020	ICMA		PENSION WITHHOLDINGS	36,233.00
11/30/2020	HUNTINGTON NATIONAL BANK		DEBT SERVICE	2,477,235.01
12/01/2020	US BANK		DEBT SERVICE	10,205.00
Total Electronic Payments:				3,054,092.26

Grand Total: 5,240,989.40

TO: Honorable Mayor and City Council
FROM: Joseph La Margo, City Manager
SUBJECT: Health Insurance Contract Renewals



SUPPORTING PERSONNEL: Shannon Hertz, Director of Human Resources

ACTION RECOMMENDED: Approve:

1. one-year contracts with Blue Cross Blue Shield of Michigan, Blue Care Network for employee health insurance;
2. maintaining current employer/employee cost sharing practices by taking action to exempt the city from requirements of P.A. 152 for the 2021 medical benefits plan year, and authorize the City Manager to execute all documents related to the contract renewals on behalf of the city.

Health insurance is provided by the city to all full-time non-union and union personnel as part of an overall comprehensive benefit package which is key to attracting and retaining quality employees. City employees currently have the opportunity to enroll in health insurance specific to employee groups, offered through Blue Cross Blue Shield (BCBSM) of Michigan Community Blue or Blue Care Network (BCN).

Current health insurance contracts with BCBSM of Michigan and BCN expire on January 31, 2021. As part of the health insurance contract renewal process for the 2021 plan year, the city was advised of significant increases in premiums across the board for all BCBSM and BCN plans.

Increases to premium (excluding taxes and fees) are as follows:

BCBSM CB \$500/20%	IAFF	21.58%
BCBSM CB 14/20%	Department Head & Non-Union	22.40%
BCBSM HDHP	Department Head & Non-Union	24.19%
BCN \$500/20%	Department Head & Non-Union	17.55%
BCN \$500/0%	PPCOA, PPOA, and UAW	17.16%
BCN HDHP	IAFF	21.88%
BCN HDHP	Department Head & Non-Union	20.67%
BCN HDHP	PPCOA	21.88%

The state health insurance premium caps for 2021 increased by 3.3% and taxes and fees will decrease due to the Federal Insurance Premium Tax being repealed.

Current State Insurance Premium Caps		2021 State Insurance Premium Caps	
Single Coverage	\$ 6,818.87	Single Coverage	\$ 7,043.89
2 Person Coverage	\$14,260.37	2 Person Coverage	\$14,730.96
Family Coverage	\$18,596.96	Family Coverage	\$19,210.66

Last year, the city went out to bid and all carriers solicited declined to quote. The city chose not go out to bid this year as the increases received during the renewal process were based on an approximate twenty-five percent increase in claims experience, making it highly unlikely carriers would bid.

As a result of the increased BCBSM and BCN premiums received during the renewal process, City Administration offered the IAFF, PPOA and UAW unions additional health plans in an effort to reduce the impact of the increased premiums received during the renewal process. The IAFF elected to add the BCBSM HDHP and BCN \$500/20% plans along with their existing BCBSM \$1000/20% and BCN HDHP plans. The UAW elected to offer the BCN HDHP and BCN \$500/20% plan in addition to their current BCN \$500/0% plan. The PPOA elected to add the BCN HDHP in addition to their existing BCN \$500/0% plan. The DH/NU BCBSM 14/20% plan was modified to replace current complementary coverage for Medicare eligible individuals with Medicare Advantage Plus Blue PPO coverage effective March 1, 2021.

In 2013, the state legislature amended Public Act 152 to expand the definition of “medical benefit plan cost” to include the amounts public employers pay directly or indirectly for taxes and fees associated with health insurance. Based upon this action, the costs for taxes and fees would have had to be passed directly to employees. P.A. 152 also provides that an exemption to the requirements of the act can be exercised for the next succeeding year by a two-thirds vote of the City Council. As such, the Council took action in December 2013 to exempt the city from P.A. 152 beginning with the 2014 plan year permitting the city to continue to pay up to the caps for health insurance premiums and pay the costs associated with taxes and fees. With the exception of not passing along the cost of health care related taxes to employees, all other aspects of P.A. 152 continue to be complied with. This same action has been repeated in successive years.

It is recommended that City Council again take action to exempt the city from P.A. 152 for the 2021-2022 plan year and allow the city to pay up to the state caps in premium or in HSA contributions plus the associated taxes and fees. If approved, this action will simply enable a continuation of current practice in conformance with P.A. 152 as originally enacted in 2011.

FUNDING: Funds have been budgeted and are available to support the cost of employee health insurance coverage for the balance of the current fiscal year. Funds will be budgeted for Fiscal Year 2021-2022.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Appointment of Kelly Peterson as Director of Development Services

SUPPORTING PERSONNEL: Michael Carroll, Deputy City Manager
Shannon Hertz, Director of Human Resources

ACTION RECOMMENDED: Confirm the appointment of Kelly Peterson as Director of Development Services.

Kelly Peterson is an external candidate for the position of Director of Development Services. She is most recently employed at the InterAgency, Inc. in New York as the Director of Planning and Development. Ms. Peterson, a native of Portage has been employed with InterAgency in a remote capacity, as she has recently relocated back to Portage.

Ms. Peterson has 15 years of progressive experience, working in public and private sectors, with a focus on strategic planning and community redevelopment. She holds a Bachelor of Arts in Political Science from Beloit College and a Master of Arts in City and Regional Planning from the University of Pennsylvania.

I have appointed Kelly Peterson to the position of Director of Development Services and she has my full support in this role. It is recommended that City Council confirm the appointment of Kelly Peterson as Director of Development Services.

FUNDING: Funding for the position exists in the Fiscal Year 2020-2021 Community Development General Fund budget.

Attachments: None

Minutes of Boards & Commissions

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – September 15, 2020

The City of Portage Construction Board of Appeals meeting of September 15, 2020 was called to order at 5:00 PM in City Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

William Leach; Gary Gilchrist; Sheldon Smith and George Theodoru.
Todd Gasaway; Barney Martlew, and Bill Koopsen attended via teleconference.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

Terry Novak, Deputy Director of Building and Housing Services and Mike Beery, Senior Building Inspector. Assistant Fire Chief Larry Moore attended via teleconference.

APPROVAL OF MINUTES:

The minutes of August 13, 2020 were approved.

BOARD ACTION:

8833 Shaver Road – Show Cause Hearing

Deputy Director Novak provided a brief overview of the matter and actions taken at the August 13, 2020 Construction Board meeting. Senior Building Inspector Mike Beery advised the Board that the building has remained closed to casual entry.

Steven Payne advised the Board that he was still interested in purchasing the property and that it was his intention to use the building initially for vehicle and/or boat storage. Payne indicated that it was his understanding from working with Bruce VanderWheele, PE, that the building would not require a fire sprinkler system. Payne also indicated that he had spoken with the Kalamazoo County Health Department and that they would allow the building to remain connected to well and septic systems.

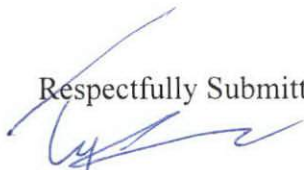
Assistant Fire Chief Moore advised that contrary to VanderWeele's assessment, a fire sprinkler system would be required for the building. Moore added that the building currently did not have any municipal water on-site for firefighting and that was very problematic. Senior Building Inspector Beery stated that changing the occupancy classification to an S (storage) would require that all building components be brought up to current code requirements. Discussion continued as to what uses, if any, would be allowed for the building without providing hydrants and/or a fire sprinkler system for the building. Novak advised that a building application and plans for the proposed use and any modifications to the building would need to be submitted for review and approval.

A motion was made by Member Leach that a letter of intent, building application and plans for the proposed use of the building be submitted to the Department of Community Development for formal review by October 15, 2020. If the material was not submitted by October 15, 2020, or it was determined that the prospective buyer would not move forward with the project, the matter was to return to the Construction Board of Appeals as a raze order. The motion was seconded by Member Smith. The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 5:50 PM.

Respectfully Submitted,



Terry A. Novak,
Deputy Director of Building and Housing Services

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Rezoning Application #20/21-2, 4627 S. Long Lake Drive

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Approve Rezoning Application #20/21-2, 4627 S. Long Lake Drive, changing the zoning from B-1, local business to R-1B, single-family residential.

A rezoning application has been received from Alyssa Thompson, requesting that the approximate 0.64-acre parcel at 4627 S. Long Lake Drive be rezoned from B-1, local business to R-1B, single-family residential. The applicant has indicated the proposed zoning change is needed to facilitate the construction of a new single-family residential dwelling.

The Planning Commission convened a public hearing during the October 1, 2020 meeting to consider the rezoning application. The applicant, Ms. Thompson, was present to support the rezoning request and explain her plans for the property. No other citizens were present to support or oppose the proposed zoning change.

In a report dated September 24, 2020, staff noted the R-1A, one-family residential zoning district, which allows for slightly smaller lot size and front/side yard setbacks, would also be consistent with the Plan designation and surrounding land uses. Given the size and configuration of the lot, the R-1A district would permit more flexibility with building size/placement.

Since the proposed zoning classification is consistent with the Comprehensive Plan designation and surrounding land use/zoning pattern, a motion was made by Commissioner Joshi, seconded by Commissioner Pezzoli to waive the second meeting and recommend to City Council that Rezoning Application #20/21-2 be approved and 4627 South Long Lake Drive be rezoned from B-1, Local Business, to R-1A one family residential. The motion was unanimously approved 8-0.

FUNDING: N/A

Attachments: 1. Planning Commission transmittal dated October 23, 2020

2. Planning Commission Minutes dated October 1, 2020
3. Community Development staff report dated September 24, 2020
4. Ordinance Amendment



TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: October 23, 2020

SUBJECT: Rezoning Application #20/21-2, 4627 S. Long Lake Drive

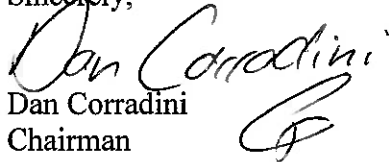
The Planning Commission convened a public hearing during the October 1, 2020 meeting to consider the rezoning application submitted by the applicant, Alyssa Thompson, requesting that the approximate .64-acre parcel at 4627 S. Long Lake Drive be rezoned from B-1, local business to R-1B, single-family residential. The applicant has indicated the proposed zoning change is needed to facilitate the construction of a new single-family residential dwelling.

During the public hearing, Ms. Thompson was present to support the rezoning request and explain her plans for the property. No other citizens were present to support or oppose the proposed zoning change.

In a report dated September 24, 2020, staff noted the R-1A, one-family residential zoning district, which allows for slightly smaller lot size and front/side yard setbacks would also be consistent the Plan designation and surrounding land uses. Given the size and configuration of the lot, the R-1A district would permit more flexibility with building size/placement.

Since the proposed zoning classification is consistent with the Comprehensive Plan designation and surrounding land use/zoning pattern, a motion was made by Commissioner Joshi, seconded by Commissioner Pezzoli to waive the second meeting and recommend to City Council that Rezoning Application #20/21-2 be approved and 4627 South Long Lake Drive be rezoned from B-1, Local Business, to R-1A one family residential. The motion was unanimously approved 8-0.

