

5:45 PM National Arbor Day Tree Planting Ceremony.

6:00 p.m. City Council Committee of the Whole - Economic Development/Branding.

7:30 p.m. Call to Order.

Invocation: Elder John Medema of First Reformed Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. National Children's Mental Health Awareness Day
2. National Arbor Day

A. Approval of City Council Meeting Minutes.

1. Approval of the Regular Meeting Minutes of April 12 and Budget Meeting Minutes of April 19, 2016.

* B. Approval of Consent Agenda Motions.

* C. Accounts Payable Register:

1. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of April 26, 2016 as presented.

D. Public Hearings:

1. Communication from the City Manager recommending that City Council, subsequent to the public hearing, adopt:
 1. the recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water;
 2. the recommendation that the water commodity rate remain at \$3.19 per 1,000 gallons of metered water;
 3. the recommendation that adjustments be made to both the sewer and water base quarterly charges as noted in the 2016 Utility Rate Financial Study;
 4. the recommendation that the new rates become effective on October 1, 2016; and
 5. the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2016 Utility Rate Financial Study.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council adopt the Resolution setting a public hearing on May 10, 2016, for the Fiscal Year 2016-2017 proposed city budget and the proposed 2016 tax levy.
- * 2. Communication from the City Manager recommending that City Council adopt the:
 1. Bond Resolution for Bonds Not To Exceed \$3,250,000, City of Portage Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project), and
 2. Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project).
- * 3. Communication from the City Manager recommending that City Council accept a temporary moratorium ordinance pertaining to Medical Marihuana for first reading and consider ordinance adoption on May 10, 2016.

- * 4. Communication from the City Manager recommending that City Council award a three-year sole source contract, with the option for one three-year extension, to Emergency Vehicle Products for maintenance of all fire emergency apparatus and authorize the City Manager to execute all documents related this action on behalf of the city.
- * 5. Communication from the City Manager recommending that City Council approve the Development Agreement concerning the construction of a traffic signal and related right-of-way improvements at the intersection of Cooley Drive and West Centre Avenue.
- * 6. Communication from the City Manager recommending that City Council award a one-year contract to Professional Health Services, Inc., for administering firefighter physicals at a cost not to exceed \$28,703 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
- * 7. Communication from the City Manager regarding the March 2016 Environmental Report - Information Only.

G. Communications:

1. Annual Update of the Park Board, Kathleen Hoyle, Chairperson.
2. Communication from Judy Anderson regarding Right-of-Way encroachments in the Ringdale Plat.

H. Unfinished Business:

1. Communication from the City Manager recommending that City Council approve Rezoning Application #15/16-2 as follows:
 - 480 Admiral Avenue: rezone from I-1, light industrial, and RM-1, multiple family residential, to R-1A, one family residential, except that the north 125 feet of 480 Admiral Avenue be rezoned to R-1T, attached residential;
 - 514, 520, 526, 532, 606, 612 and 618 Dorset Street: rezone from R-1T, attached residential, to R-1A, one family residential;
 - 6843, 422 and 426 Dorset Street (rear portions): rezone from I-1, light industrial, to R-1A, one family residential; and
 - 6979 South Westnedge Avenue: rezone from I-1, light industrial and RM-1, multiple family residential, to R-1A, one family residential (except the western portion which is to remain zoned B-2, community business).

* I. Minutes of Boards and Commissions Meetings:

1. Portage Public Schools District Advisory Council of February 18, 2016.
2. Portage Youth Advisory Committee of March 14, 2016.
3. Portage Planning Commission of April 7, 2016.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council award a contract for the purchase of traffic signal poles, mast arms and assemblies to Maico Industries, Inc., in an amount not to exceed \$153,873 for:
 - a traffic safety project on South Westnedge Avenue and Romence Road,
 - a traffic signal upgrade on South Westnedge Avenue and Kilgore Road,
 - new traffic signal installation on West Centre Avenue and Old Centre Avenue and
 - additional inventory stock

and authorize the City Manager to execute all documents related to the contract on behalf of the city.

- * 2. Communication from the City Manager recommending that City Council award an independent audit service contract to Yeo & Yeo PC of Portage, Michigan, for a three-year cost not to exceed \$71,400, with an option for three one-year renewals, and authorize the City Manager to execute all documents related to this contract on behalf of the city.

M. Other City Matters:

- 1. Statements of Citizens.
- 2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Thursday, April 28, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, 3rd Floor, Kalamazoo.
 - b. Tuesday, May 3, 4:30 to 8:30 p.m., City Council Budget Review Session, City Hall Room No. 1.
 - c. Wednesday, May 4, 8:15 a.m., Historic District Commission, City Hall Room No. 2.
 - d. Wednesday, May 4, 6:30 p.m., Park Board, West Lake Nature Preserve.
 - e. Thursday, May 5, 6:30 p.m., Human Services Board, City Hall Room No. 1.
 - f. Thursday, May 5, 7:00 p.m., Planning Commission, Council Chambers.
 - g. Monday, May 9, 6:30 p.m., Youth Advisory Committee, City Hall Room No. 1.
 - h. Monday, May 9, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
 - i. Tuesday, May 10, 5:15 p.m., City Council Board and Commission Interview Session, City Hall Room No. 1.

* N. Materials Transmitted.

- 1. Department Monthly Reports
- 2. Materials Transmitted of April 12, 2016.

Adjournment.



City of Portage **Proclamation**

NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY

- WHEREAS**, addressing the complex mental health needs of children, youth and families today are fundamental to the future of the City of Portage; and
- WHEREAS**, the need for comprehensive, coordinated mental health services for children, youth and families places upon our community a critical responsibility; and
- WHEREAS**, it is appropriate that a day should be set aside each year for the direction of our thoughts toward our children's mental health and well-being; and
- WHEREAS**, Kalamazoo Wraps, through its unique and collaborative approach to serving children, youth and families, is improving the System of Care supporting the mental health needs of all children, youth and families in our community; and
- WHEREAS**, May 5th has been designated "National Children's Mental Health Awareness Day" and Kalamazoo Wraps is committed to caring for every child's mental health through education, raising awareness and eliminating stigma.

NOW, THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, do hereby proclaim Thursday, May 5, 2016, as **NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY** in the City of Portage and urge our citizens and all agencies and organizations interested in meeting every child's mental health needs to unite on that day in the observance of such exercises as will acquaint the people of the City of Portage with the fundamental necessity of providing comprehensive and coordinated services for children and youth with mental health needs and their families.



Signed this 26th day of April, 2016

Peter J. Strazdas, Mayor



City of Portage ***Proclamation***

NATIONAL ARBOR DAY

WHEREAS, the importance of trees to the quality of the environment is recognized by designation of April 29th as National Arbor Day; and

WHEREAS, The National Arbor Day Foundation is a non-profit group committed to tree planting and conservation; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, the City of Portage has been designated as a Tree City USA by The National Arbor Day Foundation for its efforts in tree planting and tree conservation; and

WHEREAS, the Portage City Council held a ceremonial tree planting, Tuesday, April 26th on City property in recognition of National Arbor Day:

NOW THEREFORE, I, Peter Strazdas, Mayor of the City of Portage, Michigan do hereby proclaim April 29, 2016 as Arbor Day in Portage and do hereby encourage all residents to plant trees at their homes and places of work.



Signed this 26th day of April 2016

Peter J. Strazdas, Mayor

CITY COUNCIL MEETING SUMMARY

April 12, 2016

PROCLAMATIONS

- ◆ Mayor Strazdas issued a Fair Housing Month Proclamation and mayor Pro tem Ansari presented a Child Abuse Prevention Month proclamation.

ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Check Register of April 12, 2016, as presented.

STATEMENTS OF CITIZENS

- ◆ Glen Smith, 1591 West Centre Avenue, stated he is an Attorney representing two clients who are caregivers under the Michigan Medical Marihuana Act (MMMA) passed by the voters of Michigan. He cited Ter Beek v. Wyoming (City of) and argued that the Portage Ordinance is too restrictive because it limits a dispensary to have only home occupations in Portage. ZHe mentioned that according to the 2010 Census, there are 700 licensed caregivers in Kalamazoo County and conjectured that as many as 300 homes in Portage are dispensaries. He pointed out that the MMMA is not pre-empted by the Federal Controlled Substance Act and argued that most homes are not ADA accessible, not ventilated properly, do not have the necessary water supply, that dispensaries do not grow the product, that the five (5) patients per caregiver is not practical, and that his clients are in an I-2, industrial, zoning district implying that is more conducive to this type of operation. He asked that City Council stay the enforcement of the ordinance until the City Council can act on a new ordinance. He indicated that he knows of ten other municipalities that have changed from a home only occupation scheme to a dispensary scheme and argued the legal principles do not comport with the economic principles. He again asked that City Council stay the enforcement of the ordinance until the City Council can act on a new ordinance.
- ◆ At the request of Mayor Strazdas, City Manager Shaffer indicated that the Administration has discussed this matter extensively and will ask City Council to consider a moratorium at the next Regular Meeting and take under advice to consider setting a public hearing to consider enacting a six month moratorium. He mentioned there is pending legislation at the State level that may or may not have an impact on a Council decision in this matter, and a referendum and vote in November for full legalization of Marihuana would render the Portage Ordinance obsolete. The moratorium would allow the Administration to bring forth some best practices of other communities in the State and to garner input from the advocates of medical marihuana. Relative to staying any action, he indicated discussions with the City Attorney revealed that City Council has the authority and could stay any actions with regard to the two existing dispensaries in the City, including any citations.
- ◆ Travis Copenhaver, Associate Attorney, Cannabis Attorneys of Michigan, 4312 East Grand River Avenue, Howell, stated he is representing one of the caregivers and that a moratorium is appropriate. He also indicated it would be appropriate to consider an ordinance change to allow these dispensaries to exist, asked for a stay of action and indicated that what his client is doing is well within the MMMA and explained. He handed out packets of information and outlined its contents. At the request of Mayor Strazdas, City Manager Shaffer indicated that he did not take any exception with any of the comments from Attorney Copenhaver, and expressed his appreciation for the two draft ordinances he provided.
- ◆ Jevin Weyenberg, 5817 Cheshire Street, indicated medical marihuana is a very safe product and mentioned that there is a very competent lab in Kalamazoo with state of the art equipment to test everything. He described his experience with the product outlining its efficacy and spoke in favor of it and having a Portage Ordinance that expands beyond the home occupation option. He gave further testimony and discussion followed.
- ◆ Brianna Hill, 4709 Fox Valley Drive, Apt. 1A, indicated that she was a caregiver, that her business address was 5092 Sprinkle Road, and spoke of the need for a dispensary option in the Portage Ordinance. She asked for a quality controlled product and safe access to a caregiver, pointed out that Kalamazoo County is short 300 caregivers and spoke in favor of the MMMA. Discussion followed.
- ◆ Devin Loker, 1595 West Centre Avenue, Suite 100, spoke in favor of a moratorium and a stay of enforcement of the ordinance as a good idea to allow public a chance to think about what can be done.
- ◆ Robert Blackford, 23305 Sherer Street, Mattawan, from Colorado, spoke in favor of quality controlled marihuana and safe access to the product.

REPORTS FROM THE ADMINISTRATION

- ◆ Received the Presentation of the Proposed Fiscal year 2016-2017 Budget from City Manager Laurence Shaffer.
- ◆ Established a public hearing for April 26, 2016, at 7:30 p.m. or as soon thereafter as may be heard, to consider resolutions to: adopt the recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water; adopt the recommendation that the water commodity rate remain at \$3.19 per 1,000 gallons of metered water; adopt the recommendation that adjustments be made to both the sewer and water base quarterly charges as noted in the 2016 Utility Rate Financial Study; adopt the recommendation that the new rates become effective on October 1, 2016; and adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2016 Utility Rate Financial Study.
- ◆ Adopted the resolution of support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Redevelopment Plan for 5825/5901 Willoughby Drive for tax capture in the maximum amount of \$190,540 over a period of up to 15 years (including five years for the Local Site Remediation Revolving Fund) or when eligible activities have been fully reimbursed, whichever occurs first.
- ◆ Set a Special Meeting on Tuesday, May 10, 2016, beginning at 5:15 p.m., to interview Board and Commission applicants.
- ◆ Received the Departmental Monthly Reports and Materials Transmitted of March 22, 2016.

COUNCIL COMMITTEE REPORTS

- ◆ Received the report from Councilmembers Urban and Pearson on the Central County Transit Authority Meeting of Monday, April 11, 2016.
- ◆ Received the report from Councilmember Randall on the Discover Kalamazoo Meeting of Monday, April 11, 2016

BID TABULATIONS

- ◆ Awarded a construction contract for the 2016 Local Streets Reconstruction Project to Rieth-Riley Construction Company, Incorporated, of Kalamazoo, Michigan, in an amount not to exceed \$1,639,086.77 and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Awarded a construction contract for the South Shore Drive Sanitary Sewer Improvements Project #416-S to Balkema Excavating, Incorporated, of Kalamazoo, Michigan, in an amount not to exceed \$481,463.06 and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Approved the purchase and installation of a Scott Breathing Air System Hush/Revolveair in the amount of \$62,439 from Argus-Hazco of Chesterfield, Michigan, and authorized the City Manager to execute all documents related to this matter on behalf of the city.
- ◆ Awarded a two-year contract, with the option for up to three one-year extensions, to the low bidder Michigan Municipal Police & Fire Repair, LLC, for maintenance of all Department of Public Safety Police Division vehicles at a labor rate of \$45.00 per hour and authorized the City Manager to execute all documents related to this action on behalf of the city.

STATEMENTS OF CITIZENS

- ◆ Travis Copenhagen of Cannabis Attorney of Michigan, representing one of the Medical Marihuana caregivers, indicated that he does not believe the Home Occupation Ordinance of the City of Portage is valid and will continue to challenge that ordinance. He indicated that he does not encourage people to break the law, but in this case, there is no law being broken owing to the ordinance being invalid.
- ◆ Attorney Glenn Smith asked whether the City Attorney opinion is public record and City Attorney Brown indicated that it is covered under Attorney-Client privilege and does not have to be released; however, a majority of Council can vote to release it.

STATEMENTS OF CITY COUNCIL

- ◆ Councilmember Urban reiterated his comments regarding CCTA that the process has been an effort of the entire County that has been 15 years in the making; that the Committee was concerned when Texas Township chose not to be a part of the District since it would have meant the end of service to KVCC if something had not happened; but, they chose to take advantage of the CCTA provision that facilitated retention of that route. He expressed his hope that service to the other entities continues similarly for those who need it.
- ◆ Councilmember Reid expressed her appreciation for the discussion of the Medical Marihuana issue and asked for input from people who are working within the home occupation ordinance. She noted that because of HIPPA requirements, there is no list of the homes that have care providers, so she asked current caregivers to provide their side of the situation. She reminded citizens of the electronic collection and recycling event, April 16, 2016, from 10 a.m. until 2 p.m. at the Department of Public Services, 7719 South Westnedge Avenue, and the latex paint collection and recycling event on May 14, 2016. She mentioned that this past week she attended the American Occupational Therapy Conference with over 10,000 attendees in Chicago which will celebrate its 100th Anniversary next year, and she recognized the practitioners by indicating April is Occupational Therapy Month.
- ◆ Councilmember Randall thanked the citizens and the members of the Zoning Board of Appeals for attending the ZBA Meeting April 11, 2016, for four hours. She said, "Progress takes time, but we will do it slowly and we will do it together." She expressed her empathy for people who use this product and need it to maintain both physical and mental health. On a lighter note, she mentioned the Deer Management Forum, April 14, 2016, at 7 p.m., Portage City Hall. She also mentioned the upcoming City Spring Cleanup and the Brush and Bagged Leaf Collection.
- ◆ Councilmember Ford indicated that he cannot make the pre-Council meetings and asked if something could be done with regard to his having to abstain from the approval of the minutes of that meeting each time. Mayor Strazdas indicated he would work with Staff, Mayor Pro Tem Ansari and the City Attorney to make that better.
- ◆ Councilmember Pearson reviewed item L.1, 2016 Local Streets Reconstruction Project, and indicated that more than \$3 million in street work would be taking place this summer. He noted that Council freed up over \$1million from City surplus funds to pave 50 streets. He said a fresh coat of asphalt would be constructed on 9 miles of roadway on 37 local streets and an additional 20 neighborhoods will see greater than 4 miles of roadwork in Spring 2016. He also mentioned that Martin Luther King, Jr. Drive would finally be reconstructed and turned over to the City. Mayor Strazdas concurred and discussed the process.
- ◆ Mayor Pro Tem Ansari noted the surplus and mentioned that the Portage priority is our streets. He thanked Maliha Khan, Chair of the Kalamazoo County Child Abuse and Neglect Prevention Council, and Director Karen Hayter for their focus and work on child care in our community.
- ◆ Mayor Strazdas reflected upon his recent trip to Europe and commented that Portage roads are appreciated as compared to the 600 year old infrastructure of France and the United Kingdom. He emphasized that Council needs to continue focus on safety, water, sewer, roads and the basics.

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

CITY COUNCIL MEETING MINUTES FROM APRIL 12, 2016

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

At the request of Mayor Strazdas, Ms. Sujatha Krishnamurthy of the Indo American Cultural Center and Temple of Portage gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATIONS: Mayor Strazdas issued a Fair Housing Month Proclamation and Mayor Pro Tem Ansari issued a Child Abuse Prevention Month Proclamation.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Ford, to approve the the Special Meeting Minutes of March 22, 2016, and the March 22, 2016 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Reid, to approve the Pre-Council Meeting Minutes of April 11, 2016, as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Ford abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Reid asked that Item F.3, Kalamazoo County Brownfield Redevelopment Plan, be removed from the Consent Agenda. Mayor Strazdas removed Item F.2, 2016 Utility Rate Financial Study, from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 12, 2016:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of April 12, 2016. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Glen Smith, 1591 West Centre Avenue, stated he is an Attorney representing two clients who are caregivers under the Michigan Medical Marihuana Act (MMMA) passed by the voters of Michigan. He cited Ter Beek v. Wyoming (City of) and argued that the Portage Ordinance is too restrictive because it limits a dispensary to have only home occupations in Portage. ZHe mentioned that according to the 2010 Census, there are 700 licensed caregivers in Kalamazoo County and conjectured that as many as 300 homes in Portage are dispensaries. He pointed out that the MMMA is not pre-empted by the Federal Controlled Substance Act and argued that most homes are not ADA accessible, not ventilated properly, do not have the necessary water supply, that dispensaries do not grow the product, that the five (5) patients per caregiver is not practical, and that his clients are in an I-2, industrial, zoning district implying that is more conducive to this type of operation. He asked that City Council stay the enforcement of the ordinance until the City Council can act on a new ordinance. He indicated that he knows of ten other municipalities that have changed from a home only occupation scheme to a dispensary scheme and argued the legal principles do not comport with the economic principles. He again asked that City Council stay the enforcement of the ordinance until the City Council can act on a new ordinance.

At the request of Mayor Strazdas, City Manager Shaffer indicated that the Administration has discussed this matter extensively and will ask City Council to consider a moratorium at the next Regular

DRAFT

Meeting and take under advice to consider setting a public hearing to consider enacting a six month moratorium. He mentioned there is pending legislation at the State level that may or may not have an impact on a Council decision in this matter, and a referendum and vote in November for full legalization of Marihuana would render the Portage Ordinance obsolete. The moratorium would allow the Administration to bring forth some best practices of other communities in the State and to garner input from the advocates of medical marihuana. Relative to staying any action, he indicated discussions with the City Attorney revealed that City Council has the authority and could stay any actions with regard to the two existing dispensaries in the City, including any citations.

Travis Copenhaver, Associate Attorney, Cannabis Attorneys of Michigan, 4312 East Grand River Avenue, Howell, stated he is representing one of the caregivers and that a moratorium is appropriate. He also indicated it would be appropriate to consider an ordinance change to allow these dispensaries to exist, asked for a stay of action and indicated that what his client is doing is well within the MMMA and explained. He handed out packets of information and outlined its contents. At the request of Mayor Strazdas, City Manager Shaffer indicated that he did not take any exception with any of the comments from Attorney Copenhaver, and expressed his appreciation for the two draft ordinances he provided.

Jevin Weyenberg, 5817 Cheshire Street, indicated marihuana is a very safe product and mentioned that there is a very competent lab in Kalamazoo with state of the art equipment to test everything. He described his experience with the product outlining its efficacy and spoke in favor of it and having a Portage Ordinance that expands beyond the home occupation option. He gave further testimony and discussion followed.

Brianna Hill, 4709 Fox Valley Drive, Apt. 1A, indicated that she was a caregiver, that her business address was 5092 Sprinkle Road, and spoke of the need for a dispensary option in the Portage Ordinance. She asked for a quality controlled product and safe access to a caregiver, pointed out that Kalamazoo County is short 300 caregivers and spoke in favor of the MMMA. Discussion followed.

Devin Loker, 1595 West Centre Avenue, Suite 100, spoke in favor of a moratorium and a stay of enforcement of the ordinance as a good idea to allow public a chance to think about what can be done.

Robert Blackford, 23305 Sherer Street, Mattawan, from Colorado, spoke in favor of quality controlled marihuana and safe access to the product.

REPORTS FROM THE ADMINISTRATION:

PRESENTATION OF PROPOSED FISCAL YEAR 2016-2017 BUDGET: City Manager Larry Shaffer indicated that the Proposed Budget is the culmination of three months of effort by Staff and Department Heads that includes a comprehensive analysis of City revenue streams going forward, reviews all of the needs of the City as defined by the departments of the City and the future needs of the community. He indicated the Budget contains 22 separate funds with a budget amount of \$67,168,585 which represents a 1.3% increase over last year. He said virtually all of the increase is found in the Capital Improvement Plan (CIP) line and debts in our community, or about \$850,000 - for a total CIP Budget of \$14 million. He noted that the Budget also includes funding for three additional police officers and three firefighters to address the increase in the number and severity of the calls. He indicated that City Council will be asked to meet with staff in Conference Room No. 1 on Tuesday, April 19, 2016, and Tuesday, May 3, 2016, from 4:30 p.m. until 8:30 p.m. Mayor Strazdas explained that these are open meeting sessions and the public can participate at the end of the sessions. Discussion followed.

At the request of Councilmember Randall, Mr. Shaffer assured Council and the public that the Budget will be available to everyone on line by this week. In response to Councilmember Pearson, Mayor Strazdas asked that all requests concerning the Budget be in writing through the City Manager for dissemination. Discussion followed.

In answer to Councilmember Urban, Mr. Shaffer assured him that Council would receive a line item budget as provided in the past. Discussion followed.

Motion by Reid, seconded by Ford, to receive the Presentation of Proposed Fiscal Year 2016-2017 Budget from City Manager Larry Shaffer. Upon a voice vote, motion carried 7 to 0.

2016 UTILITY RATE FINANCIAL STUDY: Mayor Strazdas asked for a response to the following questions from the City Manager and City Engineer: How is our water quality? How is our present maintenance? How is the future of our water system? What is the increase? Is it a good value? Mr. Shaffer provided a brief overview of Portage water. He said that lead pipes are not at issue for the City of Portage because the age of our City is such that water was brought in well after the use of lead pipes ceased. He also noted that there are no lead mains and no lead pipes servicing those mains, except for the occasional soldering that was done. He referred to the Suez Report where Suez Environmental performed 6,700 water testing, or 20 per day, with no “hits” proving that Portage water is excellent.

Mr. Shaffer recognized that the real issue is perception and announced that there is another open house at the Water Treatment plant on April 23, 2016, and that the City offers free water testing which have all turned out negative. With regard to future needs, he indicated that the water and sewer funds are healthy with significant cash to address capital needs in the system along with an aggressive CIP process where needs are predicted ahead of time. He said any rate increase is something to be concerned about, but the total rate increase this year is only 0.75% for both water and sewer.

In answer to Mayor Strazdas, Transportation & Utilities Director Chris Barnes shared that we are always planning for the future and the projected needs as a community with exploring new resources and protecting our water with the Wellhead Protection Program. He cited the new water mains and new hydrants installed on South Westnedge last year with the road improvements for reliability and dependability. Discussion followed and Mayor Strazdas thanked the Water and Sewer Rate Committee Members and mentioned that the City is poised to pay cash for a very large project, a new water tower, with no need for bonding. Mr. Barnes noted the importance of the hydrant flushing program to keep the water fresh for the end user. Discussion followed.

Motion by Pearson, seconded by Randall, to establish a public hearing for April 26, 2016, at 7:30 p.m. or as soon thereafter as may be heard, to consider resolutions to: adopt the recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water; adopt the recommendation that the water commodity rate remain at \$3.19 per 1,000 gallons of metered water; adopt the recommendation that adjustments be made to both the sewer and water base quarterly charges as noted in the 2016 Utility Rate Financial Study; adopt the recommendation that the new rates become effective on October 1, 2016; and adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2016 Utility Rate Financial Study. Upon a roll call vote, motion carried 7 to 0.

KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT PLAN:

Councilmember Reid introduced this Brownfield Redevelopment Project and indicated that it will require \$190,540 to address the contamination issues in order to develop the land of this tax exempt property. She mentioned that taxes will be forgone by the various jurisdictions, not just Portage, by adopting the proposed Resolution. So, she asked for more information on this project so the citizens will know what City Council is doing.

District 11 Kalamazoo County Commissioner Scott McGraw, 10608 Dandale Street, encouraged City Council to adopt the resolution of support for the Brownfield Redevelopment Plan and commented that it is a “win-win-win” because it is not often that we can take tax exempt property, place it on the tax rolls and bring jobs to the community.

Joe Agostinelli, Associate Vice President, Southwest Michigan First, 1906 Forest Drive, and Chair of the Kalamazoo County Brownfield Redevelopment Authority, applauded this as the second project in collaboration with the City of Portage and thanked City Council for their consideration. He indicated that the company is RAI Jets, LLC, and is a second location for them. Discussion followed.

DRAFT

Councilmember Reid noted that the City of Portage is foregoing \$40,098 and asked what are the other jurisdictions foregoing? Mr. Shaffer deferred to Community Development Director Vicki Georgeau, who referred City Council to Table 3 in the City Council Agenda Packet, reviewed the total amounts for each jurisdiction listed and explained. Councilmember Reid spoke in support of the project, but did want to point out that there are costs associated to be borne by various jurisdictions. Discussion followed.

Motion by Randall, seconded by Reid, to adopt the resolution of support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Redevelopment Plan for 5825/5901 Willoughby Drive for tax capture in the maximum amount of \$190,540 over a period of up to 15 years (including five years for the Local Site Remediation Revolving Fund) or when eligible activities have been fully reimbursed, whichever occurs first. Upon a roll call vote, motion carried 7 to 0.

* **SPECIAL MEETING FOR BOARD AND COMMISSION APPLICANTS:** Motion by Urban, seconded by Reid, to set a Special Meeting on Tuesday, May 10, 2016, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 7 to 0.

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

Portage Public Schools Board of Education Regular of February 22, Special of February 29 and Committee of the Whole of March 14, 2016.

Portage Historic District Commission of March 2, 2016.

Portage Planning Commission of March 3 and 17, 2016.

Portage Human Services Board of March 3, 2016.

COUNCIL COMMITTEE REPORTS:

DISCOVER KALAMAZOO: Councilmember Randall reported on her meeting on Monday, April 11, 2016. She said that the presenter, Rebecca Kick, was from the City of Kalamazoo, who disclosed the specifics of their process utilized for their imaginary program on visioning. She mentioned the ten minute survey which is an attempt to poll the masses downtown for input regarding the future direction of the City. Motion by Ford, seconded by Reid, to receive the report from Councilmember Randall on the Discover Kalamazoo Meeting of Monday, April 11, 2016. Upon a voice vote, Motion carried 7 to 0.

CENTRAL COUNTY TRANSIT AUTHORITY (CCTA): Councilmember Urban reported on the meeting with the CCTA on Monday, April 11, 2016, where work continues that is necessary to transfer all of the Metro Transit System from the City of Kalamazoo to the CCTA by the closing date of October 1, 2016. He mentioned that of significant interest, and with much past discussion in the community, the CCTA approved the service agreement with Texas Township and Kalamazoo Valley Community College (KVCC) to continue the route that serves KVCC from downtown. He pointed out that the final portion of that route was outside the CCTA District in which Texas Township chose not to participate, but that a service agreement is available under CCTA Policy for a one time duration of our millage, so there is no danger of the service being interrupted. He noted that it is one of the most popular routes in the system, and approximately 17% of the ridership got off at KVCC and approximately 22% got off at Texas Township. Discussion followed. He also mentioned that the minutes of the CCTA are on line. As a member of the CCTA, Councilmember Pearson concurred and recognized the exceptional work by Executive Director Sean McBride and Chairperson Linda Teeter. In answer to Councilmember Ford, Councilmember Urban indicated that no agreement has been reached by neither Oshtemo Township, nor Pavilion Township. Discussion followed. Councilmember Urban indicated that even though there was no interest in working with a service agreement by Oshtemo

DRAFT

Township, Mr. McBride will be circulating back around since there are new discussion points, but such an agreement cannot be anticipated at this point.

Motion by Ford, seconded by Reid, to receive the report from Councilmembers Urban and Pearson on the Central County Transit Authority Meeting of Monday, April 11, 2016. Upon a voice vote, motion carried 7 to 0. Discussion followed.

NEW BUSINESS:

MEDICAL MARIHUANA: Councilmember Randall indicated that she viewed the Zoning Board of Appeals Meeting last evening with interest and noted that the issues expressed were beyond the purview of the ZBA, but not that of City Council. She expressed an interest in hearing more about the proposal from City Manager Shaffer regarding a six month moratorium, as well as a stay in enforcement of the current City of Portage Ordinance during that six month period.

Mayor Strazdas asked if anyone has any specific questions that they direct them to the City Manager for response, and Mr. Shaffer indicated that he would appreciate it if the questions could be submitted by Wednesday, April 20, 2016. He pointed out that the one remaining issue is the request for a stay of the enforcement of the Ordinance and, unless the City Council directs otherwise, consideration of the moratorium question will be on the April 26, 2016 Regular City Council Meeting Agenda. He said he was not predisposed to look for other opportunities to cite someone else, or other practitioner, until the Council has completed their discussion on the moratorium and the potential for a stay of the enforcement of the Ordinance. Mayor Strazdas reminded City Council that under New Business, the only question is whether the Council wishes to direct the City Manager to research a topic and bring back a recommendation or report.

City Attorney Randy Brown indicated that his office is preparing a lengthy opinion that will be ready for the next meeting that describes the law in this area and asked Council to direct any questions to him regarding the opinion. He noted that Council has been through the Michigan Medical Marihuana Act (MMMA) before, so it is not a surprise that it has been found to be confusing and complicated by those citizens who spoke earlier. He acknowledged that it is complicated and courts have struggled with it since it was passed. He indicated that there are many Court of Appeals cases that have interpreted provisions of the Act and several important Supreme Court Cases that have interpreted the Act, but there is a long way to go yet. He pointed out that the Courts have not discussed the dispensary issue point blank and the Act does not permit, nor does it prohibit what would be considered a dispensary – the free flow of marihuana – through caregivers and patients.

However, Mr. Brown indicated that he did not wish Council to think that Ter Beek v. Wyoming (City of) authorized dispensaries because it did not. It held that if a person is in compliance with the MMMA; that that if a person is in compliance with the MMMA, i.e. if that person is in compliance with the close relationship that is the intent of the Act between the caregiver and his or her five (5) qualified patients who are registered with the State of Michigan, then that person is legal, and a Zoning Ordinance cannot prohibit that activity. He indicated that to comply with the Act in that way makes it very difficult to have a dispensary because by nature a dispensary would take it outside the 5:1 ratio. He stated we still have the MMMA which is law that we are bound to follow and a home occupation ordinance which we are bound to enforce. He pointed out that enforcement has gone forward because evidently what is happening at these locations in question are not in compliance with the Act. He disclosed that since the ZBA denial of the request last evening to stay the enforcement of the ordinance, even though it was stayed while the appeal was pending, that allowed the City to continue the enforcement. He anticipated there might be further interest to stay the enforcement of the ordinance, so he has prepared a motion for Council which he admitted is rather long because of the details required to stay the enforcement of an ordinance.

Councilmember Reid objected because she has not seen any of the proposed language and stressed that she is not prepared to act on something on such short notice without the chance to review it,

first. Discussion followed and Mr. Brown indicated that the proposed ordinance does not contain a stay of enforcement provision because it just prohibits the establishment of any future facility.

In answer to Councilmember Reid, Mr. Shaffer indicated that it is premature to take any action on this matter until the Council has a full opportunity to discuss it, the petitioners have a chance to appeal the action of the ZBA, and/or a resolution might be reached in court; so, he plans to take no action until Council has the opportunity to discuss this matter at the next Regular Council Meeting.

Councilmember Pearson indicated that he watched the ZBA Meeting and, like Councilmember Urban, as a former Chair of the ZBA, he never remembered having the Deputy City Manager ask applicants to take sworn statements before they could present their case, so he took this as “collecting evidence” for prosecution. He agreed with Councilmember Reid that it is premature to take any action on this matter until the Council has a full opportunity to discuss it, and wanted assurances that there would be no prosecutions during the next ten days using this evidence. Mr. Brown indicated that Legal Counsel does not proceed with enforcement action without the direction of the City Administration. In answer to Councilmember Pearson, City Manager Shaffer indicated that the moratorium would be introduced on May 26, 2016; Council would be asked to hold a public hearing on May 10, 2016; and Council would have a chance to vote on the matter thereafter.

Councilmember Urban asked what exactly does the moratorium contemplate. Discussion followed. Mr. Shaffer indicated that the moratorium would be designed to take a look at the present home occupation marihuana zoning ordinance and to take the opportunity to create a new ordinance or to add to the current ordinance in order to take into consideration some of the issues raised. He explained that it is the chance to give space in time to craft a new ordinance; to step back for a period of time in order to take a look at what happens at the State level and at the referendum level and to ascertain how those activities might inform Council regarding a potential ordinance. He summed up and emphasized that the moratorium would provide the time for consideration of the details of a new ordinance or the expansion of the current home occupation ordinance.

In answer to Councilmember Urban’s quest for clarity of what the moratorium would contemplate, City Attorney Brown indicated that the moratorium ordinance actually excludes the home occupation type of medical marihuana transaction; that will not be prohibited at all because it is an exclusion; however, the moratorium will prohibit any establishment of a medical marihuana use if it does not fall within the Act requirement. In answer to Councilmember Urban, he said that this requires action because there are arguments that what they are doing is legal. The moratorium ends that discussion and the establishment of new marihuana facilities like the ones in question will not happen because they are prohibited during the moratorium period, and this allows us to obtain some clarity during the moratorium period. Discussion followed.

Councilmember Ford listed some of the pending legislation to be considered when considering a new ordinance, and City Attorney Brown welcomed discussion of any sample ordinances from anyone. Councilmember Pearson reminded Council that he suggested that Council needs to meet as a Committee of the Whole on this issue and asked that Council take it into consideration May 10, 2016. Mayor Strazdas responded that this would be a pre-judging of the decision of Council and expressed a preference for a public hearing for citizen input, then have a work session and explained that the timing is an important consideration here. Councilmember Pearson offered that he would be proposing a Committee of the Whole in the near future for a discussion of the medical marihuana issues.

Councilmember Ford noted that Council set a Special Meeting on Tuesday, May 10, 2016, beginning at 5:15 p.m., to interview Board and Commission applicants and, in that case, Councilmember Pearson deferred to May 24, 2016, as a possibility.

Councilmember Urban commented that members of the audience admitted establishing a business knowingly illegal in the State of Michigan or the City of Portage, and said he was disturbed that City Administrators were not going to continue enforcement since they lost their appeal last night. He said he has no sympathy for people who knowingly flaunt the law; but, he does have sympathy for patients and people who are using medical marihuana, but little sympathy for businesses who flaunt the

DRAFT

law willingly. He restated his disappointment that City Administrators were not going to continue enforcement. Mayor Strazdas summed up.

BID TABULATIONS:

- * **2016 LOCAL STREETS RECONSTRUCTION PROJECT – BID TABULATION:** Motion by Urban, seconded by Reid, to award a construction contract for the 2016 Local Streets Reconstruction Project to Rieth-Riley Construction Company, Incorporated, of Kalamazoo, Michigan, in an amount not to exceed \$1,639,086.77 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
- * **SOUTH SHORE DRIVE SANITARY SEWER PROJECT #416-S– BID TABULATION:** Motion by Urban, seconded by Reid, to award a construction contract for the South Shore Drive Sanitary Sewer Improvements Project #416-S to Balkema Excavating, Incorporated, of Kalamazoo, Michigan, in an amount not to exceed \$481,463.06 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
- * **SCOTT BREATHING AIR SYSTEM – BID TABULATION:** Motion by Urban, seconded by Reid, to approve the purchase and installation of a Scott Breathing Air System Hush/Revolveair in the amount of \$62,439 from Argus-Hazco of Chesterfield, Michigan, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
- * **DEPARTMENT OF PUBLIC SAFETY - POLICE DIVISION VEHICLE MAINTENANCE – BID TABULATION:** Motion by Urban, seconded by Reid, to award a two-year contract, with the option for up to three one-year extensions, to the low bidder Michigan Municipal Police & Fire Repair, LLC, for maintenance of all Department of Public Safety Police Division vehicles at a labor rate of \$45.00 per hour and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Travis Copenhaver of Cannabis Attorney of Michigan, representing one of the Medical Marihuana caregivers, indicated that he does not believe the Home Occupation Ordinance of the City of Portage is valid and will continue to challenge that ordinance. He indicated that he does not encourage people to break the law, but in this case, there is no law being broken owing to the ordinance being invalid.

Attorney Glenn Smith asked whether the City Attorney opinion is public record and City Attorney Brown indicated that it is covered under Attorney-Client privilege and does not have to be released; however, a majority of Council can vote to release it.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban reiterated his comments regarding CCTA that the process has been an effort of the entire County that has been 15 years in the making; that the Committee was concerned when Texas Township chose not to be a part of the District since it would have meant the end of service to KVCC if something had not happened; but, they chose to take advantage of the CCTA provision that facilitated retention of that route. He expressed his hope that service to the other entities continues similarly for those who need it.

Councilmember Reid expressed her appreciation for the discussion of the Medical Marihuana issue and asked for input from people who are working within the home occupation ordinance. She noted that because of HIPPA requirements, there is no list of the homes that have care providers, so she asked current caregivers to provide their side of the situation. She reminded citizens of the electronic

DRAFT

collection and recycling event, April 16, 2016, from 10 a.m. until 2 p.m. at the Department of Public Services, 7719 South Westnedge Avenue, and the latex paint collection and recycling event on May 14, 2016. She mentioned that this past week she attended the American Occupational Therapy Conference with over 10,000 attendees in Chicago which will celebrate its 100th Anniversary next year, and she recognized the practitioners by indicating April is Occupational Therapy Month.

Councilmember Randall thanked the citizens and the members of the Zoning Board of Appeals for attending the ZBA Meeting April 11, 2016, for four hours. She said, “Progress takes time, but we will do it slowly and we will do it together.” She expressed her empathy for people who use this product and need it to maintain both physical and mental health. On a lighter note, she mentioned the Deer Management Forum, April 14, 2016, at 7 p.m., Portage City Hall. She also mentioned the upcoming City Spring Cleanup and the Brush and Bagged Leaf Collection.