Sincerely,


Dan Corradini
Chairman

PLANNING COMMISSION

October 1, 2020

The City of Portage Planning Commission meeting of October 1, 2020 was called to order by Chairman Corradini at 7:00 p.m. Pursuant to Michigan Governor Whitmer's Executive Order, this meeting was held in-person with a maximum capacity of 10 persons in Council Chambers, along with the continued option for Commissioners, staff and the public to participate remotely via a phone-in option. Five Commissioners, two citizens and two staff members were present in Portage City Hall Council Chambers at the start of the meeting.

IN ATTENDANCE

Christopher Forth, Interim Director of Community Development; Catherine Kaufman, City Attorney (remote); and Mary Beth Block, Public Information Officer.

ROLL CALL

Mr. Forth called the roll: Joshi (yes, in person); Fries (yes, in person); Corradini (yes, in person); Pezzoli (yes, in person); Baldwin (yes, in person); Myer (yes, phone in); Youngs (yes, phone in); and Freiman (yes, phone in).

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the September 17, 2020 meeting minutes contained in the agenda. Commissioner Joshi asked that the minutes be amended regarding her comments at the top of page two. Commissioner Joshi indicated it was not a complaint reading the City Manager. A motion was made by Commissioner Joshi, seconded by Commissioner Pezzoli, to approve the minutes as amended. Upon a roll call vote: Pezzoli (yes); Youngs (yes); Freiman (yes); Myer (yes); Baldwin (yes); Fries (yes); Joshi (yes); and Corradini (yes). The motion was approved 8-0.

PUBLIC HEARING

1. Preliminary Report: Rezoning Application #20/21-2, 4627 South Long Lake Drive. Mr. Forth summarized the staff report dated September 24, 2020 regarding a request from Alyssa Thompson that the approximate 0.64-acre parcel at 4627 S. Long Lake Drive be rezoned from B-1, local business to R-1B, single-family residential. The applicant has indicated the proposed zoning change is needed to facilitate the construction of a new single-family residential dwelling. Mr. Forth noted the rezoning request is consistent with the Comprehensive Plan and surrounding land uses/zoning pattern. Mr. Forth also noted the R-1A, one-family residential zoning district, which allows for slightly smaller lot size and front/side yard setbacks would also be consistent the Plan designation and surrounding land uses. Given the size and configuration of the lot, the R-1A district would permit more flexibility with building size/placement.

Mrs. Thompson (applicant) was present to speak on behalf of the rezoning request. The Commission had no additional questions for Mrs. Thompson. The public hearing was opened by Chairman Corradini. No one was present to speak in support or opposition. A motion was made by Commissioner Pezzoli, seconded by Commissioner Joshi, to close the public hearing. Upon a roll call vote: Pezzoli (yes); Youngs (yes); Freiman (yes); Myer (yes); Baldwin (yes); Fries (yes); Joshi (yes); and Corradini (yes). The motion was approved 8-0.

Since the proposed zoning classification is consistent with the Comprehensive Plan designation and surrounding land use/zoning pattern, a motion was made by Commissioner Joshi, seconded by Commissioner Pezzoli to waive the second meeting and recommend to City Council that Rezoning Application #20/21-2 be approved and 4627 South Long Lake Drive be rezoned from B-1, Local Business, to R-1A one family residential. The motion was unanimously approved 8-0.

SITE/FINAL PLANS

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS

Chairman Corradini asked the Commissioners if anyone needed to be excused from the October 1st or October 15th meetings. Commissioner asked to be excused from the October 15, 2020 meeting. Commissioner Joshi asked about recognition for Commissioner Schimmel for her many years of service. Commissioner Schimmel resigned from the Commission on September 18th. Mr. Forth indicated a proclamation will be prepared.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Christopher Forth, AICP
Interim Director of Community Development

TO: Planning Commission

DATE: September 24, 2020

FROM: Christopher Firth, Interim Director of Community Development

SUBJECT: Preliminary Report: Rezoning Application #20/21-2, 4627 S. Long Lake Drive.

I. INTRODUCTION:

An application has been received from Alyssa Thompson, requesting that the approximate 0.64-acre parcel at 4627 S. Long Lake Drive be rezoned from B-1, local business to R-1B, single-family residential. The applicant has indicated the proposed zoning change is needed to facilitate the construction of a new single-family residential dwelling. All of the surrounding properties are zoned and developed for residential use and the reason for the residential rezoning

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Alyssa Thompson	4627 S. Long Lake Drive	00025-010-A	B-1	R-1B
One parcel – 0.64 acres				

II. EXISTING CONDITIONS:

Land Use/Zoning	<u>Rezoning Site:</u> 4627 S. Long Lake Drive is currently vacant, undeveloped land and is zoned B-1, local business. A small retail building occupied the site until approximately 2003 when it was razed. <u>North/West:</u> (Across S. Long Lake Drive) Single-family residential structures parcels on parcels zoned R-1A, single family residential. <u>South:</u> Single-family structures zoned R-1B. <u>East:</u> Single-family residential structures zoned R-1B, Single Family Residential.
Zoning/Development History	The property located at 4525 and 4211 (east one-half) Long Lake Drive were rezoned in 2018 from B-3, general business to R-1A, one-family residential.
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	The subject property has frontage on South Long Lake Drive and Long Lake Drive. Both streets are classified as local residential streets. No average daily traffic counts are available.
Public Utilities	Municipal water and sanitary sewer are available to the site.
Environmental	There are no natural features identified on this property.

III. PRELIMINARY ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map component of the Comprehensive Plan identifies the rezoning parcel, as well as properties located to the east and on the south side of Long Lake Drive as appropriate for Single Family Detached – Medium Density Residential (SFD-MDR) land use. The SFD-MDR classification is intended to provide for a greater diversity in single-family housing development by encouraging smaller lot sizes with development densities up to 6 units per acre. The SFD-MDR classification generally corresponds to the R-1A and PD zoning districts.

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

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. An evaluation of the Development Guidelines will be provided with the final report and staff recommendation.

Suitability of Existing B-1 Zone/Impacts of Proposed R-1B Zone. Although the subject property is zoned B-1, local business, the size (.64 acres), configuration (triangular shape) and two street frontages present commercial redevelopment challenges with regard to building placement together with other associated site improvements, including off-street parking and loading/unloading area. The proposed R-1B zoning district would facilitate new single-family detached residential development and be consistent with the surrounding zoning and land use pattern. A single-family residential dwelling would typically have a smaller building footprint than a retail building and could be positioned on the property (east end) without the need for a dimensional variance.

As an alternative, the R-1A zoning district would also be acceptable. The difference between the R-1A and R-1B is lot area and setback distances as shown in the table below.

Zoning District	Minimum lot area	Front yard Setback	Side Yard Setback
R-1A	7,800 sq. ft.	27 feet	8 feet
R-1B	9,600 sq. ft.	30 feet	10 feet

Given the size and configuration of the subject property, the R-1A district allows more flexibility regarding placement and size of the building footprint. Also, the R-1A district is consistent with the Plan designation of Single Family Detached – Medium Density Residential.

Traffic Considerations. Development of the property with one, one-family detached residential dwelling will generate less traffic than a commercial use. The Trip Generation Manual published by the Institute of Traffic Engineers (ITE) estimates that the average single-family residential dwelling will generate approximately 8-10 vehicle trips per day (“trip” defined as one vehicle movement either in or out of the development). The driveway location will be reviewed following submission of the building plans.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the October 1, 2020 meeting and adjourn the public hearing to the October 17, 2020 meeting.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photo Map
Rezoning Application and Supporting Materials

T:\COMMDEV\2020-2021 Department Files\Board Files\Planning Commission\PC Reports\Rezoning\2020 9 8 Rezoning Application 20-21-2 4627 S. Long Lake Drive (preliminary).docx

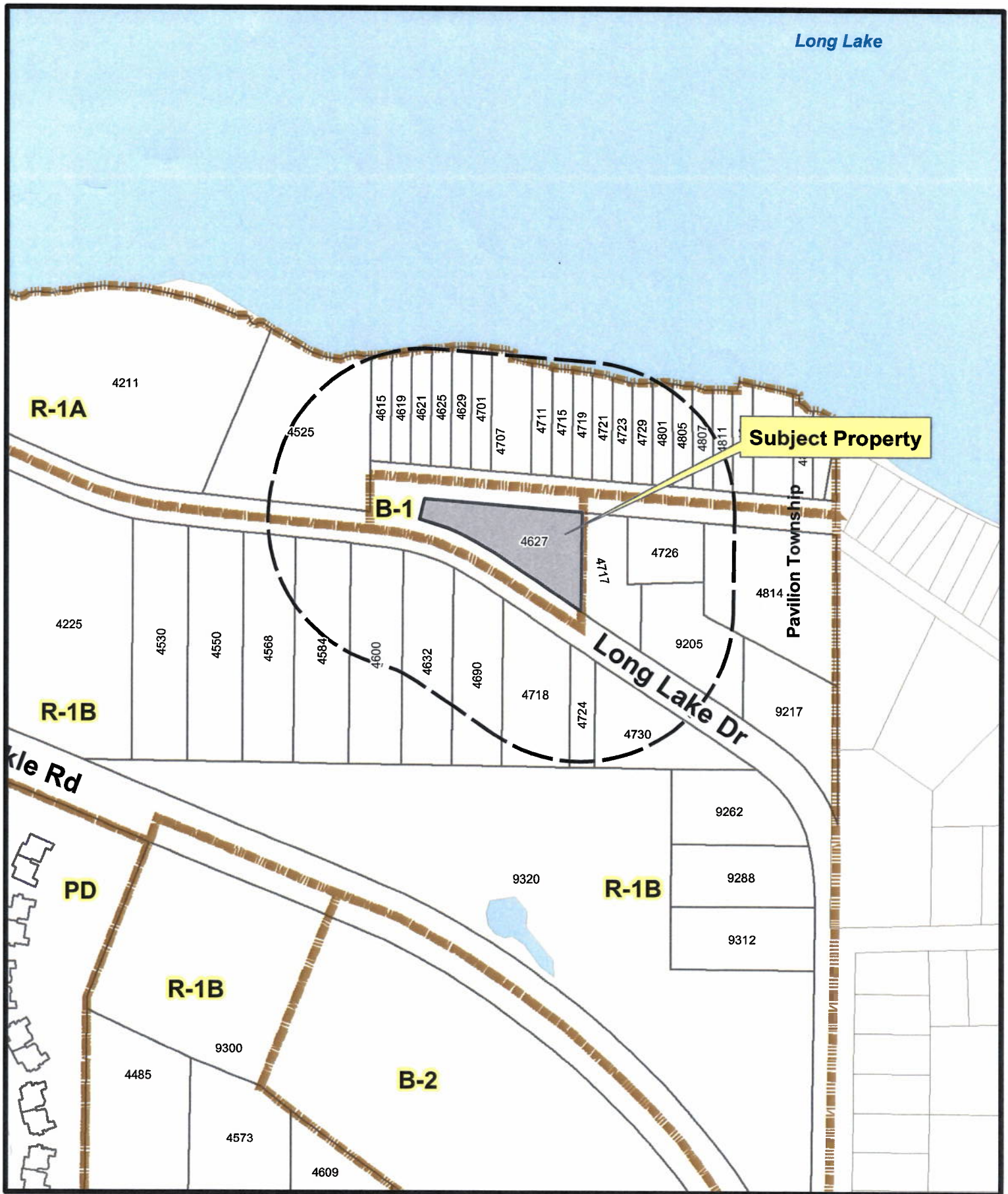


 4627 S. Long Lake Drive

Aerial Photography 4627 S. Long Lake Drive



1 inch = 250 feet



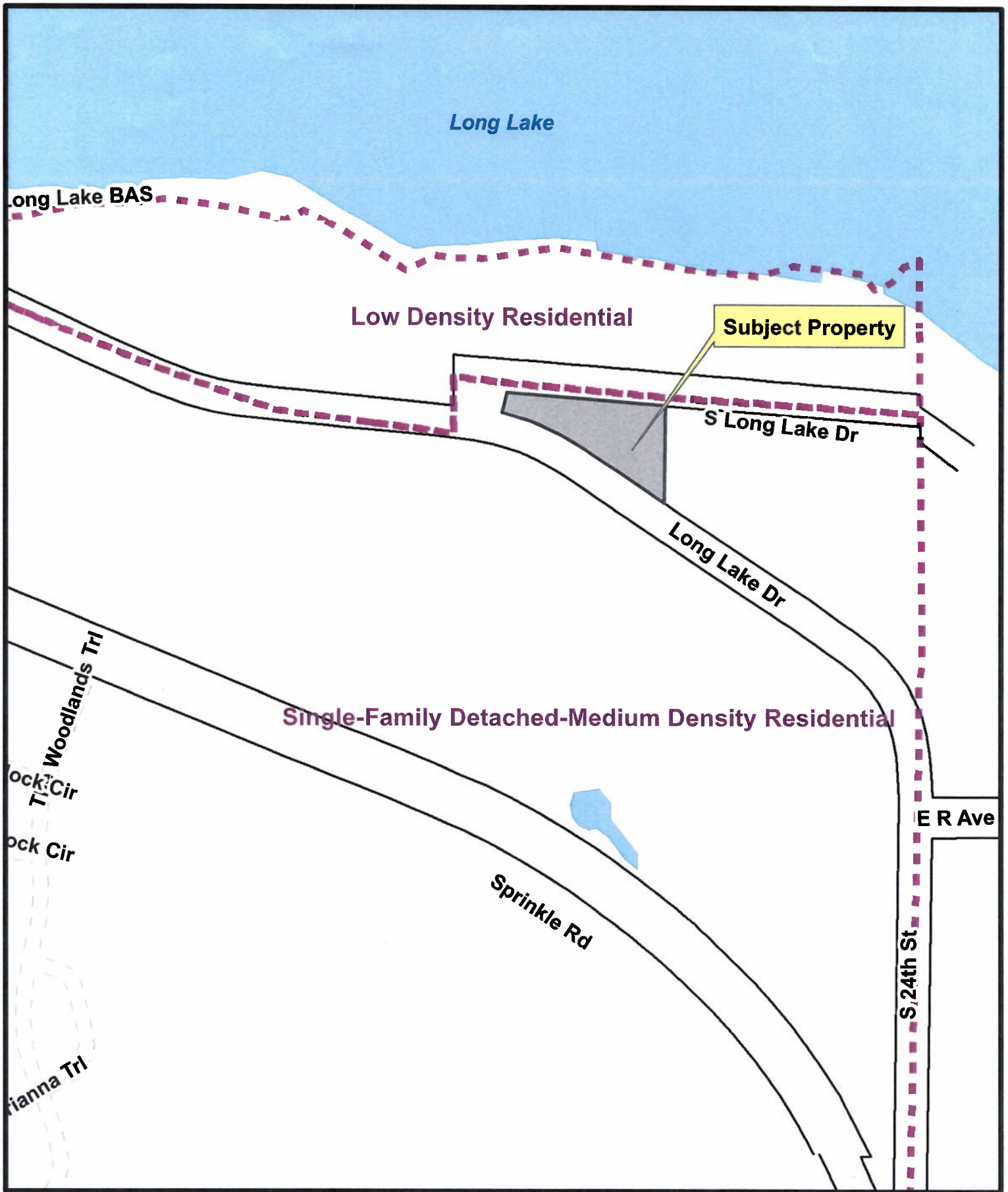
- Notification Area
- 4627 S Long Lake Dr
- Zoning Boundary

Rezoning: #20/21-02

4627 S. Long Lake Drive



1 inch = 250 feet



 4627 S. Long Lake Drive
 Future Land Use

Future Land Use Map 4627 S. Long Lake Drive



1 inch = 250 feet



Form Center

RECEIVED
AUG 27 2020
COMMUNITY DEVELOPMENT

By signing in or creating an account, some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

Zoning Amendment Application

Applicant Information

First Name*

Alyssa

Last Name*

Thompson

Address*

10565 S 12th St

City*

Schoolcraft

State*

MI

Zip Code*

49087

Email Address*

Athompson@vicksburgschools.org

Phone Number*

269-910-0421 (cell)

Fax Number

Property Owner Information

Required if property owner is different than the applicant

First Name

Sun-Hwan

Last Name

Chung

Address**City****State****Zip Code****Phone Number****Fax Number****Email Address****Zoning Map Amendment****Property Address*****Parcel ID No.****Plat Name (if applicable)****Current Zoning*****Proposed Zoning*****Comprehensive Plan Designation****Site Area (acreage)****Current Land Use*****Proposed Land Use*****Zoning Code Text Amendment**

Zoning Code section proposed to be modified and/or Proposed language to be considered.

Proposed Amendment***Applicant/Property Owner Certification**

Included is a statement indicating why, in my opinion, the change requested is necessary and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposed zoning amendment on the community or property of other persons in the vicinity of the amendment or affected by the amendment is also included.

upload file attachment if needed

no fil...lected

Electronic Signature Agreement*

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

☐ I agree.

Electronic Signature*

First M. Last

Alyssa Thompson

Date*

8/25/2020

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☒ Receive an email copy of this form.

Email address

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* indicates a required field

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Kyle Mucha

From: Alyssa Thompson <athompson@vicksburgschools.org>
Sent: Thursday, August 27, 2020 10:56 AM
To: Kyle Mucha; Mark Lane
Subject: Re: Rezoning - 4627 S Long Lake

Hi Kyle,

Thank you for the email. Thank you for asking- I am requesting R-1B.

I have also included Mark on this as his work schedule is more flexible than mine sometimes for responses.

Hope this helps.

Again, thank you!

-Alyssa Thompson

On Thu, Aug 27, 2020 at 9:03 AM Kyle Mucha <muchak@portagemi.gov> wrote:

Morning Alyssa,

I am in the process of preparing the rezoning application for the Planning Commission. In review of the application, you indicate in your request to change the zoning from Business to Residential. Do you know which level of residential you'd like? The area to the north along the lake is R-1A and the area to the east and south is R-1B.

Thank you,

Kyle Mucha

Zoning & Codes Administrator

7900 South Westnedge Ave

Portage, MI 49002

269.329.4473

CONFIDENTIALITY: Pursuant to the Electronic Communications Privacy Act of 1986, 18 U.S.C. Sec. 2510, et seq. (the "ECPA"), notice is given that the information or documents in this electronic message are legally privileged and confidential information, intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient, please be aware that any disclosure, distribution, use or copying of the contents of this message is prohibited. If you have received this message in error, notify the sender immediately by return mail or contact helpdesk@portagemi.gov and delete this message and any attachments from your system. Thank you.

--

Alyssa Thompson
Community Education Director
Vicksburg Community Schools
269-321-1020

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4, ZONING, 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, is amended as follows:

Street Address

Parcel ID Numbers

4627 South Long Lake Drive

00025-010-A

Legal description attached as Exhibit A.

From B-1, local business to R-1B, one family residential.

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 City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2020.

Erica Eklov, City Clerk

(App #20/21-2)

Approved as to Form:

Date: 10/26/2020

By: 
City Attorney

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

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

NOTICE IS HEREBY GIVEN that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2020, and will become effective _____, 2020.

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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

4627 South Long Lake Drive

00025-010-A

Legal description attached as Exhibit A.

From B-1, local business to R-1B, one family residential.

PLEASE TAKE NOTICE that a copy of the Ordinance may be examined by appointment only, in light of the Michigan Department of Health & Human Services Order dated October 9, 2020 (Gathering Prohibition and Face Covering), at the Office of the City Clerk at City Hall on any business day from 8 a.m. to 5 p.m. Call 269-329-4511 to make an appointment. The Ordinance may also be viewed online at www.portagemi.gov. When permitted, a copy of the Ordinance may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Further, a copy of a map showing the property rezoned is also available at the time and days noted above.

Dated: _____

Erica Eklov, City Clerk

(App #20/21-2)

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2020, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2020, at 7:00 p.m. or as soon thereafter as may be heard.

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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

4627 South Long Lake Drive

00025-010-A

Legal description attached as Exhibit A.

From B-1, local business to R-1B, one family residential, or any other classification permitted by law.

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

Dated: _____

Erica Eklov, City Clerk

(App #20/21-2)

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Ordinance Amendment #20/21-A, Grading and Soil Erosion Control

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Adopt Ordinance Amendment #20/21-A, Grading and Soil Erosion Control.

Soil erosion and sedimentation is one of the greatest pollutants to lakes, streams and wetlands. Sediment is often the product of uncontrolled erosion occurring at construction sites involving earth change activity. Erosion and sedimentation results in the loss of valuable topsoil, filling of lakes and streams and increased flooding vulnerability.

In a collaborative effort between the City Administration and staff of the Water Resources Division of the Michigan Department of Environment, Great Lakes and Energy (EGLE), modifications to the Grading and Soil Erosion Control ordinance have been completed to comply with the State of Michigan Part 91, Soil Erosion and Sedimentation Control (SESC) of the Natural Resources and Environmental Protection Act (PA 451 of 1994). The majority of modifications are technical in nature and will minimally impact applicants applying for a permit. The substantive changes are noted below:

1. The Department of Community Development is now responsible for administration and enforcement of Article 7, Grading and Soil Erosion Control. Previously, the Department of Transportation and Utilities was responsible but the program has been transferred to Community Development in an effort to streamline the process. Reference to "Director" has been removed since the person(s) performing inspections and enforcement is required to be state certified. The Director will, however, supervise administration of the program.
2. A site location sketch and identification of any prominent land features now need to be included on the SESC plan.
3. If a SESC application/plan is disapproved, the applicant must be notified by certified mail of the reasons why and the conditions needed for approval.
4. Expanded the list of exemptions that do not require a SESC permit, including a direct reference to Part 91 and the Rules. This reference to Part 91 would avoid the need for the city to process an ordinance amendment should the State of Michigan add additional exemptions.

The modifications for compliance with State of Michigan Part 91, Soil Erosion and Sedimentation

Control have been reviewed and approved by EGLE and the Kalamazoo County Conservation District for necessary compliance with State of Michigan requirements.

FUNDING: Not Applicable

Attachments:

1. Underline and strikeout version of the required ordinance modifications
2. Grading and Soil Erosion Control ordinance

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 7, GRADING AND SOIL
EROSION CONTROL**

THE CITY OF PORTAGE ORDAINS:

That Article 7 shall be amended as follows:

ARTICLE 7. - GRADING AND SOIL EROSION CONTROL^[13]

~~**State Law reference**— Soil erosion and sedimentation control, MCL 324.9101 et seq., MSA 13A.9101 et seq.; local soil erosion and sedimentation control ordinances, MCL 324.9101 et seq., MSA 13A.9101 et seq.~~

Sec. 42-951. ~~—~~ Authority and Purpose of article.