Councilmember Ford indicated that he cannot make the pre-Council meetings and asked if something could be done with regard to his having to abstain from the approval of the minutes of that meeting each time. Mayor Strazdas indicated he would work with Staff, Mayor Pro Tem Ansari and the City Attorney to make that better.

Councilmember Pearson reviewed item L.1, 2016 Local Streets Reconstruction Project, and indicated that more than \$3 million in street work would be taking place this summer. He noted that Council freed up over \$1million from City surplus funds to pave 50 streets. He said a fresh coat of asphalt would be constructed on 9 miles of roadway on 37 local streets and an additional 20 neighborhoods will see greater than 4 miles of roadwork in Spring 2016. He also mentioned that Martin Luther King, Jr. Drive would finally be reconstructed and turned over to the City. Mayor Strazdas concurred and discussed the process.

Mayor Pro Tem Ansari noted the surplus and mentioned that the Portage priority is our streets. He thanked Maliha Khan, Chair of the Kalamazoo County Child Abuse and Neglect Prevention Council, and Director Karen Hayter for their focus and work on child care in our community.

Mayor Strazdas reflected upon his recent trip to Europe and commented that Portage roads are appreciated as compared to the 600 year old infrastructure of France and the United Kingdom. He emphasized that Council needs to continue focus on safety, water, sewer, roads and the basics.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF MARCH 22, 2016:** Motion by Urban, seconded by Reid, to receive the Materials Transmitted of Tuesday, March 22, 2016. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:48 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

MINUTES OF THE BUDGET WORK SESSION OF THE PORTAGE CITY COUNCIL
April 19, 2016

Meeting was called to order by Mayor Strazdas at 4:30 p.m.

The following members of City Council were present:
Councilmembers, Richard Ford, Jim Pearson, Patricia Randall, and Claudette Reid, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Councilmember Terry Urban arrived at 4:49 p.m. with notice. Also in attendance were City Manager Laurence Shaffer, Deputy City Manager Rob Boulis, Finance Director Bill Furry, Deputy Director of Benefits & Compensation Tracy Schmitt, Payroll Accounting Specialist Shelly Stanley and City Clerk James Hudson.

Mayor Strazdas deferred to City Manager Laurence Shaffer, who thanked Deputy City Manager Rob Boulis, Finance Director Bill Furry, Deputy Director of Benefits & Compensation Tracy Schmitt, Payroll Accounting Specialist Shelly Stanley, Purchasing Manager Judy Johnson, and the balance of the Department Heads for the many hours devoted to crafting this Budget. He discussed some of the highlights of the Budget, including: an increase in the overall budget by 1.3% to \$68 million with the increase found in the Capital Improvement Plan (CIP) line and debts in our community, or about \$800,000; funding for three additional police officers and three firefighters to address the increase in the number and severity of the calls to continue the rock solid fully accredited Public Safety Department, both Police and Fire. He also cited some increased efficiencies and effectiveness brought about within the Parks, Recreation & Senior Citizen Services Department and pointed to the reaccreditation of the Senior Center and their spectacular events and performances and the success of the Farmer's Market. He reviewed other successes in the areas of technology (with Boardsync, BS&A and ADP Time and Attendance, keyless entry system, cameras); with transitioning of City Hall operations with Human Resources, Purchasing, Finance and Assessor with savings of \$300,000 by eliminating redundancy; and with new personnel for Community Development and Public Services.

Mayor Strazdas asked what is the proposed Full Time and Part-Time Employee count as compared to current 2015/2016 approved Full Time Employee Count and Mr. Shaffer reviewed the benefits of hiring two UAW employees for the Department of Public Services. He summed up that the investment last year of \$95,000 in two personnel has returned real benefits in the amount of \$170,000 for work in house rather than go outside. Discussion followed. In answer to Mayor Strazdas, Mr. Shaffer cited three new employees last year and this year, six new employees in Public Safety, one in Parks and Recreation and Deputy City Manager Boulis cited the one-half employee for the Senior Center. Discussion followed.

Mayor Strazdas asked how can the City cut \$133,000 from the General Fund and still afford to add seven and one-half people at a cost of approximately 700,000. Mr. Shaffer indicated that the savings in the elimination of the Benefit Services Department accounts for about one-half of that and the other half is from debt reduction and explained. Discussion followed regarding the challenges involved with utilizing temporary and part time employees going forward, the efforts to move toward success to eliminate silos, cultural change and employee morale, body cams for Police, cameras on trails and park buildings, quality of life in Portage, the Fund Balance, and how the Michigan Municipal Risk Management Authority refund contributes to the Fund Balance. Discussion followed.

City Manager Shaffer and Deputy City Manager Boulis provided great praise for Purchasing Manager Judy Johnson, who provided a brief background of the Portage purchasing and risk management functions and how they are performed in relationship to the budget. She discussed procurement of goods and services and equipment for the City. She said the City institutes a procurement system that focuses on competition, cost effectiveness and partnership with our business community. She indicated that annually she supports 3,500 purchase orders, prepares 40-50 sealed bids, and develops 75 formal contracts, 20-25 cooperative or joint purchasing contracts. She discussed current contracts, bids under proposals, local bid/purchasing and percentages, the disposal of assets using services such as auctions and Biddergy, the Risk Management Program, Countywide outsourcing. Discussion followed.

When asked whether Ms. Johnson will be present at the Committee of the Whole on Purchasing, Mr. Shaffer answered in the affirmative. Ms. Johnson provided an explanation of her use of the part time employee and the perception that the number of bid responses seem to be decreasing owing to the decrease in the number of businesses because of the recession and the reluctance to bid because of the insurance requirements. Discussion followed. Ms. Johnson explained that the City insurance requirements have not changed noticeably over the years, noted that the City uses MiDeal, and explained the difficulties of working with the City and County of Kalamazoo owing to the different purchasing requirements.

Mr. Boulis explained that each Department Head or his or her designee is responsible for designating who would be administering performance contracts. Ms. Johnson said the City ordinances are good and she expressed her appreciation to City Council for raising the bid level from \$10,000 to \$20,000; she asked that it be reviewed periodically, deferred to City Council for any change and indicated that the City of Kalamazoo was about \$50,000.

Deputy City Manager Boulis explained why the new Human Resources Director is not joining the City of Portage and indicated that the new Deputy Director of Human Resources would be starting on Monday, but had no labor experience. Discussion followed.

In answer to Councilmember Reid, Mr. Boulis indicated that the line item in the Human Resources Department is down because at this time last year, the City was in negotiations with the IFF, so now it has been moved to the Fire Department Budget. With regard to participation in the Wellness Program he said it is still going well; the City is offering training and events, and the physical with their personal doctor is still a part of that, but the aggregate assessment was skipped because the results every year did not seem necessary. He did indicate that the aggregate assessment would take place in November 2016. Discussion followed.

In answer to Councilmember Reid, Mr. Boulis gave an example of a succession situation in the City and explained the importance of planning for these successions so as not to get caught short. In answer to Mayor Pro Tem Ansari, he said the City uses a nutritionist for training and offers a \$450 reimbursement for gym membership.

City Manager Shaffer spoke highly of City Assessor Ed VanderVries and Deputy City Assessor John Baumann, outlining each of their credentials. Mr. VanderVries expressed his appreciation for his newly appointed staff. He highlighted the Department Operations and objectives, the changes in the tax system and the goals for the upcoming fiscal year. He listed assessing and the Board of Review as responsibilities of the Assessor, and stressed the efficiency and productivity gained through the use of technology. He said that the Department is responsible for all of the records of all property ownership and occupancy and have a statutory duty to prepare the assessment rolls and to assist the March, July and December Boards of Review.

Mr. VanderVries referred to the reports generated by the Department and reviewed the increases in property valuation and total taxable value increases. He indicated that the assessed value of real property, including commercial, industrial and residential, increased 6.25% while taxable value on real property increased by 1.2%. He indicated that the increase in the Consumers Price Index (CPI) at 1.0003 was due primarily to new construction in the commercial and residential classes. He gave the taxable value of property in Portage to be \$1,905,365,274, and indicated that the roll was reduced by \$115,000,000 just because of the decrease in the taxable value of Pfizer property. He indicated that the proportion of real versus personal property is 89% real and 11% personal and as the phasing out of personal property continues, the distribution will go to the residential tax base. He cited the foreclosure rate in 2014 at 70 and 2015 at 50 compared to 200 foreclosures in Portage in 2010. He reviewed the Board of Review activities, appeals, use of technology, work on the 2017 Assessment Roll, and evaluation techniques used in assessing the properties. Mr. VanderVries offered a copy of his notes for City Council and discussion followed.

Mr. Shaffer concurred with Mr. VanderVries that one pod for the Board of Review is the recommendation from the Administration for City Council for 2017. Discussion followed.

RECESS: 6:03 p.m.

RECONVENE: 6:20 p.m.

City Manager Shaffer introduced Transportation & Utilities Director Chris Barnes, who reviewed his duties regarding road projects, streets, water and sewer, sidewalks and bikeways. He also reviewed the Capital Improvement Projects in the 2015-2025 Capital Improvement Plan (CIP) Budget, including: reconstruction of East Osterhout Avenue from South Westnedge Avenue to Portage Road; reconstruction of Portage Road from Romence Road Parkway to East Milham Avenue; reconstruction of Constitution Blvd from Romence Road to West Milham Avenue; reconstruction of South Westnedge Avenue from Shaver Road to East Centre Avenue; the reconstruction of East Centre Avenue from Shaver Road to South Westnedge Avenue; and the railroad crossings as some of the 2016 projects.

Mr. Barnes reviewed the neighborhood street initiative and referred to the listing provided by City Council in the April 12, 2016 Agenda Packet. He discussed street lighting upgrade plans and the eventual migration to LED lighting, and detailed the importance of crack sealing, duopatching and mill and fill for road maintenance to extend the life of the streets. Discussion followed. Council asked the question of why the expenditures for Signals and Crossings are doubling in cost, and Mr. Shaffer offered to provide the answer with a follow-up analysis. Discussion followed.

Mr. Barnes reviewed the Water and Sewer Funds and mentioned that this is the last year of the Suez Environmental contract and the Water Treatment Facility Open House on Garden Lane, Saturday, April 23, 2016, from 10 a.m. until 2 p.m. in conjunction with the Youth Advisory Committee Green-a-Thon Event. In answer to Mayor Strazdas, he indicated that most of the municipalities that have contracts like the Suez Environmental contract have their own waste water treatment plants; that this is an enterprise fund; and storm water, street sweeping and costs for functions that are not strictly utility related are included. He did represent that the cost savings are worth it and the customer service provided has been very worthwhile.

Mr. Barnes indicated that he would be with a panel at Central Michigan University on May 6th to talk about lead and copper throughout the State, and stressed that Portage is well-placed to continue improving our water system. Mayor Strazdas related his shared frustration with Senator Margaret O'Brien, who agreed that Portage is entitled to a bonus for using tax dollars for a water system that is "well-placed with a good report card" versus those who have not been taking care of business for the taxpayer and are now looking for a handout. Discussion followed.

Mr. Barnes reviewed the Sewer Fund and indicated that the waste water treatment costs from the City of Kalamazoo is the highest cost to the system, along with the maintenance costs, and as Portage continues to age, those costs will go up. Mr. Barnes indicated that about 5% of Portage households are not connected to sewer and explained that there is no mandatory water hook-up and water north of I-94 is serviced by the City of Kalamazoo. Discussion followed.

Mr. Barnes discussed the water fund, energy costs, expenses, debt costs, building expenses and equipment maintenance costs. He discussed the operation and maintenance of the West Lake Management Fund for treatment to improve lake quality with the least amount of environmental impact. Discussion followed.

Council greeted Department of Public Services Director Rod Russell and Finance Director Bill Furry explained how the Parks, Recreation & Senior Citizen Services Department was carved out of the Department of Public Services. Mr. Russell explained that his Department is responsible for maintaining streets, parks, trails, bikeways, facilities and equipment. Mr. Russell cited some of the new programs, including: single-stream recycling, latex paint recycling, electronic recycling and leaf collection to the private streets. He referenced the Council approval of two new laborers for cost-savings to the City by performing work in-house and cited some examples, including: for brush pick-up and snowplowing, and the cost of eliminating two seasonal positions. Discussion followed.

Mr. Russell explained the importance of revenue generation through fees, grants, foundations, donations, etc., the importance of volunteer participation with clean-up needs, and the importance of the use of new technology such as Wi-Fi in the parks. Discussion followed.

Mr. Russell discussed street repairs, including the use of mill and fill, the Duropatcher and crack sealer. He stressed the importance of having the right equipment for the job and not having equipment sitting around with no purpose.

He reviewed facility maintenance, park maintenance, grounds maintenance, cemeteries and parks. Discussion followed regarding the use and maintenance of various parks and other maintenance services.

He highlighted the twenty-sixth year of Portage being a Tree City USA and mentioned the tree-planting ceremony on April 26, 2016, commemorating the honor.

Mr. Russell discussed plans for maintaining bike paths and trails, the development of the planned Eliason Nature Reserve bike path. Discussion followed.

Next, Mr. Russell focused on the maintenance of the four City cemeteries, and the importance of volunteer participation with flower planting in cooperation with Kalamazoo in Bloom. Discussion followed. He then listed the Department functions with regard to Major Streets and Local Streets and explained the plans to use the PASER rating system as a guide for when to mill and fill, use the Duropatcher or the crack sealer to delay the need to reconstruct both of these types of roadways.

He discussed Curbside Recycling, Household Hazardous Waste Program and offered to find out how much product is being rejected based on contamination. He then discussed the successes of the Spring Clean-up, Leaf Pick-up and Brush Pick-up Programs. In answer to Councilmember Reid, Mr. Russell explained that of the 100 private streets, only about 25 residents have signed up, even though we have reached out to them several times. Mr. Shaffer explained the problem is with the waiver, and Mr. Russell indicated that we have modified the waiver to make it easier.

Mr. Russell outlined the Fleet and Facilities Fund, Operation and Maintenance Fund, and the Capital Outlay Fund, including the list of vehicles to be procured. Discussion followed.

Parks, Recreation & Senior Citizen Services Director Kendall Klingelsmith was accompanied by Senior Citizens Services Manager Kim Phillips. He indicated that this is the first year of the separation of the Parks, Recreation & Senior Citizen Services Department from the Department of Public Services. He stressed that the Departments are still working very well together and explained what in particular the Parks, Recreation & Senior Citizen Services Department provide for the citizens. He complimented his predecessor for providing a quality infrastructure and platform to provide our citizens with safe, healthy and quality recreational opportunities. He expressed his appreciation for the support of the Administration and City Council.

He reflected on some of the accomplishments of the Department, including: the testing of a Farmer's Market, and his commitment to a year round market with the only Farmer's Market on Sunday in the area beginning May 1st; understanding of the area of programing with more to explore; identified efficiencies at Ramona Park and Millennium Park Ice Rink Operation; instituting canoe and kayak rental at Ramona Park; continue to develop the Eliason Nature Preserve; increased business contacts; hired a one-half person at the Senior Center; successful reaccreditation of the Senior Center; creation of a Park and Trail Division; established a relationship with the Park board; putting in a promotion for the Friends of the Parks; working closely with Mr. Russell converted parks facility roofs to metal as a maintenance free approach that will outlive some of the structures; added Pickle Ball Courts; built a rental/garage at Ramona Beach; a revamped

Interpretive Center to make it into a trailhead and useable again; and continue to work together to address maintenance issues as they arise. Discussion followed.

He reviewed the Parks Account, the Recreation Accounts: Administration, Team Sports, Programs, Ramona Park, Special Events and Millennium Park Ice Rink Account. He reviewed the efforts at the Senior Center and indicated that membership is trending higher. He mentioned that the Senior Center is bringing in the Aging Mastery Program using a healthy, wealthy and wise curriculum that is progressive and a one of a kind in Southwest Michigan. He reviewed the Senior Trip Program, the increase in Senior Programs and the Senior Activities Account. He indicated that he and Senior Citizens Services Manager Kim Phillips share the same vision for a successful Senior Center. Discussion followed.

RECESS: 8:29 p.m.

RECONVENE: 8:32 p.m.

Public Safety Director Richard White had his Deputies introduce themselves: Senior Deputy Police/Fire Chief of Administration Dan Mills, Senior Deputy Fire Chief of Operations John Podgorski, Senior Deputy Police Chief of Operations Nick Arnold and Assistant Fire Chief Doctor Stacey French.

Mr. White reviewed the Public Safety Budget for Police and Fire Services. He explained that the budget increases are due in part to the staffing increase request of three Police Officers and three Firefighters. He reflected on staffing levels in the past and shared the "Bubble" process used at that time. He noted that the average loss of police officers is two and one half officers per year. He provided an analysis of the ratio of police officers to population, the number of calls, and crimes when compared with cities of similar populations. He gave examples of data gathering when extra police officers and techniques were employed. He proposed a power shift option and explained.

Mr. White reviewed the accreditation process required of the Fire Department to become accredited and provided some data derived from real live examples experienced throughout the year. This gave the Fire Department the information necessary for improvement and to become the first Fire Department in the State to be accredited, not Grand Rapids as has been reported. With this, he also confirmed that Portage became the only City in the State to be both Police and Fire accredited with the Police working on their sixth accreditation. The Fire Department is one of the less than 1% of the Fire Departments in the country to achieve this, and the Police Department is one of the less than 4% of the Police departments in the country to achieve this.

Mr. White reviewed some of the various standards of performance required of the Fire Department as part of the accreditation and what was necessary for the Fire Department to improve.

He shared some of the involvements of the Department: A Window on Portage Public Safety media presentations, shop with a Hero, Project Life Saver, Introduction of Canine Officer Rocco and Officer Wentworth, New Lab Unit and Lab Vehicle, the Red Med Box, Swearing-in of Officers, Annual Awards Ceremony, Emergency Management Drill, Fire Department Confined Space and Rescue Training, Public Safety Open House, Numerous Crime Prevention Tips, Biggest Giver Food Drive, Park the Police Car Program for Contact with the Citizens, Electric Motorcycle, Portage Public Schools and KRESA Education for Employment Program, Optimist Club Respect for Law Movie Night, Ride of Silence and PUNT - Patrol Uniform Narcotics Team. Discussion followed.

City Manager Shaffer offered to provide further explanation for the increase in Administration and staff in the Operations & Maintenance Budget. Discussion followed.

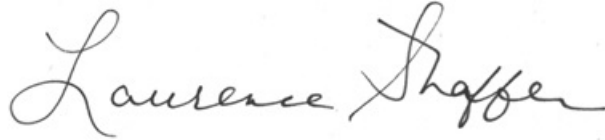
Mayor Strazdas reminded City Council that there will be a Committee of the Whole Meeting on Tuesday, April 26, 2016, at 6:00 p.m. to discuss Economic Development/Branding and Heather Baker from Southwest Michigan First will be presenting. Also, there will be a Tree Planting Ceremony prior to the meeting.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:35 p.m.

James R. Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of April 26, 2016 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register, which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period March 27, 2016 through April 10, 2016 and notes \$149,738.68 in automated clearing house payments, \$363,420.64 in paper checks and \$1,263.98 in auto-pay payments for a grand total of \$514,423.30.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

ACCOUNTS PAYABLE REGISTER
Check Dates From: 3/27/2016 To: 4/10/2016

Check Date	Check	Vendor Name	Amount
04/08/16	4963(A)	A I S CONSTRUCTION EQUIP. CO.	251.72
04/08/16	4964(A)	A-1 SIGNS	1,555.00
04/08/16	4965(A)	ABONMARCHE CONSULTANTS, INC	31,863.81
04/08/16	4966(A)	ADMIRAL LOCK & KEY SERVICE	105.00
04/08/16	4967(A)	ALL CITY MANAGEMENT SERVICES, INC.	3,115.80
04/08/16	4968(A)	ALL-PHASE ELECTRIC SUPPLY CO.	119.16
04/08/16	4969(A)	ALRO STEEL CORPORATION	726.36
04/08/16	4970(A)	AMERICAN HYDROGEOLOGY CORP.	1,100.00
04/08/16	4971(A)	ANIMAL REMOVAL SERVICE, LLC	450.00
04/08/16	4972(A)	APOLLO FIRE EQUIPMENT COMPANY	350.36
04/08/16	4973(A)	APPROVED PROTECTION SYSTEMS	132.30
04/08/16	4974(A)	ARROW UNIFORM RENTAL	50.75
04/08/16	4975(A)	C D W GOVERNMENT, INC.	3,427.47
04/08/16	4976(A)	C M P DISTRIBUTORS, INC.	105.00
04/08/16	4977(A)	CHUCK'S ELECTRICAL SERVICE INC.	600.00
04/08/16	4978(A)	CONSUMERS CONCRETE CORP.	859.75
04/08/16	4979(A)	DIESEL INJECTION SERVICE, LLC	971.86
04/08/16	4980(A)	DIVE RESCUE INTERNATIONAL INC	214.38
04/08/16	4981(A)	EG WORKFORCE SOLUTIONS	508.32
04/08/16	4982(A)	ENGINEERED PROTECTION SYSTEMS, INC.	4,911.62
04/08/16	4983(A)	ETNA SUPPLY, INC.	123.96
04/08/16	4984(A)	FARM N GARDEN	6,474.29
04/08/16	4985(A)	FISHBECK THOMPSON CARR & HUBER, INC	1,495.50
04/08/16	4986(A)	FURRY, WILLIAM	199.28
04/08/16	4987(A)	GLOBAL TELEMATIC SOLUTIONS LLC	800.00
04/08/16	4988(A)	GREAT LAKES CHLORIDE, INC.	5,033.52
04/08/16	4989(A)	GRIFFIN PEST SOLUTIONS, INC.	603.00
04/08/16	4990(A)	HOWARD PRINTING	3,127.00
04/08/16	4991(A)	HURST MECHANICAL, INC.	805.85
04/08/16	4992(A)	INDUSCO SUPPLY CO., INC.	236.10
04/08/16	4993(A)	IP CONSULTING, INC.	8,211.84
04/08/16	4994(A)	J-AD GRAPHICS, INC	2,078.00
04/08/16	4995(A)	KEHOE, EDWARD J	240.00
04/08/16	4996(A)	KENDALL ELECTRIC, INC.	33.92
04/08/16	4997(A)	LAWSON PRODUCTS, INC	1,135.88
04/08/16	4998(A)	MATERIALS RESOURCES	637.68
04/08/16	4999(A)	MAURER'S TEXTILE RENTAL SERVICES	159.55
04/08/16	5000(A)	NEW FRESH CLEANING SERVICE	1,571.00
04/08/16	5001(A)	O'BOYLE-COLWELL-BLALOCK & AS.	20,348.00
04/08/16	5002(A)	ONE WAY PRODUCTS	583.11
04/08/16	5003(A)	PECKELS, CHRISTINE	240.00
04/08/16	5004(A)	PORTAGE FIREFIGHTERS	2,373.36
04/08/16	5005(A)	PORTAGE ON-CALL FIREFIGHTERS	140.00
04/08/16	5006(A)	PORTAGE POLICE OFFICERS ASSOC	1,071.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 3/27/2016 To: 4/10/2016

Check Date	Check	Vendor Name	Amount
04/08/16	5007(A)	QUADRANT II MARKETING, LLC	2,118.35
04/08/16	5008(A)	ROAD EQUIPMENT PARTS CENTER	215.06
04/08/16	5009(A)	S B F ENTERPRISES, INC.	2,476.66
04/08/16	5010(A)	SAFETY SERVICES, INC.	201.75
04/08/16	5011(A)	SIMMONS FORD	3,210.98
04/08/16	5012(A)	SNELL, DEBRA	144.00
04/08/16	5013(A)	SUEZ WATER ENVIRONMENTAL SERVICES	100.24
04/08/16	5014(A)	THOMPSON, HELENE	594.00
04/08/16	5015(A)	TYLER TECHNOLOGIES, INC.	20,525.87
04/08/16	5016(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	881.67
04/08/16	5017(A)	VERPLANK TRUCKING CO.	1,468.09
04/08/16	5018(A)	W W GRAINGER INC	914.20
04/08/16	5019(A)	WARNER NORCROSS & JUDD LLP	3,866.67
04/08/16	5020(A)	WESTERN MICHIGAN INT'L TRUCKS	99.52
04/08/16	5021(A)	WOLVERINE LAWN SERVICE, INC.	3,781.12
	SUBTOTAL:	59 CHECKS	149,738.68
03/29/16	297141	METRO ADV TITLE & JESSICA LONG	5,000.00
03/28/16	297140	STATE OF MICHIGAN (DEQ) WATER DIV.	400.00
03/31/16	297142	MICHIGAN DEPARTMENT OF STATE	156.00
04/08/16	297143	A T & T	130.25
04/08/16	297144	AACE HEADQUARTERS	100.00
04/08/16	297145	ADROUNIE HOUSE	270.30
04/08/16	297146	ALLEGRA PRINT & IMAGING	603.13
04/08/16	297147	AMERICAN SOCIETY OF CIVIL ENGINEERS	225.00
04/08/16	297148	ANSARI, NASIM	193.09
04/08/16	297149	AT&T YELLOW PAGES	52.80
04/08/16	297150	ATTORNEY'S TITLE OF SW MICHIGAN	67.94
04/08/16	297151	AUTOMATIC MICROFILM CO.	871.96
04/08/16	297152	BEST WAY DISPOSAL, INC.	44,219.22
04/08/16	297153	BRADLEY, KAREN	100.00
04/08/16	297154	BRIDGEWORKS II, LLC	3,750.00
04/08/16	297155	C A L E A	4,065.00
04/08/16	297156	CAMPBELL AUTO SUPPLY	98.19
04/08/16	297157	CARDINAL BUS, INC.	2,012.25
04/08/16	297158	CARLETON EQUIPMENT CO.	1,527.95
04/08/16	297159	CENTER FOR PUBLIC SAFETY EXCELLENCE	2,985.95
04/08/16	297160	CHARTER COMMUNICATIONS	528.70
04/08/16	297161	CHICAGO TITLE OF MICHIGAN, INC.	98,984.34
04/08/16	297162	COMPASS MINERALS AMERICA INC	32,155.21
04/08/16	297163	CONSUMERS ENERGY-BILL PMT CNT	1,000.00
04/08/16	297164	COSTAR REALTY INFORMATION, INC.	307.95
04/08/16	297165	CRITICAL TRAINING GROUP, LLC	600.00
04/08/16	297166	CROSSROADS CAR WASH	78.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 3/27/2016 To: 4/10/2016

Check Date	Check	Vendor Name	Amount
04/08/16	297167	DAVID BORNEMAN, LLC	2,500.00
04/08/16	297168	DENNY'S SAW CRIB	68.00
04/08/16	297169	DIRECTV	5.35
04/08/16	297170	ECHELBARGER, HIMEBAUGH, TAMM & CO	151.00
04/08/16	297171	ED & TED'S EXCELLENT ADVENTURES	29,165.00
04/08/16	297172	EDWARDS INDUSTRIAL SALES, INC.	26.30
04/08/16	297173	EMERGENCY VEHICLE PRODUCTS	1,800.93
04/08/16	297174	ENGINEERING SUPPLY & IMAGING	57.43
04/08/16	297175	ESKANDER, EDWARD	44.00
04/08/16	297176	EXECUTIVE COMMUNICATION SYSTEMS	263.85
04/08/16	297177	FAWLEY OVERHEAD DOOR, INC.	729.00
04/08/16	297178	FIRE FINDINGS LLC	1,345.00
04/08/16	297179	FISH INVESTMENTS, LLC	49.03
04/08/16	297180	FRIENDSHIP VILLAGE	25.00
04/08/16	297181	GABRIELLI, CARLIN	125.00
04/08/16	297182	GLOBAL EQUIPMENT CO., INC.	75.90
04/08/16	297183	GORDON WATER SYSTEMS	70.75
04/08/16	297184	GRAHAM FORESTRY SERVICE, INC.	1,104.00
04/08/16	297185	GRAND ELK RAILROAD	16,694.00
04/08/16	297186	GREATER KALAMAZOO FOP LODGE 98	823.80
04/08/16	297187	GREATER KALAMAZOO FOP LODGE 98	4,201.38
04/08/16	297188	GREATER KALAMAZOO UNITED WAY	1,337.52
04/08/16	297189	HOME DEPOT	1,862.36
04/08/16	297191	HUNGRY VILLAGE TOURS	1,140.00
04/08/16	297192	IAFCI	120.00
04/08/16	297193	JACK DOHENY SUPPLIES INC.	1,034.35
04/08/16	297194	JACK PEARL'S SPORT CENTER INC	764.48
04/08/16	297195	KAL COUNTY FIRE CHIEFS ASSOC.	455.00
04/08/16	297196	KALAMAZOO CONSERVATION SERVICE	253.00
04/08/16	297197	KALAMAZOO COUNTY HEALTH & COMMUNITY	395.00
04/08/16	297198	KALAMAZOO COUNTY TREASURER	218.16
04/08/16	297199	KALAMAZOO COUNTY TREASURER	412.09
04/08/16	297200	KALAMAZOO LANDSCAPE SUPPLIES	959.45
04/08/16	297201	KAR LABORATORIES	240.00
04/08/16	297202	KCMHSAS SERVICES FOR YOUTH &	75.00
04/08/16	297203	KENT COUNTY DPW	90.00
04/08/16	297204	KUIPER BROTHERS MOVING INC.	183.00
04/08/16	297205	KZOO KIDS LLC	175.00
04/08/16	297206	KZOO TIRE COMPANY	414.00
04/08/16	297207	M COVILLE EXCAVATING	1,500.00
04/08/16	297208	MARXMODA	184.64
04/08/16	297209	MCCORMICK, CATHY	86.68
04/08/16	297210	MEDILODGE OF PORTAGE	238.00
04/08/16	297211	MENARD'S (WEST MAIN)	3,742.21

ACCOUNTS PAYABLE REGISTER
Check Dates From: 3/27/2016 To: 4/10/2016

Check Date	Check	Vendor Name	Amount
04/08/16	297212	MENARD'S (WEST MAIN)	849.66
04/08/16	297213	MENARDS, INC	29.97
04/08/16	297214	MICAMP	200.00
04/08/16	297215	MICH MUNICIPAL POLICE & FIRE REPAIR	1,922.07
04/08/16	297216	MICHIGAN ASSESSOR ASSOCIATION	150.00
04/08/16	297217	MICHIGAN ASSOC. OF PLANNING	125.00
04/08/16	297218	MICHIGAN FIRE INSPECTOR'S SOCIETY	350.00
04/08/16	297219	MICHIGAN IAAI	225.00
04/08/16	297220	MICHIGAN KAL ELECTRONICS, INC.	610.80
04/08/16	297221	MICHIGAN MUNICIPAL LEAGUE	95.40
04/08/16	297222	MIDWEST CUSTOM EMBROIDERY COMPANY	103.78
04/08/16	297223	MIDWEST ENERGY COOPERATIVE	278.14
04/08/16	297224	MIL-COMM PRODUCTS CO., INC.	297.60
04/08/16	297225	MLIVE MEDIA GROUP	215.38
04/08/16	297226	MOORE ELECTRICAL SERVICE, INC.	26,372.64
04/08/16	297227	MULDERS LANDSCAPE SUPPLIES INC	420.00
04/08/16	297228	MUNICIPAL FINANCIAL CONSULTANT	750.00
04/08/16	297229	NAT'L EMERGENCY NUMBER ASSOCIATION	275.00
04/08/16	297230	NORWOOD, JAMES	44.00
04/08/16	297231	NYE UNIFORMS	650.62
04/08/16	297232	OFFICE DEPOT, INC.	789.08
04/08/16	297234	ONSTAFF USA INC	10,949.09
04/08/16	297235	OSWALT, REBECCA	73.40
04/08/16	297236	PETERMAN CONCRETE CO.	737.54
04/08/16	297237	PETTY CASH-CITY HALL	350.95
04/08/16	297238	PETTY CASH-DPS	351.33
04/08/16	297239	PETTY CASH-FIRE	161.05
04/08/16	297240	PETTY CASH-PARKS	212.87
04/08/16	297241	PETTY CASH-POLICE DEPT.	402.26
04/08/16	297242	PLAY AND LEARN ZONE	15.32
04/08/16	297243	POSITIVE PROMOTIONS	211.03
04/08/16	297244	RATHCO SAFETY SUPPLY, INC.	627.00
04/08/16	297245	RECEIL IT INTERNATIONAL, INC.	84.10
04/08/16	297246	RED THE UNIFORM TAILOR	345.50
04/08/16	297247	REFRIGERATION SERVICES	285.00
04/08/16	297248	RIDGE AUTO NAPA	2,393.23
04/08/16	297249	RZONCA, ISAAC	250.68
04/08/16	297250	S A MORMAN & CO.	990.00
04/08/16	297251	SCHNURSTEIN, RAY	44.00
04/08/16	297252	SCHOOLCRAFT HISTORICAL SOCIETY	120.00
04/08/16	297253	SCHULERS RESTAURANT & PUB	431.00
04/08/16	297254	SEVERANCE ELECTRIC COMPANY, INC	135.00
04/08/16	297255	SHERWIN WILLIAMS	217.04
04/08/16	297256	SIMPLIFILE LLC	85.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 3/27/2016 To: 4/10/2016

Check Date	Check	Vendor Name	Amount
04/08/16	297257	SPARTAN DISTRIBUTORS INC.	582.26
04/08/16	297258	STANLEY STEEMER GREAT LAKES LLC	1,745.00
04/08/16	297259	STATE SYSTEMS RADIO, INC	325.00
04/08/16	297260	STEENSMA LAWN & POWER EQUIPMENT	652.95
04/08/16	297261	SUITS U TAILOR SHOP INC	265.00
04/08/16	297262	TIGER DIRECT, INC.	95.00
04/08/16	297263	TODD ARBANAS ENTERPRISES INC.	9,900.00
04/08/16	297264	TRACTOR SUPPLY CORP.	19.99
04/08/16	297265	TRAN, LINH	958.73
04/08/16	297266	U S POSTAL SERVICE	5,000.00
04/08/16	297267	U S POSTMASTER	8,215.00
04/08/16	297268	UNITED PARCEL SERVICE	12.00
04/08/16	297269	VERIZON WIRELESS SERVICES, LLC	2,222.29
04/08/16	297270	WEISSERT, CATHY	135.00
04/08/16	297271	WRAPS N SIGNS	3,318.00
04/08/16	297272	WRIGHT & MCGILL COMPANY	60.00
		SUBTOTAL:	131 CHECKS 363,420.64
3/31/2016	2994	AUTO-PAY PAYMENT	451.88
3/31/2016	3006	AUTO-PAY PAYMENT	812.10
		SUBTOTAL:	2 CHECKS 1,263.98
		GRAND TOTAL:	192 CHECKS 514,423.30

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2016 Utility Rate Financial Study

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

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, adopt:

1. the recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water;
2. the recommendation that the water commodity rate remain at \$3.19 per 1,000 gallons of metered water;
3. the recommendation that adjustments be made to both the sewer and water base quarterly charges as noted in the 2016 Utility Rate Financial Study;
4. the recommendation that the new rates become effective on October 1, 2016; and
5. the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2016 Utility Rate Financial Study.

The City Council Water/Sewer (Utility) Rate Study Committee, comprised of Mayor Strazdas, Councilmembers Ford and Reid, citizens Randy Orwig and Ted W. Vliek, Sr., has completed a review of the 2016 Utility Rate Financial Study as prepared by the City Administration. The 2016 Utility Rate Financial Study focuses on ensuring the financial health and stability of the utility system. Following a thorough review and analysis of the 2016 Utility Rate Financial Study, the Utility Rate Study Committee voted (4 to 0) to recommend the water and sewer rates and charges as proposed.

As background, on November 16, 2010, City Council awarded a contract to Utility Financial Solutions, LLC, (UFS) to conduct a comprehensive financial analysis of the utility. The model completed by UFS was used by city staff in the preparation of the 2016 Utility Rate Financial Study. The 2016 Utility Rate Financial Study continued the focus on ensuring the long-term financial health and stability of the Water and Sewer Funds.

The cost of service analysis prepared by UFS showed that the former rate structure (prior to 2011) was insufficient to ensure the receipt of revenues necessary to cover the fixed costs of the utility. To address this issue, the proposed 2011-2012 rates began the trend of balancing revenue collection based on the quarterly meter charges while keeping the commodity rate increases in line with normal

inflationary costs.

In 2008, the city received notification from the State of Michigan requiring a financial plan to rectify the city's Water Fund deficit. The city has followed the plan submitted to the State of Michigan and eliminated the Water Fund deficit by 2013-2014. In order to eliminate the deficit and meet the conditions in the financial plan submitted to the State of Michigan, water and sewer rate increases were substantial for several years following 2008. The City Administration continues to implement an action plan consisting of the following elements:

1. The focus of the annual utility rate review has changed to give additional consideration to working capital, debt service and fund balance within the utility funds. More specifically:
 - In addition to the current revenue/expenditure analysis, a working capital analysis is performed annually and includes necessary cash elements to ensure that adequate funds are available to meet ongoing obligations.
 - A minimum debt coverage percentage of 125% has been established and targeted in future years to ensure adequate funds are available to meet debt payments, support variations in sales due to dry summers, fluctuating treatment costs and other such variables, as they may occur.
 - Levels of working capital will be re-established over time, then maintained within the range of approximately four months of current anticipated annual expenditures for each fund. This currently translates to approximately \$2.7 million for the Sewer Fund (which currently contains net \$8.0 million) and \$1.8 million for the Water Fund (which currently contains net \$5.0 million). Although cash available significantly exceeds the four-month percentage coverage to maintain anticipated expenditure levels, the balance of said cash will be utilized for debt avoidance for future Capital Improvement Program efforts.
2. Outstanding bond issues will continue to be reviewed/recommended for potential refinancing to save on interest charges and lower expenses to the utility funds.
3. The City Administration will continue to investigate opportunities in the areas of the utility fund operations in the interest of further reducing operating expenses of the utility funds over time.

The projected revenues, expenditures and resulting rate modifications in the Sewer Fund and Water Fund as contained in the 2016 Utility Rate Financial Study for fiscal year 2016-2017 result in a combined rate increase of 0.75 percent to the typical residential customer. Projected rate increases for the combined funds for 2017-2018 through 2020-2021 are projected between 0.78 percent and 1.10 percent in the 2016 Utility Rate Financial Study.

For fiscal year 2016-2017, the sewer commodity rate is recommended to remain at \$4.60 per thousand gallons of metered water. The water commodity rate is recommended to remain at \$3.19 per thousand gallons of metered water. Basic quarterly charges for both sewer and water use, which are calculated to provide funding for certain fixed costs for the utility systems, are recommended as noted in the 2016 Utility Rate Financial Study.

The net effect of the combined sewer and water rate recommendations on the typical residential customer is an overall utility rate increase of 0.75 percent. The combined utility rate recommendations

represent an annual increase of approximately \$5.56 (from approximately \$746.53 per year to approximately \$752.09 per year) for the typical residential customer with both public sewer and water service. On a monthly basis, the recommended rates would result in an increased monthly cost of \$0.47 to the typical residential customer. Overall, in terms of public health, utility costs represent a tremendous benefit for the cost incurred by the customer.