(a) The City of Portage adopts this article pursuant to Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources Environmental Protection Act, Act 451 of 1994 as amended, MCL 324.9101 et seq. of the Michigan Compiled Laws, and the Administrative Rules ("Rules") promulgated under the authority of Part 91, R 323.1701 et seq.,(Part 17)

(b) The purpose of this article is to prevent soil erosion and sedimentation from earth-change activities in the city by requiring proper provisions for water disposal and protection of soil surfaces during and after construction, nonagricultural development in order to promote the safety, public health, convenience and general welfare of the community.

(c) The Department of Community Development shall be the Municipal Enforcing Agency responsible for the administration an enforcement of this article and Part 91, as amended.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-67; Code 1983, § 1462.01)~~

Sec. 42-952. - Definitions.

(a) The City of Portage adopts by reference the definitions contained in Part 91 and the Rules unless expressly given a different meaning by this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

Accelerated soil erosion means the increased loss of the land surface that occurs as a result of human's activities.

Certification of completion means a signed written statement by the ~~director of transportation~~ Department of Community Development ~~and utilities or the director of community development~~ that specific construction has been inspected and found to comply with all grading plans, ~~and~~ specifications and permit conditions.

Department of Community Development means the department authorized agents having the appropriate Part 91 certifications to administer and enforce the soil erosion and sedimentation control program within the City of Portage.

Earth change permit means a permit issued to authorize work to be performed under provisions of Part 91, the Rules and this article. ~~manmade change in the natural cover or topography of land, including~~

~~cut or fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.~~

Erosion means the process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

Excavation and *cut* mean any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and includes the conditions resulting therefrom.

Floodplain means that area which would be inundated by storm runoff or floodwater equivalent to that which would occur with a rainfall or flood of 100-year recurrence frequency after total development of the watershed.

Grading means any stripping, excavating, filling, stockpiling or combination thereof, and includes the land in its excavated or filled condition.

~~*Grading permit* means a permit issued to authorize work to be performed under this article.~~

Land use means a use of land which may result in an earth change, including but not limited to subdivision, residential, commercial, industrial, recreational or other development; private and public highway, road and street construction; drainage construction; logging operations; agricultural practices; and mining.

Municipal Enforcing Agency means an agency designated by a municipality under Section 9106 of Part 91 to enforce a local ordinance related to Part 91 and the Rules.

Permanent soil erosion control measure means a control measure which is installed or constructed to control soil erosion and sedimentation and which is maintained after project completion.

Stripping means any activity which removes or significantly disturbs the vegetative surface cover of land, including clearing and grubbing operations.

Temporary soil erosion and sedimentation control measures means interim control measures which are installed or constructed for the control of soil erosion and sedimentation and which are not maintained after project completion. ~~until permanent soil erosion control is effected.~~

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-68; Code 1983, § 1462.02)~~

~~**Cross reference**—Definitions generally, § 1-2.~~

Sec. 42-953. - Compliance with article prerequisite to issuance of building permit or plat approval.

Soil erosion and sediment control measures for a development shall be consistent with the requirements of this article prior to issuance of any building permit for a development approved under article 4 of this chapter and prior to final approval of a plat approved under article 5 of this chapter or article 6 of this chapter.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-69; Code 1983, § 1462.03; Ord. No. 092-24, 8-4-1992)~~

Sec. 42-954. — Reserved ~~Certification of completion required prior to issuance of certificate of occupancy.~~

~~No certificate of occupancy for a building shall be issued unless the applicant for such certificate has obtained a certification of completion indicating compliance with all grading plans and specifications and~~

completion of all permanent soil erosion control measures, except requirements which cannot be met because of seasonal weather conditions. In such cases, temporary permits may be issued.

(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-70; Code 1983, § 1462.04)

Sec. 42-955. — ~~Grading~~ Earth change permit required; issuance.

- (a) *Required.* A landowner or designated agent who contracts for, allows, or engages in an earth change shall obtain an earth change permit before commencing an earth change which disturbs 1 or more acres of land or which is within 500 feet of the water's edge of a lake or stream. Except as exempted by section 42-965, no person shall do any grading, stripping, excavating or filling, or undertake any earth change, unless ~~he has~~ they have a valid ~~grading-earth change~~ grading-earth change permit issued by the ~~director of transportation and utilities or the director~~ Department of Community Development.
- (b) *Application.* A separate application is required for each ~~grading-earth change~~ grading-earth change permit. Plans, specifications and timing schedules shall be submitted with each application for ~~a grading and earth change~~ a grading and earth change permit. The earth change plans shall be prepared or approved and signed by a professional engineer or architect. The ~~director of transportation and utilities~~ Department of Community Development may waive the preparation or approval and signature by the professional engineer or architect ~~when the work entails~~ upon request by the applicant when the work entails little hazard to other property and does not include the ~~construction-addition~~ of fill upon which a structure may be erected.
- (c) *Required information.* The plans and specifications accompanying the ~~grading-earth change~~ grading-earth change permit application shall contain, but not be limited to, the following data:
- (1) ~~A vicinity sketch~~ site map, at a scale not to exceed one inch equal to ~~8200~~ 200 feet, ~~indicating the site showing the distance and location of any proposed earth change to the nearest lake or stream. The site map shall include a legal description of the site, as well as the adjacent properties within 500 feet of the site boundaries, showing the distance and location of the nearest lake, stream or drainage course;~~
 - (2) ~~A boundary line survey or legal description of the site on which the work is to be performed; and~~ A location sketch.
 - (3) ~~A plan of the site, at a scale of not to exceed one inch equal to 200 feet, showing:~~ A soil investigation report, soils survey or written description of the soil types of the site on which the work is to be performed; and
 - (4) Details for the proposed earth change shall include all of the following:
 - ~~a. The names, addresses and telephone numbers of the owner, developer and petitioner;~~
 - ba. A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures;
 - be. ~~Calculations of the quantity of excavation and fill involved;~~ The location and description for installing and removing all proposed temporary soil erosion and sedimentation control measures;
 - cd. ~~Existing topography at a maximum of two-foot contour intervals;~~ A description and the location of the physical limits of each proposed earth change with the pre-construction topography
 - ~~e. Proposed topography at a maximum of two-foot contour intervals;~~
 - fd. The location of any structure or natural feature on the site;
 - ~~g. The location of any proposed additional structure or development on the site;~~

- ~~he.~~ The elevations, dimensions, location, extent and slope of all proposed grading, including building and driveway grades;
 - ~~fi.~~ ~~The estimated cost of the required temporary and permanent soil erosion control measures;~~ A description and the location of all proposed permanent soil erosion and sedimentation control measures
 - ~~gj.~~ Plans of all drainage provisions, and dewatering facilities, ~~retaining walls, cribbing, planting, anti-erosion devices or other temporary or permanent soil erosion control measures to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drain; and~~
 - ~~hk.~~ A program proposal for the continued maintenance of all permanent soil erosion and sediment control measures that remain after project completion, including the designation of the person responsible for the maintenance. Maintenance responsibilities shall become a part of any sales or exchange agreement for the land on which the permanent soil erosion control measures are located. ~~Other information or data as may be required by the director of transportation and utilities or the director of community development, such as a soil investigation report, which shall include but not be limited to data regarding the nature, distribution and supporting ability of existing soils and rock on the site.~~
- (d) *Fees.* At the time of filing an application for a grading-earth change permit, a nonrefundable filing fee in the amount established by resolution of the council shall be paid to the city treasurer. An additional nonrefundable fee as established by the council will be charged for plan review and site inspection, with a minimum fee as established by the council for such review and inspection.

(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-71; Code 1983, § 1462.05)

Sec. 42-956. - Bond.

- (a) *Required.* No grading-earth change permit shall be issued unless the permittee first posts, with the ~~director of transportation and utilities~~ Department of Community Development, a bond executed by the owner and a corporate surety with authority to do business in the state as a surety.
- (b) *Form.* The bond shall be in a form approved by the city attorney, payable to the city and in the amount of the estimated total cost of all temporary or permanent soil erosion and sediment control measures. The total cost shall be estimated by the ~~director of transportation and utilities or the director of community development~~ Department of Community Development. The bond shall include penalty provisions for failure to complete the work on schedule as specified on the grading-earth change permit. In lieu of a surety bond, the applicant may file with the ~~attorney-city~~ a cash bond or an instrument of credit in the amount equal to that which would be required for the surety bond.
- ~~(c) Self-insurance. In lieu of a surety or cash bond or an instrument of credit, the city may, in its discretion, upon application by a public utility that regularly engages in grading, stripping, excavating or filling within the city, issue a certificate of self-insurance to a public utility, when it is satisfied that such public utility is possessed, and will continue to be possessed, of the ability to pay those costs and expenses which may be incurred by the city should the public utility fail to comply with all of the provisions of this article and the permit. Upon not less than ten days' notice and a hearing pursuant to such notice, the city may upon reasonable grounds cancel such a certificate of self-insurance.~~
- ~~(d)~~ *Conditions.* Every bond and instrument of credit and every cash deposit shall include, and every certificate of self-insurance shall be made on, the condition that the permittee complies with all of the provisions of this article and the earth change permit and completes all the work contemplated under the earth change permit within the time limit ~~specified in the permit~~ permitted. If the terms of the earth change permit are not met, the bond will be used to address any outstanding issues. ~~no time limit is specified, the project shall be completed within 180 days after the date of issuance of the permit.~~

(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-72; Code 1983, § 1462.06)

Sec. 42-957. - Extension of time for completion of work.

If a permittee under this article is unable to complete the work within the specified time, ~~he~~ they may, at least ten days prior to the expiration of the earth change permit, present in writing, to the ~~director of transportation and utilities or the director of~~ Department of eCommunity dDevelopment, a request for an extension of time, setting forth the reasons for the requested extension. If such an extension is warranted, the ~~director of transportation and utilities or the director of~~ Department of eCommunity dDevelopment may grant additional time for the completion of the work, but no such extension shall release the owner or the surety on the bond or the person furnishing the instrument of credit or cash bond.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-73; Code 1983, § 1462.07)~~

Sec. 42-958. - Failure to complete work.

If a permittee under this article fails to complete the work or comply with all the requirements, conditions and terms of the permit, the ~~director of transportation and utilities or the director of~~ Department of eCommunity dDevelopment may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition, and may authorize completion of all necessary temporary or permanent soil erosion measures. The permittee and the surety executing the bond, or the person issuing the instrument of credit or making the cash deposit, shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any such work to be done. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-74; Code 1983, § 1462.08)~~

Sec. 42-959. - ~~Denial of grading permit.~~ Disapproval of earth change permit application

(a) The Department of Community Development shall approve, disapprove, or require modification of an application for an earth change permit. If an application is disapproved, the applicant shall be notified by certified mail of its reasons for disapproval and conditions required for approval. The Department of Community Development need not notify an applicant of approval or disapproval by mail if the applicant is given written approval or disapproval of the application in person. A permit given to the applicant either in person or by mail constitutes approval.

(b) ~~Grading~~ Earth change permits shall not be issued where:

- (1) The proposed work would cause hazards to the public safety and welfare.
- (2) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposit of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property.
- (3) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to persons or property.
- (4) The land area for which the grading is proposed may lie within the floodplain of any stream or watercourse (not specifically designated and delineated by the city as an area subject to flood hazard), unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his opinion, no detrimental influence on the public welfare or upon the total development of the watershed.

(5) The earth change permit application is incomplete or does not comply with the provisions of Part 91, the Rules, or this article.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-75; Code 1983, § 1462.09)~~

Sec. 42-960. - Modification of approved plans.