Items less significant in dollar amount but still important to the continuing financial health of the utility systems were also reviewed by the Utility Rate Study Committee. It is essential that the amount charged for these services recover the costs to provide such services. If charges are inadequate to allow for recovery of costs, rate payers subsidize the service provided.

Charges and fees reviewed in the context of the 2016 Utility Rate Financial Study include water connection charges, meter charges, meter box charges, hydrant meter charges and water processing fees. It is recommended that all current charges remain unchanged. If approved, the proposed rate changes would be adopted July 1, 2016, with the new rates becoming effective October 1, 2016.

It is recommended that City Council adopt the proposed rates and charges as set forth in the 2016 Utility Rate Financial Study.

FUNDING: N/A

- Attachments:**
1. 2016 Utility Rate Financial Study
 2. Water Rate Resolution
 3. Sewer Rate Resolution



2016 Utility Rate Financial Study

2016 UTILITY RATE FINANCIAL STUDY

TABLE OF CONTENTS

SECTION I – UTILITY RATES	1
INTRODUCTION	1
Background	1
CURRENT STATUS	3
Utility System Rate Structure	3
Sanitary Sewer System	3
Sanitary Sewer Billing Cap	4
Water System	4
Utility Customer Growth	5
FINANCIAL REVIEW	6
Typical Residential Customer	6
RATE RECOMMENDATIONS	7
Sanitary Sewer Fund	7
Sanitary Sewer Rate- Schoolcraft Township	8
Water Fund	8
Private Fire Protection Services	9
Water Rate – Pavilion and Schoolcraft Townships	10
SUMMARY OF RECOMMENDATIONS	10
SECTION II – UTILITY FEES AND CHARGES	11
INTRODUCTION	11
Background	11
CURRENT STATUS AND RECOMMENDATIONS	11
Meter Charges	11
Meter Box Charges	12
Hydrant Meter Charges	12
Fire Hydrant Flow Test Charge	12
Reinstatement Processing Fee	12
Other Charges	13
SUMMARY OF RECOMMENDATIONS	14
Attachments:	
Table 1 – Utility Fund Statement of Revenues and Expenses – Sewer Fund	
Table 2 – Utility Fund Statement of Revenues and Expenses – Water Fund	
Table 3 – Utility Fund Statement of Revenues and Expenses – Sewer and Water Funds	
Table 4 – Net Change to Typical Portage Residential Customer	
Table 5 - Sanitary Sewer 10 Year Proposed Capital Improvement Projects	
Table 6 – Water 10 Year Proposed Capital Improvement Projects	

2016
UTILITY RATE FINANCIAL STUDY

SECTION I - UTILITY RATES

INTRODUCTION

The City Administration has reviewed the utility rate structure for the purpose of considering necessary adjustments to utility rates while addressing long-term needs of the city utility system. During the development of the 2016 Utility Rate Financial Study, a review of the previous study and the present rate structure was conducted.

The proposed 2016 – 2017 utility rates are based in large part on the recommendations of the comprehensive rate analysis performed by Utility Financial Solutions, LLC (UFS) in 2011. On November 16, 2010 City Council awarded a contract to UFS to review past and current financial reports of the water and wastewater utilities along with detailed accounting of the utilities finances. The purpose of the UFS analysis was to determine the actual cost to provide water and wastewater services to the utility customers. The cost of service analysis showed that the current rate structure was insufficient to ensure the receipt of revenues necessary to recover the fixed costs of the utility. To address this concern the 2011 – 2012 utility rates began the trend of shifting revenue collection to basic quarterly charges based on meter size while keeping the commodity rate increases in line with the normal inflationary costs to provide the water and wastewater service. This trend is continued in the 2016 Utility Rate Study.

As part of the ongoing effort to control costs and maintain the lowest possible utility rates for water and sewer customers, the City Administration has reviewed the overall utility operation in light of the privatization of the operation and maintenance functions of the utility initiated in March, 1997. Privatization has been extremely effective in cutting overall utility costs while still providing a high level of service to customers. The city's contractor performs all routine operation and maintenance activities for the water utility including operation of the pumping and overhead storage facilities; meter installation, repair and reading; water service repair and maintenance; water main repair; fire hydrant flushing and repair; MISS DIG staking and other miscellaneous activities. Routine operation and maintenance activities performed for the sewer utility include cleaning and television inspection of sanitary sewers; cleaning of storm sewer piping and manholes; daily inspection, maintenance and repair of sanitary sewage pumping facilities; repair and cleaning of sanitary sewer manholes; street sweeping and other miscellaneous activities. On December 9, 2011 the City Council awarded a 5 year contract extension to Suez Water Environmental Services, Incorporated thru March 2017.

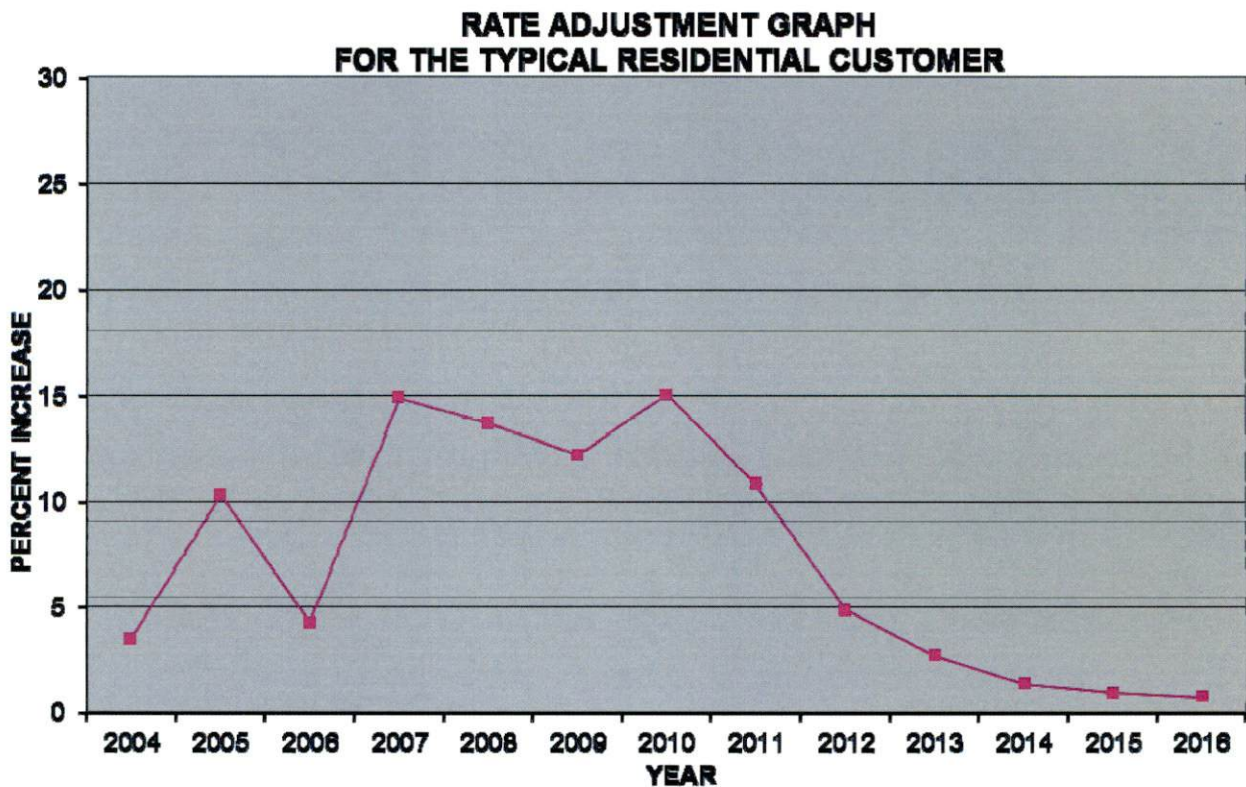
Background

The Governmental Accounting Standards Board (GASB) requires that Sewer and Water Funds be enterprise funds and be operated in a manner similar to private business, with costs recovered primarily through user charges.

In 1986, the first Water and Sanitary Sewer Rate Committee reviewed the financial status of the Sanitary Sewer and Water Funds. The Water and Sanitary Sewer Rate Committee has met every year since to review the rates and make recommendations to the City Council. Prior to 1986 utility rates were reviewed and adjusted on an as needed basis, which lead to unpredictable rates and charges.

In 2008 the city received a letter from the State of Michigan requiring a financial plan to rectify a water fund deficit. The city has followed the plan submitted to the State of Michigan and the water fund deficit has been eliminated. Water and sanitary sewer rate increases required to eliminate the deficit and meet the conditions in the financial plan submitted to the State of Michigan have been substantial since 2008. Rate adjustments since 2004 are as follows:

<u>Fiscal Year</u>	<u>Combined Water & Sewer % Rate Change (Typical Residential Customer)</u>
2004	3.53
2005	10.34
2006	4.29
2007	14.89
2008	13.68
2009	12.22
2010	15.03
2011	10.85
2012	4.85
2013	2.73
2014	1.40
2015	0.94



Rate adjustments typically result from inflationary pressure, material changes in programs and operations, and other factors which cannot be controlled by the city, such as charges from the City of Kalamazoo for sewage treatment and energy charges from Consumers Energy for gas and electricity.

CURRENT STATUS

A fundamental principle of utility fund financing is that user rates should be sufficient to fund the entire cost of utility system operations. This principle is accepted by all authoritative sources (Government Finance Officers Association, American Water Works Association, etc.) and is based on the enterprise fund status. Enterprise funds are run as a private business and all businesses must generate sufficient revenues to cover costs in order to be viable.

Utility System Rate Structure

For provision of sanitary sewer and water service, a two-part rate structure is in effect. For sanitary sewer and water customers, the rate consists of a fixed portion, referred to as the "basic quarterly charge" and a unit rate, referred to as the "commodity" rate.

For water and sewer activities of the utility, the basic quarterly charge is designed to cover the fixed costs of providing service. These costs, which are generally stable throughout the year despite the amount of water produced or sewage transported, include: Personnel services including salaries and fringes, the Suez operation and maintenance contract, office supplies, mailing expenses, telephone charges, environmental testing, water quality testing, printing and publishing and equipment repair and maintenance. The fixed costs are applied to the meter size using a formula which recognizes the capacity of the meter size and the impact on the water and sanitary sewer systems.

Commodity rates are designed to cover costs which are more variable. These costs include sewage treatment costs, public utilities, sewer lead repair, equipment rental costs, equipment replacements, retention basin testing and administrative costs. Commodity rates are based on a dollar amount per thousand gallons of water metered for both water and sewer billings, with sewer billings capped for residences as described below. All classes of customers are billed quarterly with a quarterly portion of the annual basic rate applied in addition to the commodity charge.

Sanitary Sewer System

The sanitary sewer system consists of 232 miles of sewer main and 55 sewage lift stations. The sanitary sewer system has a capacity of 10.8 million gallons per day. The average daily flow is 4.1 million gallons per day. Future expansion projects are prioritized to address the areas with greatest potential for groundwater contamination. Citizen petitions are also given high priority. Priorities are reviewed annually by the City Administration to ensure consistency with Council goals and environmental concerns. Current and projected resources of the Sanitary Sewer Fund appear adequate to accommodate increased expansion of the sanitary sewer system. The recommended ten-year 2016-2026 Capital Improvement Program (CIP) includes \$5.645 million in sanitary sewer system improvements and expansions. The improvements are proposed to be funded through various

financing methods. The projects are considered important in order to pursue placement of sanitary sewer throughout the city and to continue with the mandatory sewer hookup program emphasis. In addition to extension of sanitary sewer mains, operational improvements over the next ten years include:

- Installation of sewer leads where not included in original construction.
- Installation of mains in existing developed plats.
- Renovation of sanitary sewer lift stations and force mains

The proposed sanitary sewer rate structure was developed taking into account the capital expenditures necessary to meet these needs through various financing means.

Sanitary Sewer Billing Cap

Sewer bills are calculated based upon water usage. The rationale is that water used within a residence is generally discharged to the sanitary sewer system as wastewater. A cap on sewer billing to residential customers limits the sewer bill to 125% of the customer's winter quarter water usage. The 125% cap was established based upon an analysis of residential accounts with separate water meters for irrigation. This analysis was undertaken to determine the quarterly water usage pattern of the "typical residential customer." Results of this analysis indicated that average summer water usage discharged to the sanitary sewer system, for a single-family residence, is approximately 125% of the winter water consumption when external irrigation is excluded. Winter usage is defined as that quarter in which January occurs. The sanitary sewer billing cap ensures that residential customers are billed for flow to the sanitary sewer and not for outdoor water use.

Water System

The city water system consists of 20 production wells, one 750,000 gallon elevated storage tank, one 1,500,000 gallon elevated storage tank and 247 miles of water main. Due to the 2006 lowering of the allowable arsenic levels in public drinking water to 10 micrograms per liter, 2 wells have been abandoned and one well decommissioned due to the high arsenic level. The water system currently has a capacity of 26.35 million gallons per day. The average day production is 4.6 million gallons. Fishbeck, Thompson, Carr & Huber, Inc. completed a comprehensive Water Reliability Study for the city in 2013 and updated the Wellhead Protection Program in 2015. These studies, together with current management information and system use data, is the basis for planned future system improvements.

The recommended 2016-2026 CIP includes \$21.725 million in water system improvements. Current and future anticipated demands placed on the system necessitate provision of numerous operational improvements over the next ten years, including:

- Installation of transmission mains in previously unserved areas and for conveyance of large volumes of water throughout the service area as needed.
- Installation of service lines in developed plats.
- Improvement of the stormwater collection and recharge system.

- Additional treatment facility with iron removal capabilities.
- Additional water storage.

The proposed water rate structure was developed taking into account the capital expenditures necessary to meet these needs through various types of financing.

On February 11, 2014, Portage City Council approved reinstatement of a 10% discount on water use charges for eligible senior citizens. Redistribution of the 10% discount to senior citizen customers to the remaining water customers was also taken into account in the development of the water rate structure. The subsidy for the Senior Citizen Discount in 2015 was approximately \$55,250.

Utility Customer Growth

The customer base has grown to 15,411 sanitary sewer customers and 13,859 water customers as of January 1, 2016. An increase in the number of customers has the general impact of stabilizing system-wide operation costs as cost of service can be spread over a larger number of users. Although the total number of water and sewer customers continues to increase, the rate of increase in utility customers has slowed in recent years which is indicative of a mature utility system. In the future, new customer growth will be most directly related to new development occurring in the city.

FINANCIAL REVIEW

Using current information on the status of the utility systems as background, the 2016 Utility Rate Financial Study was undertaken to determine appropriate cost recovery rate levels. These rates provide for operation of the utility systems, funding of utility-related capital improvement needs, and repayment of Limited Tax General Obligation (LTGO) city share debt and Utility Revenue bond debt related to infrastructure extensions and replacements.

The Comprehensive Annual Financial Reports for prior fiscal years provide the primary source for review of the past financial condition of the Utility Funds. Additional sources are the Municipal Budget for 2015-16, the 2015-2025 CIP, the recommended 2016-2026 CIP and prior utility rate studies. The financial condition of the Utility Funds as of June 30, 2015 is consistent with previous expectations. Dramatic reductions in total sewage flow to the Kalamazoo Regional Sewage Treatment Plant which results in much higher sewage treatment costs and prior year "true-up" costs for the City of Portage. The provision of arsenic removal facilities to conform to federally mandated arsenic levels for public water supplies also necessitate increases in both water and sanitary sewer rates.

Typical Residential Customer

The typical residential customer purchases 19,000 gallons of water and is being billed for 15,000 gallons of sewage flow per quarter. The typical residential customer has been defined based upon an analysis of all residential accounts and represents the baseline used for comparison since single-family residences represent about 90% of utility accounts. Shown below is a profile which demonstrates the typical average residential customer quarterly usage of water and billing of sewage flow.

TYPICAL RESIDENTIAL CUSTOMER

	Metered Water (x1000 gallons)	Billed Sewer (x1000 gallons)
Winter usage	14	14
Spring usage	14	14
Summer usage	33	18
<u>Autumn usage</u>	<u>14</u>	<u>14</u>
Total	75	60

The differential between the metered water and the billed sewer is due to the 125% sewer cap. The cap impacts the summer sewage billing quarter by limiting it to 125% of the winter metered water.

RATE RECOMMENDATIONS

Tables 1, 2 & 3 summarize Sanitary Sewer Fund and Water Fund statements of estimated revenue and expenses for the fiscal years ending June 30, 2016 through 2021. Projected commodity rates, sales in millions of gallons, and an analysis of capital/debt needs and funding are also presented. Factors which impact these projections include: the cost of living increase, the number of utility customers, revised arsenic level standards promulgated by the USEPA, reduced flow from sewer customers and the sewage treatment costs by the City of Kalamazoo in the case of the Sewer Fund, which has seen a significant increase over the past several years. Table 4 analyzes the recommendations as applied to the "typical residential customer". The following recommendations are presented regarding 2016 Utility Rates.

Sanitary Sewer Fund

It is recommended that the sewer commodity rate remain at \$4.60 per thousand gallons. The rate will: (1) provide for treatment charges billed by the City of Kalamazoo, (2) continue funding operations, capital improvement needs, repayment of outstanding sewer-related Limited Tax General Obligation (LTGO) bonds and Utility Revenue bonds and 3) provide for future LTGO and revenue bond debt. Privatization of the utility operation has resulted in a significant savings in the sewer fund over the last eighteen years, in spite of a lower billable flow growth compared to previous years.

It is recommended that the sewer basic quarterly charges be increased as shown below:

SANITARY SEWER BASIC QUARTERLY CHARGE – CITY OF PORTAGE CUSTOMERS

<u>Meter Size</u>	<u>Current Quarterly Charge</u>	<u>Proposed Quarterly Charge</u>
5/8"	\$ 34.07	\$ 34.75
3/4"	\$ 51.11	\$ 52.12
1"	\$ 76.66	\$ 78.19
1-1/2"	\$ 136.28	\$ 139.00
2"	\$ 204.42	\$ 208.50
3"	\$ 340.70	\$ 347.50
4"	\$ 681.40	\$ 695.00
6"	\$ 1,192.45	\$ 1,216.25
8"	\$ 1,703.50	\$ 1,737.50

Active water conservation by our customers has reduced sewer fund revenues resulting in the necessity of a 0.66% increase in rates for the 2016-2017 fiscal year which is less than proposed in the 2015 Utility Rate Financial Study. The basic quarterly charges are designed to cover the fixed costs related to the operation of the sanitary sewer system. The increase in the Basic Quarterly Charge conforms to the recommendation in the 2011 Comprehensive Rate Analysis by Utility Finance Solutions, LLC. With the continuation of the sanitary sewer bill cap of 125%, increasing the basic quarterly charges and continuing the commodity rate at \$4.60 per thousand gallons will result in an added monthly expense of \$0.23 for the typical residential customer.

In previous utility rate studies, emphasis has been placed on stabilizing retained earnings in the Sanitary Sewer Fund at a level of \$1,500,000 as recommended by the city's financial advisor. An

adequate cash balance needs to be maintained for operation of the utility and to make debt service payments. Higher Basic Quarterly Charges are recommended to ensure sufficient resources are available within the Sanitary Sewer Fund to meet obligations to avoid the need for subsidy by non-utility related funds.

For fiscal year 2015-16 the estimated working capital (i.e., cash) at the end of the year is \$6,433,489. Based on the recommended basic quarterly charges and commodity rate for 2016-17 and subsequent minimal projected rate increases over the next several years, an acceptable level of working capital balance can be maintained through fiscal year 2020-21.

The recommended rate of increase for the 2016-2017 fiscal year is less than the rate forecast in the 2015 Utility Financial Rate Study. Subsequent year increases are projected at between 0.68% and 1.10%, as shown in Table 1 (Utility Fund Statements of Revenues and Expenses – Sanitary Sewer Fund)

Sanitary Sewer Rate - Schoolcraft Township

The service agreement with Schoolcraft Township establishes the rate charged to customers in Schoolcraft Township. The basic quarterly charge is the same as charged to the City of Portage customers. There is a 5% surcharge on the commodity rate plus a \$0.35 charge per thousand gallons for capital costs. It is recommended that the sanitary sewer commodity rate be continued at \$5.18 per thousand gallons.

Water Fund

Water Service Charges

It is recommended that the water commodity rate remain at \$3.19 per thousand gallons. The basic quarterly costs are designed to cover the fixed costs related to the operation of the water system. It is recommended that the water basic quarterly charges be increased as shown below:

WATER BASIC QUARTERLY CHARGE – CITY OF PORTAGE CUSTOMERS

<u>Meter Size</u>	<u>Current Quarterly Charge</u>	<u>Proposed Quarterly Charge</u>
5/8"	\$ 23.75	\$ 24.46
3/4"	\$ 35.63	\$ 36.69
1"	\$ 53.44	\$ 55.03
1-1/2"	\$ 95.00	\$ 97.84
2"	\$ 142.50	\$ 146.76
3"	\$ 237.50	\$ 244.60
4"	\$ 475.00	\$ 489.20
6"	\$ 831.25	\$ 856.10
8"	\$ 1,187.50	\$ 1,223.00

Active water conservation by our customers has reduced Water Fund revenues resulting in the necessity of a 0.85% increase in rates for the 2016 – 2017 fiscal year which is less than was proposed in the 2015 Utility Rate Financial Study. This increase conforms to the recommendation in the 2011

Comprehensive Utility Rate Study by Utility Financial Solutions, LLC. For the typical residential use the proposed increase will result in an added monthly expense of \$0.24 for municipal water customers.

Private Fire Protection Service Charges.

Dedicated fire protection service is defined as a separate water service line to a property that solely provides fire protection to the property. The Basic Quarterly Charge will ensure that the cost of providing a dedicated fire service that only benefits one property is borne by the benefiting customer and not the utility customers at large. In addition to the Basic Quarterly Charge there is a \$6.40 per 1,000 gallon charge for all water use recorded on the fire service bypass meter. It is recommended that the Basic Quarterly Charge for fire protection services remain as shown in the table below.

Private Fire Protection - Basic Quarterly Charge

<u>Fire Protection Service Size</u>	<u>Current Basic Quarterly Charge</u>	<u>Proposed Basic Quarterly Charge</u>
4 – inch	\$15.00	\$15.00
6 – inch	\$35.00	\$35.00
8 – inch	\$60.00	\$60.00
10 – inch	\$95.00	\$95.00
12 – inch	\$135.00	\$135.00
16 - inch	\$240.00	\$240.00

As shown on Table 2 (Utility Fund Statements of Revenues and Expenses - Water Fund), subsequent year increases are projected between 0.89% and 1.09 %. The water quarterly basic charges and commodity rate must be increased in future years to continue funding operations, meet major capital improvement needs, keep up with inflationary increases in water production costs (pumping, disinfection, etc.), repay outstanding water-related Limited Tax General Obligation (LTGO) bonds and Utility Revenue bonds and provide for future LTGO and revenue bond debt. In future years, costly major water projects such as additional water storage and iron removal facilities will be required as demands on the Portage water system increase. In addition, the Water Fund will finance needed storm drainage improvements throughout the city.

In previous utility rate studies, emphasis has been placed on stabilizing retained earnings in the Water Fund at a level of \$1,500,000 as recommended by the city's financial advisor. However, efforts must continue to be directed to enhancing the cash position of the Water Fund. An adequate cash balance needs to be maintained for operation of the utility and to make debt service payments. Minimal rate increases over the coming years are recommended to ensure sufficient resources are available within the Water Fund to meet obligations to avoid the need for subsidy by non-utility related funds.

In the Water Fund, the rate study revealed that working capital (i.e., cash) has been seriously impacted through the significant amount of debt incurred with completion of several major water related projects over the past several years. Recent federally mandated arsenic standards for public water supplies have necessitated additional major expenditures, adding to the already significant debt burden in the Water Fund. The Arsenic/Iron removal plant at the Garden Lane well site makes it possible to meet the new arsenic standards and use the wells in the Garden Lane well field and increase system capacity by approximately 4.3 million gallons per day.

It is important that the city continue to plan for a replacement water tower (currently scheduled in fiscal year 2018-2019 in the recommended 2016-2026 CIP) and the installation of new iron removal facilities at the Shuman well site (currently scheduled in 2021 through 2023 in the recommended 2016-2026 CIP) to relieve pressure on the Kalamazoo/Portage groundwater aquifer and the Milham well field located north of Portage Northern High School. Exploration for new suitable (low iron) well sites in southern Portage, Schoolcraft Township and Pavilion Township was not successful in locating any new well sites with low iron content. It is also important to plan for the construction of a new water tower to replace the Haverhill water tower. The new water tower will provide for greater storage capacity in the center of the city's residential and commercial areas to improve system reliability during peak demand and also improve fire flow in the northern portion of the city.

Water Rate - Pavilion Township And Schoolcraft Township

It is recommended that the basic quarterly charges for Pavilion Township and Schoolcraft Township residents be the same as charged to City of Portage customers. It is also recommended that the water commodity rate for Pavilion Township and Schoolcraft Township residents remain at \$3.83 per thousand gallons.

SUMMARY OF RECOMMENDATIONS

The effect of the combined recommendations on the typical city residential customer is projected through fiscal year 2020-2021 in Table 3. Combined sewer and water rates for the next five fiscal years are projected to increase between 0.75% and 1.10% annually. The combined rate increase of 0.75% for the typical residential customer is less than the rate increase projected for the 2016 – 2017 fiscal year in the 2015 Utility Rate Financial Study. For the typical residential customer having both municipal water and sewer service the proposed rate increase will result in an added monthly expense of \$0.47. With operations, capital improvements and debt service continuing to be funded, the utility systems have been on a self-supporting basis since July 1989. Self-supporting status is essential for these important enterprise funds so that the funds do not become a financial drain on either the General Fund or the Capital Improvement Fund.

In 2012 the effective date of the annual rate adjustment was moved to October 1. This minimizes the impact of rate increases on customers during the summer billing cycle. It is recommended that the effective date for rate adjustments be October 1, 2016.

SECTION II – UTILITY

FEES AND CHARGES

INTRODUCTION

Although the establishment of appropriate commodity rates and basic quarterly charges for water and sewer service is the primary focus of the annual Utility Rate Financial Study, it is also prudent to give attention to matters which may be less significant in dollar amounts but are still important to the financial health of the utility system, i.e., utility fees and charges.

Background

The establishment of adequate fees and charges for services performed in addition to the delivery of water and sewer service is necessary to fairly and equitably recover costs for services provided. When fees and charges are inadequate, the utility rate payer must bear the cost for services provided to others. Examples include costs for service connections, meters, turn-on fees, etc. In each case, if the charges for these services are inadequate to recover costs, the rate payers subsidize the service provided to some extent.

CURRENT STATUS AND RECOMMENDATIONS

Meter Charges

The current charges for installing meters are based on the cost of the meter and the labor and equipment costs to install the meter. The current charges have been reviewed and it was found that no adjustments are needed to recover the cost of the meter and installation. It is recommended that the water meter charges remain unchanged.

<u>Meter Size</u>	<u>Current Charges</u>	<u>Actual Cost/Recommended Charges</u>
5/8"	\$225	\$225
3/4"	\$280	\$280
1"	\$345	\$345
1-1/2"	\$815	\$815
2" SR (Irrigation)	\$1,010	\$1,010
2" Compound	\$2,225	\$2,225
3" Compound	\$2,925	\$2,925
4" Compound	\$4,530	\$4,530
6" Compound	\$7,840	\$7,840

Meter Box Charge

Meter box charge is based on the cost of materials to install the meter box. Meter boxes are used when a suitable location for meter installation is not available in the building or property being served. The charge has been reviewed and it was found that the cost has not increased. It is recommended that the meter box charge remain unchanged at \$1050.

Hydrant Meter Charges

The use of meters on fire hydrants is a service provided as a convenience to contractors or individuals who need to obtain large quantities of water in a short period of time. It is recommended that the minimum charge for use of a hydrant meter remain at \$150. The minimum charge for supplying and installing a meter on a fire hydrant includes the use of 15,000 gallons of water. It is also recommended that the commodity charge for use over 15,000 gallons of water remain at \$6.40 per 1,000 gallons. Furthermore, that the deposit required to ensure the return of all hydrant meter hoses and other items remain at \$250. This deposit eliminates the potential problem of collecting for the service provided.

Fire Hydrant Flow Test Charge

Fire hydrant flow tests are performed to determine the quantity of water available for fire fighting use. Flow test are requested by insurance companies and developers to determine the quantity of water available for fire protection at a property. The established charge for providing a flow test ensures that the cost is borne by the benefiting customer and not the utility customers at large. It is recommended that the charge for a hydrant flow test remain at \$135.00.

Reinstatement Processing Fee

A fee is currently charged for reinstating a water service. This fee applies to services that are requested to be turned off by the customer as well as services turned off for delinquency. In the case of delinquency, three notices are sent to the customer with a shut-off date established on the third notice. Once a work order has been issued for water shut-off, the processing fee is automatically added to the customer's bill and payment of the delinquent bill plus the processing fee is required prior to reactivation of service. The current fee is \$50 and is recommended to be continued in the 2016-17 fiscal year. For water service turn-on after normal working hours, the current processing fee of \$100 is recommended to be continued for the 2016-17 fiscal year. The \$100 processing charge reflects the added hourly cost for the service technician associated with the provision of water service turn-on after normal working hours.

Other Charges and Policies

1. Flat Rate

Non-metered sewer customers are billed based on a water usage of 15,000 gallons per quarter (flat rate). It is recommended that this policy be continued.

2. Irrigation Allowance

Single family residences, residential condominiums and all other individually metered residential units may be given a discount for irrigation as follows:

1) Charges for such customers are based on actual water consumption, except that there is no sewage charge for water consumption exceeding 125 percent of the water consumption for the most recent quarter billing in which the month of January is included; 2) Residential customers who do not have a quarter billing in which the month of January is included or who have a zero (0) water usage for the quarter which includes the month of January, have the sewer charge for the other three quarters established at the maximum rate volume of 15,000 gallons or actual usage, if less, per quarter until such time as quarter billing information, in which the month of January is included, is available. It is recommended that the irrigation allowance be continued.

3. Senior Citizen Water Allowance

City of Portage water customers 65 years of age and older who submit an application and provide proof of age are eligible for a 10% discount on water use charges for their primary residence account.

4. Non Sufficient Funds (NSF) Check Fee

It is recommended to maintain the current fee of \$30 per occurrence to reflect current administrative cost for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

5. Outstanding Charges Limit

The amount of past due/outstanding charges necessitating water shut-off is recommended to be maintained at \$60.

6. Utility Late Fee Waivers

It is recommended that the utility billing late fee be waived if the customer

- a. has paid all of the last 12 or more utility bills on time and the customer requests that the late fee be waived/removed or;
- b. signs up for automatic payment where the amount due is taken from their bank account on the due date.

SUMMARY OF RECOMMENDATIONS

Summarizing recommendations for 2016-17 utility fees and charges, it is advised that:

1. Charges for meters (all sizes) remain the same.
3. Charges for installation of meter box remain the same.
4. The current charge of a \$250 deposit for the installation of a hydrant meter remain the same and that the current minimum charge including the use of up to 15,000 gallons of water remain at \$150. Further, that the current commodity charge of \$6.40 per thousand gallons for all water used over 15,000 gallons remain the same.
5. The \$50 processing fee associated with turn-on or shut-off of a water service be continued, the exception being, however, that the initial turn-on for first time customers will be at no charge. When the city dispatches a person to turn on water during non-business hours, the processing fee of \$100 will be continued.
6. The flat rate based on a consumption of 15,000 gallons per quarter for non-metered sewer customers continues in effect.
7. The sewer billing cap for residential customers having a zero water meter reading in the quarter that contains January remains at 15,000 gallons.
8. The current charge of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.
9. The utility billing late fee will be waived:
 - a. if the customer has paid all of the last 12 or more utility bills on time and the customer requests that the late fee be waived/removed or;
 - b. if the customer signs up for automatic payment.
10. A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.
11. An amount past due of more than \$60 remain as the shut-off level amount.

Utility Fund Statement of Revenues and Expenses

SEWER FUND							Table 1
2016/2017 RATES							
	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
	Audited	Estimated	Budgeted	Projected	Projected	Projected	Projected
SALES (million gallons)	1,205	1,205	1,205	1,215	1,215	1,215	1,215
RATE (per 1000 gallons)	\$4.60	\$4.60	\$4.60	\$4.63	\$4.65	\$4.65	\$4.65
OPERATING REVENUE:							
User charges	8,567,817	8,773,000	8,838,000	8,986,000	9,078,000	9,146,000	9,216,000
Tap in fees and other revenue	438,655	245,127	245,000	245,000	245,000	245,000	245,000
Gain on sale of fixed assets							
TOTAL OPERATING REVENUE	9,006,472	9,018,127	9,083,000	9,232,000	9,323,000	9,391,000	9,461,000
OPERATING EXPENSES:							
Operations and maintenance	2,341,129	2,291,808	2,488,417	2,538,000	2,589,000	2,641,000	2,694,000
Kalamazoo sewer treatment charges	2,748,283	2,845,210	3,450,000	3,553,500	3,660,105	3,769,908	3,883,005
General and administrative	1,157,571	1,468,314	1,391,935	1,420,000	1,448,000	1,477,000	1,507,000
Total operating expenses							
before depreciation	6,246,983	6,605,332	7,330,352	7,511,500	7,697,105	7,887,908	8,084,005
Operating income (loss)							
before depreciation	2,759,489	2,412,795	1,752,648	1,720,500	1,625,895	1,503,092	1,376,995
Depreciation	738,289	739,109	756,209	778,559	786,759	789,709	805,759
OPERATING GAIN (LOSS)	2,021,200	1,673,686	996,439	941,941	839,136	713,383	571,236
NON-OPERATING REVENUE (EXPENSE):							
Interest income	41,831	33,453	34,100	34,800	35,500	36,200	36,900
Interest and fiscal charges	(202,941)	(186,965)	(141,730)	(135,050)	(119,515)	(104,800)	(103,800)
NET NON-OPERATING REVENUE (EXPENSE)	(161,110)	(153,512)	(107,630)	(100,250)	(84,015)	(68,600)	(66,900)
NET GAIN (LOSS) BEFORE TRANSFERS	1,860,090	1,520,174	888,809	841,691	755,121	644,783	504,336
TRANSFERS IN (OUT)	41,000	(80,000)	(80,000)	(80,000)	(80,000)	(80,000)	(80,000)
CHANGE IN NET POSITION	1,901,090	1,440,174	808,809	761,691	675,121	564,783	424,336
WORKING CAPITAL ANALYSIS							
Beginning Cash Balance		6,057,367	6,433,489	5,691,891	6,018,067	6,542,089	7,267,924
Cash from Current Operations		2,259,283	1,645,018	1,620,250	1,541,880	1,434,492	1,310,095
Bond issue Proceeds							
CASH AVAILABLE		8,316,650	8,078,507	7,312,141	7,559,947	7,976,581	8,578,018
Capital Improvement Needs (Cash)		1,420,000	1,940,000	755,000	525,000	230,000	1,835,000
Capital Debt Principal/New Debt Principal		463,161	446,616	539,074	492,858	478,657	456,510
WORKING CAPITAL OUTFLOW		1,883,161	2,386,616	1,294,074	1,017,858	708,657	2,291,510
ENDING WORKING CAPITAL BALANCE		6,433,489	5,691,891	6,018,067	6,542,089	7,267,924	6,286,508
Typical residential % change	1.55%	0.99%	0.66%	1.10%	0.96%	0.68%	0.69%

Utility Fund Statement of Revenues and Expenses

WATER FUND							Table 2
2016/2017 RATES							
	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
	Audited	Estimated	Budgeted	Projected	Projected	Projected	Projected
SALES (million gallons)	1,510	1,510	1,500	1,490	1490	1490	1,490
RATE (per 1000 gallons)	\$3.19	\$3.19	\$3.19	\$3.20	\$3.20	\$3.20	\$3.20
OPERATING REVENUE:							
User charges	6,462,469	6,916,000	6,946,000	6,994,000	7,061,000	7,129,000	7,200,000
Tap in fees and other revenue	173,074	151,300	95,000	95,000	95,000	95,000	95,000
State Grant							
TOTAL OPERATING REVENUE	6,635,543	7,067,300	7,041,000	7,089,000	7,156,000	7,224,000	7,295,000
OPERATING EXPENSES:							
Operations and maintenance	1,217,435	1,259,031	1,414,727	1,443,000	1,472,000	1,501,000	1,531,000
General and administrative	1,218,473	1,394,745	1,267,517	1,293,000	1,319,000	1,345,000	1,372,000
Total operating expenses							
before depreciation	2,435,908	2,653,775	2,682,244	2,736,000	2,791,000	2,846,000	2,903,000
Operating income (loss)							
before depreciation	4,199,635	4,413,525	4,358,756	4,353,000	4,365,000	4,378,000	4,392,000
Depreciation	741,689	758,219	784,719	807,399	881,449	898,199	918,799
OPERATING GAIN (LOSS)	3,457,946	3,655,306	3,574,037	3,545,601	3,483,551	3,479,801	3,473,201
NON-OPERATING REVENUE (EXPENSE):							
Interest income	90,628	43,896	44,800	45,700	46,600	47,500	48,500
Interest and fiscal charges	(951,329)	(872,065)	(640,960)	(578,345)	(509,950)	(554,850)	(484,094)
NET NON-OPERATING REVENUE (EXPENSE)	(860,701)	(828,169)	(596,160)	(532,645)	(463,350)	(507,350)	(435,594)
NET GAIN (LOSS) BEFORE TRANSFERS	2,597,245	2,827,137	2,977,877	3,012,956	3,020,201	2,972,451	3,037,607
TRANSFERS IN (OUT)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)
CHANGE IN NET POSITION	2,547,245	2,777,137	2,927,877	2,962,956	2,970,201	2,922,451	2,987,607
WORKING CAPITAL ANALYSIS							
Beginning Cash Balance		3,664,760	4,931,449	4,810,265	5,699,795	2,929,005	2,575,162
Cash from Current Operations		3,585,356	3,762,596	3,820,355	3,901,650	3,870,650	3,956,406
Bond Issue Proceeds					3,000,000		
CASH AVAILABLE		7,250,116	8,694,045	8,630,620	12,601,445	6,799,655	6,531,568
Capital Improvement Needs (Cash)		700,000	2,170,000	600,000	7,545,000	1,815,000	2,200,000
Capital Debt Principal/New Debt Principal		1,618,667	1,713,780	2,330,825	2,127,440	2,409,493	2,280,848
WORKING CAPITAL OUTFLOW		2,318,667	3,883,780	2,930,825	9,672,440	4,224,493	4,480,848
ENDING WORKING CAPITAL BALANCE		4,931,449	4,810,265	5,699,795	2,929,005	2,575,162	2,050,720
Typical residential % change	1.22%	0.91%	0.85%	1.09%	0.89%	0.91%	0.92%

Utility Fund Statement of Revenues and Expenses

SEWER AND WATER FUNDS							Table 3
2016/2017 RATES							
	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
	Audited	Estimated	Budgeted	Projected	Projected	Projected	Projected
OPERATING REVENUE:							
User charges	15,030,286	15,689,000	15,784,000	15,980,000	16,139,000	16,275,000	16,416,000
Tap fees	611,729	396,427	340,000	340,000	340,000	340,000	340,000
State Grant	0	0	0	0	0	0	0
TOTAL OPERATING REVENUE	15,642,015	16,085,427	16,124,000	16,320,000	16,479,000	16,615,000	16,756,000
OPERATING EXPENSES:							
Operations and maintenance	3,558,564	3,550,839	3,903,144	3,981,000	4,061,000	4,142,000	4,225,000
Kalamazoo sewer treatment charges	2,748,283	2,845,210	3,450,000	3,553,500	3,660,105	3,769,908	3,883,005
General and administrative	2,376,044	2,863,059	2,659,452	2,713,000	2,767,000	2,822,000	2,879,000
Total operating expenses							
before depreciation	8,682,891	9,259,107	10,012,596	10,247,500	10,488,105	10,733,908	10,987,005
Operating income (loss)							
before depreciation	6,959,124	6,826,320	6,111,404	6,072,500	5,990,895	5,881,092	5,768,995
Depreciation	1,479,978	1,497,328	1,540,928	1,585,958	1,668,208	1,687,908	1,724,558
OPERATING GAIN (LOSS)	5,479,146	5,328,992	4,570,476	4,486,542	4,322,687	4,193,184	4,044,437
NON-OPERATING REVENUE (EXPENSE):							
Interest income	132,459	77,349	78,900	80,500	82,100	83,700	85,400
Interest and fiscal charges	(1,154,270)	(1,059,030)	(782,690)	(713,395)	(629,465)	(659,650)	(587,894)
NET NON-OPERATING REVENUE (EXPENSE)	(1,021,811)	(981,681)	(703,790)	(632,895)	(547,365)	(575,950)	(502,494)
NET GAIN (LOSS) BEFORE TRANSFERS							
	4,457,335	4,347,311	3,866,686	3,854,647	3,775,322	3,617,234	3,541,943
TRANSFERS IN (OUT)	(9,000)	(130,000)	(130,000)	(130,000)	(130,000)	(130,000)	(130,000)
CHANGE IN RETAINED EARNINGS	4,448,335	4,217,311	3,736,686	3,724,647	3,645,322	3,487,234	3,411,943
WORKING CAPITAL ANALYSIS							
Beginning Cash Balance		9,722,127	11,364,938	10,502,156	11,717,862	9,471,094	9,843,085
Cash from Current Operations		5,844,639	5,407,614	5,440,605	5,443,530	5,305,142	5,266,501
Bond issue Proceeds		0	0	0	3,000,000	0	0
CASH AVAILABLE		15,566,766	16,772,552	15,942,761	20,161,392	14,776,235	15,109,586
Capital Improvement Needs (Cash)		2,120,000	4,110,000	1,355,000	8,070,000	2,045,000	4,035,000
Capital Debt Principal/New Debt Principal		2,081,828	2,160,396	2,869,899	2,620,298	2,888,150	2,737,358
WORKING CAPITAL OUTFLOW		4,201,828	6,270,396	4,224,899	10,690,298	4,933,150	6,772,358
ENDING WORKING CAPITAL BALANCE		11,364,938	10,502,156	11,717,862	9,471,094	9,843,085	8,337,228
Typical residential % change	1.40%	0.95%	0.75%	1.10%	0.93%	0.78%	0.80%

Table 4

	Fiscal 2015-2016 Current Rates			Fiscal 2016-2017 Proposed rates		
	Sewer Cap = 125%			Sewer Cap = 125%		
	Sewer (000 Gal.)	Water (000 Gal.)	Total	Sewer (000 Gal.)	Water (000 Gal.)	Total
Winter	14	14		14	14	
Spring	14	14		14	14	
Summer	18	33		18	33	
Fall	14	14		14	14	
Total	60	75		60	75	
Rate per 1000 gallons	\$4.60	\$3.19		\$4.60	\$3.19	
Usage charge	\$276.00	\$239.25	\$515.25	\$276.00	\$239.25	\$515.25
Annual basic rate	136.28	95.00	231.28	139.00	97.84	236.84
Total	\$412.28	\$334.25	\$746.53	\$415.00	\$337.09	\$752.09
% change				0.66%	0.85%	0.74%

Increased cost for the Typical Portage Residential Customer

	<u>for sewer</u>	<u>for water</u>	<u>for both</u>
per year	\$2.72	\$2.84	\$5.56
per quarter	\$0.68	\$0.71	\$1.39
per month	\$0.23	\$0.24	\$0.47
per week	\$0.05	\$0.05	\$0.10
per day	\$0.01	\$0.01	\$0.02

CAPITAL IMPROVEMENT PROJECT SUMMARY

SANITARY SEWER

Project Expenditures (\$000)

Project Number/Title	Fiscal Year										Total
	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	
1 Angling Road Sanitary Sewer, Squire Heath Lane to Romence Road	1,320										1,320
2 Cliffwood Avenue/Archwood Drive Sanitary Sewer	270										270
3 Norfolk Circle Sanitary Sewer Replacement	120										120
4 Weaver Drive Sanitary Sewer, Charles Street to north end		315									315
5 Wetherbee Avenue Sanitary Sewer, Portage Road to Woodlawn Drive		210									210
6 Romence Road Sanitary Sewer, Angling Road to west end			295								295
7 Ramona Park Plat Sanitary Sewer					950						950
8 Lift Station Renovations					420						420
9 Trunk Sewer Condition Assessment					175						175
10 South Westnedge Avenue Sanitary Sewer Lead Installation					60						60
11 SCADA System Upgrade						450					450
12 Pump Station Mechanical Upgrades							400				400
13 Zylman Avenue Sanitary Sewer, South Sprinkle Road to Deep Point Drive								660			660
TOTALS	1,710	525	295		1,605	450	400	660			5,645
Special Assessments	195	80	30		75						380
Capital Improvement Bonds	1,320	365	235		1,455	450	400	660			4,885
Municipal Street Fund	195	80	30		75						380
City Share Cash											

CAPITAL IMPROVEMENT PROJECT SUMMARY

WATER

Project Expenditures (\$000)

Project Number/Title	Fiscal Year										Total
	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	
1 Shaver Road Water Main Replacement	1,350			250	1,000						2,600
2 Storm Drainage Improvements Program	100	100	50	50							300
3 Chopin Avenue Water Main Extension	320										320
4 Mozart Street Water Main Extension	140										140
5 Cliffwood Avenue/Archwood Drive Water Main	150										150
6 Winter Forest Drainage Improvements		300									300
7 Oakland Drive/Rosewood Avenue Water Main Replacement		60									60
8 Northwest Water Storage Facility			6,000								6,000
9 Idaho Avenue Water Main Replacement			500								500
10 Romence Road Water Main Replacement			450								450
11 Lake Connection Elimination Program			275								275
12 South Westnedge Avenue Relief Storm Sewer			75	675							750
13 Water System Reliability Study Update			55					55			110
14 Portage Road Water Main Extension, Helen Avenue to Byrd Drive				350							350
15 Pine View Water Storage Facility Renovation				350							350
16 Consolidated Drain Rehabilitation					400						400
17 Ramona Park Plat Water Main					350						350
18 East Milham Avenue Water Main Replacement					250						250
19 SCADA System Upgrade					60						60
20 Shuman Well Field Iron Removal Facility						650	5,000				5,650
21 Lovers Lane Water Main Abandonment						50					50
22 Schuring Road Water Main Replacement							525				525
23 East Shore Drive Water Main Replacement							310				310
24 Northeast Quadrant Well Field Development								1,200			1,200
25 Woodland Elementary School Water Main								115			115
26 East Milham Avenue Water Main Abandonment										160	160
TOTALS	2,060	460	7,405	1,675	2,060	700	5,835	1,370		160	21,725
Special Assessments	125										125
Capital Improvement Bonds	1,710	300	2,325	1,625	1,750	650	5,000	1,200	0	0	14,560
Other Financing (LDFA bonds for water tower)			1,000								1,000
City Share Cash	225	160	4,080	50	310	50	835	170	0	160	6,040

Table 6

CITY OF PORTAGE

RESOLUTION

WATER RATES

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

PRESENT:

ABSENT:

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

WHEREAS, it is necessary for the Council to establish by resolution rates for water service in the City of Portage.

NOW, THEREFORE BE IT RESOLVED: That the following rates are hereby established for charges to be paid by users of water service rendered by the water system in the City of Portage, said rates to be in effect commencing with the first billing after September 30, 2016.

A. CUSTOMER CHARGES

The charges to be paid by users of water service rendered by the water system shall consist of a basic quarterly charge plus commodity charges as follows:

Meter Size	Basic Quarterly Charge
5/8"	\$ 24.46
3/4"	\$ 36.69
1"	\$ 55.03
1-1/2"	\$ 97.84
2"	\$ 146.76
3"	\$ 244.60
4"	\$ 489.20
6"	\$ 856.10
8"	\$1223.00

COMMODITY CHARGES

For all use, except as may be provided under Hydrant Meter Charges, Fire Protection Service Charges and Township Customer Charges, the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
Per 1000 Gallons
\$3.19

B. TOWNSHIP CUSTOMER CHARGES

The basic quarterly charge for Pavilion Township and Schoolcraft Township customers shall be the same as charged to City customers, as detailed in section "A" above. Commodity charges for Pavilion Township and Schoolcraft Township customers shall be set at \$3.83 per thousand gallons of water used. Other charges and fees to township customers will be the same as for City of Portage customers.

C. FIRE PROTECTION SERVICE CHARGES

The charges to be paid by users of fire protection service rendered by the water system shall consist of a basic quarterly charge as follows:

Service <u>Size</u>	Basic Quarterly <u>Charge</u>
4"	\$ 15.00
6"	\$ 35.00
8"	\$ 60.00
10"	\$ 95.00
12"	\$135.00
16"	\$240.00

For all use metered on Fire Protection Services the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
Per 1000 Gallons
\$6.40

D. METER CHARGES

The charges to be paid for installing meters are as follows:

<u>Meter Size</u>	<u>Meter Charge</u>
5/8"	\$ 225
3/4"	\$ 280
1"	\$ 345
1 1/2"	\$ 815
2" SR (Irrigation)	\$ 1,010
2" (Compound)	\$ 2,225
3" (Compound)	\$ 2,925
4" (Compound)	\$ 4,530
6" (Compound)	\$ 7,840

E. METER BOX CHARGE

The charges to be paid for Meter Boxes are as follows:

<u>Service Provided</u>	<u>Meter Box Charge</u>
Meter Box	\$1,050

F. HYDRANT METER CHARGES

The charges to be paid for installation of hydrant meters and use of hydrant water are as follows:

<u>Service Provided</u>	<u>Hydrant Meter Charge</u>
Meter installation	\$150*
Hydrant Use	\$6.40/thousand gallons

*Charge includes 15,000 gallons of water.

Furthermore, a deposit of \$250 will be required before installation of the hydrant meter. The deposit will be applied to the charges and water usage.

H. HYDRANT FLOW TEST

A charge of \$135 per occurrence will be charged for a fire hydrant flow test to determine the quantity of water available for fire fighting use.

I. PROCESSING FEE

The charge to be paid by users having water service turned on is as follows:

<u>Service Provided</u>	<u>Processing Fee</u>
Turning on water service	\$50 (except for first time customers and customer repairs)
	\$100 (turn on after normal working hours)

This fee also applies to services that are turned off for delinquency and is applied once a city work order has been issued.

J. NON-SUFFICIENT FUNDS

A fee of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

K. UTILITY BILLING AUTOMATIC PAYMENT PLAN

A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.

L. WATER SHUT OFF DUE TO NON-PAYMENT

An amount past due of more than \$60.00 is established as the water shut-off level amount.

M. LATE FEE

The utility billing late fee shall be waived by the Finance Director under the following conditions:

1. (a) The customer has paid all of the last 12 or more quarterly utility bills on time; and

(b) The customer requests that the late fee be waived; or
2. The customer requests participation in the city's automatic payment program and the amount due is taken from their bank account on the due date.
However, if the customer discontinues participation in the automatic payment program, no further waivers shall be granted under subsections 1(a) and (b) or this subsection 2.

YEAS:

NAYS:

James R. Hudson, City Clerk

CERTIFICATION

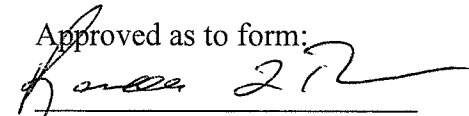
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

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

IN WITNESS THEREOF, I have hereto affixed my official signature the _____ day of _____, 2016.

James R. Hudson, City Clerk

Approved as to form:



Randall Brown, City Attorney

WaterRateResolution2016

CITY OF PORTAGE

RESOLUTION

SEWER RATES

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

PRESENT:

ABSENT:

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

WHEREAS, it is necessary for the Council to establish by resolution rates for sewer service in the City of Portage.

NOW, THEREFORE BE IT RESOLVED: That the following rates are hereby established for charges to be paid by users of wastewater service rendered by the wastewater system in the City of Portage, said rates to be in effect commencing with the first billing after September 30, 2016.

A. CUSTOMER CHARGES

The charges to be paid by users of wastewater service rendered by the sewer system shall consist of a basic quarterly charge plus commodity charges as follows:

<u>Meter Size</u>	<u>Basic Quarterly Charge</u>
5/8"	\$ 34.75
3/4"	\$ 52.12
1"	\$ 78.19
1-1/2"	\$ 139.00
2"	\$ 208.50
3"	\$ 347.50
4"	\$ 695.00
6"	\$1216.25
8"	\$1737.50

COMMODITY CHARGES

For all metered use, except as may be provided under Township Customer Charges, the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
<u>Per 1000 Gallons</u>
\$4.60

B. MINIMUM FOR NON-METERED (FLAT RATE) CUSTOMERS

The flat rate for non-metered customers shall be established based on water usage of 15,000 gallons per quarter.

	<u>Flat</u> <u>Charge</u>	<u>Basic</u> <u>Charge</u>	<u>Total</u> <u>Charge</u>
Per quarter based on commodity charge for 15,000 gallons	\$69.00	\$34.75	\$103.75

C. IRRIGATION ALLOWANCE

Residential customers shall be given a discount if the customer is eligible for an irrigation discount under City Ordinance as follows: 1) Charges for such customers shall be based on actual water consumption, except that there shall be no sewage charge for the water consumption exceeding 125 percent of the water consumption for the most recent quarter billing in which the month of January is included; 2) Residential customers who do not have a quarterly billing in which the month of January is included or who have a zero (0) water usage for the quarter which includes the month of January, shall have the sewer charge for the other three quarters established at the maximum rate volume of 15,000 gallons or actual usage, if less, per quarter until such time as quarterly billing information, in which the month of January is included, is available.

D. SURCHARGES AND CREDITS

Surcharges for pollutant loadings above standard domestic waste will be charged rates established by ordinance of the City of Kalamazoo. Industries which pretreat may qualify for credits for pollutant loading at a strength below standard domestic strength in accordance with rates established by ordinances of the City of Kalamazoo.

E. ADDITIONAL CHARGES

Additional charges shall be as follows:

- (1) Equal to the actual expense incurred by the City for removing prohibited material discharged or caused or allowed to be discharged by the user and/or for the handling and/or treating of material in the wastewater system; and
- (2) Equal to the actual expense incurred by the City for cleaning or repairing the waste water system or any part thereof as required by a discharge by, or caused or allowed by, a user.

F. TOWNSHIP CUSTOMER CHARGES

The basic quarterly charge for Schoolcraft Township customers shall be the same as charged to city customers, as detailed in Section "A" above. Commodity charges for Schoolcraft Township customers shall be set at \$5.18 per thousand gallons of water used. Other charges and fees to township customers shall be the same as for City of Portage customers.

G. NON-SUFFICIENT FUNDS

A fee of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

H. UTILITY BILLING AUTOMATIC PAYMENT PLAN

A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.

I. LATE FEE

The utility billing late fee shall be waived by the Finance Director under the following conditions:

1. (a) The customer has paid all of the last 12 or more quarterly utility bills on time; and
(b) The customer requests that the late fee be waived; or
2. The customer requests participation in the city's automatic payment program and the amount due is taken from their bank account on the due date. However, if the customer discontinues participation in the automatic payment program, no further waivers shall be granted under subsections 1(a) and (b) or this subsection 2.

YEAS:

NAYS:

James R. Hudson, City Clerk

CERTIFICATION

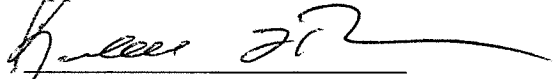
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

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

IN WITNESS THEREOF, I have hereto affixed my official signature the _____ day of _____, 2016.

James R. Hudson, City Clerk

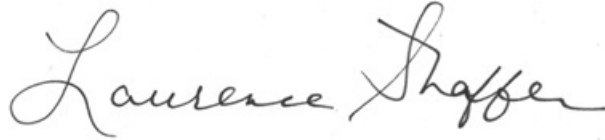
Approved as to form:



Randall Brown, City Attorney

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Public Hearing on Fiscal Year 2016-2017 Budget

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council adopt the Resolution setting a public hearing on May 10, 2016, for the Fiscal Year 2016-2017 proposed city budget and the proposed 2016 tax levy.

In order to permit adoption of the Fiscal Year 2016-2017 proposed budget on May 24, 2016 and satisfy the requirements of the City Charter and Public Act 5 of 1982, known as the Truth in Taxation Act, a public hearing must be held at the regular Council meeting of May 10, 2016.

Public Act 5 of 1982 requires that any millage rate above the “base tax rate” must be identified separately in the Notice of Public Hearing on the proposed 2016 tax levy. The “base tax rate” as defined by Public Act 5 of 1982 is the prior year operating millage adjusted for the inflationary growth in the Taxable Value of property in the city. As the proposed tax levy does not exceed the base tax rate, no Truth in Taxation hearing is required for 2016. However, a public hearing on the proposed budget and the tax rate needed to support the proposed budget is still required.

It is therefore recommended that City Council adopt the Resolution setting a public hearing on May 10, 2016 for the proposed Fiscal Year 2016-2017 Budget.

FUNDING: N/A

Attachments: 1. Resolution

CITY OF PORTAGE
RESOLUTION OF CITY OF PORTAGE

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on April 26, 2016 at 7:30 p.m. local time at the Council Chambers in the City of Portage, Michigan.

Present: _____

Absent: _____

The following resolution was offered by:

Councilmember _____, and supported by:

Councilmember _____.

NOW THEREFORE, BE IT RESOLVED:

That the City of Portage set a public hearing for 7:30 p.m., or as soon thereafter as may be heard, on May 10, 2016, on the proposed 2016-2017 City budget as required by Chapter Seven of the City Charter and state law.

Be it further resolved:

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

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

The City Council of the City of Portage will hold a public hearing at 7:30 p.m., or as soon thereafter as may be heard, on May 10, 2016 in the Council Chambers at 7900 South Westnedge Avenue on the proposed 2016-2017 City budget and on the proposed 2016 City tax levy. Copies of the proposed budget are available for public inspection during regular business hours in the offices of the City Clerk and the Finance Director.

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

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

This notice published by:

CITY OF PORTAGE
7900 SOUTH WESTNEDGE AVENUE
PORTAGE, MICHIGAN 49002
(269) 329-4412

Dated: _____, 2016

City Clerk

AYES: Councilmember_____

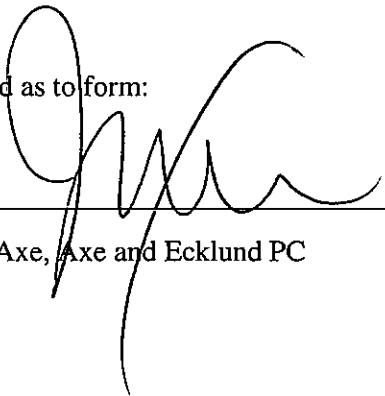
NAYS: Councilmember_____

ABSENT: Councilmember_____

RESOLUTION DECLARED ADOPTED:_____

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held on April 26, 2016, the original of which is in the official proceedings of the City Council.

Approved as to form:

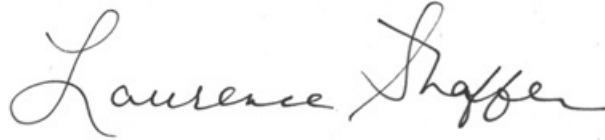
A handwritten signature in black ink, appearing to read 'John R. Axe', written over a horizontal line.

John R. Axe, Axe and Ecklund PC

City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Adoption of Bond Resolutions

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council adopt the:

1. Bond Resolution for Bonds Not To Exceed \$3,250,000, City of Portage Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project), and
2. Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project).

The ten-year 2015-2025 Capital Improvement Program includes revenue of \$4,615,000 from bonds as part of the total revenue to fund fiscal year 2015-2016 projects. At the November 3, 2015 City Council meeting, a budget amendment was approved to transfer \$2,961,755 from the General Fund to the Capital Improvement Fund to finance various projects and reduce the amount of new debt required. That transfer, combined with existing resources, has reduced the required new debt from \$2,375,000 to \$875,000 to fund projects planned for fiscal year 2015-2016.

Additionally, in January 2009 the city sold Capital Improvement Bonds totaling \$3,440,000 to finance utility, street, park, public facility and public safety projects. The balance of this 2009 bond series, maturing after July 1, 2016, can be refinanced with an anticipated interest savings of approximately \$156,080.

A Capital Improvement bond series can be issued to fund both the fiscal year 2015-2016 capital improvements and refund the series 2009 bonds. The attached bond resolution was prepared by the city's Bond Counsel. The resolutions will initiate the legal process required to refinance the existing Capital Improvement Bonds Series 2009 and secure financing for completion of the capital improvement projects. Bids will be taken on May 10, 2016 and bid results will be reported to the City Council soon thereafter.

FUNDING: N/A

Attachments:

1. Bond Resolution
2. Continuing Disclosure Resolution

3. Preliminary Refunding Analysis

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in the City Hall, Portage, Michigan on _____, 2016 at ____:____.m., Eastern Daylight Savings Time there were

PRESENT:

ABSENT:

The following resolution was offered by _____ and seconded by _____:

BOND RESOLUTION
BONDS NOT TO EXCEED \$3,250,000
City of Portage
Capital Improvement Bonds, Series 2016
(New Improvements and Refunding Project)

WHEREAS, pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") the City of Portage, issued its City of Portage Capital Improvement Bonds, Series 2009, dated as of July 1, 2009 (the "Prior Bonds"), in the original principal amount of \$3,440,000 to defray the cost of constructing improvements in the City of Portage, Michigan (the "City"); and

WHEREAS, the Prior Bonds remain outstanding in the aggregate principal amount of \$2,300,000 maturing in various principal amounts on July 1 in the years 2016 through 2029 and bear interest at rates of 3.25% through 4.30%; and

WHEREAS, pursuant to Act 34 the City is authorized to refund all or any part of its funded indebtedness; and

WHEREAS, the City may call the outstanding Prior Bonds maturing in the years 2017 through 2029 on July 1, 2016; and

WHEREAS, the City has determined that it is necessary and appropriate at this time to issue a series of Bonds pursuant to Act 34 to refund the Prior Bonds maturing in the years 2017 through 2029; and

WHEREAS, there have been prepared and presented to the City Council (the "Council") of the City, a description of improvements to the City of Portage (the "Capital Improvement

Project"), all as more fully described in EXHIBIT A, pursuant to the terms of Section 517 of Act 34; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE as follows:

1. **Issuance of Bonds.** Bonds of the City aggregating in the principal amount not to exceed Three Million Two Hundred and Fifty Thousand Dollars (\$3,250,000) (the "Bonds") shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding the Prior Bonds maturing in the years 2017 through 2029 (the "Refunded Bonds") and for the purpose of completing the Capital Improvement Project.

2. **Bond Details.** The Bonds shall be known as "City of Portage Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project)" and shall be dated May 1, 2016 or such later date not more than twelve calendar months thereafter as the City Finance Director shall provide in the Request for Proposal. The Bonds shall be fully registered Bonds, both as to principal and interest, in any one or more denominations of \$5,000 or a multiple of \$5,000 numbered from 1 upwards as determined by the City Finance Director, regardless of rate and maturity date. The total amount of Bonds to be issued shall not exceed \$3,250,000. Subject, however, to adjustment as described under "INCREASE OR DECREASE IN AGGREGATE AMOUNT OF BONDS", Section 7, if \$3,075,000 in Bonds are to be issued, the Bonds may mature on July 1 in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2017	\$280,000	2024	\$230,000	2031	\$20,000
2018	280,000	2025	225,000	2032	20,000
2019	280,000	2026	225,000	2033	20,000
2020	230,000	2027	165,000	2034	20,000
2021	235,000	2028	165,000	2035	20,000
2022	235,000	2029	160,000	2036	20,000
2023	230,000	2030	15,000		

The Bonds shall be in substantially the form attached hereto as APPENDIX A with such changes, additions or deletions as are not inconsistent with this resolution.

3. **Discount.** The Bonds may be offered for sale at a price of not less than 99% of the face amount thereof, and the City Finance Director is authorized, in his or her discretion, to provide for a higher minimum purchase price in the Request for Proposal of the Bonds.

4. **Prior Redemption.** The Bonds maturing prior to July 1, 2024, shall not be subject to redemption prior to maturity. Bonds maturing on or after July 1, 2024 shall be subject to redemption prior to maturity at the option of the City, in any order, in whole or in part on any date on or after July 1, 2023.

Bonds called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a Bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a Bond is called for redemption, upon surrender of the Bond to the bond registrar, the bond registrar shall authenticate and deliver to the registered owner of the Bond a new Bond or Bonds in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption if different than otherwise provided in the Resolution. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the bond registrar to redeem the same.

5. **Payment of Interest and Date of Record.** The Bonds shall bear interest payable January 1, 2017, and semi-annually thereafter on each July 1 and January 1, until maturity, which interest rate shall not exceed 6% per annum. Interest shall be mailed by first class mail to the registered owner of each Bond as of the applicable date of record.

The date of record shall be June 15 with respect to payments to be made on July 1 and December 15 with respect to payments to be made on January 1.

6. **Adjustment of Bond Maturities.** The City Finance Director is authorized by order in the form attached as EXHIBIT B to adjust the amounts of the maturities of the Bonds, as set forth in Section 15.

7. **Increase or Decrease in Aggregate Amount of Bonds.** In the event the amount necessary to refund the Refunded Bonds shall be more or less than currently estimated or it shall be necessary to adjust any maturity or maturities, the Finance Director or City Manager of the City shall increase or decrease the estimated principal amount of the Bonds by any amount to the extent required to avoid the issuance of more or less Bonds than will be required in light of the amount of Bonds to be issued and proposals received, which increase or decrease may be applied to any one or more of the maturities and the Request for Proposal attached as *Exhibit B* shall so provide or be changed accordingly. In the event the City determines to contribute additional amounts toward the refunding of the bonds, the Bonds shall further be reduced by the amount of such contribution.

8. (A) **Bond Registrar and Paying Agent/Book Entry Depository Trust.** The City Finance Director (the "City Finance Director") shall designate, and shall enter into an agreement with, a bond registrar and paying agent for the Bonds which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Finance Director from time to time as required may designate a similarly qualified successor bond registrar and paying agent. If so designated the Bonds shall be deposited with a depository trustee designated by the City Finance Director who shall transfer ownership of interests in the Bonds by book entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Bonds. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the City Finance Director after consultation with the depository trustee. The City Finance Director is authorized to enter into any depository trust agreement on behalf of the City upon such terms and conditions as the City Finance Director shall deem appropriate and not otherwise prohibited by the terms of this Resolution, which Contract shall be executed by the City Finance Director. The depository trustee may be the same as the Registrar otherwise named by the City Finance Director, and the Bonds may be transferred in part by depository trust and in part by transfer of physical certificates as the City Finance Director may determine.

(B) **Exchange and Transfer of Bonds.**

(i) The Bonds, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bonds.

(ii) The Bonds shall be transferable upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, only upon surrender of such Bonds together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

(iii) Upon the exchange or transfer of the Bonds, the bond registrar and paying agent on behalf of the City shall cancel the surrendered Bonds and shall authenticate and deliver to the transferee new Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bonds. If, at the time the bond registrar and paying agent authenticates

and delivers new Bonds pursuant to this Section, payment of interest on the Bonds is in default, the bond registrar and paying agent shall endorse upon the new Bonds the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____, ____."

(iv) The City and the bond registrar and paying agent may deem and treat the person in whose name the Bonds shall be registered upon the books of the City as the absolute owner of such Bonds, whether such Bonds shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bonds and for all other purposes, and all payments made to any such registered owner, or upon his or her order, in accordance with the provisions of Section 5 of this Resolution shall be valid and effectual to satisfy and discharge the liability upon such Bonds to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

(v) For every exchange or transfer of the Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

(vi) The bond registrar and paying agent shall not be required to transfer or exchange the Bonds or portion of the Bonds which has been selected for redemption.

9. **Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any Bond is mutilated, lost, stolen, or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver, or order the Bond Registrar to authenticate and deliver, a new Bond having a number not then outstanding, of like date, maturity and denomination as mutilated, lost, stolen, or destroyed.

In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the Bond Registrar. In the case of a lost, stolen, or destroyed Bond, a replacement Bond shall not be delivered unless and until the City and the Bond Registrar have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit

of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement Bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

10. **Execution and Delivery.** The Mayor and the City Clerk are hereby authorized and directed to execute the Bonds for and on behalf of the City by manually executing the same or by causing their facsimile signatures to be affixed. If facsimile signatures are used, the Bonds shall be authenticated by the Bond Registrar before delivery. The Bonds shall be sealed with the City's seal or a facsimile thereof shall be imprinted thereon. When so executed and (if facsimile signatures are used) authenticated, the Bonds shall be delivered to the City Finance Director, who is hereby authorized and directed to deliver the Bonds to the purchaser upon receipt in full of the purchase price for the Bonds.

11. **Security.** The full faith and credit of the City are hereby irrevocably pledged to the prompt payment of the principal of and interest on the Bonds when due. The City agrees to pledge for the repayment of the Bonds sufficient amounts of City taxes levied each year provided that the amount of taxes necessary to pay the principal and interest on the Bonds, together with the other taxes levied for the same year, shall not exceed the limit authorized by law and which taxes will be subject to applicable statutory and constitutional limitations on the taxing power of the City.

12. **Bond Payment Fund.** The City shall establish and maintain a bond payment fund (the "Bond Payment Fund") to be used solely for the purpose of (i) paying principal of, premium, if any, and interest on the Bonds as well as costs, including the fees and expenses of the Bond Registrar, incidental to the Bonds; (ii) the annual fees and expenses of the escrow agent under an escrow agreement; and (iii) the fees and expenses of the paying agent or paying agents for the Bonds.

13. **Acquisition and Construction Fund:** There is hereby established an Acquisition and Construction Fund into which all proceeds of the borrowing in connection with the Capital Improvement Project shall be deposited, except the accrued interest on the Bonds and premium, if any, received from the purchaser of the Bonds and any capitalized interest. All moneys in the Acquisition and Construction Fund shall be used solely for the payment in full of costs of the Capital Improvement Project, including any costs of issuing the Bonds. Surplus

moneys remaining in the Acquisition and Construction Fund after completion of the Capital Improvement Project and payment in full of the costs of the Capital Improvement Project (or provision for such payment) shall be deposited in the Bond Payment Fund.

14. **Use of Proceeds.** The proceeds of the sale of the Bonds to be used to refund the Refunded Bonds shall be used as follows:

- a. Accrued interest shall be transferred to the Bond Fund created pursuant to Section 20 above;
- b. There shall next be transferred to an escrow fund (the "Escrow Fund") an amount which will be sufficient to pay when due the principal of, premium, if any, and interest on the Refunded Bonds when due upon redemption; and
- c. The balance of the proceeds shall be used to pay some or all of the costs of financing including, but not limited to, publication costs, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing.

15. **Escrow Agreement; Redemption of Refunded Bonds.** In order that the Refunded Bonds may be properly defeased in accordance with Act 34, the City shall enter into an escrow agreement as may be determined by the City Finance Director (the "Escrow Agreement"), with a bank or trust company designated by the City Finance Director. The Escrow Agreement shall be in substantially the form attached as APPENDIX C to this Resolution (with such changes, modifications and additions as may be approved by the City Finance Director). The Escrow Agreement shall be completed by the City Finance Director with appropriate figures prior to execution on behalf of the City by the City Finance Director.

Upon execution of the Escrow Agreement and delivery of the Bonds, the City and/or the escrow agent shall take all necessary steps to cause the Refunded Bonds to be redeemed at the earliest possible redemption date or dates.

16. **Investments.** Moneys in the Bond Payment Fund may be continuously invested and reinvested in United States government obligations, obligations the principal and interest on which are unconditionally guaranteed by the United States government, or in interest-bearing time deposits selected by the City Finance Director which are permissible investments for surplus funds under Act No. 20, Public Acts of Michigan, 1943, as amended. Such investments shall mature, or be subject to redemption at the option of the holder, not later than the dates moneys in

such fund will be required to pay the principal of, premium, if any, and interest on the Bonds. Obligations purchased as an investment of moneys in the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

17. **Depositories.** All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds established by this Resolution, except that the moneys in the Bond Payment Fund shall only be deposited in such banks where the principal of, premium, if any, and interest on the Bonds are payable. The City Finance Director shall select the depository or depositories to be used from those banks authorized in this Section.

18. **Arbitrage and Tax Covenants.** Notwithstanding any other provision of this Resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Bonds to be includible in gross income for federal income tax purposes, cause the interest on the Bonds to be includible in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code, or (ii) adversely affect the exemption of the Bonds and the interest thereon from the State of Michigan income taxation.

19. **Qualified Tax-Exempt Obligations.** The Bonds are designated as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code unless at the time of

circulation of the Request for Proposal the Bonds are deemed to be ineligible for such designation, in which case the Request for Proposal shall be changed accordingly.

20. **Defeasance or Redemption of Bonds.** If at any time,

- (a) the whole amount of the principal of, premium, if any, and interest on all outstanding Bonds shall be paid, or
- (b) (i) sufficient moneys, or Government Obligations (as defined in this Section) not callable prior to maturity, the principal of, premium, if any, and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of, premium, if any, and interest on all outstanding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of, premium, if any, and interest on such Bonds as and when due, and (ii) in the case of redemption prior to maturity, all outstanding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Bonds for redemption shall have been given)

then, at the time of the payment referred to in clause (a) of this Section or of the deposit referred to in clause (b) of this Section, the City shall be released from all further obligations under this Resolution, and any moneys or other assets then held or pledged pursuant to this Resolution for the purpose of paying the principal of, premium, if any, and interest on the Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this Section) shall be released from the conditions of this Resolution, paid over to the City and considered excess proceeds of the Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within 30 days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be given to the registered holders hereof not more than sixty (60) days nor less than forty-five (45) days prior to the redemption setting forth the date or dates, if any, designated for the redemption of the Bonds, a description of the moneys or Government Obligations so held by it and that the City has been released from its obligations under this Resolution. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of, premium, if any, and interest on the Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this Section.

The trustee or escrow agent referred to in this Section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by resolution of the City, and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000 of capital and unimpaired surplus. The same bank or trust company may serve as trustee or escrow agent under this Section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

As used in this Section, the term "Government Obligations" means direct obligations of, or obligations the principal, premium, if any, and interest on which are unconditionally guaranteed by, the United States of America.

21. **Filing with Municipal Finance Division.** If necessary, the City Manager is authorized and directed to:

- (a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Bonds or for an exception;
- (b) file with such application all required supporting material; and
- (c) pay all fees required in connection therewith.

22. **Negotiated Sale - Request for Proposal:** The City hereby determines that in order to save the cost of publication of an Official Notice of Sale that it will sell the Bonds at a negotiated sale after solicitation of proposals from prospective purchasers by its Financial Consultant. The City's Financial Consultant is authorized to solicit proposals from at least twenty-five prospective purchasers and to circulate a Request for Proposal at least seven days prior to the date fixed for receipt of proposals for the purchase of the Bonds. The Request for Proposal shall be in substantially the form attached to this resolution as APPENDIX B with such changes therein as are not inconsistent with this resolution and as are approved by the City Finance Director after conferring with Bond Counsel. Once all proposals are received, the City Finance Director shall determine the lowest true interest cost proposed and thereafter award the Bonds to the proposer meeting that criteria. The Financial Consultant is hereby designated to act for and on behalf of the City to receive proposals for the purchase of the Bonds and together with Bond Counsel to take all other steps necessary in connection with the sale and delivery thereof.

23. **Bond Anticipation Notes:** Prior to the issuance of the Bonds but after expiration of the referendum period set forth in paragraph 4 above, the City may issue its Bond Anticipation Notes (the "Notes") in an amount not to exceed 50% of the entire issue in anticipation of the proceeds of the Bonds as authorized

by Section 413 of Act 34. The Notes shall also be payable from other revenues of the City.

The City may declare the possibility of issuing the Notes which will be used to pay the costs of Capital Improvement Project falling due prior to the issuance of the Bonds.

The Notes, if issued, shall be dated May 1, 2016 or on the first day of any month thereafter in 2016 as the City Finance Director shall order.

The Notes, if issued, shall bear interest payable at maturity, semi-annually or at other intervals as the City Finance Director shall order.

The Notes, if issued, shall mature on or before May 1, 2017. An earlier or later maturity date may be established by order of the City Finance Director.

24. **Retention of Bond Counsel.** The firm of Axe & Ecklund, P.C., attorneys of Grosse Pointe Farms, Michigan, is hereby retained to act as bond counsel for the City in connection with the issuance, sale and delivery of the Bonds.

25. **Retention of Financial Consultants.** Municipal Financial Consultants Incorporated, Grosse Pointe Farms, Michigan, is hereby retained to act as financial consultant and advisor to the City in connection with the sale and delivery of the Bonds.

26. **Conflicting Resolutions.** All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

27. **Effective Date.** This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the City Council of the City as soon as practicable after adoption.

Discussion followed. The results of a roll-call vote on the foregoing resolution were as follows:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS DECLARED ADOPTED.

Las.r1-por222

CERTIFICATION OF PROCEEDINGS

The undersigned, being the duly qualified and acting Clerk of the City of Portage, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City at a _____ meeting held on _____, 2016, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the City, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

DATED: _____, 2016

City Clerk

[SEAL]

las.r1-por222

EXHIBIT A

PROJECT TITLE:

Computer Aided Dispatch and Police Records Upgrade and Conversion

PROJECT DESCRIPTION:

Conversion of existing Computer Aided Dispatch (CAD) and Records Management Systems (RMS) from the AS/400 based programs to Windows.

PROJECT TITLE:

Major Street Reconstruction Program

PROJECT DESCRIPTION:

Reconstruction of major streets that were previously strip paved, or where heavy maintenance activities have been applied, that are anticipated to require a greater lever of sub-base and pavement rehabilitation to ensure long-term serviceability. Improvements will also include localized storm drainage improvements, necessary curb and gutter or paved shoulder replacement/repair, repair of necessary drive approaches and lawn restoration as appropriate. This project involves reconstructing the following street sections in FY 2015-16:

- East Osterhout Avenue, South Westnedge Avenue to Portage Road
- Portage Road, Romence Road Parkway to East Milham Avenue
- Constitution Boulevard, Romence Road to West Milham Avenue
- South Westnedge Avenue, Shaver Road to East Centre Avenue
- West Centre Avenue, Shaver Road to South Westnedge Avenue

These projects will be designated to include "complete street" enhancements such as crosswalk improvements and widened bike lanes where appropriate, and are part of the "Natural Place to Move" initiative.