All modifications of the approved grading plans must be submitted and approved by the [Department of Community Development](#) ~~director of transportation and utilities or the director of community development~~. All necessary sustaining reports shall be submitted with a proposal to modify the approved [grading-earth change](#) plan. No [grading-earth change](#) work in connection with any proposed modification is permitted without the approval of the ~~director of transportation and utilities~~. [Department of Community Development](#)

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-76; Code 1983, § 1462.10)~~

Sec. 42-961. - Responsibilities of permittee.

During grading operations, a permittee under this article is responsible for:

- (1a) The prevention of damage to any public utility or service within the limits of grading and along any route of travel of the equipment;
- (2b) The prevention of damage to adjacent property. No person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or public or private property without supporting and protecting such property from settling, cracking or other damage which might result;
- (3c) Carrying out the proposed work in accordance with the approved plans and in compliance with the requirements of the permit and this article; and
- (4d) The ~~prompt removal~~[prevention](#) of all soil, miscellaneous debris or other materials applied, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares during transit to and from the construction, where such spillage constitutes a public nuisance or hazard.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-77; Code 1983, § 1462.11)~~

Sec. 42-962. - General standards.

- (a) *Erosion control required.* Any earth changes shall be conducted in a manner which will effectively reduce accelerated soil erosion and resulting sedimentation.
- (b) *Compliance with state rules.* All persons engaged in earth changes shall design, [must](#) implement and maintain acceptable soil erosion and sedimentation and control measures, in conformity with part 91 [and the Rules](#), ~~of the Natural Resources and Environmental Protection Act (MCL 324.9101 et seq., MSA 13A.9101 et seq.) and all official rules of the state water resources commission promulgated pursuant thereto,~~ which effectively reduces [s](#) accelerated soil erosion [and off-site sedimentation](#).
- (c) *Limitation of exposure of disturbed land.* All earth changes shall be designed, constructed and completed in a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time.
- (d) *Removal of sediment from runoff water.* Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.
- (e) *Limitation of water flow.* A temporary or permanent facility designed and constructed for the conveyance of water around, through or from the earth change area shall be designed to limit the water flow to a non-[erosive](#) velocity.

- (f) *Final grading and stabilization.* Temporary soil erosion and sedimentation control ~~facilities-measures~~ shall be removed after permanent and earth change areas graded and stabilized with permanent soil erosion and sedimentation control measures are in place and the area is stabilized. ~~All earth change areas shall be graded and stabilized with permanent soil erosion control measures as shown on the approved earth change plan. pursuant to approved standards and specifications as prescribed by the rules of the state water resources commission.~~
- (g) *Completion of permanent erosion control measures.* Permanent soil erosion control measures for ~~all~~ any slopes, channels, ditches or disturbed land area shall be completed within 15 calendar days after final grading or the final earth change has been completed. ~~If~~ When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or ~~where-if~~ significant earth change activity ceases, temporary soil erosion control measures shall be implemented within 30 calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented in place and the disturbed areas are stabilized.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-78; Code 1983, § 1462.12)~~

Sec. 42-963. - Maintenance of protective devices.

Persons carrying out soil erosion and sediment control measures under this article, and all subsequent owners of property in which such measures have been taken, shall install and maintain ~~concerning which such measures have been taken, shall maintain~~ all permanent anti-erosion devices, retaining walls, structures, plantings and other protective devices in accordance with the standards and specifications included in this article.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-79; Code 1983, § 1462.13)~~

Sec. 42-964. - Design and installation standards.

~~All grading plans and specifications~~ temporary and permanent soil erosion and sedimentation control measures shall be completed in accordance with the ,including extensions of previously approved plans, shall include provisions for erosion and sediment control in accordance with, but not limited to, the standards contained in the Standards and Specifications for Soil Erosion and Sediment Control prepared by the Kalamazoo Soil Conservation District. Copies of such standards are available for inspection in the office of the city clerk, the director of community development and the director of transportation and utilities. approved earth change plan. Installation and maintenance of all soil erosion and sedimentation control measures shall be in accordance with the product manufacturer, Michigan Department of Environment, Great Lakes and Energy and the City of Portage Contract Conditions and Specifications. If a conflict exists between the standards, the Department of Community Development shall determine which specifications are appropriate for the project.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-80; Code 1983, § 1462.14)~~

Sec. 42-965. - Exemptions from earth change permit requirement; variances.

- (a) Notwithstanding any other provision of this part, a person is not required to obtain a permit for earth changes associated with the following agricultural practices if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site. ~~No permit issued under this article is required for the following:~~
- (1) The construction, maintenance, or removal of fences and fence lines. ~~Agricultural uses of land;~~

- (2) The removal of tree or shrub stumps or roots.~~Grading or excavation below finished grade for basements, footings, retaining walls or other structures on plots zoned one-family or two-family residential of less than one acre and more than 500 feet from any lake, stream or drainage course;~~
- (3) The installation of drainage tile, irrigation, or electrical lines.~~Sidewalks and driveways authorized by a valid permit under chapter 66;~~
- (4) The construction or maintenance of 1 or more ponds that meet all of the following:
 - (i) The earth change associated with the construction or maintenance is less than 5 acres.
 - (ii) The earth change associated with the construction or maintenance does not result in a discharge of storm water into the waters of the state.
 - (iii) The earth change associated with the construction or maintenance is not part of a larger plan of development. As used in this subparagraph, "larger plan of development" means a contiguous area where multiple separate and distinct construction activities are occurring under a single plan as identified in documentation or physical demarcation indicating where construction activities may occur.

~~Normal public works maintenance activities such as road leveling and minor repairs or alterations to rights-of-way not affecting a lake or stream;~~

- ~~(5) Normal maintenance or landscaping activities on private or public property or projects;~~
- ~~(6) The installation of utility poles and utility service lines, normal utility maintenance activities, and emergency repairs and other utility activities of a minor nature; and~~
- ~~(7) Where the director of transportation and utilities or the director of community development certifies in writing that the planned work and the final structures or topographical changes will not result in or contribute to soil erosion or sedimentation of the waters of the state, will not interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposit of debris or sediment on any public way, will not create any hazard to persons or property, and will have no detrimental influence upon the public welfare or upon the total development of the watershed.~~

~~Although no permits are required under this subsection, the operations and construction exempted from obtaining permits must comply with the rules and regulations concerning grading and erosion specified in this article.~~

- (b) Notwithstanding any other provision of this part, a residential property owner who causes the following activities to be conducted on individual residential property owned and occupied by him or her is not required to obtain a permit under this part if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site:
 - (1) An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance.
 - (2) Gardening, if the natural elevation of the area is not raised.
 - (3) Post holes for fencing, decks, utility posts, mailboxes, or similar applications, if no additional grading or earth change occurs for use of the post holes.
 - (4) Removal of tree stumps, shrub stumps, or roots resulting in an earth change not to exceed 100 square feet.
 - (5) All of the following activities, if soil erosion and sedimentation controls are implemented, the earth change is stabilized within 24 hours of the initial earth disturbance, and soil erosion or

sedimentation to adjacent properties or the waters of the state has not or will not reasonably occur:

- (i) Planting of trees, shrubs, or other similar plants.
- (ii) Seeding or reseeding of lawns of less than 1 acre if the seeded area is at least 100 feet from the waters of the state.
- (iii) Seeding or reseeding of lawns closer than 100 feet from the waters of the state if the area to be seeded or reseeded does not exceed 100 square feet.
- (iv) The temporary stockpiling of soil, sand, or gravel not greater than a total of 10 cubic yards on the property if the stockpiling occurs at least 100 feet from the waters of the state.
- v) Seawall maintenance that does not exceed 100 square feet.

(c) A permit is not required for any of the following:

- (1) A beach nourishment project permitted under Part 325 of Act 451 of the Public Acts of 1994 as amended.
- (2) Normal road and driveway maintenance, such as grading or leveling that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.
- (3) Metallic mineral mining activity that is regulated under a mining and reclamation plan under part 631 or 634 or a mining, reclamation, and environmental protection plan under part 632, if the plan contains soil erosion and sedimentation control provisions and is approved by the department. As used in this section, "mining" does not include the removal of clay, gravel, sand, peat, or topsoil.
- (4) Earth changes associated with well locations, surface facilities, flowlines, or access roads relating to oil or gas exploration and development activities regulated under Part 615, or mineral well exploration and development activities regulated under part 625, if the application for a permit to drill and operate contains a soil erosion and sedimentation control plan that is approved by the department under Part 615 or 625. However, those earth changes shall conform to the same standards as required for a permit under Part 91. This subsection does not apply to a multisource commercial hazardous waste disposal well.
- (5) Earth changes associated with logging, mining, or the plowing or tilling of land for the purpose of crop production or the harvesting of crops. However, all earth changes associated with the activities listed in this section shall conform to the same standards as if they required a permit under Part 91. The exemption from obtaining a permit under this subsection does not include either of the following:
 - (i) Access roads to and from the site where active mining or logging is taking place.
 - (ii) Ancillary activities associated with logging and mining.
- (6) Any additional exemptions listed in Section 9115 or 9115a of Part 91 or Rule 1705[HJ(1)].

(d) Exemptions provided in this section shall not be construed as exemptions from enforcement procedures under Part 91 or the Rules if the exempted activities cause or result in a violation of Part 91 or the Rules[HJ(2)].

~~Where it is alleged that there is error or misinterpretation in an order, requirement, decision, grant or refusal made by the director of transportation and utilities or the director of community development, the board of zoning appeals shall have the power to hear specific applications and may amend or change such order, requirement, decision, grant or refusal so that it is in harmony with the general~~

~~purpose and intent of this article. The procedural requirements for appeals under article 4, division 2, subdivision 5 of this chapter are applicable to appeals under this article.~~

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-81; Code 1983, § 1462.15)~~

Sec. 42-966. - Enforcement generally; inspections; issuance of certification of completion.

- (a) This article shall be enforced by the ~~director of transportation and utilities~~Department of Community Development. If it is determined that soil erosion or sedimentation of adjacent properties or the waters of the state has or will reasonably occur from land in violation of this article, Part 91 or the Rules, a notification of a violation shall be sent to the alleged violator and the owner(s) of the property according to the tax rolls at the City Assessor's office. . Notification of violation shall include: a notice to cease the violation, description of the violation, necessary corrective action and a deadline for completion of such action to comply with this article, Part 91 or the Rules.~~or, where a building permit is required, by the director of community development. The director of transportation and utilities or the director of community development shall inspect the work and shall require adequate inspection of compaction by a soil engineer or by a soil testing agency approved by the director of transportation and utilities, unless he determines that such inspection requirements may be waived due to the nonhazardous nature of the grading.~~

- (b) A person who violates this article is responsible for the following enforcement provisions, and any additional enforcement provisions listed under Part 91 and the Rules:

(1) Any person violating any provision of this article shall be responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$2,500.

(2) A person who knowingly violates any of the provisions of this article or Part 91 after having received the written notice of determination as required under Section 9112 or 9117 of Part 91, through registered or certified mail of the existence of the violation and being directed to correct the violation within a specified time, is responsible for the payment of a civil fine of not less than \$2,500 or more than \$25,000 for each day of violation.

(3) Any person who knowingly violates any of the provisions of this article or Part 91 or knowingly makes a false statement in an application for an earth change permit, or knowingly makes a false statement in an earth change plan, is responsible for the payment of a civil fine of not more than \$10,000 for each day of violation.

~~—Upon satisfactory execution of all approved grading plans and other requirements, the director of transportation and utilities or the director of community development shall issue a certification of completion. If the director of transportation and utilities or the director of community development finds any existing condition not as stated in the application, grading permit or approved plan, he may refuse to approve further work until approval of a revised grading plan which will conform to the existing conditions. (c) The Department of Community Development shall inspect the work and shall require adequate inspection of compaction by a soil engineer or by a soil testing agency, unless the Department of Community Development determines that such inspection requirements may be waived due to the nonhazardous nature of the earth changes.~~

- (d) Upon satisfactory execution of all approved earth change plans and other requirements, the Department of Community Development shall release the respective bond. If the Department of Community Development finds any existing condition not as stated in the application, earth change permit or approved plan, release of bond may be delayed until approval of a revised grading plan which conforms to the existing conditions.

~~(Min. Bk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-82; Code 1983, § 1462.16)~~

Sec. 42-967. - Right of entry.

The Department of Community Development~~director of transportation and utilities or the director of community development, or their duly authorized agents,~~ may, at all reasonable times, enter in or upon any private or public property for the purpose of inspecting and investigating conditions and practices which may be a violation of this article, Part 91 or the Rules,~~or the rules of the state water resources commission promulgated pursuant to part 91 of the Natural Resources and Environmental Protection Act (MCL 324.9101 et seq., MSA 13A.9101 et seq.).~~

Sec 42-968. – Effective date

This article shall not become effective until 30 days after its adoption and publication.

~~(Min. Blk. 1975, p. 228, Vol. 5, 2-18-1975; Code 1967, § 6-83; Code 1983, § 1462.17)~~

Secs. 42-96~~98~~—42-990. - Reserved.

Dated:

Patricia M. Randall, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, 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 , 2020.

Erica Eklov, City Clerk

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING CHAPTER 42, ARTICLE 7,
GRADING AND SOIL EROSION CONTROL**

THE CITY OF PORTAGE ORDAINS:

That Article 7 shall be amended as follows:

ARTICLE 7. - GRADING AND SOIL EROSION CONTROL

Sec. 42-951. – Authority and Purpose of article.

- (a) The City of Portage adopts this article pursuant to Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources Environmental Protection Act, Act 451 of 1994 as amended, MCL 324.9101 et seq. of the Michigan Compiled Laws, and the Administrative Rules ("Rules") promulgated under the authority of Part 91, R 323.1701 et seq., (Part 17).
- (b) The purpose of this article is to prevent soil erosion and sedimentation from earth-change activities in the city by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community.
- (c) The Department of Community Development shall be the Municipal Enforcing Agency responsible for the administration and enforcement of this article and Part 91, as amended.

Sec. 42-952. - Definitions.

- (a) The City of Portage adopts by reference the definitions contained in Part 91 and the Rules unless expressly given a different meaning by this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accelerated soil erosion means the increased loss of the land surface that occurs as a result of human activities.

Certification of completion means a signed written statement by the Department of Community Development that specific construction has been inspected and found to comply with all grading plans, specifications and permit conditions.

Department of Community Development means the department authorized agents having the appropriate Part 91 certifications to administer and enforce the soil erosion and sedimentation control program within the City of Portage.

Earth change permit means a permit issued to authorize work to be performed under the provisions of Part 91, the Rules and this article.

Erosion means the process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

Excavation and cut mean any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and includes the conditions resulting therefrom.

Floodplain means that area which would be inundated by storm runoff or floodwater equivalent to that which would occur with a rainfall or flood of 100-year recurrence frequency after total development of the watershed.

Grading means any stripping, excavating, filling, stockpiling or combination thereof, and includes the land in its excavated or filled condition.

Land use means a use of land which may result in an earth change, including but not limited to subdivision, residential, commercial, industrial, recreational or other development; private and public highway, road and street construction; drainage construction; logging operations; agricultural practices; and mining.

Municipal Enforcing Agency means an agency designated by a municipality under Section 9106 of Part 91 to enforce a local ordinance related to Part 91 and the Rules.

Permanent soil erosion and sedimentation control measure means a control measure which is installed or constructed to control soil erosion and sedimentation and which is maintained after project completion.

Stripping means any activity which removes or significantly disturbs the vegetative surface cover of land, including clearing and grubbing operations.

Temporary soil erosion and sedimentation control measures means interim control measures which are installed or constructed for the control of soil erosion and sedimentation and which are not maintained after project completion.

Sec. 42-953. - Compliance with article prerequisite to issuance of building permit or plat approval.

Soil erosion and sediment control measures for a development shall be consistent with the requirements of this article prior to issuance of any building permit for a development approved under article 4 of this chapter and prior to final approval of a plat approved under article 5 of this chapter or article 6 of this chapter.

Sec 42-954- Reserved

Sec. 42-955. - Earth change permit required; issuance.

- (a) **Required.** A landowner or designated agent who contracts for, allows, or engages in an earth change shall obtain an earth change permit before commencing an earth change which disturbs 1 or more acres of land or which is within 500 feet of the water's edge of a lake or stream. Except as exempted by section 42-965, no person shall do any grading, stripping, excavating or filling, or undertake any earth change, unless they have a valid earth change permit issued by the Department of Community Development.
- (b) **Application.** A separate application is required for each earth change permit. Plans, specifications and timing schedules shall be submitted with each application for an earth change permit. The earth change plans shall be prepared or approved and signed by a professional engineer or architect. The Department of Community Development may waive the preparation or approval and signature by the professional engineer or architect upon request by the applicant when the work entails little hazard to other property and does not include the addition of fill upon which a structure may be erected.
- (c) **Required information.** The plans and specifications accompanying the earth change permit application shall contain, but not be limited to, the following data:
 - (1) A site map, at a scale not to exceed one inch equal to 200 feet, showing the distance and location of any proposed earth change to the nearest lake or stream. The site map shall include a legal description of the site.
 - (2) A location sketch.
 - (3) A soil investigation report, soils survey or written description of the soil types of the site on which the work is to be performed; and

(4) Details for the proposed earth change shall include all of the following:

- a. A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures;
 - b. The location and description for installing and removing all proposed temporary soil erosion and sedimentation control measures;
 - c. A description and the location of the physical limits of each proposed earth change with the pre-construction topography;
 - d. The location of any structure or natural feature on the site;
 - e. The elevations, dimensions, location, extent and slope of all proposed earth changes, including building and driveway grades;
 - f. A description and the location of all proposed permanent soil erosion and sedimentation control measures;
 - g. Plans of all drainage provisions and dewatering facilities; and
 - h. A program proposal for the continued maintenance of all permanent soil erosion and sediment control measures that remain after project completion, including the designation of the person responsible for the maintenance. Maintenance responsibilities shall become a part of any sales or exchange agreement for the land on which the permanent soil erosion control measures are located.
- (d) Fees.** At the time of filing an application for an earth change permit, a nonrefundable filing fee in the amount established by resolution of the council shall be paid to the city treasurer. An additional nonrefundable fee as established by the council will be charged for plan review and site inspection, with a minimum fee as established by the council for such review and inspection.

Sec. 42-956. - Bond.

- (a) Required.** No earth change permit shall be issued unless the permittee first posts, with the Department of Community Development, a bond executed by the owner and a corporate surety with authority to do business in the state as a surety.
- (b) Form.** The bond shall be in a form approved by the city attorney, payable to the city and in the amount of the estimated total cost of all temporary or permanent soil erosion and sedimentation control measures. The total cost shall be estimated by the Department of Community Development. The bond shall include penalty provisions for failure to complete the work as specified on the earth change permit. In lieu of a surety bond, the applicant may file with the city a cash bond or an instrument of credit in the amount equal to that which would be required for the surety bond.
- (c) Conditions.** Every bond and instrument of credit and every cash deposit shall include, and every certificate of self-insurance shall be made on, the condition that the permittee complies with all of the provisions of this article and the earth change permit and completes all the work contemplated under the earth change permit within the time limit permitted. If the terms of the earth change permit are not met, the bond will be used to address any outstanding issues.

Sec. 42-957. - Extension of time for completion of work.

If a permittee under this article is unable to complete the work within the permitted time, they may, at least ten days prior to the expiration of the earth change permit, present in writing,

to the Department of Community Development, a request for an extension of time, setting forth the reasons for the requested extension. If such an extension is warranted, the Department of Community Development may grant additional time for the completion of the work, but no such extension shall release the owner or the surety on the bond or the person furnishing the instrument of credit or cash bond.

Sec. 42-958. - Failure to complete work.

If a permittee under this article fails to complete the work or comply with all the requirements, conditions and terms of the earth change permit, the Department of Community Development may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition, and may authorize completion of all necessary temporary or permanent soil erosion measures. The permittee and the surety executing the bond, or the person issuing the instrument of credit or making the cash deposit, shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any such work to be done. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

Sec. 42-959. - Disapproval of earth change permit application.

- (a) The Department of Community Development shall approve, disapprove, or require modification of an application for an earth change permit. If an application is disapproved, the applicant shall be notified by certified mail of its reasons for disapproval and conditions required for approval. The Department of Community Development need not notify an applicant of approval or disapproval by mail if the applicant is given written approval or disapproval of the application in person. A permit given to the applicant either in person or by mail constitutes approval.
- (b) Earth change permits shall not be issued where:
 - (1) The proposed work would cause hazards to the public safety and welfare.
 - (2) The work as proposed by the applicant will damage any public or private property in such a manner as to cause damage to any adjacent property or result in the deposit of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property.
 - (3) The land area for which earth change is proposed is susceptible to natural hazards to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to persons or property.
 - (4) The land area for which the grading is proposed may lie within the floodplain of any stream or watercourse (not specifically designated and delineated by the city as an area subject to flood hazard), unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in their opinion, no detrimental influence on the public welfare or upon the total development of the watershed.
 - (5) The earth change permit application is incomplete or does not comply with the provisions of Part 91, the Rules, or this article.

Sec. 42-960. - Modification of approved plans.

All modifications of the approved earth change plans must be submitted and approved by the Department of Community Development. All necessary sustaining reports shall be submitted with a proposal to modify the approved earth change plan. No earth change work in connection

with any proposed modification is permitted without the approval of the Department of Community Development.

Sec. 42-961. - Responsibilities of permittee.

During earth change operations, a permittee under this article is responsible for:

- (a) The prevention of damage to any public utility or service within the limits of earth change and along any route of travel of the equipment;
- (b) The prevention of damage to adjacent property. No person shall make earth changes on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or public or private property without supporting and protecting such property from settling, cracking or other damage which might result;
- (c) Carrying out the proposed work in accordance with the approved plans and in compliance with the requirements of the earth change permit and this article; and
- (d) The prevention of all soil, miscellaneous debris or other materials applied, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares during transit to and from the construction, where such spillage constitutes a public nuisance or hazard.

Sec. 42-962. - General standards.

- (a) *Erosion control required.* Any earth changes shall be conducted in a manner which will effectively reduce accelerated soil erosion and resulting off-site sedimentation.
- (b) *Compliance with state rules.* All persons engaged in earth changes shall design, must implement and maintain acceptable soil erosion and sedimentation and control measures, in conformity with Part 91 and the Rules, which effectively reduces accelerated soil erosion and off-site sedimentation.
- (c) *Limitation of exposure of disturbed land.* All earth changes shall be designed, constructed and completed in a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time.
- (d) *Removal of sediment from runoff water.* Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.
- (e) *Limitation of water flow.* A temporary or permanent facility designed and constructed for the conveyance of water around, through or from the earth change area shall be designed to limit the water flow to a non-erosive velocity.
- (f) *Final grading and stabilization.* Temporary soil erosion and sedimentation control measures shall be removed after permanent soil erosion and sedimentation control measures are in place and the area is stabilized. All earth change areas shall be graded and stabilized with permanent soil erosion control measures as shown on the approved earth change plan.
- (g) *Completion of permanent erosion control measures.* Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area shall be completed within 5 calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or if significant earth change activity ceases, temporary soil erosion control

measures shall be maintained until permanent soil erosion control measures are in place and the disturbed areas are stabilized.