These roadway projects will be constructed during the 2016 construction season.

TOTAL COST ESTIMATES

Construction Costs, Acquisition Costs,
Engineering Costs, Equipment Costs,
& Contingency

\$975,000

las.r1-por173

EXHIBIT B

ORDER ADJUSTING MATURITIES

§
CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN
CITY OF PORTAGE CAPITAL IMPROVEMENT BONDS, SERIES 2016
(NEW IMPROVEMENTS AND REFUNDING PROJECT)

—

The undersigned, City Finance Director, as authorized in the Award Resolution for the above referenced Bonds certified by the City Clerk on _____ 1, _____, hereby establishes the final maturities for said Bonds with interest rates thereon, as follows:

Due		Amount	Rate
_____ . 1			

Dated: _____

City Finance Director

las.r1-por222

APPENDIX A

UNITED STATES OF AMERICA-STATE OF MICHIGAN

CITY OF PORTAGE CAPITAL IMPROVEMENT BOND, SERIES 2016
(NEW IMPROVEMENTS AND REFUNDING PROJECT)

<u>RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ISSUANCE</u>	<u>CUSIP</u>
		_____, 1, _____	

=====

REGISTERED OWNER:

PRINCIPAL AMOUNT:

=====

FOR VALUE RECEIVED, the City of Portage, County of Kalamazoo, State of Michigan (the "City") hereby acknowledges itself indebted and promises to pay (but only from the sources referred to herein) on the Maturity Date specified above to the Registered Owner specified above or its registered assigns, the Principal Amount specified above upon presentation and surrender of this bond (this "Bond") at the designated office of _____, _____, Michigan, as paying agent and bond registrar (the "Bond Registrar"), together with the interest thereon to the Registered Owner of this Bond, as shown on the books of the City maintained by the Bond Registrar, on the applicable date of record from the Date of Issuance specified above, or such later date through which interest has been paid, at the Rate per annum specified above, commencing on _____, _____, and semi-annually thereafter on the first day of _____ and _____ in each year to and including the Maturity Date. The date of record for each payment of interest shall be the 15th day of the month preceding the date such payment is due. Interest is payable by check or draft mailed by the Bond Registrar to the Registered Owner at the address shown on the books of the City maintained by the Bond Registrar on the applicable date of record and shall be calculated on the basis of a 360-day year consisting of twelve (12) thirty (30) day months.

This Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of _____ Dollars (\$ _____), issued by the City, pursuant to and in full conformity with the Constitution and statutes of the State of Michigan and especially Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") to provide funds to be deposited with _____, _____, Michigan, as escrow agent (the "Escrow Agent"), under an escrow agreement dated as of _____, _____. The Escrow Agent will use such proceeds to acquire non-callable direct obligations of the United States which, when paid in accordance with their terms, will provide sufficient funds (i) to pay when due, to and including _____, _____, the interest on the City's outstanding

dated _____, maturing in the years _____ through _____, (the "Refunded Bonds") and (ii) on _____, to redeem the Refunded Bonds maturing in the years _____ through _____, at a redemption price of _____% of the principal amount thereof.

This Bond and the series of which this is one are payable from (a) the City's general fund which amount will not be in excess of the cash rental payments pledged to the payment of the principal of, premium, if any, and interest on the Refunded Bonds and shall be and remain subject to the statutory lien until the principal of, premium, if any, and interest on the Bonds have been paid in full and (b) the City hereby pledges its full faith and credit for the payment of the Bonds when due and agrees that it will levy each year such ad valorem taxes as shall be necessary for the payment of such Bonds, which taxes, however, will be subject to applicable constitutional and statutory limitations on the taxing power of the City, and which shall not be in an amount or at a rate exceeding that necessary to pay its contractual obligation pursuant to the Bond Resolution. If the City, at the time prescribed by law for the making of its annual tax levy, shall have other funds on hand which have been set aside and earmarked for payment of its obligations under the Bond Resolution for which a tax levy would otherwise have to be made, then the tax levy shall be reduced by the amount of such other funds. Such other funds may be raised from any lawful source.

Bonds maturing prior to _____, shall not be subject to redemption prior to maturity. Bonds maturing on and after _____, shall be subject to redemption prior to maturity at the option of the City, in any order, in whole or in part on any interest payment date on and after _____. Bonds called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a Bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitute an authorized denomination. In the event that less than the entire principal amount of a Bond is called for redemption, upon surrender of this Bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the registered owner of this Bond a new Bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption, if different than otherwise provided in the Resolutions authorizing the issuance of the Bonds of this series. Any defect in such notice shall not affect the validity of the redemption

proceedings. Bonds so called for redemption shall not bear interest after the redemption date, provided funds are on hand with the bond registrar to redeem the same.

This Bond shall be transferable on the books of the City maintained by the Bond Registrar with respect to the Bonds upon the surrender of this Bond to the Bond Registrar together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in authorized denominations in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

This Bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond or bonds being exchanged. Such exchange shall be effected by surrender of the bond to be exchanged to the Bond Registrar with written instructions signed by the Registered Owner of the bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds to the Registered Owner of the bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar is not required to honor any transfer or exchange of Bonds during the fifteen (15) days preceding an interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the City, unless otherwise agreed by the City and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

This Bond and the other bonds of this series have ____ been designated as "qualified tax-exempt obligations" for purposes of Paragraph 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit until the certificate of authentication hereon has been duly executed by the Bond Registrar.

It is hereby certified, recited and declared that all things, conditions and acts required to exist, happen and be performed precedent to and in connection with the issuance of this Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of Michigan, and that the total indebtedness of the City, including

the series of Bonds of which this is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Portage, County of Kalamazoo, State of Michigan, by its City Council has caused this Bond to be executed in its name with the facsimile signatures of its Mayor and the City Clerk, has caused a facsimile of its seal to be affixed hereto, and has caused this Bond to be authenticated by the Bond Registrar, as the City's authenticating agent, all as of the Date of Issuance set forth above.

CITY OF PORTAGE

By:
Mayor

[SEAL]

By:
City Clerk

DATE OF AUTHENTICATION:

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This is Bond is one of a series of bonds designated "City of Portage Capital Improvement Bonds, Series 2016".

By: _____, Michigan
as Bond Registrar and Authenticating Agent
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ this Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer this Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature:

Notice: The signature(s) to this assignment must correspond with the name as it appears upon the face of this Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

The transfer agent will not effect transfer of this Bond unless the information concerning the transferee requested below is provided:

Name and Address: _____

(Include information for all joint owners if bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OR OTHER IDENTIFYING NUMBER OF TRANSFeree

(Insert number for first named transferee if held by joint account)

las.r1-por222

APPENDIX B

[FORM OF REQUEST FOR PROPOSAL]

OFFICIAL REQUEST FOR PROPOSAL

\$

CITY OF PORTAGE

County of Kalamazoo, State of Michigan

**CITY OF PORTAGE CAPITAL IMPROVEMENT BONDS, SERIES 2016
(NEW IMPROVEMENTS AND REFUNDING PROJECT)**

SEALED OR ELECTRONIC PROPOSALS: Sealed written proposals for the purchase of the bonds described herein (the "Bonds") will be received by the undersigned for and on behalf of the City of Portage (the "City") at the Office of the City on _____, until : .m., Eastern Time, at which time and place said proposals will be publicly opened and read.

In the alternative, sealed written proposals will also be received on the same date and until the same time by an agent of the undersigned at the Municipal Advisory Council of Michigan, Buhl Building, 535 Griswold, Suite 1850, Detroit, Michigan 48226, where they will be publicly opened simultaneously. Proposals received at Portage, Michigan will be read first followed by proposals received at the alternate location. Proposers may choose either location to present proposals and good faith checks, but not both locations.

Any proposer may submit a proposal in person to either proposing location. However, no proposer is authorized to submit a FAX proposal to _____.

Also in the alternative, electronic proposals will also be received on the same date and until the same time by an agent of the undersigned Bidcomp/Parity. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Eric Washington, 1359 Broadway, New York, New York, 10018, (212) 849-5021.

If any provision of this Request for Proposal shall conflict with information provided by Bidcomp/Parity as the approved provider of electronic proposing services, this Request for Proposal shall control.

The Bonds will be awarded or all proposals will be rejected by the City Finance Director at a proceeding to be held within twenty-four hours of the sale.

BOND DETAILS: The Bonds will be dated _____ 1, _____ and will be known as "City of Portage Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project)". The Bonds will be fully registered Bonds in any one or more denominations of \$5,000 or a multiple of \$5,000, numbered from 1 upwards and will bear interest from their date payable _____ 1, _____ and semi-annually thereafter until maturity. The Bonds will mature on the 1st day of _____ in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
-------------	---------------	-------------	---------------

PRIOR REDEMPTION: The Bonds maturing prior to _____ 1, _____, shall not be subject to redemption prior to maturity. Bonds maturing on or after _____ 1, _____ shall be subject to redemption prior to maturity at the option of the City, in any order, in whole or in part on any date on or after _____ 1, _____. Bonds called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a Bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a Bond is called for redemption, upon surrender of the Bond to the bond registrar, the bond registrar shall authenticate and deliver to the registered owner of the Bond a new Bond or Bonds in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption if different than otherwise provided in the Resolution. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the bond registrar to redeem the same.

INTEREST RATE AND PROPOSING DETAILS: The Bonds shall bear interest at a rate or rates not exceeding ____% per annum, to be fixed by the proposals therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only. All bonds maturing in any one year must carry the same interest rate. THE INTEREST RATE BORNE BY BONDS MATURING IN ANY YEAR SHALL NOT BE AT A RATE LOWER THAN THE RATE BORNE BY BONDS MATURING IN ANY PRECEDING YEAR. No proposal for

the purchase of less than all of the Bonds, at a price less than ___% of their par value or at an interest rate or rates that will result in a net interest cost exceeding __%, will be considered.

TERM BOND OPTION: Bonds maturing in the years ____ - ____, inclusive, are eligible for designation by the original purchaser at the time of sale as serial Bonds or term Bonds, or both. There may be more than one Term Bond maturity. However, principal maturities designated as Term Bonds shall be subject to mandatory redemption, in part, by lot, at par and accrued interest on ____ 1st of the year in which the Bonds are presently scheduled to mature. Each maturity of Term Bonds and Serial bonds must carry the same interest rate. Any such designation must be made at the time the proposals are submitted.

BOOK-ENTRY-ONLY: The Bonds will be issued in book-entry-only form as one fully-registered bond per maturity and will be registered in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchase of the Bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in Bonds purchased. The book-entry-only system is described further in the nearly final official statement for the Bonds.

BOND REGISTRAR, PAYING AGENT AND DATE OF RECORD: _____, Michigan has been selected as paying agent and bond registrar (the "Bond Registrar") for the Bonds. The Bond Registrar will keep records of the registered holders of the Bonds, serve as transfer agent for the Bonds, authenticate the original and any re-issued Bonds and pay interest by check or draft mailed to the registered holders of the Bonds as shown on the registration books of the City kept by the Bond Registrar on the applicable date of record. The date of record for each interest payment shall be the 15th day of the month before such payment is due. The principal of and redemption premium, if any, on the Bonds will be paid when due upon presentation and surrender thereof to the Bond Registrar. As long as DTC, or its nominee Cede & Co., is the registered owner of the Bonds, payments will be made directly to such registered owner. Disbursement of such payments to DTC participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the Bonds is the responsibility of DTC participants and indirect participants as described in the nearly final official statement for the Bonds. The City may from time to time as required designate a successor bond registrar and paying agent.

PURPOSE AND SECURITY: The Bonds are to be issued pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), for the purpose of refunding the City of Portage Bonds, Series _____, dated _____.

maturing in the years _____ through _____ (the "Refunded Bonds"), of which \$_____ remains outstanding and is being refunded. In addition the Bonds are being issued for the purpose of acquiring and constructing improvements to the City. The Bonds are issued in anticipation of, and payable primarily from, the collection of taxes to be levied by the City. In addition, if the foregoing collection of taxes is insufficient for any reason to make prompt payment of the principal of and interest on the Bonds when due, the City shall make such payments from its general funds. The limited tax full faith and credit of the City is pledged for the payment of the principal of and interest on the Bonds. The City, however, does not have the power to levy any tax unlimited as to rate or amount for the payment of principal of and interest on the Bonds in excess of its constitutional, statutory or charter limitations.

ESCROW AGENT: Proceeds from the Bonds will be transferred to _____, _____, Michigan as escrow agent (the "Escrow Agent") under an escrow agreement (the "Agreement"), who will use such proceeds to acquire investment obligations sufficient to pay principal of, premium, if any, and interest on the Refunded Bonds when due or upon the first permissible redemption date for the Refunded Bonds.

ADJUSTMENT IN PRINCIPAL AMOUNT: The aggregate principal amount of this issue has been determined as the amount necessary to defease the Refunded Bonds and pay a portion or all of the costs of issuance of the Bonds, assuming certain conditions and events exist on the date of sale. The City reserves the right to increase or decrease the total par amount of the Bonds by any amount prior to the sale or following the opening of proposals. The increase or decrease may be made in any one or more maturities. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful proposer for all maturities will not change. The successful proposer may not withdraw the proposal as a result of any changes made within these limits.

ADJUSTMENT IN DISCOUNT: In the event the principal amount of this issue is increased or decreased, the premium or discount proposed, if any, will be adjusted upwards or downwards so that it is the same percent as the premium or discount originally proposed.

BOND INSURANCE AT PURCHASER'S OPTION: If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the proposer/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the Bonds. Any increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the purchaser. Any additional rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO

THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a wire transfer in an amount equal to 2% (\$_____) of the face amount of the Bonds, and payable to the order of the City will be required of the successful proposer as a guarantee of good faith on the part of the proposer, to be forfeited as liquidated damages if such proposal be accepted and the proposer fails to take up and pay for the Bonds. If a check is used, it must accompany each proposal. If a wire transfer is used, the successful proposer is required to wire the good faith deposit not later than Noon, prevailing Eastern Time, on the next business day following the sale using the wire instructions provided by Municipal Financial Consultants Incorporated. The good faith deposit will be applied to the purchase price of the Bonds. No interest shall be allowed on the good faith checks, and checks of each unsuccessful proposer will be promptly returned to such proposer's representative or by registered mail. The good faith check of the successful proposer will be cashed immediately, in which event, payment of the balance of the purchase price of the Bonds shall be made at the closing.

AWARD OF THE BONDS - TRUE INTEREST COST: The Bonds will be awarded to the proposer whose proposal produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on _____ and semi-annually thereafter) necessary to discount the debt service payments from their respective payment dates to _____ in an amount equal to the price proposed, excluding accrued interest. _____ is the anticipated date of delivery of the Bonds.

LEGAL OPINION: Proposals shall be conditioned upon the approving opinion of Axe & Ecklund, P.C., attorneys of Grosse Pointe Farms, Michigan (the "Bond Counsel") a copy of which opinion will be printed on the reverse side of each bond and the original of which will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The fees of Bond Counsel for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue such opinion and as described in the official statement, Bond Counsel has not been requested to examine or review and has not examined or reviewed any financial documents, statements or other materials that have been or may be furnished in connection with the authorization, issuance or marketing of the Bonds, and therefore, has not expressed and will not express an opinion with respect to the accuracy or completeness of the official statement or any such financial documents, statements or materials.

TAX MATTERS: In the opinion of Bond Counsel, subject, however to certain qualifications described herein, under existing law,

the interest on the Bonds is excluded from gross income for federal income tax purposes, such interest is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, although for the purpose of computing the alternative minimum tax imposed on certain corporations, such interest is taken into account in determining certain income and earnings. In the further opinion of Bond Counsel, the Bonds and interest thereon are exempt from all taxation in the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

"QUALIFIED TAX EXEMPT OBLIGATIONS": The Bonds have ____ been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986.

CERTIFICATE REGARDING "ISSUE PRICE": The Purchaser will be required, as a condition of delivery of the Bonds, to certify the "issue price" of the Bonds within the meaning of Section 1273 of the Code, which will include a representation that at least 10 percent of each maturity of the Bonds has been sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at a price not exceeding the stated initial offering price. In addition, if the successful proposer will obtain a municipal bond insurance policy or other credit enhancement for the Bonds in connection with their original issuance, the successful proposer will be required, as a condition of delivery of the Bonds, to certify that the premium therefor will be less than the present value of the interest expected to be saved as a result of such insurance or other credit enhancement. The form of an acceptable certificate will be provided by bond counsel.

DELIVERY OF BONDS: The City will furnish Bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the Bonds, will be delivered at the time of delivery of the Bonds. If the Bonds are not tendered for delivery by twelve o'clock noon, Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful proposer may on that day, or any time thereafter until delivery of the Bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the Bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the Bonds shall be paid by the purchaser at the time of delivery.

UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE: In order to assist proposers in complying with SEC Rule 15c2-12, as amended,

the City will covenant to undertake (pursuant to a resolution adopted or to be adopted by its governing body), to provide annual reports and timely notice of certain events for the benefit of beneficial owners of the Bonds. The details and terms of the undertaking are set forth in a Continuing Disclosure Certificate to be executed and delivered by the City, a form of which is included in the nearly final official statement and in the final official statement.

OFFICIAL STATEMENT:

Hard Copy

A copy of the nearly final official statement (the "Nearly Final Official Statement") may be obtained by contacting Municipal Financial Consultants Incorporated at the address listed below. The Nearly Final Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12(b)(1), but is subject to revision, amendment and completion of a final official statement (the "Final Official Statement"). The successful proposer shall supply to the City, within twenty-four (24) hours after the award of the Bonds, all pricing information and any underwriter identification determined by Bond Counsel to be necessary to complete the Final Official Statement.

Internet

In addition, the City has authorized the preparation and distribution of a Nearly Final Official Statement containing information relating to the Bonds via the Internet. The Nearly Final Official Statement can be viewed and downloaded at www.i-dealprospectus.com/PDF.asp?doc=_____ or at www.tm3.com.

The City will furnish to the successful proposer, at no cost, _____ copies of the Final Official Statement within seven (7) business days after the award of the Bonds. Additional copies will be supplied upon the proposer's agreement to pay the cost incurred by the City for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Final Official Statement, including revisions, amendments and completions as necessary, relating to the City and the Bonds is true and correct in all material respects, and that such Final Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the Bonds, but neither the failure to print such numbers nor any improperly printed number shall constitute cause for the purchaser to refuse to accept delivery of or to pay for

the Bonds. All expenses for printing CUSIP numbers on the Bonds shall be paid for by the City, except that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

PROPOSER CERTIFICATION: NOT "IRAN-LINKED BUSINESS:" By submitting a proposal, the proposer shall be deemed to have certified that it is not an "Iran-Linked Business" as defined in Act 17, Public Acts of Michigan, 2012; MCL 129.311 et seq.

ADDITIONAL INFORMATION: Further information may be obtained from the undersigned at the address specified above or from Meredith A. Shanle, Municipal Financial Consultants Incorporated, 21 Kercheval Avenue, Suite 360, Grosse Pointe Farms, Michigan 48236, telephone (313) 884-9824.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL PROPOSALS.

ENVELOPES: Envelopes containing the proposals should be plainly marked "Proposal for City of Portage Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project)."

City of Portage

Las.r1-por222

APPENDIX C

ESCROW AGREEMENT

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan**

This escrow agreement (the "Agreement"), dated as of _____, is between the CITY OF PORTAGE, State of Michigan (the "City") and _____, as escrow agent (the "Escrow Agent").

WHEREAS, the City has previously issued the following bonds of which the principal amounts listed below remain outstanding:

<u>Prior Bonds</u>	Outstanding
<u>City of Portage</u>	<u>Principal</u>
	\$ _____
<u>Bonds, Series</u>	<u>maturing in</u>
<u>dated</u>	<u>the years</u>
<u>(the "Prior Bonds")</u>	<u>thru</u>

(all of such outstanding bonds hereinafter referred to as the "Prior Bonds") all bearing interest, due as to principal and subject to redemption as more fully described in APPENDIX I to this Agreement.

WHEREAS, for the purpose of paying the principal and interest on the Prior Bonds when due on _____ 1, _____ and on that date of redeeming the Prior Bonds maturing in the years _____ through _____ in the total aggregate principal amount of \$ _____ (the "Refunded Bonds"), the City has, pursuant to a Bond resolution adopted on _____ (the "Resolution") authorized the issuance of a series of Bonds dated _____ 1, _____, as designated and described in the Resolution and hereafter (the "Bonds"); and

WHEREAS, pursuant to the Bond Resolution, the Escrow Agent has been appointed by the City for the purpose of assuring the payment of the principal of, premium (if any) and interest on the Refunded Bonds and the Finance Director of the City has been authorized and directed to execute this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth below, the City and the Escrow Agent agree as follows for the respective equal and proportionate benefit and security of the holders of the Refunded Bonds;

Section 1. Appointment of Escrow Agent. The Escrow Agent is hereby appointed and agrees to act in such capacity to comply with all requirements of this Agreement, and to be custodian of the escrow fund (the "Escrow Fund"), to perform its

duties as custodian of the Escrow Fund created under this Agreement, but only upon and subject to the following express terms and conditions:

(a) The Escrow Agent may perform any of its duties by or through attorneys, agents, receivers or employees but shall be answerable for the conduct of the same in accordance with the Standards specified in this Agreement and shall be entitled to advice of counsel concerning all matters of and the duties under this Agreement, and may in all cases pay such reasonable compensation to such counsel and in addition to all such attorneys, agents, receivers and employees as may reasonably be employed in connection with the same. The Escrow Agent may act upon the opinion or advice of any counsel. The Escrow Agent shall not be responsible for any loss or damage resulting from any action or non-action taken in good faith in reliance upon such opinion or advice.

(b) The Escrow Agent shall not be responsible for any recital in this Agreement, or in the Bonds or for the validity of the execution by the City of this Agreement or of any supplements to it or instruments of further assurance. The Escrow Agent shall not be bound to ascertain or inquire as to the performance or observance of any covenants, conditions or agreements on the part of the Authority, except as set forth in this Agreement. The Escrow Agent shall be only obligated to perform such duties and only such duties as are specifically set forth in this Agreement and no implied covenants or obligations shall be read into this Agreement against the Escrow Agent.

(c) The Escrow Agent may become the owner of the Bonds or the Refunded Bonds with the same rights which it would have if not Escrow Agent.

(d) The Escrow Agent shall be protected in acting upon any notice, request, consent, certificate, order, affidavit, letter, telex, telegram or other paper or document believed to be genuine and correct and to have been signed or sent by the proper person or persons. Any action taken by the Escrow Agent pursuant to this Agreement upon the request or consent of any person who at the time of making such request or consent is the owner of any prior bond, shall be conclusive and binding upon all future owners of the same prior bond.

(e) As to the existence or non-existence of any fact or as to the sufficiency or validity of any instrument, paper or proceeding, the Escrow Agent shall be entitled to rely upon a certificate of the City signed by (i) the City Clerk or Finance Director of the City, or (ii) any other duly authorized person as sufficient evidence of the facts contained in it, but may secure such further evidence

deemed necessary or advisable, but shall in no case be bound to secure the same. The Escrow Agent may accept a certificate of the City Clerk or Finance Director of the City to the effect that a resolution in the form attached to such certificate has been adopted by the City as conclusive evidence that such resolution has been duly adopted, and is in full force and effect.

(f) The permissive right of the Escrow Agent to do things enumerated in this Agreement shall never be construed as a duty. The Escrow Agent shall only be responsible for the performance of the express duties outlined in this Agreement and it shall not be answerable for other than its gross negligence or willful default in the performance of those express duties.

(g) At any and all reasonable times the Escrow Agent and its duly authorized agents, attorneys, experts, accountants and representatives, shall have the right fully to inspect any and all of the books, papers and records of the City pertaining to the Refunded Bonds, and to take such memoranda from and in regard to the same as may be desired.

(h) The Escrow Agent shall not be required to give any bond or surety in respect of the execution of the powers contained in or otherwise in respect to this Agreement.

(i) Before taking any action under this Agreement (except making investments, collecting investments and making payments to the paying agents with respect to the Refunded Bonds) the Escrow Agent may require that a satisfactory indemnity bond be furnished for the reimbursement of all expenses to which it may be put and to protect it against all liability except liability which is adjudicated to have resulted from gross negligence or willful default by reason of any action so taken.

(j) The Escrow Agent shall be, and hereby is indemnified and saved harmless by the City from all losses, liabilities, costs and expenses, including attorney fees and expenses, which may be incurred by it as a result of its acceptance of the Escrow Account or arising from the performance of its duties hereunder, unless such losses, liabilities, costs and expenses shall have been finally adjudicated to have resulted from the bad faith or gross negligence of the Escrow Agent, and such indemnification shall survive its resignation or removal, or the termination of this Agreement.

(k) The Escrow Agent shall, in the event that (i) any dispute shall arise between the parties with respect to the

disposition or disbursement of any of the assets held hereunder or (ii) the Escrow Agent shall be uncertain as to how to proceed in a situation not explicitly addressed by the terms of this Agreement whether because of conflicting demands by the other parties hereto or otherwise, be permitted to interplead all of the assets held hereunder into a court of competent jurisdiction, and thereafter be fully relieved from any and all liability or obligation with respect to such interpleaded assets. The parties hereto other than the Escrow Agent further agree to pursue any redress or recourse in connection with such a dispute, without making the Escrow Agent a party to the same.

(l) The Escrow Agent shall have only those duties as are specifically provided herein, which shall be deemed purely ministerial in nature, and shall under no circumstance be deemed a fiduciary for any of the parties to this Agreement. The Escrow Agent shall neither be responsible for, nor chargeable with, knowledge of the terms and conditions of any other agreement, instrument or document between the other parties hereto, in connection herewith. This Agreement sets forth all matters pertinent to the escrow contemplated hereunder, and no additional obligations of the Escrow Agent shall be inferred from the terms of this Agreement or any other Agreement. IN NO EVENT SHALL THE ESCROW AGENT BE LIABLE, DIRECTLY OR INDIRECTLY, FOR ANY (i) DAMAGES OR EXPENSES ARISING OUT OF THE SERVICES PROVIDED HEREUNDER, OTHER THAN DAMAGES WHICH RESULT FROM THE ESCROW AGENT'S FAILURE TO ACT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS AGREEMENT, OR (ii) SPECIAL OR CONSEQUENTIAL DAMAGES, EVEN IF THE ESCROW AGENT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

(m) Any banking association or corporation into which the Escrow Agent may be merged converted or with which the Escrow Agent may be consolidated or any corporation resulting from any merger, conversion or consolidation to which the Escrow Agent shall be a party, or any banking association or corporation to which all or substantially all of the corporate trust business of the Escrow Agent shall be transferred, shall succeed to all the Escrow Agent's rights, obligations and immunities hereunder without the execution or filing of any paper or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

(n) In the event that any escrow property shall be attached, garnished or levied upon by any court order, or the delivery thereof shall be stayed or enjoined by an order of a court, or any order, judgment or decree shall be made or entered by any court order affecting property deposited under this Agreement, the Escrow Agent is hereby expressly authorized, at its sole discretion, to obey and comply with all writs, orders or decrees so entered or

issued, which it is advised by legal counsel of its own choosing is binding upon it, whether with or without jurisdiction, and in the event that the Escrow Agent obeys or complies with any such writ, order or decree it shall not be liable to any of the parties hereto or to any other person, firm or corporation, by reason of such compliance notwithstanding such writ, order or decree be subsequently reversed, modified, annulled set aside or vacated.

Section 2. Escrow Fund. On _____, _____ the City will irrevocably deposit moneys with the Escrow Agent for the account of the City from the proceeds of the Bonds (\$_____) to establish the Escrow Fund for the Refunded Bonds in an amount which together with the income from the escrow assets, shall be held in the Escrow Fund to be maintained by the Escrow Agent and used to pay (i) principal and the interest on the Refunded Bonds that become due on _____ 1, _____ and (ii) to redeem on said date all of the outstanding and callable Refunded Bonds prior to their scheduled maturity; and to pay the applicable call premiums on the Refunded Bonds in accordance with Section 3 hereof.

Section 3. Redemption of Refunded Bonds. The City will redeem, prior to their scheduled maturity, Refunded Bonds as follows:

<u>Prior Bonds</u>	Principal to
City of Portage	<u>be Refunded</u>
	\$ _____
<u>_____ Bonds, Series _____</u>	maturing in
dated _____	the years
	<u>_____ thru _____</u>

The City by execution of this Escrow Agreement, hereby authorizes the Escrow Agent to give the paying agent for the Refunded Bonds irrevocable instructions to call the Refunded Bonds and at the expense of the City not more than sixty (60) nor less than forty-five (45) days before _____ 1, _____, their redemption date. The Escrow Agent shall give to the paying agent for the Refunded Bonds such notice, in substantially the form attached to this Agreement as APPENDIX II. The paying agent for the Refunded Bonds shall mail such notice on or before thirty (30) days prior to the redemption date, as set forth in APPENDIX II, to the registered owner or owners at the addresses listed on the registration books of the City maintained by the paying agent for the Refunded Bonds.

Section 4. Investments. As directed by the City, moneys deposited in the Escrow Fund shall be immediately invested in direct obligations of the United States of America and/or obligations the principal of, premium (if any) and interest on which are fully guaranteed by the United States of America described on APPENDIX III ("Investment Securities"), except for _____ (\$_____) which will be held in the Escrow Fund as the beginning balance for the Refunded Bonds. The Escrow

Agent agrees to cause to be purchased United States Government Obligations known as "SLGS" (State and Local Government Series) from the United States Department of Treasury on the date shown in APPENDIX III.

The investment income from the Investment Securities in the Escrow Fund shall be credited to the Escrow Fund and shall not be reinvested. The Escrow Agent shall not sell any Investment Securities. All moneys not invested as provided in this Agreement shall be held by the Escrow Agent as a trust deposit.

Section 5. Use of Moneys. Except as expressly provided in this Agreement, no paying agents' fees for the payment of principal of, premium (if any) or interest on the Bonds or the Refunded Bonds or other charges may be paid from the escrowed moneys or Investment Securities prior to retirement of all Refunded Bonds, and the City agrees that it will pay all such fees from its other legally available funds as such payments become due prior to such retirement.

Section 6. Deficiency in Escrow Fund. At such time or times as there shall be insufficient funds on hand in the Escrow Fund for the payment of the principal of, premium (if any) and interest falling due on the Refunded Bonds, the Escrow Agent shall promptly notify the City of such deficiency, as provided for under Section 12 below.

Section 7. Reports to City. The Escrow Agent shall deliver to the Finance Director of the City a semi-annual statement reflecting each transaction relating to the Escrow Fund; and on or before the first day of February of each year shall deliver to the City a list of assets of the Escrow Fund as of December 31 of said year ended and a transaction statement for the Escrow Fund for the year then ended.

Section 8. Fees of Escrow Agent. The Escrow Agent agrees with the City that the charges, fees and expenses of the Escrow Agent throughout the term of this Agreement shall be the total sum of _____ Dollars (\$____) payable on the date of closing, which charges, fees and expenses shall be paid from moneys deposited with the Escrow Agent from bond proceeds.

Section 9. Payments from Escrow Fund. The Escrow Agent shall without further authorization or direction from the City, collect the principal of and interest on the Investment Securities promptly as the same shall become due and, to the extent that Investment Securities and moneys are sufficient for such purpose, shall make timely payments out of the Escrow Fund to the proper paying agent or agents or their successors for the Refunded Bonds, of moneys sufficient for the payment of the principal of, premium (if any) and interest on such Refunded Bonds as the same shall become due and payable, all as set out in APPENDIX IV and APPENDIX V. The payments so forwarded or transferred shall be made in sufficient time to permit the

payment of such principal of, premium (if any) and interest by such paying agent or agents without default. The City represents and warrants that the Escrow Fund will be sufficient to make the foregoing and all other payments required under this Agreement. The paying agent for the Prior Bonds is shown in APPENDIX I.

When the aggregate total amount required for the payment of principal of, premium (if any) and interest on the Refunded Bonds have been paid to the paying agent as provided above, the Escrow Agent shall transfer any moneys or Investment Securities then held under this Agreement for the Refunded Bonds to the City, and this Agreement shall cease.

Section 10. Interest of Bondholders Not Affected. The Escrow Agent and the City recognize that the holders from time to time of the Refunded Bonds have a beneficial and vested interest in the Investment Securities and moneys to be held by the Escrow Agent as provided in this Agreement. It is therefore recited, understood and agreed that this Agreement shall not be subject to revocation or amendment and no moneys on deposit in an Escrow Fund for the Refunded Bonds can be used in any manner for another series.

Section 11. Escrow Agent Not Obligated. None of the provisions contained in this Agreement shall require the Escrow Agent to use or advance its own moneys or otherwise incur financial liability in the performance of any of its duties or the exercise of any of its rights or powers under this Agreement. The Escrow Agent shall be under no liability for interest on any funds or other property received by it under this Agreement, except as expressly provided.

Section 12. Payment of Other Amounts. The City agrees that it will promptly and without delay remit to the Escrow Agent such additional sum or sums of money as may be necessary to assure the payment of any Refunded Bonds and to fully pay and discharge any obligation or obligations or charges, fees or expenses incurred by the Escrow Agent in carrying out any of the duties, terms or provisions of this Agreement that are in excess of the sums provided for under Sections 4 and 6 above.

Section 13. Segregation of Funds. The Escrow Agent shall hold the Investment Securities and all moneys received by it from the collection of, principal and interest on the Investment Securities, and all moneys received from the City under this Agreement, in a separate escrow account.

Section 14. Resignation of Escrow Agent. The Escrow Agent may resign as such following the giving of thirty (30) days prior written notice to the City. Similarly, the Escrow Agent may be removed and replaced following the giving of thirty (30) days prior written notice to the Escrow Agent by the City. In either event, the duties of the Escrow Agent shall terminate

thirty (30) days after the date of such notice (or as of such earlier date as may be mutually agreeable); and the Escrow Agent shall then deliver the balance of the Escrow Fund then in its possession to a successor Escrow Agent as shall be appointed by the City.

If the City shall have failed to appoint a successor prior to the expiration of thirty (30) days following the date of the notice of resignation or removal, the then acting Escrow Agent may petition any court of competent jurisdiction for the appointment of a successor Escrow Agent or for other appropriate relief and any such resulting appointment shall be binding upon the City.

Upon acknowledgment by any successor Escrow Agent of the receipt of the then remaining balance of the Escrow Fund, the then acting Escrow Agent shall be fully released and relieved of all duties, responsibilities, and obligations under this Agreement.

Section 15. Benefit. This Agreement shall be for the sole and exclusive benefit of the City, the Escrow Agent and the holders of the Refunded Bonds. With the exception of rights expressly conferred in this Agreement, nothing expressed in or to be implied from this Agreement is intended or shall be construed to give to any person other than the parties set forth above, any legal or equitable right, remedy or claim under or in respect to this Agreement.

Section 16. Severability. If any provision of this Agreement shall be held or deemed to be invalid or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions contained in this Agreement or render the same invalid, inoperative or unenforceable to any extent whatsoever.

Section 17. Notices. Any notice, request, communication or other paper shall be sufficiently given and shall be deemed given when delivered or mailed, by registered or certified mail, postage prepaid or sent by facsimile transmission, except reports as required in Section 7 which may be delivered by regular mail, as follows:

If to the City:

If to the Escrow Agent:

The City and the Escrow Agent may designate any further or different addresses to which subsequent notices, requests, communications or other papers shall be sent and shall be required to provide written notification of said address change.

Section 18. Costs of Issuance. Simultaneously with the transfer of bond proceeds from the Bonds establishing the Escrow Fund, sufficient moneys from bond proceeds shall be transferred to the Escrow Agent and used to pay all of the costs of issuance for the Bonds including, but not limited to, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing. All such costs shall be authorized by the Finance Director of the City, under the "Closing Memorandum", and shall be paid on _____, ____.

Section 19. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties to this Agreement have duly executed it by their duly authorized officers as of the date first above written.

CITY OF PORTAGE

By: _____

Its: Finance Director of the City

as Escrow Agent

By: _____

Its: _____

Las.r1-por222

APPENDIX I

\$ _____

REMAINING ORIGINAL DEBT SERVICE SCHEDULE

Bond Registrar and Paying Agent:

Las.r1-por222

APPENDIX II

[FORM OF NOTICE OF REDEMPTION]

NOTICE OF REDEMPTION

\$ _____

Dated as of _____

DUE _____ 1, _____ THROUGH _____ 1, _____

NOTICE IS HEREBY GIVEN that the City of Portage, County of Kalamazoo, Michigan has called for redemption, on _____ 1, _____ (the "Redemption Date"), all of the callable outstanding _____ pursuant to the redemption provisions contained in the Bonds, bearing the original issue date of _____ 1, _____ maturing in the principal amounts, on the dates, bearing interest at the rates, with the "CUSIP" numbers, as follows:

<u>Principal</u>	<u>Rate</u>	<u>CUSIPS*</u>	<u>Due</u>
------------------	-------------	----------------	------------

Said Bonds will be redeemed at _____% of the par value thereof.

Said Bonds should be surrendered for redemption to _____, as paying agent, for payment as of the Redemption Date, after which date all interest on said Bonds shall cease to accrue, whether said Bonds are presented for payment or not.

Bonds may be surrendered for payment as indicated below. The method of delivery is at the option of the holder, but if by mail, registered mail is suggested.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983 and the Comprehensive National Energy Policy Act of 2002, paying agents making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a certified and valid Taxpayer Identification Number on a fully completed Form W-9. Holders of the above described Bonds, who wish to avoid the application of these provisions, should submit certified Taxpayer Identification Numbers on I.R.S. Form W-9 when presenting their securities for redemption.

* No representation is made as to the correctness of the CUSIP numbers either as printed on the Bonds or as contained herein.

CITY OF PORTAGE, COUNTY OF KALAMAZOO, MICHIGAN

APPENDIX III

\$ _____

Dated as of _____

**Investment Securities to be Acquired Pursuant
to the Escrow Agreement**

Purchase Date	Investment Amount	Rate	Maturity	Investment
Type				

_____ Uninvested Cash

\$ _____ Total Escrow Requirement

Las.r1-por222

APPENDIX IV

\$ _____

Dated as of _____

Redemption Schedule

Redemption Premium: _____ %

Date	Principal	Interest	Redeemed Principal	Redemption Premium	Total Debt Service	Annual Total

Las.r1-por222

APPENDIX V

\$ _____

Dated as of _____

ESCROW CASH FLOW ANALYSIS

____ - ____ - Beginning Cash \$ ____
____ Balance:

Beginning							Ending		
	Cash	SLG	SLG	SLG		Debt Service	Net	Cash	_____ %
Date	Balance	Principal	Rate	Interest	Total	Defeasance	Cash Flow	Balance	Present Value

Total Cost of Escrow Securities: \$ _____
=

las.r1-por222

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage held at 7900 South Westnedge Ave., Portage, Michigan, 49002 on _____, 2016 at ____:____.m. Eastern Daylight Savings Time, there were:

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____ and seconded by _____.

**RESOLUTION APPROVING THE UNDERTAKING TO PROVIDE CONTINUING
DISCLOSURE BY THE CITY OF PORTAGE FOR THE
CAPITAL IMPROVEMENT BONDS, SERIES 2016
(NEW IMPROVEMENTS AND REFUNDING PROJECT)**

WHEREAS, the City of Portage (the "City") by resolution of its Council has approved the issuance of the City of Portage Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project) in the principal amount of not to exceed \$3,250,000 (the "Bonds"); and

WHEREAS, Bond Counsel, in order to comply with federal securities regulations, has prepared this resolution.

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF PORTAGE as follows:

1. This Council, for and on behalf of the City of Portage, hereby covenants and agrees, for the benefit of the beneficial owners of the Bonds to be issued by the City of Portage for the Project, to enter into a written undertaking (the "Undertaking") required by Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be substantially in the form attached to the official statement for the Bonds. The Undertaking shall be enforceable by the beneficial owners of the Bonds or by the Underwriter on behalf of such beneficial owners (provided that the Underwriter's right to enforce the provisions of the Undertaking shall be limited to a right to obtain specific enforcement of the City's obligations

hereunder and under the Undertaking), and any failure by the City to comply with the provisions of the Undertaking shall not be deemed a default with respect to the Bonds.

The Mayor, City Finance Director, City Clerk and/or other officer of the City charged with the responsibility for issuing the Bonds shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the terms of the City's Undertaking.

2. The Disclosure Certificate as attached to the official statement for the Bonds is hereby approved as is the execution thereof by the designated officials.

3. All resolutions, or portions thereof, insofar as they may be in conflict with the foregoing, are hereby rescinded.

A vote on the foregoing resolution was taken and was as follows:

YES:

NO:

ABSTAIN:

CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of the City of Portage, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Council of the City of Portage at a _____ meeting held on _____, 2016, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the City, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

SEAL

Clerk, City of Portage

las.rc-por222



\$3,075,000
City of Portage
Capital Improvement Bonds, Series 2016
(New Improvements and Refunding Project)

NET SOURCES AND USES

Dated Date: 05/01/16
Closing Date: 05/26/16

	<u>Refunding Bonds</u>	<u>New Bonds</u>	<u>Total</u>
Sources:			
Bond Proceeds	\$2,165,000.00	\$910,000.00	\$3,075,000.00
Issuer Contribution 7/1/2016 Interest	42,556.25	0.00	42,556.25
Accrued Interest	3,017.36	1,614.93	4,632.29
	<u>\$2,210,573.61</u>	<u>\$911,614.93</u>	<u>\$3,122,188.54</u>
Uses:			
Escrow Fund	\$2,152,440.20	\$0.00	\$2,152,440.20
New Project	0.00	875,000.00	875,000.00
Costs of Issuance	34,000.00	22,000.00	56,000.00
Underwriter's Discount	21,896.42	9,203.58	31,100.00
Interest Account	3,017.36	1,614.93	4,632.29
Available Amount	2,111.24	904.82	3,016.05
	<u>\$2,213,465.22</u>	<u>\$908,723.33</u>	<u>\$3,122,188.54</u>
Net Savings:	\$156,080.34		
Present Value Savings:	\$134,106.35		
Percent of refunded par:	6.356%		



\$2,165,000
City of Portage
Capital Improvement Bonds, Series 2016
(New Improvements and Refunding Project)

NEW DEBT SERVICE - REFUNDING BOND PORTION

						2.31272%
Date	Principal	Coupon	Interest	Total Debt Service	Fiscal Total	Present Value Debt Service
01/01/17			\$28,966.67	\$28,966.67	\$28,966.67	28,244.98
07/01/17	\$210,000.00	2.000%	26,295.00	236,295.00		227,773.95
01/01/18			24,195.00	24,195.00	260,490.00	23,055.89
07/01/18	210,000.00	2.000%	24,195.00	234,195.00		220,617.90
01/01/19			22,095.00	22,095.00	256,290.00	20,576.14
07/01/19	210,000.00	2.000%	22,095.00	232,095.00		213,669.50
01/01/20			19,995.00	19,995.00	252,090.00	18,197.22
07/01/20	160,000.00	2.000%	19,995.00	179,995.00		161,938.76
01/01/21			18,395.00	18,395.00	198,390.00	16,360.51
07/01/21	160,000.00	2.000%	18,395.00	178,395.00		156,850.77
01/01/22			16,795.00	16,795.00	195,190.00	14,597.91
07/01/22	160,000.00	2.000%	16,795.00	176,795.00		151,910.42
01/01/23			15,195.00	15,195.00	191,990.00	12,906.99
07/01/23	155,000.00	2.000%	15,195.00	170,195.00		142,915.06
01/01/24			13,645.00	13,645.00	183,840.00	11,326.91
07/01/24	155,000.00	3.000%	13,645.00	168,645.00		138,394.32
01/01/25			11,320.00	11,320.00	179,965.00	9,183.28
07/01/25	150,000.00	3.000%	11,320.00	161,320.00		129,373.89
01/01/26			9,070.00	9,070.00	170,390.00	7,190.72
07/01/26	150,000.00	3.000%	9,070.00	159,070.00		124,669.53
01/01/27			6,820.00	6,820.00	165,890.00	5,284.00
07/01/27	150,000.00	3.000%	6,820.00	156,820.00		120,112.19
01/01/28			4,570.00	4,570.00	161,390.00	3,460.26
07/01/28	150,000.00	3.000%	4,570.00	154,570.00		115,697.63
01/01/29			2,320.00	2,320.00	156,890.00	1,716.70
07/01/29	145,000.00	3.200%	2,320.00	147,320.00	147,320.00	107,764.22
<u>\$2,165,000.00</u>			<u>\$384,091.67</u>	<u>\$2,549,091.67</u>	<u>\$2,549,091.67</u>	<u>\$2,183,789.65</u>

Dated Date:	05/01/16	Principal:	\$2,165,000.00
Closing Date:	05/26/16	Accrued Interest:	3,017.36
		Credit Enhancement:	0.00
		Orig Issue Prem/(Disc):	36,873.05
			<u>\$2,204,890.41</u>



\$910,000
City of Portage
Capital Improvement Bonds, Series 2016
(New Improvements and Refunding Project)

NEW DEBT SERVICE - NEW BOND PORTION

						2.31272%
Date	Principal	Coupon	Interest	Total Debt Service	Fiscal Total	Present Value Debt Service
01/01/17			\$15,503.33	\$15,503.33	\$15,503.33	15,117.08
07/01/17	\$70,000.00	2.00%	11,627.50	81,627.50		78,683.92
01/01/18			10,927.50	10,927.50	92,555.00	10,413.03
07/01/18	70,000.00	2.00%	10,927.50	80,927.50		76,235.85
01/01/19			10,227.50	10,227.50	91,155.00	9,524.44
07/01/19	70,000.00	2.00%	10,227.50	80,227.50		73,858.42
01/01/20			9,527.50	9,527.50	89,755.00	8,670.87
07/01/20	70,000.00	2.00%	9,527.50	79,527.50		71,549.68
01/01/21			8,827.50	8,827.50	88,355.00	7,851.18
07/01/21	75,000.00	2.00%	8,827.50	83,827.50		73,703.90
01/01/22			8,077.50	8,077.50	91,905.00	7,020.82
07/01/22	75,000.00	2.00%	8,077.50	83,077.50		71,384.02
01/01/23			7,327.50	7,327.50	90,405.00	6,224.15
07/01/23	75,000.00	2.00%	7,327.50	82,327.50		69,131.52
01/01/24			6,577.50	6,577.50	88,905.00	5,460.08
07/01/24	75,000.00	3.00%	6,577.50	81,577.50		66,944.55
01/01/25			5,452.50	5,452.50	87,030.00	4,423.31
07/01/25	75,000.00	3.00%	5,452.50	80,452.50		64,520.54
01/01/26			4,327.50	4,327.50	84,780.00	3,430.85
07/01/26	75,000.00	3.00%	4,327.50	79,327.50		62,172.14
01/01/27			3,202.50	3,202.50	82,530.00	2,481.24
07/01/27	15,000.00	3.00%	3,202.50	18,202.50		13,941.73
01/01/28			2,977.50	2,977.50	21,180.00	2,254.47
07/01/28	15,000.00	3.00%	2,977.50	17,977.50		13,456.39
01/01/29			2,752.50	2,752.50	20,730.00	2,036.73
07/01/29	15,000.00	3.20%	2,752.50	17,752.50		12,985.91
01/01/30			2,512.50	2,512.50	20,265.00	1,816.88
07/01/30	15,000.00	3.50%	2,512.50	17,512.50		12,519.14
01/01/31			2,250.00	2,250.00	19,762.50	1,590.07
07/01/31	20,000.00	3.50%	2,250.00	22,250.00		15,544.26
01/01/32			1,900.00	1,900.00	24,150.00	1,312.20
07/01/32	20,000.00	3.50%	1,900.00	21,900.00		14,951.95
01/01/33			1,550.00	1,550.00	23,450.00	1,046.15
07/01/33	20,000.00	3.50%	1,550.00	21,550.00		14,378.53
01/01/34			1,200.00	1,200.00	22,750.00	791.51
07/01/34	20,000.00	4.00%	1,200.00	21,200.00		13,823.46
01/01/35			800.00	800.00	22,000.00	515.68
07/01/35	20,000.00	4.00%	800.00	20,800.00		13,254.33
01/01/36			400.00	400.00	21,200.00	251.98
07/01/36	20,000.00	4.00%	400.00	20,400.00	20,400.00	12,703.94
<u>\$910,000.00</u>			<u>\$208,765.83</u>	<u>\$1,118,765.83</u>	<u>\$1,118,765.83</u>	<u>\$937,976.90</u>

Dated Date: 05/01/16
Closing Date: 05/26/16

Principal: \$910,000.00
Accrued Interest: 1,614.93
Credit Enhancement: 0.00
Orig Issue Prem/(Disc): 12,042.65

\$923,657.58



\$3,075,000
City of Portage
Capital Improvement Bonds, Series 2016
(New Improvements and Refunding Project)

TOTAL NEW DEBT SERVICE

Date	Principal	Coupon	Interest	Total Debt Service	Fiscal Total	2.31272%
						Present Value Debt Service
01/01/17			\$50,563.33	\$50,563.33	\$50,563.33	49,303.57
07/01/17	\$280,000.00	2.000%	37,922.50	317,922.50		306,457.87
01/01/18			35,122.50	35,122.50	353,045.00	33,468.92
07/01/18	280,000.00	2.000%	35,122.50	315,122.50		296,853.75
01/01/19			32,322.50	32,322.50	347,445.00	30,100.58
07/01/19	280,000.00	2.000%	32,322.50	312,322.50		287,527.92
01/01/20			29,522.50	29,522.50	341,845.00	26,868.08
07/01/20	230,000.00	2.000%	29,522.50	259,522.50		233,488.43
01/01/21			27,222.50	27,222.50	286,745.00	24,211.69
07/01/21	235,000.00	2.000%	27,222.50	262,222.50		230,554.67
01/01/22			24,872.50	24,872.50	287,095.00	21,618.73
07/01/22	235,000.00	2.000%	24,872.50	259,872.50		223,294.44
01/01/23			22,522.50	22,522.50	282,395.00	19,131.15
07/01/23	230,000.00	2.000%	22,522.50	252,522.50		212,046.58
01/01/24			20,222.50	20,222.50	272,745.00	16,786.99
07/01/24	230,000.00	3.000%	20,222.50	250,222.50		205,338.87
01/01/25			16,772.50	16,772.50	266,995.00	13,606.59
07/01/25	225,000.00	3.000%	16,772.50	241,772.50		193,894.43
01/01/26			13,397.50	13,397.50	255,170.00	10,621.58
07/01/26	225,000.00	3.000%	13,397.50	238,397.50		186,841.67
01/01/27			10,022.50	10,022.50	248,420.00	7,765.24
07/01/27	165,000.00	3.000%	10,022.50	175,022.50		134,053.92
01/01/28			7,547.50	7,547.50	182,570.00	5,714.73
07/01/28	165,000.00	3.000%	7,547.50	172,547.50		129,154.02
01/01/29			5,072.50	5,072.50	177,620.00	3,753.43
07/01/29	160,000.00	3.200%	5,072.50	165,072.50		120,750.13
01/01/30			2,512.50	2,512.50	167,585.00	1,816.88
07/01/30	15,000.00	3.500%	2,512.50	17,512.50		12,519.14
01/01/31			2,250.00	2,250.00	19,762.50	1,590.07
07/01/31	20,000.00	3.500%	2,250.00	22,250.00		15,544.26
01/01/32			1,900.00	1,900.00	24,150.00	1,312.20
07/01/32	20,000.00	3.500%	1,900.00	21,900.00		14,951.95
01/01/33			1,550.00	1,550.00	23,450.00	1,046.15
07/01/33	20,000.00	3.500%	1,550.00	21,550.00		14,378.53
01/01/34			1,200.00	1,200.00	22,750.00	791.51
07/01/34	20,000.00	4.000%	1,200.00	21,200.00		13,823.46
01/01/35			800.00	800.00	22,000.00	515.68
07/01/35	20,000.00	4.000%	800.00	20,800.00		13,254.33
01/01/36			400.00	400.00	21,200.00	251.98
07/01/36	20,000.00	4.000%	400.00	20,400.00	20,400.00	12,703.94
<u>\$3,075,000.00</u>			<u>\$598,950.83</u>	<u>\$3,673,950.83</u>	<u>\$3,673,950.83</u>	<u>\$3,127,708.06</u>

Dated Date: 05/01/16
Closing Date: 05/26/16

* Yield to Call Bonds.



\$3,075,000
City of Portage
Capital Improvement Bonds, Series 2016
(New Improvements and Refunding Project)

COMBINED NEW DEBT SERVICE/ ARBITRAGE YIELD CALCULATION

						2.31272%
Date	Principal	Coupon	Interest	Total Debt Service	Fiscal Total	Present Value Debt Service
07/01/16						
01/01/17			50,563.33	50,563.33	\$50,563.33	49,303.57
07/01/17	\$280,000.00	2.000%	37,922.50	317,922.50		306,457.87
01/01/18			35,122.50	35,122.50	353,045.00	33,468.92
07/01/18	280,000.00	2.000%	35,122.50	315,122.50		296,853.75
01/01/19			32,322.50	32,322.50	347,445.00	30,100.58
07/01/19	280,000.00	2.000%	32,322.50	312,322.50		287,527.92
01/01/20			29,522.50	29,522.50	341,845.00	26,868.08
07/01/20	230,000.00	2.000%	29,522.50	259,522.50		233,488.43
01/01/21			27,222.50	27,222.50	286,745.00	24,211.69
07/01/21	235,000.00	2.000%	27,222.50	262,222.50		230,554.67
01/01/22			24,872.50	24,872.50	287,095.00	21,618.73
07/01/22	235,000.00	2.000%	24,872.50	259,872.50		223,294.44
01/01/23			22,522.50	22,522.50	282,395.00	19,131.15
07/01/23	230,000.00	2.000%	22,522.50	252,522.50		212,046.58
01/01/24			20,222.50	20,222.50	272,745.00	16,786.99
07/01/24	230,000.00	3.000%	20,222.50	250,222.50		205,338.87
01/01/25			16,772.50	16,772.50	266,995.00	13,606.59
07/01/25	225,000.00	3.000%	16,772.50	241,772.50		193,894.43
01/01/26			13,397.50	13,397.50	255,170.00	10,621.58
07/01/26	225,000.00	3.000%	13,397.50	238,397.50		186,841.67
01/01/27			10,022.50	10,022.50	248,420.00	7,765.24
07/01/27	165,000.00	3.000%	10,022.50	175,022.50		134,053.92
01/01/28			7,547.50	7,547.50	182,570.00	5,714.73
07/01/28	165,000.00	3.000%	7,547.50	172,547.50		129,154.02
01/01/29			5,072.50	5,072.50	177,620.00	3,753.43
07/01/29	160,000.00	3.200%	5,072.50	165,072.50		120,750.13
01/01/30			2,512.50	2,512.50	167,585.00	1,816.88
07/01/30	15,000.00	3.500%	2,512.50	17,512.50		12,519.14
01/01/31			2,250.00	2,250.00	19,762.50	1,590.07
07/01/31	20,000.00	3.500%	2,250.00	22,250.00		15,544.26
01/01/32			1,900.00	1,900.00	24,150.00	1,312.20
07/01/32	20,000.00	3.500%	1,900.00	21,900.00		14,951.95
01/01/33			1,550.00	1,550.00	23,450.00	1,046.15
07/01/33	20,000.00	3.500%	1,550.00	21,550.00		14,378.53
01/01/34			1,200.00	1,200.00	22,750.00	791.51
07/01/34	20,000.00	4.000%	1,200.00	21,200.00		13,823.46
01/01/35			800.00	800.00	22,000.00	515.68
07/01/35	20,000.00	4.000%	800.00	20,800.00		13,254.33
01/01/36			400.00	400.00	21,200.00	251.98
07/01/36	20,000.00	4.000%	400.00	20,400.00	20,400.00	12,703.94
<u>\$3,075,000.00</u>			<u>\$598,950.83</u>	<u>\$3,673,950.83</u>	<u>\$3,673,950.83</u>	<u>\$3,127,708.06</u>

Dated Date: 05/01/16
Closing Date: 05/26/16

Principal: \$3,075,000.00
Accrued Interest: 5,267.01
Credit Enhancement: 0.00
Orig Issue Prem/(Disc): 47,441.05

\$3,127,708.06



\$3,075,000
City of Portage
Capital Improvement Bonds, Series 2016
(New Improvements and Refunding Project)

NET PRESENT VALUE SAVINGS ANALYSIS

Net Present Value Savings/(Loss): \$134,106.35

Date	Outstanding Debt Service	Remaining Non-Refunded Debt-Service	New Debt Service	Net Savings/(Loss)	Fiscal Net Savings/(Loss)	2.31272% Present Value Savings/(Loss)
07/01/16	\$193,087.50	\$193,087.50	-\$5,267.01 *	\$5,267.01		\$5,267.01
01/01/17	42,556.25		28,966.67	13,589.58	\$18,856.59	13,251.01
07/01/17	232,556.25		236,295.00	(3,738.75)		(3,603.93)
01/01/18	39,231.25		24,195.00	15,036.25	11,297.50	14,328.34
07/01/18	234,231.25		234,195.00	36.25		34.15
01/01/19	35,575.00		22,095.00	13,480.00	13,516.25	12,553.36
07/01/19	230,575.00		232,095.00	(1,520.00)		(1,399.33)
01/01/20	31,675.00		19,995.00	11,680.00	10,160.00	10,629.83
07/01/20	181,675.00		179,995.00	1,680.00		1,511.47
01/01/21	28,675.00		18,395.00	10,280.00	11,960.00	9,143.03
07/01/21	178,675.00		178,395.00	280.00		246.19
01/01/22	25,675.00		16,795.00	8,880.00	9,160.00	7,718.34
07/01/22	180,675.00		176,795.00	3,880.00		3,333.87
01/01/23	22,575.00		15,195.00	7,380.00	11,260.00	6,268.75
07/01/23	177,575.00		170,195.00	7,380.00		6,197.09
01/01/24	19,475.00		13,645.00	5,830.00	13,210.00	4,839.57
07/01/24	174,475.00		168,645.00	5,830.00		4,784.24
01/01/25	16,297.50		11,320.00	4,977.50	10,807.50	4,037.97
07/01/25	166,297.50		161,320.00	4,977.50		3,991.81
01/01/26	13,222.50		9,070.00	4,152.50	9,130.00	3,292.11
07/01/26	163,222.50		159,070.00	4,152.50		3,254.48
01/01/27	9,997.50		6,820.00	3,177.50	7,330.00	2,461.87
07/01/27	164,997.50		156,820.00	8,177.50		6,263.34
01/01/28	6,665.00		4,570.00	2,095.00	10,272.50	1,586.27
07/01/28	161,665.00		154,570.00	7,095.00		5,310.70
01/01/29	3,332.50		2,320.00	1,012.50	8,107.50	749.21
07/01/29	158,332.50		147,320.00	11,012.50	11,012.50	8,055.62
	<u>\$2,892,992.50</u>	<u>\$193,087.50</u>	<u>\$2,543,824.66</u>	<u>\$156,080.34</u>	<u>\$156,080.34</u>	<u>\$134,106.35</u>

* Less accrued interest.



\$3,440,000
City of Portage
Capital Improvement Bonds, Series 2009

REMAINING ORIGINAL DEBT SERVICE SCHEDULE

						2.31272%
Date	Principal	Coupon	Interest	Total Debt Service	Fiscal Total	Present Value Debt Service
07/01/16	\$190,000.00	3.250%	\$45,643.75	\$235,643.75		\$232,429.81
01/01/17			42,556.25	42,556.25	\$278,200.00	41,495.98
07/01/17	190,000.00	3.500%	42,556.25	232,556.25		224,170.02
01/01/18			39,231.25	39,231.25	271,787.50	37,384.23
07/01/18	195,000.00	3.750%	39,231.25	234,231.25		220,652.05
01/01/19			35,575.00	35,575.00	269,806.25	33,129.50
07/01/19	195,000.00	4.000%	35,575.00	230,575.00		212,270.17
01/01/20			31,675.00	31,675.00	262,250.00	28,827.05
07/01/20	150,000.00	4.000%	31,675.00	181,675.00		163,450.23
01/01/21			28,675.00	28,675.00	210,350.00	25,503.55
07/01/21	150,000.00	4.000%	28,675.00	178,675.00		157,096.95
01/01/22			25,675.00	25,675.00	204,350.00	22,316.25
07/01/22	155,000.00	4.000%	25,675.00	180,675.00		155,244.29
01/01/23			22,575.00	22,575.00	203,250.00	19,175.74
07/01/23	155,000.00	4.000%	22,575.00	177,575.00		149,112.15
01/01/24			19,475.00	19,475.00	197,050.00	16,166.48
07/01/24	155,000.00	4.100%	19,475.00	174,475.00		143,178.57
01/01/25			16,297.50	16,297.50	190,772.50	13,221.25
07/01/25	150,000.00	4.100%	16,297.50	166,297.50		133,365.70
01/01/26			13,222.50	13,222.50	179,520.00	10,482.84
07/01/26	150,000.00	4.300%	13,222.50	163,222.50		127,924.01
01/01/27			9,997.50	9,997.50	173,220.00	7,745.87
07/01/27	155,000.00	4.300%	9,997.50	164,997.50		126,375.54
01/01/28			6,665.00	6,665.00	171,662.50	5,046.53
07/01/28	155,000.00	4.300%	6,665.00	161,665.00		121,008.33
01/01/29			3,332.50	3,332.50	164,997.50	2,465.90
07/01/29	155,000.00	4.300%	3,332.50	158,332.50	158,332.50	115,819.83
	<u>\$2,300,000.00</u>		<u>\$635,548.75</u>	<u>\$2,935,548.75</u>	<u>\$2,935,548.75</u>	<u>\$2,545,058.82</u>



\$3,440,000
City of Portage
Capital Improvement Bonds, Series 2009

REMAINING NON-REFUNDED ORIGINAL DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total Debt Service	Fiscal Total	2.31272% Present Value Debt Service
07/01/16	\$190,000.00	3.250%	\$3,087.50	\$193,087.50	\$193,087.50	\$190,453.99
	<u>\$190,000.00</u>		<u>\$3,087.50</u>	<u>\$193,087.50</u>	<u>\$193,087.50</u>	<u>\$190,453.99</u>



\$3,440,000
City of Portage
Capital Improvement Bonds, Series 2009

REDEMPTION SCHEDULE

Redemption Premium: 0.00%

Date	Principal	Interest	Redeemed Principal	Redemption Premium	Total Debt Service	Fiscal Total	2.31272% Present Value
07/01/16		\$42,556.25	\$2,110,000.00	\$0.00	\$2,152,556.25	\$2,152,556.25	\$2,123,197.61
	<u>\$0.00</u>	<u>\$42,556.25</u>	<u>\$2,110,000.00</u>	<u>\$0.00</u>	<u>\$2,152,556.25</u>	<u>\$2,152,556.25</u>	<u>\$2,123,197.61</u>



\$3,440,000
City of Portage
Capital Improvement Bonds, Series 2009

ESCROW CASH FLOW ANALYSIS

26-May-16 Beginning Cash Balance: \$0.20

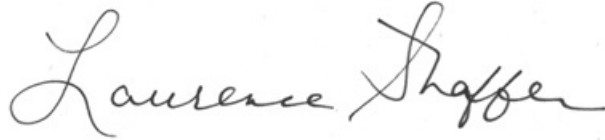
Date	Beginning Cash		SLGS Principal	SLGS Rate	Rates Available *	SLGS Interest	Total	Debt Service Defeasance	Net Cash Flow	Ending Cash Balance
	Balance									
05/26/16	\$0.20									\$0.20
07/01/16	0.20		\$2,152,440.00	0.090%	0.090%	\$191.07	\$2,152,631.07	\$2,152,556.25	\$74.82	75.02
			<u>\$2,152,440.00</u>			<u>\$191.07</u>	<u>\$2,152,631.07</u>	<u>\$2,152,556.25</u>		

* March 31, 2016 SLGS Rate Table.

Total Cost of Escrow Securities:

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Medical Marihuana

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council accept a temporary moratorium ordinance pertaining to Medical Marihuana for first reading and consider ordinance adoption on May 10, 2016.

In November 2008, the Michigan Medical Marihuana Act (MMMA) was approved by voters. The MMMA enables certain persons to legally obtain, possess, cultivate, use and distribute marihuana. After the passage of the MMMA, the Michigan Department of Public Health established rules governing the act, which became effective in April 2009. Subsequently, in January 2011 the city adopted a temporary six-month moratorium to consider community issues, impacts and approaches to effectively address medical marihuana activities enabled by the statute.

At that time, the MMMA provided no guidance with regard to the regulation of medical marihuana in Michigan communities, and being a new law, there were very few court decisions interpreting the MMMA, and no municipal precedent with its regulation and administration. Then, as now, the MMMA essentially addresses the acquisition of marihuana by a qualifying patient for medical purposes in terms of a cottage industry where either the qualifying patient grows his/her own marihuana, or selects a caregiver to do it for him/her. The MMMA simply does not address whether a qualifying patient may acquire marihuana for medical use through a commercial business, how such a business should be structured and operated, and by whom. In light of these factors, as well as an exhibited increase in crime in connection with dispensaries in other states around 2011, an ordinance only permitting the growing and dispensing of medical marihuana consistent with the provisions of the MMMA as a "home occupation" was enacted by the city.

Since the enactment of the city's medical marihuana home occupation ordinance, the medical marihuana landscape has changed substantially, leading city staff to revisit the issue of dispensing and cultivating medical marihuana. With continued growth in the number of qualifying patients, Michigan is seeing an apparent trend in the medical marihuana industry toward commercialization as evidenced by the opening of a substantial number of businesses engaged in the provision of medical marihuana in communities across the state, including Portage. In addition, there appears to be continued concern with regard to potential adverse impacts of medical marijuana home occupations, from both the perspective of neighborhood and housing impacts, as well as qualified patient services.

There is also a series of bills pending before the state legislature that would provide for the establishment and regulation of businesses engaged in the growing, processing, distribution and transportation of medical marihuana. It is unknown at this time if, when or in what form such

legislation will be enacted. In addition, it is understood that a ballot initiative will be included in Michigan's November 2016 election to legalize marihuana use and possession for recreational purposes.

Based on the aforementioned, the need to revisit the regulation of this growing industry to insure the health and safety of Portage citizens, registered qualifying patients and registered caregivers is clear. Therefore, it is recommended that City Council accept the temporary moratorium for first reading and consider ordinance adoption on May 10, 2016.

FUNDING: Not Applicable

Attachments:

1. Temporary Moratorium on the Use of Properties and Structures for Dispensing Medical Marihuana
2. Medical Marihuana Information

**FIRST READING AND NOTICE OF HEARING
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 add Article 9, Temporary Moratorium on the Use of Property and Structures for Dispensing and Cultivating Marihuana, of Chapter 2, Administration, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2016, and that the Council will hold a public hearing on the proposed amendments at the Portage City Hall in said City on _____, 2016, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed ordinance amendment reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Chapter 2 shall be amended to add the following:

ARTICLE 9. Temporary Moratorium on the Use of Property and Structures for Dispensing and Cultivating Marihuana.

Sec. 2-320. - Findings.

- (a) On November 4, 2008, Michigan voters approved a statewide legislative initiative to create the Michigan Medical Marihuana Act (MMMA) which has been codified at MCL 333.26421 et seq., and allows the possession, use and cultivation of marihuana for the treatment of certain illnesses or conditions under certain circumstances and pursuant to certain regulations and restrictions ("medical marihuana").
- (b) The MMMA also does not contain any provision as to where and under what conditions a medical marihuana related land use can be located or if such a use can be prohibited or regulated in any particular way.
- (c) Portage Code Section 42-129(c) permits, as a Medical Marihuana Home Occupation, no more than one primary caregiver to possess up to the maximum amount of marihuana and marihuana plants to assist no more than the maximum number of qualified patients permitted under the MMMA who is connected with the primary caregiver through the State's registration process.
- (d) Neither the Portage Zoning Ordinance nor the Business License Ordinance specifically provide for properties or structures to be used as facilities for "dispensing" marihuana or cultivating marihuana plants for medical or any other purposes other than in accordance with Section 42-129(c), Medical Marihuana Home Occupation.
- (e) The City of Portage land use element of the Comprehensive Plan adopted on June 19, 2014 and the city's general prohibition on uses not expressly permitted by the city's zoning ordinance must be considered in addressing whether to allow facilities for dispensing marihuana and/or cultivating marihuana plants other than in accordance with

Section 42-129(c), Medical Marihuana Home Occupation, and if allowed, where to locate such uses in the city.

- (f) The MMMA permits registered qualifying patients and registered primary caregivers to possess specific amounts of marihuana under certain circumstances and to cultivate a specific number of plants, but the MMMA does not specifically address the zoning of these activities.
- (g) The MMMA does not address that federal law at 21 USC, Section 841 makes it a crime to manufacture, cultivate or distribute marihuana. However, the Michigan Supreme Court has ruled that the Michigan Medical Marihuana Act is not preempted by such federal law.
- (h) The city council desires to ascertain the best path to comply with the MMMA and protect the public health, safety, and welfare.
- (i) It may be necessary to amend the City Code to address these issues and further research, investigation and study by city administration is needed before specific recommendations can be made.
- (j) Considering and acting upon rezoning, special land use, site plan, change of use, certificate of occupancy or other proposals relating to medical marihuana land uses during the process of considering whether and how to amend the City's Code of Ordinances to address such new uses in the community would be counter-productive and undermine the city's efforts to accomplish community wide planning and zoning objectives and to provide for the health, safety and welfare of the city and its residents.
- (k) The city council also deems it prudent and desirable to temporarily defer any consideration or action taken by any city official and/or agent regarding rezoning, special land use, site plan, change of use, certificate of occupancy and other proposals, submissions and applications pertaining to medical marihuana land uses.

Sec. 2-321. - Prohibition of use of property and structures for medical marihuana.

- (a) Based on the findings set forth above and for the protection of the public health, safety and welfare, the city council hereby prohibits for a period of 180 days from the effective date of this ordinance, the establishment or expansion of the use of all property, buildings and structures in the city as facilities for the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana or the cultivation of marihuana plants for medical and any other purpose and that the issuance of any city permits, licenses and approvals, including but not limited to, building permits, land use permits and certificates of occupancy for such uses.
- (b) That this moratorium and prohibitions imposed hereunder shall not be applicable to the following:
 - (1) A dwelling unit (as defined by the zoning ordinance) where a qualifying patient resides and is cultivating up to the maximum number marihuana plants as permitted by the MMMA for personal use or possesses up to the maximum amount of marihuana permitted by the MMMA for personal use.
 - (2) A building or structure (as defined by the zoning ordinance) other than a dwelling unit where no more than one qualifying patient is cultivating up to the maximum number of marihuana plants as permitted by the MMMA for personal use or

possesses up to the maximum amount of marihuana permitted by the MMMA for personal use.

- (3) A dwelling unit where no more than one primary caregiver is cultivating up to the maximum number marihuana plants as permitted by the MMMA for assisting qualified patient(s) or possesses up to the maximum amount of marihuana permitted by the MMMA for assisting a qualifying patient(s) who are connected to the primary caregiver through the State's registration process, as regulated by the MMMA and complies with Section 42-129(c) of the Portage Code of Ordinances before the effective date of this moratorium ordinance.
- (c) That city council directs the city administration to continue its research, investigation and study and make specific recommendations regarding the potential regulation of marihuana for medical use which may include, but not be limited to, the dispensing of medical marihuana and cultivation of marihuana plants.
- (d) Nothing herein shall restrict a licensed physician from prescribing medical marihuana to be used for medical purposes compliant with state law.
- (e) That during the period of this moratorium, any entity, or individual alleging that the deferred review resulting from the moratorium will result in the denial of any viable economic use of property or would otherwise result in a violation of applicable federal or state law shall be entitled to an expedited hearing before the city council. At the conclusion of this hearing, the city council shall make findings and conclusions with respect to whether or not the petitioner has demonstrated that all viable economic use of the property has been denied by the deferred review, and/or whether or not the moratorium as applied to the petitioner violates applicable law. If it is demonstrated by credible evidence and found that the deferral has the effect of denying all viable economic use of the property or that the deferral violates applicable law, the city council shall grant relief from the moratorium for the petitioner to the extent necessary to cure the violation.
- (f) If any section, clause or provision of this moratorium ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal or ineffective shall thereby cease to be a part of this moratorium ordinance but the remainder of this ordinance shall stand and be in full force and effect.
- (g) For the purpose of this moratorium ordinance, all words and phrases contained herein shall have the meaning ascribed to them by the MMMA codified at MCLA 333.26421 et seq.

Sec. 2-322. - Expiration.

The moratorium imposed by this ordinance shall expire the earlier of 180 days from its effective date or upon adoption by city council of an ordinance amendment(s) regarding the issues concerning the regulation of medical marihuana and marihuana plants.

Sec. 2-323. - Penalty.

- (a) Any person, firm, association, partnership, corporation or entity that violates any of the provisions of this article shall be deemed responsible for a municipal civil infraction which shall be punishable by a civil fine as provided for section 1-7(e) of this Code. The director of public safety and the director of the department of community development and other persons who are employed by the city in these departments and duly

authorized by the director/chief are authorized to issue municipal civil infraction citations for violation of this article.

- (b) Additionally, the violator shall pay costs which may include all expenses direct and indirect to which the city has been put in connection with the municipal infraction.
- (c) Notwithstanding any other remedy, the city shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this article.
- (d) Each day that a violation of this article continues to exist shall constitute a separate violation of this article.

Dated: _____

James R. Hudson, City Clerk

Z:\Jody\PORTAGE\ORDINONZONE\1st Reading Medical Marihuana Moratorium.041916.doc

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY ADDING ARTICLE 9, TEMPORARY MORATORIUM ON THE USE OF PROPERTY AND
STRUCTURES FOR DISPENSING AND CULTIVATING MARIHUANA
OF CHAPTER 2, ADMINISTRATION**

THE CITY OF PORTAGE ORDAINS:

That Chapter 2 shall be amended to add the following:

ARTICLE 9. Temporary Moratorium on the Use of Property and Structures for Dispensing and Cultivating Marihuana.

Sec. 2-320. - Findings.

- (a) On November 4, 2008, Michigan voters approved a statewide legislative initiative to create the Michigan Medical Marihuana Act (MMMA) which has been codified at MCL 333.26421 et seq., and allows the possession, use and cultivation of marihuana for the treatment of certain illnesses or conditions under certain circumstances and pursuant to certain regulations and restrictions ("medical marihuana").
- (b) The MMMA also does not contain any provision as to where and under what conditions a medical marihuana related land use can be located or if such a use can be prohibited or regulated in any particular way.
- (c) Portage Code Section 42-129(c) permits, as a Medical Marihuana Home Occupation, no more than one primary caregiver to possess up to the maximum amount of marihuana and marihuana plants to assist no more than the maximum number of qualified patients permitted under the MMMA who is connected with the primary caregiver through the State's registration process.
- (d) Neither the Portage Zoning Ordinance nor the Business License Ordinance specifically provide for properties or structures to be used as facilities for "dispensing" marihuana or cultivating marihuana plants for medical or any other purposes other than in accordance with Section 42-129(c), Medical Marihuana Home Occupation.
- (e) The City of Portage land use element of the Comprehensive Plan adopted on June 19, 2014 and the city's general prohibition on uses not expressly permitted by the city's zoning ordinance must be considered in addressing whether to allow facilities for dispensing marihuana and/or cultivating marihuana plants other than in accordance with Section 42-129(c), Medical Marihuana Home Occupation, and if allowed, where to locate such uses in the city.
- (f) The MMMA permits registered qualifying patients and registered primary caregivers to possess specific amounts of marihuana under certain circumstances and to cultivate a specific number of plants, but the MMMA does not specifically address the zoning of these activities.

- (g) The MMMA does not address that federal law at 21 USC, Section 841 makes it a crime to manufacture, cultivate or distribute marihuana. However, the Michigan Supreme Court has ruled that the Michigan Medical Marihuana Act is not preempted by such federal law.
- (h) The city council desires to ascertain the best path to comply with the MMMA and protect the public health, safety, and welfare.
- (i) It may be necessary to amend the City Code to address these issues and further research, investigation and study by city administration is needed before specific recommendations can be made.
- (j) Considering and acting upon rezoning, special land use, site plan, change of use, certificate of occupancy or other proposals relating to medical marihuana land uses during the process of considering whether and how to amend the City's Code of Ordinances to address such new uses in the community would be counter-productive and undermine the city's efforts to accomplish community wide planning and zoning objectives and to provide for the health, safety and welfare of the city and its residents.
- (k) The city council also deems it prudent and desirable to temporarily defer any consideration or action taken by any city official and/or agent regarding rezoning, special land use, site plan, change of use, certificate of occupancy and other proposals, submissions and applications pertaining to medical marihuana land uses.

Sec. 2-321. - Prohibition of use of property and structures for medical marihuana.

- (a) Based on the findings set forth above and for the protection of the public health, safety and welfare, the city council hereby prohibits for a period of 180 days from the effective date of this ordinance, the establishment or expansion of the use of all property, buildings and structures in the city as facilities for the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana or the cultivation of marihuana plants for medical and any other purpose and that the issuance of any city permits, licenses and approvals, including but not limited to, building permits, land use permits and certificates of occupancy for such uses.
- (b) That this moratorium and prohibitions imposed hereunder shall not be applicable to the following:
 - (1) A dwelling unit (as defined by the zoning ordinance) where a qualifying patient resides and is cultivating up to the maximum number marihuana plants as permitted by the MMMA for personal use or possesses up to the maximum amount of marihuana permitted by the MMMA for personal use.
 - (2) A building or structure (as defined by the zoning ordinance) other than a dwelling unit where no more than one qualifying patient is cultivating up to the maximum number of marihuana plants as permitted by the MMMA for personal use or possesses up to the maximum amount of marihuana permitted by the MMMA for personal use.
 - (3) A dwelling unit where no more than one primary caregiver is cultivating up to the maximum number marihuana plants as permitted by the MMMA for assisting qualified patient(s) or possesses up to the maximum amount of marihuana

permitted by the MMMA for assisting a qualifying patient(s) who are connected to the primary caregiver through the State's registration process, as regulated by the MMMA and complies with Section 42-129(c) of the Portage Code of Ordinances before the effective date of this moratorium ordinance.