Sec. 42-963. - Maintenance of protective devices.

Persons carrying out soil erosion and sediment control measures under this article, and all subsequent owners of property in which such measures have been taken, shall install and maintain all permanent anti-erosion devices, retaining walls, structures, plantings and other protective devices in accordance with the standards and specifications included in this article.

Sec. 42-964. - Design and installation standards.

All temporary and permanent soil erosion and sedimentation control measures shall be completed in accordance with the approved earth change plan. Installation and maintenance of all soil erosion and sedimentation control measures shall be in accordance with the product manufacturer, Michigan Department of Environment, Great Lakes and Energy and the City of Portage Contract Conditions and Specifications. If a conflict exists between the standards, the Department of Community Development shall determine which specifications are appropriate for the project.

Sec. 42-965. - Exemptions from earth change permit requirement; variances.

- (a) Notwithstanding any other provision of this part, a person is not required to obtain a permit for earth changes associated with the following agricultural practices if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site:
 - (1) The construction, maintenance, or removal of fences and fence lines.
 - (2) The removal of tree or shrub stumps or roots.
 - (3) The installation of drainage tile, irrigation, or electrical lines.
 - (4) The construction or maintenance of 1 or more ponds that meet all of the following:
 - (i) The earth change associated with the construction or maintenance is less than 5 acres.
 - (ii) The earth change associated with the construction or maintenance does not result in a discharge of storm water into the waters of the state.
 - (iii) The earth change associated with the construction or maintenance is not part of a larger plan of development. As used in this subparagraph, "larger plan of development" means a contiguous area where multiple separate and distinct construction activities are occurring under a single plan as identified in documentation or physical demarcation indicating where construction activities may occur.
- (b) Notwithstanding any other provision of this part, a residential property owner who causes the following activities to be conducted on individual residential property owned and occupied by him or her is not required to obtain a permit under this part if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site:
 - (1) An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance.

- (2) Gardening, if the natural elevation of the area is not raised.
 - (3) Post holes for fencing, decks, utility posts, mailboxes, or similar applications, if no additional grading or earth change occurs for use of the post holes.
 - (4) Removal of tree stumps, shrub stumps, or roots resulting in an earth change not to exceed 100 square feet.
 - (5) All of the following activities, if soil erosion and sedimentation controls are implemented, the earth change is stabilized within 24 hours of the initial earth disturbance, and soil erosion or sedimentation to adjacent properties or the waters of the state has not or will not reasonably occur:
 - (i) Planting of trees, shrubs, or other similar plants.
 - (ii) Seeding or reseeding of lawns of less than 1 acre if the seeded area is at least 100 feet from the waters of the state.
 - (iii) Seeding or reseeding of lawns closer than 100 feet from the waters of the state if the area to be seeded or reseeded does not exceed 100 square feet.
 - (iv) The temporary stockpiling of soil, sand, or gravel not greater than a total of 10 cubic yards on the property if the stockpiling occurs at least 100 feet from the waters of the state.
 - v) Seawall maintenance that does not exceed 100 square feet.
- (c) A permit is not required for any of the following:
- (1) A beach nourishment project permitted under Part 325 of Act 451 of the Public Acts of 1994 as amended.
 - (2) Normal road and driveway maintenance, such as grading or leveling that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.
 - (3) Metallic mineral mining activity that is regulated under a mining and reclamation plan under part 631 or 634 or a mining, reclamation, and environmental protection plan under part 632, if the plan contains soil erosion and sedimentation control provisions and is approved by the department. As used in this section, "mining" does not include the removal of clay, gravel, sand, peat, or topsoil.
 - (4) Earth changes associated with well locations, surface facilities, flowlines, or access roads relating to oil or gas exploration and development activities regulated under Part 615, or mineral well exploration and development activities regulated under part 625, if the application for a permit to drill and operate contains a soil erosion and sedimentation control plan that is approved by the department under Part 615 or 625. However, those earth changes shall conform to the same standards as required for a permit under Part 91. This subsection does not apply to a multisource commercial hazardous waste disposal well.
 - (5) Earth changes associated with logging, mining, or the plowing or tilling of land for the purpose of crop production or the harvesting of crops. However, all earth changes associated with the activities listed in this section shall conform to the same standards as if they required a permit under Part 91. The exemption from obtaining a permit under this subsection does not include either of the following:
 - (i) Access roads to and from the site where active mining or logging is taking place.

(ii) Ancillary activities associated with logging and mining.

(6) Any additional exemptions listed in Section 9115 or 9115a of Part 91 or Rule 1705.

(d) Exemptions provided in this section shall not be construed as exemptions from enforcement procedures under Part 91 or the Rules if the exempted activities cause or result in a violation of Part 91 or the Rules.

Sec. 42-966. - Enforcement generally; inspections; issuance of certification of completion.

(a) This article shall be enforced by the Department of Community Development. If it is determined that soil erosion or sedimentation of adjacent properties or the waters of the state has or will reasonably occur from land in violation of this article, Part 91 or the Rules, a notification of a violation shall be sent to the alleged violator and the owner(s) of the property according to the tax rolls at the City Assessor's office. Notification of violation shall include: a notice to cease the violation, description of the violation, necessary corrective action and a deadline for completion of such action to comply with this article, Part 91 or the Rules.

(b) A person who violates this article is responsible for the following enforcement provisions, and any additional enforcement provisions listed under Part 91 and the Rules:

(1) Any person violating any provision of this article shall be responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$2,500.

(2) A person who knowingly violates any of the provisions of this article or Part 91 after having received the written notice of determination as required under Section 9112 or 9117 of Part 91, through registered or certified mail of the existence of the violation and being directed to correct the violation within a specified time, is responsible for the payment of a civil fine of not less than \$2,500 or more than \$25,000 for each day of violation.

(3) Any person who knowingly violates any of the provisions of this article or Part 91 or knowingly makes a false statement in an application for an earth change permit, or knowingly makes a false statement in an earth change plan, is responsible for the payment of a civil fine of not more than \$10,000 for each day of violation.

(c) The Department of Community Development shall inspect the work and shall require adequate inspection of compaction by a soil engineer or by a soil testing agency, unless the Department of Community Development determines that such inspection requirements may be waived due to the nonhazardous nature of the earth changes.

(d) Upon satisfactory execution of all approved earth change plans and other requirements, the Department of Community Development shall release the respective bond. If the Department of Community Development finds any existing condition not as stated in the application, earth change permit or approved plan, release of bond may be delayed until approval of a revised grading plan which conforms to the existing conditions.

Sec. 42-967. - Right of entry.

The Department of Community Development may, at all reasonable times, enter in or upon any private or public property for the purpose of inspecting and investigating conditions and practices which may be a violation of this article, Part 91 or the Rules.

Sec 42-968. – Effective date.

This article shall not become effective until 30 days after its adoption and publication.

Secs. 42-969—42-990. - Reserved.

Dated: _____

Patricia M. Randall, Mayor

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

CERTIFICATION

I, Erica Eklov, 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 _____, 2020.

Erica Eklov, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
470 W. Centre Ave., Ste. A
Portage, MI 49024

Approved as to Form:

Date: 7/14/2020

City Attorney

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TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: IDD No. 90 for 6501 Portage Road (Kenco) - IFT Transfer

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development
Meshia Rose, Director of Assessing
Erica Eklov, City Clerk

ACTION RECOMMENDED: Set a hearing at City Hall on December 15, 2020, at 7:00 p.m. or as soon thereafter as may be heard, and provide the City Assessor and a representative of each of the taxing units which levies ad valorem taxes in the City of Portage an opportunity to be heard on the question of the transfer of the Industrial Facilities Tax Exemption Certificate from Scannell Properties to Stryker Corporation for Industrial Development District No. 90 at 6501 Portage Road.

On September 23, 2014, City Council accepted a request from Scannell Properties #192, LLC to create Industrial Development District (IDD) #90 at 6501 Portage Road and an associated PA 198 tax abatement application from Kenco Logistics Services, LLC, for a real property tax abatement at 6501 Portage Road. Scannell Properties originally purchased 6501 Portage Road from the Pfizer Corporation and constructed a 300,330-square-foot facility that is leased to Kenco Logistics Services and exclusively serves the Stryker Corporation (Stryker Medical). The building is currently owned by JDK Real Estate, LLC (JDK and Kenco are affiliated entities), but the Stryker Corporation is now working to purchase the building from JDK. Once the transfer of the building's ownership from JDK to Stryker is complete, the related-party JDK-Kenco lease will be terminated, but Kenco will continue to operate from the building as well as providing services to Stryker as it always has. Kenco will no longer own the building through its affiliate, JDK; rather, Stryker will own it.

The initial inquiry about transferring the Industrial Facilities Tax (IFT) Exemption Certificate was received on November 29, 2020. The applicant has indicated the purchase must be completed by the end of the year and as part of the agreement, the IFT Certificate and Abatement Agreement must be reassigned by Kenco/JDK to Stryker so that Stryker receives the tax benefit after closing. This requires the consent of the City Council, an assignment of the Abatement Agreement and IFT Certificate, and an amendment to the Abatement Agreement. Kenco Logistics Services has a real property tax abatement for a nine-year period on \$12.4 million in real property investments. The City Administration has

consulted with the State Tax Commission and has confirmed the facility remains eligible for an industrial tax abatement under PA 198.

Summary of PA 198 Transfer Process

The process to receive a tax abatement is initiated with the filing of a request to establish an industrial development district. In accordance with PA 198, upon receipt of an application for an industrial facilities exemption certificate, the clerk of the local governmental unit shall notify the assessor and each affected taxing jurisdiction to allow them, as well as the applicant, the opportunity for a hearing with the legislative body of the local governmental unit. (The taxing units that levy ad valorem taxes in the City of Portage include Comstock Public Schools, Kalamazoo County, City of Kalamazoo/Metro, Kalamazoo Regional Educational Service Agency, Kalamazoo Valley Community College, Portage Public Schools, Vicksburg Public Schools, Schoolcraft Public Schools, Portage District Library, Kalamazoo Metro Transit, State of Michigan.) Per Section 207.571 (Transfer and assignment of industrial facilities exemption certificate), "*an industrial facilities exemption certificate may be transferred and assigned by the holder of the industrial facilities exemption certificate to a new owner or lessee of the facility but only with the approval of the local governmental unit and the tax commission after application by the new owner or lessee, and notice and hearing... for the application for a certificate.*"

As such, it is recommended that City Council set a hearing at City Hall on December 15, 2020, at 7:00 p.m. or as soon thereafter as may be heard, and provide the City Assessor and a representative of each of the taxing units which levies ad valorem taxes in the City of Portage an opportunity to be heard on the question of the transfer of the Industrial Facilities Tax Exemption Certificate from Scannell Properties to Stryker Corporation for Industrial Development District No. 90 at 6501 Portage Road.