- (c) That city council directs the city administration to continue its research, investigation and study and make specific recommendations regarding the potential regulation of marihuana for medical use which may include, but not be limited to, the dispensing of medical marihuana and cultivation of marihuana plants.
- (d) Nothing herein shall restrict a licensed physician from prescribing medical marihuana to be used for medical purposes compliant with state law.
- (e) That during the period of this moratorium, any entity, or individual alleging that the deferred review resulting from the moratorium will result in the denial of any viable economic use of property or would otherwise result in a violation of applicable federal or state law shall be entitled to an expedited hearing before the city council. At the conclusion of this hearing, the city council shall make findings and conclusions with respect to whether or not the petitioner has demonstrated that all viable economic use of the property has been denied by the deferred review, and/or whether or not the moratorium as applied to the petitioner violates applicable law. If it is demonstrated by credible evidence and found that the deferral has the effect of denying all viable economic use of the property or that the deferral violates applicable law, the city council shall grant relief from the moratorium for the petitioner to the extent necessary to cure the violation.
- (f) If any section, clause or provision of this moratorium ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal or ineffective shall thereby cease to be a part of this moratorium ordinance but the remainder of this ordinance shall stand and be in full force and effect.
- (g) For the purpose of this moratorium ordinance, all words and phrases contained herein shall have the meaning ascribed to them by the MMMA codified at MCLA 333.26421 et seq.

Sec. 2-322. - Expiration.

The moratorium imposed by this ordinance shall expire the earlier of 180 days from its effective date or upon adoption by city council of an ordinance amendment(s) regarding the issues concerning the regulation of medical marihuana and marihuana plants.

Sec. 2-323. - Penalty.

- (a) Any person, firm, association, partnership, corporation or entity that violates any of the provisions of this article shall be deemed responsible for a municipal civil infraction which shall be punishable by a civil fine as provided for section 1-7(e) of this Code. The director of public safety and the director of the department of community development and other persons who are employed by the city in these departments and duly authorized by the director/chief are authorized to issue municipal civil infraction citations for violation of this article.

- (b) Additionally, the violator shall pay costs which may include all expenses direct and indirect to which the city has been put in connection with the municipal infraction.
- (c) Notwithstanding any other remedy, the city shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this article.
- (d) Each day that a violation of this article continues to exist shall constitute a separate violation of this article.

Dated: _____

Peter J. Strazdas, Mayor

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

CERTIFICATION

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

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: 4/19/2016

City Attorney

\\JODY-PC\ZDRIVE\JODY\PORTAGE\ORD\NONZONE\MEDICAL MARIJUANA MORATORIUM ORD.041216.DOCX

MEDICAL MARIHUANA

Summary of Regulations for Primary Caregiver Home Occupations

The State Law – Michigan Medical Marihuana Act. On November 4, 2008, voters in Michigan approved a statewide ballot initiative to create the Michigan Medical Marihuana Act (MMMA). The Act did not authorize the broad legalization of the cultivation, distribution or use of marihuana. Rather, the MMMA allows qualifying patients with a serious debilitating medical condition to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law.

The Local Ordinance – Medical Marihuana Home Occupation. State of Michigan registered primary caregivers who desire to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s) consistent with the MMMA, must conduct the activity only as a home occupation, as provided in the City of Portage Zoning Code (attached). A home occupation is an activity or service conducted by the resident(s) of the dwelling. A home occupation use must be subordinate and accessory to the principal residential use of the property. The local ordinance does not apply to qualifying patients who possess, cultivate/grow and use medical marihuana for personal use.

The requirements to operate a Medical Marihuana Home Occupation. A primary caregiver may operate a medical marihuana home occupation in the City of Portage subject to the following conditions:

1. The home occupation must be operated only in a dwelling unit.
2. Only one primary caregiver is allowed per dwelling unit.
3. The primary caregiver shall:
 - Assist no more than five qualifying patients who are connected with the primary caregiver through the Michigan Department of Community Health registration process.
 - Cultivate no more than 12 marihuana plants for each qualifying patient.
 - Possess no more than 2.5 ounces of marihuana per qualifying patient.
4. The home occupation must not be located within:
 - 500 feet of a public or private elementary, vocational or secondary school, public or private college, junior college or university; playground, or housing facility owned by a public housing authority, or
 - 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
 - If the primary caregiver's qualifying patient(s) are permanent residents of the primary caregiver's household, the distance provisions do not apply.
 - The attached map illustrates the distance locations within the City of Portage.
5. All medical marihuana plants must be located in the residential dwelling unit in an enclosed, locked facility, accessible only by the primary caregiver or qualifying patient. Use of an attached or detached accessory building is not permitted.
6. The home occupation must comply with all applicable City Code requirements, including:
 - Building, Electrical, Plumbing, Mechanical and Fire codes;
 - Noise ordinance requirements;
 - Safety, Sanitation and Health code; and
 - Housing/Property Maintenance code.
7. Lighting used in the grow operation that is visible to adjacent property owners and exceeds normal residential use must be shielded between the hours of 11:00 p.m. and 6:00 a.m.
8. Qualifying patients may only visit the site for purposes permitted under the MMMA and local ordinance between the hours of 8:00 a.m. and 8:00 p.m.

9. All vehicles must park on an improved surface normally required for the residential use.
10. No signs of any kind may be displayed identifying the home occupation.

The permits needed.

- A zoning permit from the City of Portage to operate a medical marihuana home occupation is not required. However, the primary caregiver must know and adhere to all conditions and requirements of the MMMA and local ordinance.
- Building or related permits may be required for the home occupation as a result of the medical marihuana grow operation. The following checklist will help you. If you answer yes, or do not know the answer to any of the questions below, a permit from the City of Portage may be required.

Yes No

- | | | |
|--------------------------|--------------------------|--|
| ☐ | ☐ | 1. Is the electrical system adequate for the use of all equipment used, such as grow lights, humidifiers, and other devices? Changes to the electrical system such as new circuits and/or service panel upgrades require a permit. In addition, is all equipment installed and operated in accordance with manufacturer specifications, and approved for indoor residential use? |
| ☐ | ☐ | 2. Is the heating, cooling and ventilation system adequate to ensure proper temperatures, humidity levels and air quality are maintained? Modifications to the heating, cooling and ventilation systems require a permit. In addition, is all equipment installed and operated in accordance with manufacturer specifications, and approved for indoor residential use? |
| ☐ | ☐ | 3. Is the plumbing system adequate for the use of all equipment such as hydroponics or other devices? Modifications to the plumbing system require a permit. In addition, is all equipment installed and operated in accordance with manufacturer specifications, and approved for indoor residential use? |
| ☐ | ☐ | 4. Are you planning to alter any to walls, ceilings or floors? Such modifications require a permit. |
| ☐ | ☐ | 5. Are carbon dioxide tanks and/or generators used in connection with the grow operation? The use of such equipment may require a permit. In addition, is all equipment installed and operated in accordance with manufacturer specifications, and approved for indoor residential use? |
| ☐ | ☐ | 6. Are chemicals such as fertilizers, pesticides and other substances used in connection with the grow operation? While no specific permits are required, are all chemicals used in accordance with manufacturer specifications (including safe storage and proper disposal) and approved for indoor residential use? |

If one or more boxes have been checked, please contact the
Department of Community Development for further assistance.

You are encouraged to contact the Department of Community Development at 269-329-4477 if you have any questions or require additional assistance to ensure compliance with City code.

Thank you for your cooperation.

Drug Free School Zone Spacing Requirements
(1000 feet from schools, playgrounds, 100 feet from arcades)¹



Proposed Medical Marihuana
Primary Caregiver
Distance Provisions

NAME	ADDRESS	TYPE	DISTANCE
ALL PORTAGE PUBLIC SCHOOLS		SCHOOL	1000
PORTAGE PARKS		PARK	1000
EMPIRE BEAUTY SCHOOL	609 CONSTITUTION	SCHOOL	1000
HACKETT CATHOLIC CENTRAL H.S.	1000 W KILGORE RD	SCHOOL	1000
KALAMAZOO ACADEMY, INC	4221 E MILHAM AV	SCHOOL	1000
LAZAR LAND	8302 PORTAGE RD	ARCADE	100
LLOY NORRIS H.S.	E KILGORE	SCHOOL	1000
OAKLAND ACADEMY	OAKLAND DR	SCHOOL	1000
PITTERS FAMILY FUN CENTER	7206 S WESTNEDGE AV	ARCADE	100
ROSS MEDICAL	6235 S WESTNEDGE AV	SCHOOL	1000
ST MICHAEL LUTHERAN CHURCH SCHOOL	7211 OAKLAND DR	SCHOOL	1000
ST MONICA SCHOOL	530 W KILGORE RD	SCHOOL	1000
UNIVERSITY OF PHOENIX	950 TRADE CENTRE WA	HIGHER ED	1000
WOODSEDGE LEARNING CENTER (KRESA)	1501 E MILHAM AV	SCHOOL	1000
WRIGHT BEAUTY ACADEMY	6666 LOVERS LN	SCHOOL	1000

Excluded Areas for Primary Caregiver

Schools, Playgrounds etc.

City Boundary

State Game Area



1 in = 0.67 miles

Date: 2/15/2016

34% of total dwelling units excluded.¹

**[ORDINANCE FOR ADOPTION]
ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-129 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Section 42-129 of Chapter 42, Land Development Regulations, is hereby amended to add Section 42-129(C) as follows:

Section 42-129. Home occupations.

- A. No change.
- B. No change.

C. Medical Marihuana Home Occupation. A primary caregiver acting in compliance with the General Rules of the Michigan Department of Community Health ("General Rules"), the Michigan Medical Marihuana Act, P.A.2008, Initiated Law, MCL 333.26421, et. seq., (the "Act") and the requirements of this section, shall only be allowed as a home occupation. The conditions and requirements contained in Section 42-129(A) and (B) (Passive and Active Home Occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The Act was passed by Michigan Voters through the initiative process. Both the summary of the Act appearing on the ballot and the Act as a whole reflect an intent to create a private and confidential patient/caregiver relationship to facilitate the lawful cultivation, distribution and use of marihuana strictly for medical purposes. The Act does not authorize the broad legalization of the cultivation, distribution or use of marihuana and a reading that permits such broad legalization is inconsistent with the fundamental intent of the Act read as a whole in context with generally applicable Michigan law. A primary caregiver may assist only a qualifying patient to whom he or she is connected through the Department of Community Health's ("Department") registration process for the medical use of marihuana. The following requirements for a primary caregiver as a home occupation shall apply:

1. A primary caregiver shall comply at all times and in all circumstances with the Act and the General Rules of the Department as they may be amended from time to time.
2. The home occupation shall only be conducted in a dwelling unit (as defined by the Zoning Code) where no more than one primary caregiver:
 - a. Cultivates up to the maximum number of marihuana plants permitted by the Act (12 for each qualifying patient)
 - b. Possesses up to the maximum amount of marihuana permitted by the Act (2.5 ounces for each qualifying patient), including any incidental amounts of seed, stalks and unusable roots; and

- 170
7
- c. Assists no more than the maximum number of qualifying patients permitted by the Act (maximum of 5) who have been issued and possess a registry identification card and who are connected with the primary caregiver through the Department's registration process for the medical use of marihuana. Assistance to a qualifying patient by someone other than his or her designated primary caregiver is prohibited.

3. The following shall apply to a primary caregiver conducting a home occupation under this section:

- a. Considering the federal "Drug Free School Zone" requirements, the home occupation shall not be located:
 - i. Within five hundred (500) feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, or a playground, or housing facility owned by a public housing authority; or
 - ii. Within one hundred (100) feet of a public or private youth center, public swimming pool, or video arcade facility.
 - b. Measurements for purposes of Section 3(a)(i) and (ii) above shall be made from the property boundary of the zoning lot occupied by the home occupation to the nearest point of the property occupied by any of the uses listed above, using a straight line without regard to intervening structures or objects. "Zoning lot" is defined by Article 42, Section 42-112, Definitions, of the Portage Code of Ordinances, as amended. A map showing the uses and facilities listed in Section 3(a) above, as well as the protected areas, is available for review in the Department of Community Development at the Portage City Hall and on the City's website under the Department of Community Development.
 - c. The distance provisions of this subsection do not apply to a primary caregiver whose qualifying patient(s) (up to the maximum permitted under the Act) are permanent residents of the primary caregiver's household and whose residence is shared with the primary caregiver.
4. If the primary caregiver is not an owner of the premises, nothing contained in this section shall limit an owner of the premises from prohibiting the home occupation on the premises occupied by the primary caregiver nor limit an owner's right to pursue any private right of action allowed by law.
5. All medical marihuana plants shall be contained within the main residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. The home occupation shall not be conducted in an attached or detached accessory building or structure.

6. The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana, compliance with Article 4, Chapter 24 Noise, Article 5, Chapter 24 Safety, Sanitation and Health as well as Article 14, Chapter 42 Housing/Property Maintenance Code.
7. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11 p.m. and 6 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
8. Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than 5 qualifying patients may visit the site at any one time.
9. Off street parking provided for the home occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions, of the Portage Code of Ordinances, as amended. There shall be no other vehicular parking other than the off street parking facilities normally required for the residential use.
10. There shall be no sign of any nature identifying the home occupation and the use of window displays are not permitted.
11. Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for, growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the General Rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the General Rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
12. Definitions. As used in this section:

170

a. MARIHUANA

This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

b. PRIMARY CAREGIVER

A person who is at least 21 years old who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.

c. QUALIFYING PATIENT

A person who has been diagnosed by a physician as having a debilitating medical condition.

d. REGISTRY IDENTIFICATION CARD

A document issued by the Department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

FIRST READING: June 14, 2011
SECOND READING: July 12, 2011
EFFECTIVE DATE: July 26, 2011
ORDINANCE NUMBER: 11-11



Peter J. Strazdas, Mayor

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the 26th day of July, 2011.


James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to form
Date: 7/27/11

City Attorney

Z:\Jody\PORTAGE\ORD\ZONING\Ord Amendment Sec 42-129 Med MJ.051311.doc

APRIL 26, 2016

TO: Honorable Mayor and City Council**FROM:** Laurence Shaffer, City Manager**SUBJECT:** Emergency Vehicle Apparatus Maintenance Contract - Sole Source**SUPPORTING PERSONNEL:** Richard White, Director of Public Safety - Police / Fire Chief
Rod Russell, Director of Public Services**ACTION RECOMMENDED:** That City Council award a three-year sole source contract, with the option for one three-year extension, to Emergency Vehicle Products for maintenance of all fire emergency apparatus and authorize the City Manager to execute all documents related this action on behalf of the city.

Emergency Vehicle Products (EVP) of Kalamazoo, Michigan has performed the maintenance of all fire emergency apparatus since 2004. The Fire Division has been very satisfied with EVP's commitment to quality and responsiveness to the needs of the department. EVP stands by that quality not only through their Emergency Vehicle Technician certification but also as an authorized service vendor of Pierce apparatus, through Halt Fire Inc., and Sutphen apparatus through Apollo Fire Apparatus. Additionally, EVP is a certified installer and services Panasonic systems, the video recording systems in all public safety emergency vehicles.

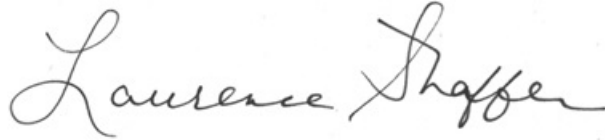
EVP is the only local vendor with these credentials. Other certified vendors are located in Michigan (Grand Rapids and the Metro Detroit area); however, the distance and extended time the vehicles would be out of service are deterrents for using these vendors. Therefore, the Fire Division is requesting that the City Council recognize EVP as sole source vendor. EVP has proposed an hourly rate of \$60. To verify this rate as a comparable rate with other fire apparatus maintenance vendors, the Fire Division acquired labor rates from two other recognized vendors. Sutphen was found to have a labor rate of \$117 per hour and Halt Fire had a labor rate of \$78 per hour.

Therefore, it is recommended that City Council award a three-year contract, with the option for one three-year extension, to Emergency Vehicle Products for maintenance of all fire emergency apparatus and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funds are available in the 2015-16 fiscal year budget and are also budgeted in the 2016-17 fiscal year.**Attachments:** 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Cooley Drive and West Centre Avenue Traffic Signal and Related Right-of-Way Improvements

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities
Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the Development Agreement concerning the construction of a traffic signal and related right-of-way improvements at the intersection of Cooley Drive and West Centre Avenue.

In 2008, the city developed a capital improvement project that involved reconstructing Cooley Drive and installing a traffic signal and related right-of-way improvements at the intersection of West Centre Avenue and Cooley Drive. Concurrent with the rezoning of the Greenspire PD, planned development in April 2010, installation of a traffic signal at Cooley Drive and West Centre Avenue was again considered. This improvement project was planned for construction to accommodate anticipated increased traffic generated from the build out of the Greenspire development on the south side of West Centre Avenue and development occurring on the north side of West Centre Avenue along both sides of Cooley Drive. On June 22, 2015, the City Administration met with several property owners on both the north and south side of West Centre Avenue, adjacent to Cooley Drive, to discuss the traffic signal and right-of-way improvements contemplated for the intersection. In attendance were American Village Builders, Bronson, Horizon Bank and the Surgery Center of Kalamazoo. All parties reviewed the scope of proposed work and expressed support for the signalization project. In December 2015, the City Administration received and accepted a Traffic Signal Warrant Analysis for the Cooley Drive and West Centre Avenue intersection, which demonstrates that required signal warrants will be met with the construction of phase 5 of the multi-family portion of the Greenspire development, which is scheduled to begin this summer.

The ten-year 2015-2025 Capital Improvement Program (CIP) programmed completion of this project in FY 2019-2020. Design engineering of the traffic signal was included in the 2015-2016 CIP. To expedite the project, the City Administration and Lakewood Management (American Village Builders and the Hinman Company) have prepared a Development Agreement that would allow for the construction of the traffic signal and related right-of-way improvements in FY 2016-2017. In addition, the proposed ten-year 2016-2026 CIP provides a revised budget and timeline for completion of the project. The major elements of the capital improvements are illustrated in Exhibit A and Exhibit B of the attached Development Agreement, and include project elements within the public right-of-way and on adjacent private property. Notably, the Cooley Drive approach to West Centre Avenue will be widened to accommodate dedicated left and right turn lanes at the intersection. The total project cost of \$446,977 will be shared by Lakewood Management and the city. The City Administration will

oversee the construction project, which is scheduled to be complete by the end of October 2016.

The terms of the Development Agreement include the following significant provisions:

1. The overall cost for the street reconstruction is estimated at \$446,977. Of this overall cost, Lakewood Management will contribute \$212,256.
2. Within 15 days of City Council approval of the Development Agreement, Lakewood Management and the city will create an escrow account. Lakewood Management will subsequently deposit their portion of the project cost into the escrow account.
3. Implementation of the project is contingent upon approval by City Council of the proposed 2016-2026 CIP and FY 2016-2017 city budget.
4. In the event that actual bids for the project exceed the project costs estimated in the Development Agreement, either party may terminate the agreement. In addition, any cost overruns shall be shared in proportion to the breakdown of project costs outlined in the Development Agreement.

The City Administration has worked diligently with Lakewood Management over the past several months to develop the above described public-private collaboration. It is recommended that City Council approve the Development Agreement concerning the construction of a traffic signal and related right-of-way improvements at the intersection of Cooley Drive and West Centre Avenue.

FUNDING: As per the Development Agreement, the overall project cost is estimated at \$446,977 and the city will incur \$234,721, consistent with the budget proposed in the 2016-2026 Capital Improvement Program.

Attachments: 1. Development Agreement

DEVELOPMENT AGREEMENT
CONCERNING THE CONSTRUCTION OF A TRAFFIC SIGNAL AND
RELATED RIGHT-OF-WAY IMPROVEMENTS AT THE INTERSECTION
OF COOLEY DRIVE AND WEST CENTRE AVENUE
PORTAGE, MICHIGAN

This Development Agreement ("Agreement") is entered into on this ____ day of _____, 2016, by and between the City of Portage ("City"), a municipal corporation whose address is 7900 South Westnedge Avenue, Portage, Michigan and Lakewood Management Company, a Michigan corporation, referred to at times as "Lakewood" herein).

Recitals

A. The parties desire to enter into this Agreement which describes and identifies certain rights and obligations of the parties with regard to the planning, designing, funding, inspecting and construction of a traffic signal and related right-of-way improvements to City standards at the intersection of Cooley Drive and West Centre Avenue, Portage, Michigan (collectively the "Project"). The traffic signal and related right-of-way improvements are illustrated in Appendix A.

B. Lakewood desires to escrow certain funds, so as to pay such funds to the City, with those funds to then be used towards the completion of the Project, pursuant to this Agreement. The parties note that while Lakewood will be the signatory to the Agreement and fully responsible for its commitments herein, Lakewood intends to be reimbursed a portion of the Lakewood share of the costs with other adjacent and benefitted parties who are not signatories to this Agreement. The parties agree, however, that the other adjacent and benefitted parties have no rights under this Agreement and shall not be, for any purpose, third party beneficiaries.

C. The parties to this Agreement agree that the construction of a traffic signal and related right-of-way improvements at the intersection of Cooley Drive and West Centre Avenue serves the public's health, safety and welfare by ultimately providing the public a safer and more efficient intersection.

Therefore, the City and Lakewood agree to the following:

1. Within fifteen (15) days after City Council approval of this Agreement, the parties to this Agreement shall establish an escrow account with a mutually acceptable escrow agent. No later than five (5) days after establishment of the escrow account, Lakewood shall deposit Two Hundred Twelve Thousand Two Hundred Fifty Six (\$212,256.00) Dollars into the escrow account. The escrow agent shall manage the account in accordance with this Agreement and any separate escrow agreement entered into with the escrow agent. City and Lakewood shall equally divide all costs associated with the establishment, maintenance and management of the escrow account.

2. In the event that the Project is approved as part of the 2016-2026 Capital Improvement Program and 2016-2017 city budget, the escrow account shall be used to fund Lakewood's share of the costs necessary to complete the Project. All funds requested by the City from the escrow account, to cover obligations related to the Project, are to be released to pay such obligations pursuant to this Agreement. Any of the \$212,256.00 of escrowed funds used toward the Project shall be considered funds paid by Lakewood, to the City, for completion of the

Project. The City acknowledges that Lakewood has expended approximately \$22,917.44 in traffic studies and analysis for the intersection in preparation of the proposed intersection work which amount shall not be part of Lakewood's original deposit into escrow and is Lakewood's responsibility in addition to the Project cost.

3. City shall design, bid, construct, inspect and be responsible for all aspects of the Project. City shall strive to complete the Project prior to October 31, 2016.

4. In conjunction with the project, Lakewood will cooperate with the City to relocate and/or incorporate into an underground vault the existing AT&T junction box located at the southwest corner of West Centre Avenue and Tozer Court. Lakewood agrees to cooperate by providing the City and/or AT&T an easement and/or legal rights for the relocation of the junction box on Lakewood's property in a location acceptable to Lakewood and AT&T, and subject to documented terms acceptable to Lakewood. Lakewood shall provide the City with additional permanent right-of-way as may be reasonably needed to accomplish this work, the location of such right-of-way to be determined by City in its sole discretion. (Lakewood has provided City a utility and right-of-way grant 15 feet in width and 250 feet in length.) Lakewood shall also dedicate to the City, before completion of the Project, the right turn lane as illustrated in Exhibit A. Lakewood shall provide title insurance and such indemnification agreements in conjunction with the above right-of-way and dedication as required by City. For aesthetic reasons, Lakewood and the City will endeavor to have the AT&T junction box placed underground without additional cost to the City or Lakewood.

5. Improvements to the access drive on Lakewood's property on the south side of the Cooley Drive and West Centre Avenue intersection must be completed by Lakewood not later than August 31, 2016. These improvements shall be completed in substantial compliance with the illustration attached and incorporated herein as Appendix B. Lakewood and the City acknowledge that minor changes to these improvements may be necessary and appropriate as Lakewood proposes and the City reviews future site plans for parcels to the west and the south.

6. In the event that the Project is formally approved as provided in paragraph 2, and all City and any other governing authorities (if any) approvals have been obtained, City and Lakewood costs and expenses required to complete the Project including, but not limited to, the design, engineering, and attorney fees, easement acquisition, construction and inspection of the Project, will be the final funds distributed, and drawn down by the City and reimbursed to the City and Lakewood (as applicable) from the escrow account. Provided that all of Lakewood's costs and expenses necessary to complete the improvements to the access drive contemplated in paragraph 5 and the expenses associated with providing an easement and the dedication, including engineering and attorney fees, contemplated in paragraph 4, shall be solely borne by Lakewood and is not part of Lakewood's original deposit into escrow and is Lakewood's responsibility in addition to the Project cost. Lakewood's written pre-approval of each withdrawal from the escrow account for these purposes shall not be required, but Lakewood shall be given notice of all funds received from the escrow account by City no later than seven (7) days after receipt of the withdrawal. The escrow agreement shall provide that the escrow agent is authorized to release escrow funds to the City only for the purposes authorized by this Agreement.

7. It is estimated between the parties to this Agreement that the total costs and expenses, including an itemization of all Lakewood costs, necessary to complete the Project will be no more than Four Hundred and Forty Six Thousand Nine Hundred Seventy Seven Dollars (\$446,977.00). However, the anticipated cost of the Project will be defined when bids are received. Either party may terminate this Agreement without cost to the other party if no bid to

complete the project which is acceptable to both the City and Lakewood is for total costs and expenses of \$446,977.00 or less. However, if this Agreement is not terminated pursuant to this Section and the cost of the completed Project exceeds the \$446,977.00, City and Lakewood shall each be responsible for the excess (above \$446, 977.00) in proportion to their responsibility in the breakdown of costs required to complete the Project contained in paragraph 8 below. In other words, Lakewood shall be responsible for 47% and the City shall be responsible for 53% of any excess cost and expense. Further, the City shall notify and obtain the written approval of Lakewood for all costs and expenses exceeding 5% of the actual cost of the Project, said approval not to be unreasonably withheld by Lakewood.

8. The estimated breakdown of the cost of the Project is as follows:

i)	Lakewood share	
a.	Right Turn Lane entering Tozer Court	\$ 95,335.00
b.	Improvement to Prohibit Left Turns at Greenspire and Horizon Bank/Surgery Center	\$ 35,310.00
c.	Cooley Drive Improvements	\$ 61,940.00
d.	Engineering (50% of costs)	<u>\$ 19,671.00</u>
	Subtotal:	\$212,256.00
ii)	City share	
a.	Cooley Drive Signal Improvements	\$215,050.00
b.	Engineering (50% of costs)	<u>\$ 19,671.00</u>
	Subtotal:	\$234,761.00
	Total Project Cost:	\$446,977.00

9. Expenditures for the Project shall be paid from the escrow funds deposited by Lakewood for the costs applied from the Lakewood share in Section 8(i) of this Agreement, as well as from funds paid by the City for its costs as described in Section 8(ii). Any funds remaining in the escrow account after all Project costs have been paid and the Project is completed shall be returned to Lakewood.

10. The parties to this Agreement agree and acknowledge that the City has authority to: a) accept the funds from Lakewood for the Project; and b) use the funds deposited by Lakewood into escrow as part of the funding for the Project, in strict accordance with this Agreement.

11. Lakewood acknowledges and agrees that City has made no representation as to whether it will approve, deny or approve with conditions any approval, permit or requirement anticipated by this Agreement.

12. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a specific situation, is found to be invalid, void or unenforceable by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall continue in full force and effect.

13. This Agreement, together with any other written agreements specifically referenced in this Agreement, sets forth the entire understanding of the parties and all terms and conditions with respect to the matters discussed in this Agreement, and supersedes and annuls any and all other former agreements, preliminary drafts, prior versions, contracts, negotiations,

promises and/or representations, whether written or oral, expressed or implied, made by, for, or on behalf of Lakewood and the City.

14. This Agreement shall be construed and governed in accordance with the laws of the State of Michigan without regard to its conflicts of law principals.

15. Time is of the essence with respect to this Agreement and all matters set forth herein.

16. This Agreement is made for the sole benefit of the parties hereto and their respective heirs, legal representatives, and successors, and no other person shall have any right or remedy or other legal interest of any kind under or by reason of this Agreement.

17. All notices and demands required or permitted under this Agreement shall be in writing and shall be served personally or by postage prepaid United States first-class, certified (return receipt requested), or registered mail, addressed to the party at the address indicated on page 1 hereof or to such other place as may be designated by notice given in accordance with this section. Notice shall be deemed to have been given on the earlier of (a) the date when received, or (b) two (2) business days after mailing if mailed in the State of Michigan.

18. No party may assign or otherwise transfer any part of its interest in this Agreement without the prior written consent of all parties hereto. The prohibition against any assignment shall be construed to include a prohibition against any assignment by creation of law. This Agreement is personal to the parties.

19. This Agreement may be signed in multiple counterparts, including by facsimile or other electronic counterparts, with the same effect as if the signatures were upon the same instrument.

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

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

22. Each of the parties shall execute and deliver to the other parties any documents as may be necessary or desirable for the purpose of giving full force and effect to the provisions of this Agreement, and shall do all other things necessary to this end, all without charge therefor.

23. This Agreement may be validly executed and delivered by facsimile transfer ("fax") or by electronic mail ("email"). Any signer who executes this Agreement and transmits this document by fax or email intends that the fax or email of their signature is to be deemed an original signature for all purposes. Any such fax or email printout and any complete photocopy of such fax or email printout is hereby deemed to be an original counterpart of this Agreement.

24. Authorization. Each party to this Agreement which is a corporation, limited partnership, general partnership, trust or other entity warrants and represents that it is properly

authorized by its board of directors, stockholders, partners and/or holders of beneficial interests to enter into this Agreement.

25. Binding Agreement. The Lakewood has reviewed, understands and acknowledges this Agreement as an Agreement binding on the Lakewood and, through the signing of this Agreement, intends to be bound hereunder.

The remainder of this page is left intentionally blank

LAKESWOOD MANAGEMENT COMPANY:

Dated: April 19, 2016.

Lakewood Management Company
a Michigan corporation

By: [Signature]
Its: Joseph L. Gesmundo
President

CITY:

CITY OF PORTAGE

Dated: _____, 2016.

By: Laurence Shaffer
Its: City Manager

Approved as to form:

Date: 4/29/2016
[Signature]
City Attorney

Appendix A

COOLEY AVENUE NORTH OF W. CENTRE

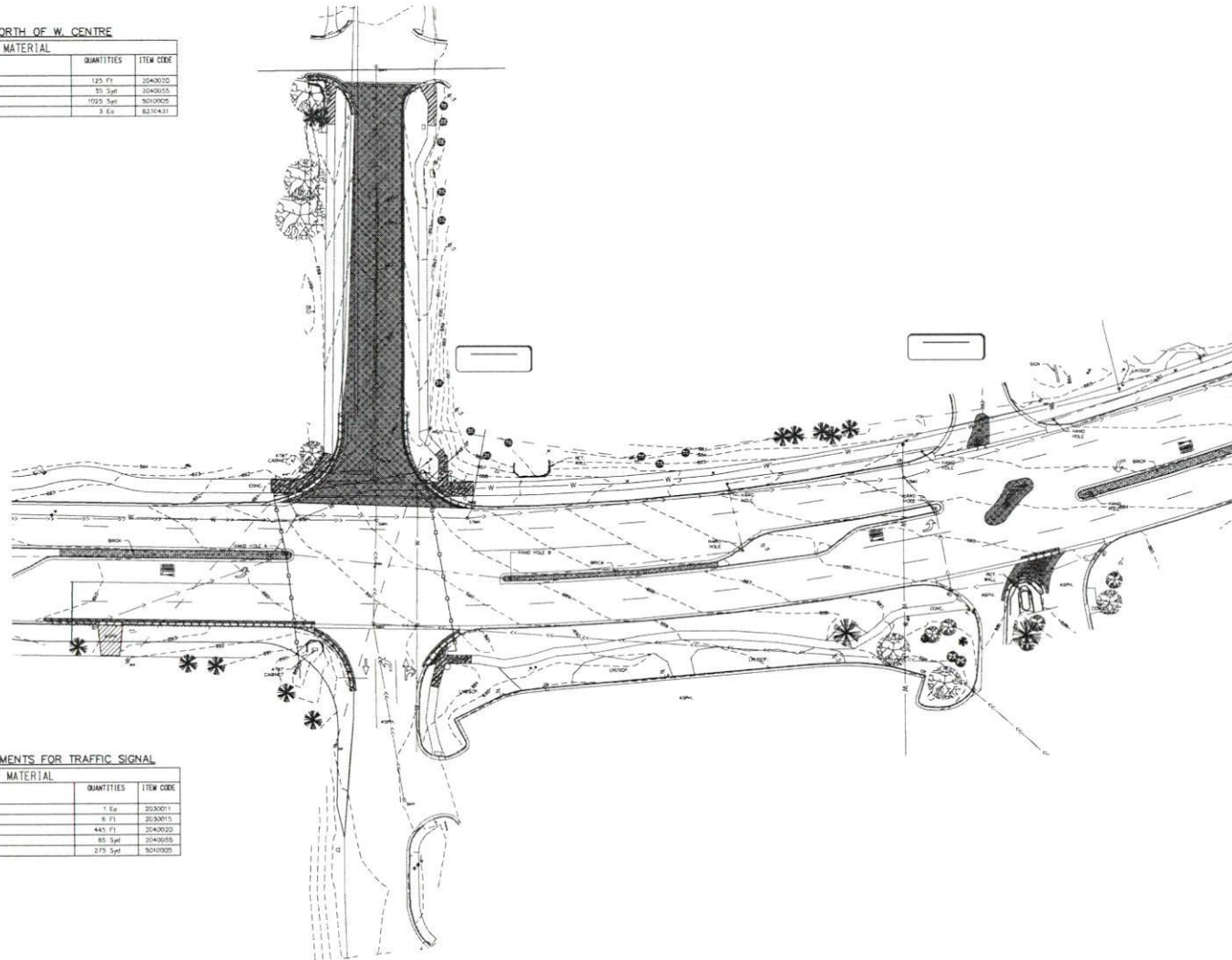
LIST OF MATERIAL

ITEM	QUANTITIES	ITEM CODE
Curb and Gutter, Rem	125 Lf	2040000
Sidewalk, Rem	55 Sfd	2040000
Walk Surface, Rem	100 S Sfd	5010000
Curb Base, Adj. Comp 1	3 Ea	8210431

COOLEY AVENUE IMPROVEMENTS FOR TRAFFIC SIGNAL

LIST OF MATERIAL

ITEM	QUANTITIES	ITEM CODE
Dr. Structure, Rem	1 Ea	2030011
Sewer, Rem, Less than 24 inch	6 Lf	2030015
Curb and Gutter, Rem	445 Lf	2040000
Sidewalk, Rem	85 Sfd	2040000
Walk Surface, Rem	275 Sfd	5010000



HATCH LEGEND

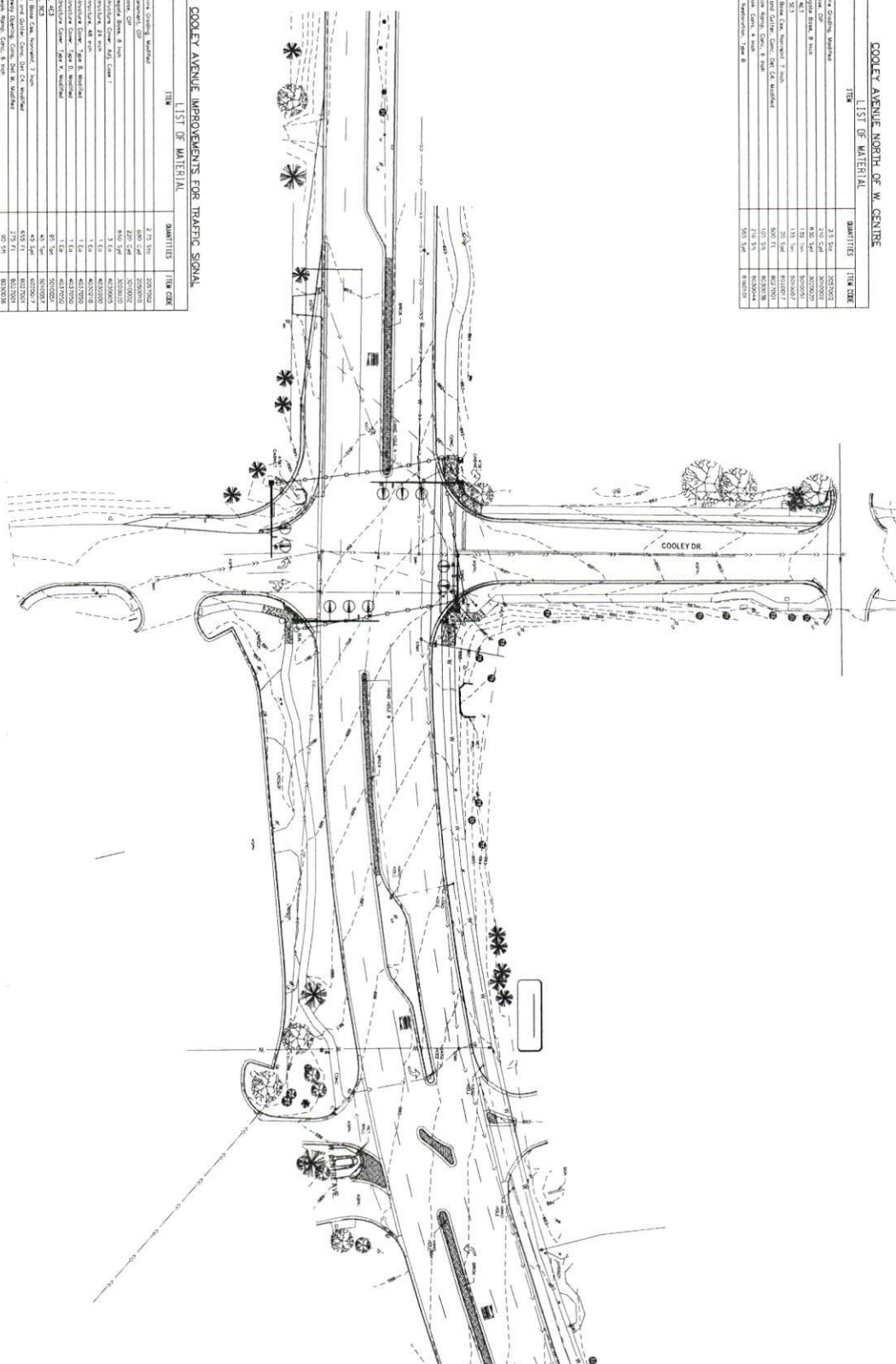
- PAVT. REM. MODIFIED
- SIDEWALK, REM
- SIDEWALK, CONC. 4 INCH
- SIDEWALK, RAMP, ADA
- PROPOSED ADA TACTILE WARNING AREA
- CURB AND GUTTER, REM
- PAVT. REM. MODIFIED