FUNDING: N/A

Attachments: 1. PA 198 Application

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and one copy of this form and the required attachments (two complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires one complete set (one original). One copy is retained by the clerk. If you have any questions regarding the completion of this form, call 517-335-7460.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Erica J. Ekko</i>	Date Received by Local Unit December 1, 2020
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) KENCO LOGISTIC SERVICES, LLC		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 4225	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 6501 Portage Rd, Portage, MI 49002		1d. City/Township/Village (indicate which) City of Portage	1e. County Kalamazoo
2. Type of Approval Requested ☐ New (Sec. 2(5)) ☐ Speculative Building (Sec. 3(8)) ☐ Research and Development (Sec. 2(10))		3a. School District where facility is located Portage Public Schools	3b. School Code 39140
☒ Transfer ☐ Rehabilitation (Sec. 3(6)) ☐ Increase/Amendment		4. Amount of years requested for exemption (1-12 Years) Transfer of remaining 4 years, ending in 2025	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

See Schedule 5 attached. Legal description of the property attached as Exhibit A.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ N/A - Transfer of existing cert. Real Property Costs												
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ N/A - Transfer of existing cert. Personal Property Costs												
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ N/A - Transfer of existing cert. Total of Real & Personal Costs												
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.													
<table border="0"><thead><tr><th></th><th><u>Begin Date (M/D/Y)</u></th><th><u>End Date (M/D/Y)</u></th><th></th></tr></thead><tbody><tr><td>Real Property Improvements</td><td>▶ <u>N/A - Transfer</u></td><td><u>N/A - Transfer</u></td><td>▶ ☐ Owned ☐ Leased</td></tr><tr><td>Personal Property Improvements</td><td>▶ <u>N/A - Transfer</u></td><td><u>N/A - Transfer</u></td><td>▶ ☐ Owned ☐ Leased</td></tr></tbody></table>			<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>		Real Property Improvements	▶ <u>N/A - Transfer</u>	<u>N/A - Transfer</u>	▶ ☐ Owned ☐ Leased	Personal Property Improvements	▶ <u>N/A - Transfer</u>	<u>N/A - Transfer</u>	▶ ☐ Owned ☐ Leased
	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>											
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Personal Property Improvements	▶ <u>N/A - Transfer</u>	<u>N/A - Transfer</u>	▶ ☐ Owned ☐ Leased										

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 108.5 full-time equivalent existing employees	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. N/A. Required to hire 10 new employees during term.
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11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	<u>N/A</u>
b. TV of Personal Property (excluding inventory)	<u>N/A</u>
c. Total TV	<u>N/A</u>

▶ 12a. Check the type of District the facility is located in:

☒ Industrial Development District ☐ Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit)
October 7, 2014

▶ 12c. Is this application for a speculative building (Sec. 3(8))?
☐ Yes ☒ No

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Matthew Van Dyk	13b. Telephone Number (269) 226-2988	13c. Fax Number	13d. E-mail Address vandykm@millerjohnson.com
14a. Name of Contact Person Matthew Van Dyk	14b. Telephone Number (269) 226-2988	14c. Fax Number	14d. E-mail Address vandykm@millerjohnson.com
▶ 15a. Name of Company Officer (No Authorized Agents) Kyle Gay - CFO			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number 423 622 2501	15d. Date 12/1/2020
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 2001 Riverside Drive, Chattanooga, TN 37406		15f. Telephone Number 1-800-758-3289	15g. E-mail Address jimmy.glascock@kencogroup.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit ☐ Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion ☐ Yes ☐ No ☐ Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable ☐ 1. Original Application plus attachments, and one complete copy ☐ 2. Resolution establishing district ☐ 3. Resolution approving/denying application. ☐ 4. Letter of Agreement (Signed by local unit and applicant) ☐ 5. Affidavit of Fees (Signed by local unit and applicant) ☐ 6. Building Permit for real improvements if project has already begun ☐ 7. Equipment List with dates of beginning of installation ☐ 8. Form 3222 (if applicable) ☐ 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable ☐ 1. Notice to the public prior to hearing establishing a district. ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.		
16c. School Code		
17. Name of Local Government Body		▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time, and that any leases show sufficient tax liability.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original of the completed application and all required attachments to:

**Michigan Department of Treasury
State Tax Commission
PO Box 30471
Lansing, MI 48909**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

Instruction for Completing Form 1012, Industrial Facilities Tax Exemption (IFT) Application

The completed original application form 1012 and all required attachments, **MUST** be filed with the clerk of the local unit of government where the facility is or will be located. Complete applications must be received by the State Tax Commission by October 31 to ensure processing and certification for the following tax year. Applications received after the October 31 deadline will be processed as expeditiously as possible.

Please note that attachments listed on the application in number 16a are to be retained by the local unit of government, and attachments listed in number 16b are to be included with the application when forwarding to the State Tax Commission (STC).

(Before commencement of a project the local unit of government must establish a district, or the applicant must request in writing a district be established, in order to qualify for an IFT abatement. Applications and attachments must be received by the local unit of government **within six months of commencement of project.**)

The following information is required on separate documents attached to form 1012 by the applicant and provided to the local unit of government (city, township or village). (Providing an accurate school district where the facility is located is vital.):

1. Legal description of the real property on which the facility is or will be located. Also provide property identification number if available.
2. Personal Property Requirements: Complete list of new machinery, equipment, furniture and fixtures which will be used in the facility. The list should include description, **beginning date of installation** or expected installation by **month/day/year**, and costs or expected costs (see sample). Detail listing of machinery and equipment **must match amount shown** on question 6b of the application. Personal property applications must have attached a certified statement/affidavit as proof of the beginning date of installation (see sample).
3. Real Property Requirements: Proof of date the construction started (groundbreaking). Applicant must include one of the following if the project has already begun; building permit, footings inspection report, or certified statement/affidavit from contractor indicating exact date of commencement.
4. Complete copy of lease agreement as executed, if applicable, verifying lessee (applicant) has direct ad valorem real and/or personal property tax liability. The applicant must have real and/or personal property tax liability to qualify for an IFT abatement on leased property. If applying for a real property tax exemption on leased property, the lease must run the full length of time the abatement is granted by the local unit of government. Tax liability for leased property should be determined before sending to the STC.

The following information is required of the local unit of government: [Please note that only items 2, 4, 5, 6, & 7 below are forwarded to the State Tax Commission with the application, along with items 2 & 3 from above. The original is required by the STC. The remaining items are to be retained at the local unit of government for future reference. **(The local unit must verify that the school district listed on all IFT applications is correct.)**]

1. A copy of the notice to the general public and the certified notice to the property owners concerning the establishment of the district.
2. Certified copy of the resolution establishing the Industrial Development District (IDD) or Plant Rehabilitation District (PRD), which includes a legal description of the district (see sample). If the district was not established prior to the commencement of construction, the local unit shall include a certified copy or date stamped copy of the written request to establish the district.
3. Copy of the notice and the certified letters to the taxing authorities regarding the hearing to approve the application.
4. Certified copy of the resolution approving the application. The resolution must include the number of years the local unit is granting the abatement and the statement "the granting of the Industrial Facilities Exemption Certificate shall not have the effect of substantially impeding the operation of (governmental unit), or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in (governmental unit – see sample).
5. Letter of Agreement (signed by the local unit of government and the applicant per P.A. 334 of 1993 (see sample)).
6. Affidavit of Fees (signed by the local unit of government and the applicant), (Bulletin 3, January 16, 1998). This statement may be

incorporated into the Letter of Agreement (see sample).

7. Treasury Form 3222 (if applicable - *Fiscal Statement for Tax Abatement Request.*)

The following information is required for rehabilitation applications in addition to the above requirements:

1. A listing of existing machinery, equipment, furniture and fixtures which will be replaced or renovated. This listing should include description, beginning date of installation or expected installation by month/day/year, and costs or expected costs.
2. A rehabilitation application must include a statement from the Assessor showing the taxable valuation of the plant rehabilitation district, separately stated for real property (EXCLUDING LAND) and personal property. Attach a statement from the assessor indicating the obsolescence of the property being rehabilitated.

The following information is required for speculative building applications in addition to the above requirements:

1. A certified copy of the resolution to establish a speculative building.
2. A statement of non-occupancy from the owner and the assessor.

Please refer to the following Web site for P.A. 198 of 1974: www.legislature.mi.gov/. For more information and Frequently Asked Questions, visit www.michigan.gov/propertytaxexemptions.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.

Schedule 5

Kenco Logistic Services, LLC (“Kenco”) requests approval for the transfer of the current Industrial Facilities Tax Exemption Certificate for the real property located at 6501 Portage Road, Portage, Michigan 49002 (the “Property”), which is located within Industrial Development District #90. Kenco requests approval under MCL 207.571(1) for the transfer of the Certificate to Stryker Corporation, in connection with JDK Real Estate, LLC’s (“JDK”) proposed sale of the real property to Stryker Corporation. The Property and all improvements constructed thereon have been completed as of the date of this application, and the parties do not have current plans for future construction, improvement or further installation of equipment.

JDK, an affiliate of Kenco, is the current owner of the Property. Kenco currently leases the Property from JDK pursuant to a related-party lease, pursuant to which Kenco operates a logistics business from the Property that provides third-party logistics services to Stryker Corporation. Following the closing of the proposed sale of the Property to Stryker Corporation, the JDK-Kenco related-party lease will be terminated, but Kenco will continue to operate from the Property as a provider of third-party logistics services to Stryker Corporation. In short, while Kenco will no longer own the Property through its affiliate, JDK, the operation of the business from the Property will not change. Stryker will own the Property, but Kenco will continue to operate from the Property in order to continue providing third-party logistics services to Stryker.

Kenco requests that, contingent upon the closing of the sale of the Property to Stryker Corporation, the Industrial Facilities Tax Exemption Certificate be assigned to Stryker Corporation for the remaining four years of the Certificate’s term, which ends in 2025. Kenco, JDK and Stryker Corporation are agreeable to entering into an amendment and assignment of the current Tax Abatement Agreement dated November 10, 2014, as amended by that certain Amendment to Tax Abatement Agreement dated August 27, 2015 (collectively, the “Abatement Agreement”). As required by Paragraph 17 of the Abatement Agreement, Stryker Corporation will enter into an amendment to the Abatement Agreement as necessary to evidence its agreement to uphold the terms and conditions of the Abatement Agreement upon assuming ownership of the Property.

Exhibit A

Legal Description of the Property

The real property in the City of Portage, Kalamazoo County, Michigan, described as:

That part of the Northeast Quarter of Section 11, Township 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as: Commencing at the North Quarter corner of said Section 11; thence South 00 degrees 19 minutes 09 seconds East on the West line of the Northeast Quarter of said Section 11 a distance of 1325.47 feet to the North line of the Southwest Quarter of said Northeast Quarter; thence North 89 degrees 56 minutes 40 seconds East on said North line 50.00 feet to the East right of way line of Portage Road and the Point of Beginning of the land herein described; thence continuing North 89 degrees 56 minutes 40 seconds East on said North line 1271.75 feet to the East line of the Southwest Quarter of said Northeast Quarter; thence South 00 degrees 24 minutes 13 seconds East on said East line 1280.47 feet; thence West parallel with the South line of the Southeast Quarter of said Section 11 a distance of 1273.64 feet to said East right of way line; thence North 00 degrees 19 minutes 09 seconds West on said East right of way line 1279.22 feet to the Point of Beginning.

Subject to any and all easements and restrictions of record, or otherwise.

Assumed the South line of said Section 11 to bear East.

Address: 6501 Portage Road, Portage, Michigan 49002
Tax parcel #: 10-00011-010-J