GRAPHIC SCALE



LIST OF MATERIAL

ITEM	QUANTITIES	ITEM CODE
Concrete Curing, Sealing	2.5 Sqr	3535005
Concrete Seal	210 Sqr	3535009
Aggregated Blank & Iron	6.50 Sqr	3535020
Blank 46.1	115 Sqr	3535050
Blank 50.1	50.50 Sqr	3535052
Blank Blank CMA, Blank 17.1 Sqr	20.50 Sqr	3535057
Blank Blank CMA, Blank 17.1 Sqr	30.50 Sqr	3535058
Blank Blank CMA, Blank 17.1 Sqr	40.50 Sqr	3535059
Blank Blank CMA, Blank 17.1 Sqr	50.50 Sqr	3535060
Blank Blank CMA, Blank 17.1 Sqr	60.50 Sqr	3535061
Blank Blank CMA, Blank 17.1 Sqr	70.50 Sqr	3535062
Blank Blank CMA, Blank 17.1 Sqr	80.50 Sqr	3535063
Blank Blank CMA, Blank 17.1 Sqr	90.50 Sqr	3535064
Blank Blank CMA, Blank 17.1 Sqr	100.50 Sqr	3535065
Blank Blank CMA, Blank 17.1 Sqr	110.50 Sqr	3535066
Blank Blank CMA, Blank 17.1 Sqr	120.50 Sqr	3535067
Blank Blank CMA, Blank 17.1 Sqr	130.50 Sqr	3535068
Blank Blank CMA, Blank 17.1 Sqr	140.50 Sqr	3535069
Blank Blank CMA, Blank 17.1 Sqr	150.50 Sqr	3535070
Blank Blank CMA, Blank 17.1 Sqr	160.50 Sqr	3535071
Blank Blank CMA, Blank 17.1 Sqr	170.50 Sqr	3535072
Blank Blank CMA, Blank 17.1 Sqr	180.50 Sqr	3535073
Blank Blank CMA, Blank 17.1 Sqr	190.50 Sqr	3535074
Blank Blank CMA, Blank 17.1 Sqr	200.50 Sqr	3535075
Blank Blank CMA, Blank 17.1 Sqr	210.50 Sqr	3535076
Blank Blank CMA, Blank 17.1 Sqr	220.50 Sqr	3535077
Blank Blank CMA, Blank 17.1 Sqr	230.50 Sqr	3535078
Blank Blank CMA, Blank 17.1 Sqr	240.50 Sqr	3535079
Blank Blank CMA, Blank 17.1 Sqr	250.50 Sqr	3535080
Blank Blank CMA, Blank 17.1 Sqr	260.50 Sqr	3535081
Blank Blank CMA, Blank 17.1 Sqr	270.50 Sqr	3535082
Blank Blank CMA, Blank 17.1 Sqr	280.50 Sqr	3535083
Blank Blank CMA, Blank 17.1 Sqr	290.50 Sqr	3535084
Blank Blank CMA, Blank 17.1 Sqr	300.50 Sqr	3535085
Blank Blank CMA, Blank 17.1 Sqr	310.50 Sqr	3535086
Blank Blank CMA, Blank 17.1 Sqr	320.50 Sqr	3535087
Blank Blank CMA, Blank 17.1 Sqr	330.50 Sqr	3535088
Blank Blank CMA, Blank 17.1 Sqr	340.50 Sqr	3535089
Blank Blank CMA, Blank 17.1 Sqr	350.50 Sqr	3535090
Blank Blank CMA, Blank 17.1 Sqr	360.50 Sqr	3535091
Blank Blank CMA, Blank 17.1 Sqr	370.50 Sqr	3535092
Blank Blank CMA, Blank 17.1 Sqr	380.50 Sqr	3535093
Blank Blank CMA, Blank 17.1 Sqr	390.50 Sqr	3535094
Blank Blank CMA, Blank 17.1 Sqr	400.50 Sqr	3535095
Blank Blank CMA, Blank 17.1 Sqr	410.50 Sqr	3535096
Blank Blank CMA, Blank 17.1 Sqr	420.50 Sqr	3535097
Blank Blank CMA, Blank 17.1 Sqr	430.50 Sqr	3535098
Blank Blank CMA, Blank 17.1 Sqr	440.50 Sqr	3535099
Blank Blank CMA, Blank 17.1 Sqr	450.50 Sqr	3535100
Blank Blank CMA, Blank 17.1 Sqr	460.50 Sqr	3535101
Blank Blank CMA, Blank 17.1 Sqr	470.50 Sqr	3535102
Blank Blank CMA, Blank 17.1 Sqr	480.50 Sqr	3535103
Blank Blank CMA, Blank 17.1 Sqr	490.50 Sqr	3535104
Blank Blank CMA, Blank 17.1 Sqr	500.50 Sqr	3535105
Blank Blank CMA, Blank 17.1 Sqr	510.50 Sqr	3535106
Blank Blank CMA, Blank 17.1 Sqr	520.50 Sqr	3535107
Blank Blank CMA, Blank 17.1 Sqr	530.50 Sqr	3535108
Blank Blank CMA, Blank 17.1 Sqr	540.50 Sqr	3535109
Blank Blank CMA, Blank 17.1 Sqr	550.50 Sqr	3535110
Blank Blank CMA, Blank 17.1 Sqr	560.50 Sqr	3535111
Blank Blank CMA, Blank 17.1 Sqr	570.50 Sqr	3535112
Blank Blank CMA, Blank 17.1 Sqr	580.50 Sqr	3535113
Blank Blank CMA, Blank 17.1 Sqr	590.50 Sqr	3535114
Blank Blank CMA, Blank 17.1 Sqr	600.50 Sqr	3535115
Blank Blank CMA, Blank 17.1 Sqr	610.50 Sqr	3535116
Blank Blank CMA, Blank 17.1 Sqr	620.50 Sqr	3535117
Blank Blank CMA, Blank 17.1 Sqr	630.50 Sqr	3535118
Blank Blank CMA, Blank 17.1 Sqr	640.50 Sqr	3535119
Blank Blank CMA, Blank 17.1 Sqr	650.50 Sqr	3535120
Blank Blank CMA, Blank 17.1 Sqr	660.50 Sqr	3535121
Blank Blank CMA, Blank 17.1 Sqr	670.50 Sqr	3535122
Blank Blank CMA, Blank 17.1 Sqr	680.50 Sqr	3535123
Blank Blank CMA, Blank 17.1 Sqr	690.50 Sqr	3535124
Blank Blank CMA, Blank 17.1 Sqr	700.50 Sqr	3535125
Blank Blank CMA, Blank 17.1 Sqr	710.50 Sqr	3535126
Blank Blank CMA, Blank 17.1 Sqr	720.50 Sqr	3535127
Blank Blank CMA, Blank 17.1 Sqr	730.50 Sqr	3535128
Blank Blank CMA, Blank 17.1 Sqr	740.50 Sqr	3535129
Blank Blank CMA, Blank 17.1 Sqr	750.50 Sqr	3535130
Blank Blank CMA, Blank 17.1 Sqr	760.50 Sqr	3535131
Blank Blank CMA, Blank 17.1 Sqr	770.50 Sqr	3535132
Blank Blank CMA, Blank 17.1 Sqr	780.50 Sqr	3535133
Blank Blank CMA, Blank 17.1 Sqr	790.50 Sqr	3535134
Blank Blank CMA, Blank 17.1 Sqr	800.50 Sqr	3535135
Blank Blank CMA, Blank 17.1 Sqr	810.50 Sqr	3535136
Blank Blank CMA, Blank 17.1 Sqr	820.50 Sqr	3535137
Blank Blank CMA, Blank 17.1 Sqr	830.50 Sqr	3535138
Blank Blank CMA, Blank 17.1 Sqr	840.50 Sqr	3535139
Blank Blank CMA, Blank 17.1 Sqr	850.50 Sqr	3535140
Blank Blank CMA, Blank 17.1 Sqr	860.50 Sqr	3535141
Blank Blank CMA, Blank 17.1 Sqr	870.50 Sqr	3535142
Blank Blank CMA, Blank 17.1 Sqr	880.50 Sqr	3535143
Blank Blank CMA, Blank 17.1 Sqr	890.50 Sqr	3535144
Blank Blank CMA, Blank 17.1 Sqr	900.50 Sqr	3535145
Blank Blank CMA, Blank 17.1 Sqr	910.50 Sqr	3535146
Blank Blank CMA, Blank 17.1 Sqr	920.50 Sqr	3535147
Blank Blank CMA, Blank 17.1 Sqr	930.50 Sqr	3535148
Blank Blank CMA, Blank 17.1 Sqr	940.50 Sqr	3535149
Blank Blank CMA, Blank 17.1 Sqr	950.50 Sqr	3535150
Blank Blank CMA, Blank 17.1 Sqr	960.50 Sqr	3535151
Blank Blank CMA, Blank 17.1 Sqr	970.50 Sqr	3535152
Blank Blank CMA, Blank 17.1 Sqr	980.50 Sqr	3535153
Blank Blank CMA, Blank 17.1 Sqr	990.50 Sqr	3535154
Blank Blank CMA, Blank 17.1 Sqr	1000.50 Sqr	3535155
Blank Blank CMA, Blank 17.1 Sqr	1010.50 Sqr	3535156
Blank Blank CMA, Blank 17.1 Sqr	1020.50 Sqr	3535157
Blank Blank CMA, Blank 17.1 Sqr	1030.50 Sqr	3535158
Blank Blank CMA, Blank 17.1 Sqr	1040.50 Sqr	3535159
Blank Blank CMA, Blank 17.1 Sqr	1050.50 Sqr	3535160
Blank Blank CMA, Blank 17.1 Sqr	1060.50 Sqr	3535161
Blank Blank CMA, Blank 17.1 Sqr	1070.50 Sqr	3535162
Blank Blank CMA, Blank 17.1 Sqr	1080.50 Sqr	3535163
Blank Blank CMA, Blank 17.1 Sqr	1090.50 Sqr	3535164
Blank Blank CMA, Blank 17.1 Sqr	1100.50 Sqr	3535165
Blank Blank CMA, Blank 17.1 Sqr	1110.50 Sqr	3535166
Blank Blank CMA, Blank 17.1 Sqr	1120.50 Sqr	3535167
Blank Blank CMA, Blank 17.1 Sqr	1130.50 Sqr	3535168
Blank Blank CMA, Blank 17.1 Sqr	1140.50 Sqr	3535169
Blank Blank CMA, Blank 17.1 Sqr	1150.50 Sqr	3535170
Blank Blank CMA, Blank 17.1 Sqr	1160.50 Sqr	3535171
Blank Blank CMA, Blank 17.1 Sqr	1170.50 Sqr	3535172
Blank Blank CMA, Blank 17.1 Sqr	1180.50 Sqr	3535173
Blank Blank CMA, Blank 17.1 Sqr	1190.50 Sqr	3535174
Blank Blank CMA, Blank 17.1 Sqr	1200.50 Sqr	3535175
Blank Blank CMA, Blank 17.1 Sqr	1210.50 Sqr	3535176
Blank Blank CMA, Blank 17.1 Sqr	1220.50 Sqr	3535177
Blank Blank CMA, Blank 17.1 Sqr	1230.50 Sqr	3535178
Blank Blank CMA, Blank 17.1 Sqr	1240.50 Sqr	3535179
Blank Blank CMA, Blank 17.1 Sqr	1250.50 Sqr	3535180
Blank Blank CMA, Blank 17.1 Sqr	1260.50 Sqr	3535181
Blank Blank CMA, Blank 17.1 Sqr	1270.50 Sqr	3535182
Blank Blank CMA, Blank 17.1 Sqr	1280.50 Sqr	3535183
Blank Blank CMA, Blank 17.1 Sqr	1290.50 Sqr	3535184
Blank Blank CMA, Blank 17.1 Sqr	1300.50 Sqr	3535185
Blank Blank CMA, Blank 17.1 Sqr	1310.50 Sqr	3535186
Blank Blank CMA, Blank 17.1 Sqr	1320.50 Sqr	3535187
Blank Blank CMA, Blank 17.1 Sqr	1330.50 Sqr	3535188
Blank Blank CMA, Blank 17.1 Sqr	1340.50 Sqr	3535189
Blank Blank CMA, Blank 17.1 Sqr	1350.50 Sqr	3535190
Blank Blank CMA, Blank 17.1 Sqr	1360.50 Sqr	3535191
Blank Blank CMA, Blank 17.1 Sqr	1370.50 Sqr	3535192
Blank Blank CMA, Blank 17.1 Sqr	1380.50 Sqr	3535193
Blank Blank CMA, Blank 17.1 Sqr	1390.50 Sqr	3535194
Blank Blank CMA, Blank 17.1 Sqr	1400.50 Sqr	3535195
Blank Blank CMA, Blank 17.1 Sqr	1410.50 Sqr	3535196
Blank Blank CMA, Blank 17.1 Sqr	1420.50 Sqr	3535197
Blank Blank CMA, Blank 17.1 Sqr	1430.50 Sqr	3535198
Blank Blank CMA, Blank 17.1 Sqr	1440.50 Sqr	3535199
Blank Blank CMA, Blank 17.1 Sqr	1450.50 Sqr	3535200
Blank Blank CMA, Blank 17.1 Sqr	1460.50 Sqr	3535201
Blank Blank CMA, Blank 17.1 Sqr	1470.50 Sqr	3535202
Blank Blank CMA, Blank 17.1 Sqr	1480.50 Sqr	3535203
Blank Blank CMA, Blank 17.1 Sqr	1490.50 Sqr	3535204
Blank Blank CMA, Blank 17.1 Sqr	1500.50 Sqr	3535205
Blank Blank CMA, Blank 17.1 Sqr	1510.50 Sqr	3535206
Blank Blank CMA, Blank 17.1 Sqr	1520.50 Sqr	3535207
Blank Blank CMA, Blank 17.1 Sqr	1530.50 Sqr	3535208
Blank Blank CMA, Blank 17.1 Sqr	1540.50 Sqr	3535209
Blank Blank CMA, Blank 17.1 Sqr	1550.50 Sqr	3535210
Blank Blank CMA, Blank 17.1 Sqr	1560.50 Sqr	3535211
Blank Blank CMA, Blank 17.1 Sqr	1570.50 Sqr	3535212
Blank Blank CMA, Blank 17.1 Sqr	1580.50 Sqr	3535213
Blank Blank CMA, Blank 17.1 Sqr	1590.50 Sqr	3535214
Blank Blank CMA, Blank 17.1 Sqr	1600.50 Sqr	3535215
Blank Blank CMA, Blank 17.1 Sqr	1610.50 Sqr	3535216
Blank Blank CMA, Blank 17.1 Sqr	1620.50 Sqr	3535217
Blank Blank CMA, Blank 17.1 Sqr	1630.50 Sqr	3535218
Blank Blank CMA, Blank 17.1 Sqr	1640.50 Sqr	3535219
Blank Blank CMA, Blank 17.1 Sqr	1650.50 Sqr	3535220
Blank Blank CMA, Blank 17.1 Sqr	1660.50 Sqr	3535221
Blank Blank CMA, Blank 17.1 Sqr	1670.50 Sqr	3535222
Blank Blank CMA, Blank 17.1 Sqr	1680.50 Sqr	3535223
Blank Blank CMA, Blank 17.1 Sqr	1690.50 Sqr	3535224
Blank Blank CMA, Blank 17.1 Sqr	1700.50 Sqr	3535225
Blank Blank CMA, Blank 17.1 Sqr	1710.50 Sqr	3535226
Blank Blank CMA, Blank 17.1 Sqr	1720.50 Sqr	3535227
Blank Blank CMA, Blank 17.1 Sqr	1730.50 Sqr	3535228
Blank Blank CMA, Blank 17.1 Sqr	1740.50 Sqr	3535229
Blank Blank CMA, Blank 17.1 Sqr	1750.50 Sqr	3535230
Blank Blank CMA, Blank 17.1 Sqr	1760.50 Sqr	3535231
Blank Blank CMA, Blank 17.1 Sqr	1770.50 Sqr	3535232
Blank Blank CMA, Blank 17.1 Sqr	1780.50 Sqr	3535233
Blank Blank CMA, Blank 17.1 Sqr	1790.50 Sqr	3535234
Blank Blank CMA, Blank 17.1 Sqr	1800.50 Sqr	3535235
Blank Blank CMA, Blank 17.1 Sqr	1810.50 Sqr	3535236
Blank Blank CMA, Blank 17.1 Sqr	1820.50 Sqr	3535237
Blank Blank CMA, Blank 17.1 Sqr	1830.50 Sqr	3535238
Blank Blank CMA, Blank 17.1 Sqr	1840.50 Sqr	3535239
Blank Blank CMA, Blank 17.1 Sqr	1850.50 Sqr	3535240
Blank Blank CMA, Blank 17.1 Sqr	1860.50 Sqr	3535241
Blank Blank CMA, Blank 17.1 Sqr	1870.50 Sqr	3535242
Blank Blank CMA, Blank 17.1 Sqr	1880.50 Sqr	3535243
Blank Blank CMA, Blank 17.1 Sqr	1890.50 Sqr	3535244
Blank Blank CMA, Blank 17.1 Sqr	1900.50 Sqr	3535245
Blank Blank CMA, Blank 17.1 Sqr	1910.50 Sqr	3535246
Blank Blank CMA, Blank 17.1 Sqr	1920.50 Sqr	3535247
Blank Blank CMA, Blank 17.1 Sqr	1930.50 Sqr	3535248
Blank Blank CMA, Blank 17.1 Sqr	1940.50 Sqr	3535249
Blank Blank CMA, Blank 17.1 Sqr	1950.50 Sqr	3535250
Blank Blank CMA, Blank 17.1 Sqr	1960.50 Sqr	3535251
Blank Blank CMA, Blank 17.1 Sqr	1970.50 Sqr	3535252
Blank Blank CMA, Blank 17.1 Sqr	1980.50 Sqr	3535253
Blank Blank CMA, Blank 17.1 Sqr	1990.50 Sqr	3535254
Blank Blank CMA, Blank 17.1 Sqr	2000.50 Sqr	3535255
Blank Blank CMA, Blank 17.1 Sqr	2010.50 Sqr	3535256
Blank Blank CMA, Blank 17.1 Sqr	2020.50 Sqr	3535257
Blank Blank CMA, Blank 17.1 Sqr	2030.50 Sqr	3535258
Blank Blank CMA, Blank 17.1 Sqr	2040.50 Sqr	3535259
Blank Blank CMA, Blank 17.1 Sqr	2050.50 Sqr	3535260
Blank Blank CMA, Blank 17.1 Sqr	2060.50 Sqr	3535261
Blank Blank CMA, Blank 17.1 Sqr	2070.50 Sqr	3535262
Blank Blank CMA, Blank 17.1 Sqr	2080.50 Sqr	3535263
Blank Blank CMA, Blank 17.1 Sqr	2090.50 Sqr	3535264
Blank Blank CMA, Blank 17.1 Sqr	2100.50 Sqr	3535265
Blank Blank CMA, Blank 17.1 Sqr	2110.50 Sqr	3535266
Blank Blank CMA, Blank 17.1 Sqr	2120.50 Sqr	3535267
Blank Blank CMA, Blank 17.1 Sqr	2130.50 Sqr	3535268
Blank Blank CMA, Blank 17.1 Sqr	2140.50 Sqr	3535269
Blank Blank CMA, Blank 17.1 Sqr	2150.50 Sqr	3535270
Blank Blank CMA, Blank 17.1 Sqr	2160.50 Sqr	3535271
Blank Blank CMA, Blank 17.1 Sqr	2170.50 Sqr	3535272
Blank Blank CMA, Blank 17.1 Sqr	2180.50 Sqr	3535273
Blank Blank CMA, Blank 17.1 Sqr	2190.50 Sqr	3535274
Blank Blank CMA, Blank 17.1 Sqr	2200.50 Sqr	3535275
Blank Blank CMA, Blank 17.1 Sqr	2210.50 Sqr	3535276
Blank Blank CMA, Blank 17.1 Sqr	2220.50 Sqr	3535277
Blank Blank CMA, Blank 17.1 Sqr	2230.50 Sqr	3535278
Blank Blank CMA, Blank 17.1 Sqr	2240.50 Sqr	3535279
Blank Blank CMA, Blank 17.1 Sqr	2250.50 Sqr	3535280
Blank Blank CMA, Blank 17.1 Sqr	2260.50 Sqr	3535281
Blank Blank CMA, Blank 17.1 Sqr	2270.50 Sqr	3535282
Blank Blank CMA, Blank 17.1 Sqr	2280.50 Sqr	3535283
Blank Blank CMA, Blank 17.1 Sqr	2290.50 Sqr	3535284
Blank Blank CMA, Blank 17.1 Sqr	2300.50 Sqr	3535285
Blank Blank CMA, Blank 17.1 Sqr	2310.50 Sqr	3535286
Blank Blank CMA, Blank 17.1 Sqr	2320.50 Sqr	3535287
Blank Blank CMA, Blank 17.1 Sqr	2330.50 Sqr	3535288
Blank Blank CMA, Blank 17.1 Sqr	2340.50 Sqr	3535289
Blank Blank CMA, Blank 17.1 Sqr	2350.50 Sqr	3535290
Blank Blank CMA, Blank 17.1 Sqr	2360.50 Sqr	3535291
Blank Blank CMA, Blank 17.1 Sqr	2370.50 Sqr	3535292
Blank Blank CMA, Blank 17.1 Sqr	2380.50 Sqr	3535293
Blank Blank CMA, Blank 17.1 Sqr	2390.50 Sqr	3535294
Blank Blank CMA, Blank 17.1 Sqr	2400.50 Sqr	3535295
Blank Blank CMA, Blank 17.1 Sqr	2410.50 Sqr	3535296
Blank Blank CMA, Blank 17.1 Sqr	2420.50 Sqr	3535297
Blank Blank CMA, Blank 17.1 Sqr	2430.50 Sqr	3535298
Blank Blank CMA, Blank 17.1 Sqr	2440.50 Sqr	3535299
Blank Blank CMA, Blank 17.1 Sqr	2450.50 Sqr	3535300
Blank Blank CMA, Blank 17.1 Sqr	2460.50 Sqr	3535301
Blank Blank CMA, Blank 17.1 Sqr	2470.50 Sqr	3535302
Blank Blank CMA, Blank 17.1 Sqr	2480.50 Sqr	3535303
Blank Blank CMA, Blank 17.1 Sqr	2490.50 Sqr	3535304
Blank Blank CMA, Blank 17.1 Sqr	2500.50 Sqr	3535305
Blank Blank CMA, Blank 17.1 Sqr	2510.50 Sqr	3535306
Blank Blank CMA, Blank 17.1 Sqr	2520.50 Sqr	3535307
Blank Blank CMA, Blank 17.1 Sqr	2530.50 Sqr	3535308
Blank Blank CMA, Blank 17.1 Sqr	2540.50 Sqr	3535309
Blank Blank CMA, Blank 17.1 Sqr	2550.50 Sqr	3535310
Blank Blank CMA, Blank 17.1 Sqr	2560.50 Sqr	3535311
Blank Blank CMA, Blank 17.1 Sqr	2570.50 Sqr	35



COOLEY AVENUE IMPROVEMENTS FOR TRAFFIC SIGNAL		
LIST OF MATERIAL		
ITEM	QUANTITIES	ITEM CODE

[illegible]

PART, REL., GROUP 10

SIDEWALK CONC.
4 INCH

STOCK MARKET

PROPOSED ADA
TACTILE WARNING

CUES AND CUTTER

CALE

1

	(0)	(1)

ABONMARCHÉ
Confiance et Service

WEST CENTRE AVE. AND COOLEY DR.
TRAFFIC SIGNAL PROJECT

ROADWAY PROPOSED PLAN COOLEY DRIVE

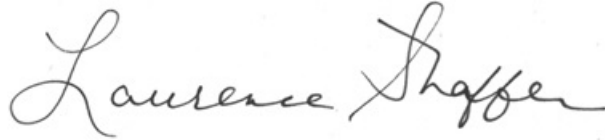
15-0710
 5 of 8

Appendix B



TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Firefighter Physicals

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

ACTION RECOMMENDED: That City Council award a one-year contract to Professional Health Services, Inc. for administering firefighter physicals at a cost not to exceed \$28,703 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

In 2015, the City of Portage and the local International Association of Firefighters union (IAFF #1467) mutually agreed on a five-year contract, which included annual physicals to be provided by the city at no cost to the employee. The IAFF requested, and the City Administration agreed, that the medical facility conducting the physicals would submit the results of all but two of the tests (tuberculosis skin test and the ability to wear a respirator) to the individual employees to share with their personal physician. The status of the tuberculosis skin test and the ability for a firefighter to wear a respirator will be provided to the city, as has been done in the past.

Quotes were sought from several health facilities and vendors (locally and nationally) to provide physicals; only two vendors provided quotes. Professional Health Services of Haverton, Pennsylvania (PHS) provided the lowest bid of \$28,703 (for 43 employees). PHS is a mobile health screening and testing service that will provide all services on site. The only other vendor that responded provided a quote that was \$25,000 more than the PHS price.

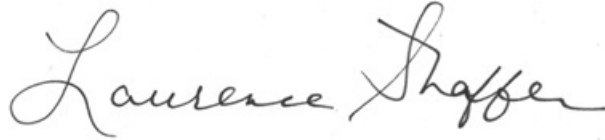
Therefore, it is recommended that City Council award a one-year contract to Professional Health Services, Inc. for administering firefighter physicals at a cost not to exceed \$28,703 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds are available and budgeted in the 2015-16 fiscal year Human Resource Operations budget.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: March Environmental Summary Report

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

ACTION RECOMMENDED: Information Only

Attached please find the March 2016 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

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

FUNDING: N/A

Attachments: 1. March 2016 Summary Environmental Activity Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
March 2016 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2 nd year of AHC's contract is underway with annual testing ongoing.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. <i>-Review of 6 site/building plan and/or plats completed in March 2016.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in March 2016: 8 residential; 0 commercial.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	-Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. The Association has selected to use

Restorative Lake Sciences, LLC for consulting services for 2015. Treatment application completed in mid-June. Follow-up inspection of treatment will be done by Restorative Lake. The 2015 weed treatment bids were received on February 24, 2015. City Council approved weed treatment contract with Professional Lake Management Company on April 10, 2015. Weed treatment was completed in June. The Association has requested to renew the contract with Restorative Lake Science for 2016. *Weed treatment is on schedule for 2016.*

Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in October 2014 and July 2015. Monthly sampling at two retention basins continues. Current findings show groundwater levels of approximately the same as 2015 levels.
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Current Wellhead Protection was originally approved in 2001. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program has been initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work is complete. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	- City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2015, with report submitted. No

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Five year plan to implement the
current NPDES stormwater permit.

significant change in groundwater impacts.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. New permit application was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Implementation is ongoing.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Kalamazoo River Mainstream
Watershed Management Plan

- Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed
Management Plan

-Original proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conversation District. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

Plan to implement and maintain an
Illicit Discharge Elimination Program
(IDEP) Storm Sewer Outfall Testing.

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary report received. Report submitted to MDEQ as part of the annual report. Next report due in June 2016.

Garden Lane Arsenic Removal Facility	<i>Native Prairie Restoration</i>	Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational signs are complete and maintenance is ongoing. Native prairie burn is being planned for 2016.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Emergency spill response contract for 2014-15 with Terra Contracting has been renewed. <i>The number of environmental incident/spill investigations performed in March – 0. Number of environmental cleanups in March– 0.</i>
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.



CITY OF PORTAGE

PARK BOARD

7900 SOUTH WESTNEDGE AVENUE, PORTAGE, MI 49002

March 22, 2016

RE: Proposed Park Board Goals for FY 2016/17

Honorable Mayor and City Council:

During the March 2, 2016 meeting, the Portage Park Board recommended the following fiscal year 2016/17 goals for Council consideration:

1. *Grow the “Friends of the Park” volunteerism and support program by promoting and increasing membership. As part of this effort, Park Board members will be assigned to help coordinate and/or assist with major activities provided by the Board and the City:*
 - a. *Membership Programs*
 - b. *Newsletter (Quarterly)*
 - c. *Website*
 - d. *Volunteer Recruitment and Coordination*
2. *Continue implementation of the “Get Active Portage” day at Ramona Park, to include a Youth Triathlon, Health Fair and other fun and healthy activities.*
3. *Continue cooperative assistance with Youth Advisory Committee and Environmental Board for an Earth Day event, building upon the framework developed for previous years’ event.*
4. *Continue growing the “Recycled Art in the Park” activity for the community to promote recycling.*
5. *Explore a new Park Board sponsored event/activity to engage the 45+ audience focusing on fitness programming.*
6. *Work together with the City Administration to promote the development the Eliason Nature Reserve.*
7. *Advise the City Council in areas/subjects under the purview of the Parks Board.*
8. *Continue to assist the city with the Traditional Holiday Tree Lighting Ceremony.*
9. *Forward update to goals for FY 2015/16 (November 2015 and April 2016) and recommend goals for FY 2016-17(April 2016).*
10. *Present an annual verbal report to the City Council.*

Sincerely,

Kathleen Hoyle, Chairperson
Portage Park Board

C: CM
CC



April 20, 2016

Dear Mayor and City Council

I am asking to be placed on the agenda at the council meeting to be held on April 26, 2016. I would like the opportunity to discuss the right of way encroachments in the Ringdals Plat.

Thank You

Judy Anderson

6737 Bratton St

327-9824

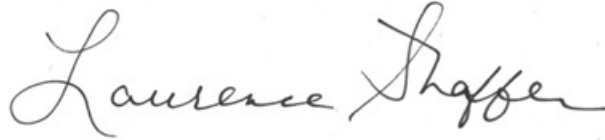
RECEIVED

APR 20 2016

CITY MANAGER'S OFFICE
PORTAGE, MI

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Rezoning Application #15/16-2 (Admiral Avenue/Dorset Street)

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve Rezoning Application #15/16-2 as follows:

- 480 Admiral Avenue: rezone from I-1, light industrial, and RM-1, multiple family residential, to R-1A, one family residential, **except that the north 125 feet of 480 Admiral Avenue be rezoned to R-1T, attached residential;**
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street: rezone from R-1T, attached residential, to R-1A, one family residential;
- 6843, 422 and 426 Dorset Street (rear portions): rezone from I-1, light industrial, to R-1A, one family residential, and
- 6979 South Westnedge Avenue: rezone from I-1, light industrial, and RM-1, multiple family residential, to R-1A, one family residential (except the western portion which is to remain zoned B-2, community business).

Background

Rezoning Application #15/16-2 received first reading by City Council at the February 23, 2016 regular meeting, and a public hearing was held on March 22, 2016. After receiving comment from the applicant and residents of the neighborhood during the public hearing, and following a lengthy discussion, City Council postponed action on the rezoning application until the April 26th meeting.

As Council will recall, the rezoning was originally submitted by Mr. Chad Scott requesting that 480 Admiral Avenue be rezoned from RM-1, multiple family residential (southern portion) and I-1, light industry (northern portion) to R-1T, attached residential to facilitate construction of one to three two-family attached residential dwellings (duplexes) along the northern portion of the property. The property is currently a vacant parcel. The Planning Commission reviewed the application during its November 19 and December 3, 2015 meetings, and after receiving public comment, the Commission

voted unanimously to expand the rezoning application to include:

- 502-618 Dorset Street: These properties are occupied by single-family detached homes. While 502 and 508 Dorset are zoned R-1A, single-family residential consistent with the existing land use, 514-618 Dorset Street are zoned R-1T, attached residential.
- 6843, 422 and 426 Dorset: These lots are occupied by nonconforming duplexes, but the front portions are zoned R-1A, one family residential and the rear portions are zoned I-1, light industry.
- 6979 South Westnedge: This vacant city-owned property is part of Bicentennial Park and the current zoning is a combination of RM-1, multiple family residential, B-2 community business and I-1, light industry.

In a report dated January 29, 2016, the Department of Community Development recommended and the Planning Commission concurred with the following rezoning of the vicinity:

- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential;
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. The front portions of these properties remain zoned R-1A; and
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remain zoned B-2, community business.

The rezoning recommendation outlined above establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map and best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood.

While not directly related to the rezoning application, subsequent to the March 22nd City Council public hearing, the Department of Transportation and Utilities inspected 480 Admiral Avenue and the vicinity on March 23rd to review the drainage concerns mentioned by the property owner. It was first confirmed that a drainage easement over the entire parcel does exist and the plat drains to the cul-de-sac at the end of Cameo Avenue and into a buried storm drainage structure that outlets onto the property. It was observed that the storm drainage structures in the vicinity need to be cleaned out to work more efficiently and a small section of curb is missing at the end of the cul-de-sac allowing storm water to flow out of the cul-de-sac onto the property in an area other than where the drainage structure is located. The city will clean out the storm drainage structures, locate the buried drainage outlet and remove sediment as needed and replace the missing curb at the end of the cul-de-sac. These actions will improve the storm water drainage onto the subject site. In addition, the schedule for repaving the streets within this neighborhood will be re-evaluated to determine if street repaving can be expedited to supplement the storm water drainage improvements.

With regard to the rezoning in particular, various options are available to City Council, which include,

but are not limited to:

1. Approve the rezoning consistent with the recommendation of the Planning Commission and Department of Community Development noted above.
2. Deny rezoning application #15/16-2 and retain the current zoning pattern. While this option is available to City Council, it is noted that rezoning 480 Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan.
3. Approve the rezoning as initially submitted by Mr. Scott, and rezone only 480 Admiral Avenue from I-1, Light Industrial and RM-1, Multi-family Residential to R-1T, Attached Residential. Mr. Scott's original request for R-1T zoning can be considered appropriate given the existing zoning pattern, and would result in a reduction in intensity of land uses. It is noted, however, that several Dorset Street property owners have submitted a petition requesting their properties be rezoned from R-1T to R-1A, and have expressed concerns with Mr. Scott's proposal.
4. Approve rezoning application #15/16-2 as recommended, **except that the north 125 feet of 480 Admiral Avenue be rezoned to R-1T**: This option represents a compromise that would result in rezoning all subject properties to R-1A as recommended, with the exception of the north 125 feet of 480 Admiral Avenue as shown on the vicinity map. Under this scenario, the development of 480 Admiral would be limited to either one single-family dwelling on the property, or attached residential buildings on the north 125 feet of 480 Admiral Avenue. As shown on the vicinity map, the construction of duplex buildings would be restricted to within the building envelope illustrated, which would be at least 30 feet east of 619 Cameo Street, with no duplexes south of Dorset Street.

Compromise Proposal

At the writing of this communication, I met with Bryan Cederberg, a property owner from the neighborhood. I toured the neighborhood and walked the site in question owned by Mr. Scott. Mr. Cederberg was strongly opposed to any changes in the recommendations provided by the Planning Commission, especially as it concerns the regulatory ability to construct duplexes on the site. I also spoke with neighborhood resident and property owner Mr. Dueweke after the City Council meeting and on the phone. He also opposed the proposal to create zoning to allow duplexes to be constructed at the end of Admiral Avenue. Finally, I spoke with Chad Scott, the rezoning applicant. Based on the analysis presented by the Planning Commission and Department of Community Development, my conversations with the applicant and neighborhood residents and further, careful review of this rezoning application, I recommend that option 4 noted above, which represents a compromise proposal, be approved by City Council.

First, I would like to acknowledge the effort made by the Planning Commission. Although I am proposing a change in its recommendation, that revision should not be viewed as a critique of the Planning Commission's dedication and determination to recommend a change.

Second, I believe in neighborhood enhancement activities. I believe encouraging development consistent with the neighborhood generates vitality. Duplexes are a very common component of this neighborhood. The duplexes in the neighborhood presently are not a deterrent to the aesthetics or value of the neighborhood. In order to support the neighborhood, I propose that the storm water drainage

improvements noted above be completed as soon as possible, and will seek funding resources to repave the neighborhood streets in the 2016-2017 fiscal year.

In conclusion, it is recommended that City Council further review and consider the compromise proposal noted above, and take action on rezoning application #15/16-2 during the April 26th meeting.

FUNDING: Not Applicable

- Attachments:**
1. 480 Admiral Avenue - North 125 feet R-1T map
 2. February 12, 2016 Planning Commission transmittal
 3. November 19, December 3 and 17, 2015 and January 21 and February 4, 2016 Planning Commission minutes
 4. January 29, 2016 Community Development report with attachments
 5. Citizen Communications Received
 6. Ordinance Amendment



Legend

-  Building Envelope
-  Subject Property

Vicinity Map
480 Admiral Avenue
R-1T, North of Cameo Drive



1 inch = 50 feet
(168)

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: February 12, 2016

SUBJECT: Rezoning Application #15/16-2 (expanded), Admiral Avenue-Dorset Street

The Planning Commission convened a public hearing during the January 21st and February 4th, 2016 meetings to consider expanded Rezoning Application #15/16-2, which includes properties addressed as 480 Admiral Avenue; 6979 South Westnedge Avenue; 6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612 and 618 Dorset Street. Mr. Chad Scott (owner/original applicant, 480 Admiral Avenue), Mr. Greg Radd (Nederveld Associates, representing Mr. Scott), Mr. Rick and Mrs. Patricia Dueweke (606 Dorset) and Mr. Bryan and Mrs. Alishia Cederberg (612 Dorset) were present and spoke in regards to the expanded rezoning consideration. Mr. Scott and Mr. Radd spoke in support of the original request to rezone 480 Admiral to R-1T, while Mr. and Mrs. Dueweke and Mr. and Mrs. Cederberg spoke in opposition to the R-1T zoning and indicated they support the staff recommendation of R-1A zoning for the 480 Admiral parcel and the several Dorset Street lots. Written communications from Mr. Scott, Mr. Cederberg and Ms. Karen Gadson (520 Cameo), and a petition signed by five Dorset Street property owners have also been received.

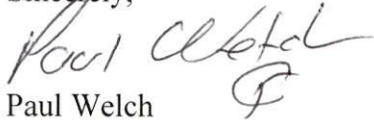
After careful consideration, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #15/16-2 the following:

- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential;
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. Front portions of properties remain zoned R-1A;
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

The motion included a finding that the rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and that best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480 Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While the requested R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is

recommended. The recommended R-1A zoning for this parcel allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern, and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood. The motion was approved 6-2 with Commissioners Bosch and Schimmel voting in opposition.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Welch", with a stylized flourish at the end.

Paul Welch
Chairman

preserving the environment and creating a natural feel for its residents that would continue with construction of Phase V.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Somers, to recommend to City Council that the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, be approved subject to finalization of the storm water design, and approval by the MDEQ to discharge into the wetland area. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

1. **Preliminary Report; Rezoning Application #15/16-2, 480 Admiral Avenue.** Mr. West summarized the preliminary staff report dated November 13, 2015 regarding a request from Chad Scott to rezone 480 Admiral Avenue from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. Mr. West indicated the applicant was requesting the rezoning to facilitate construction of a four-unit attached residential building along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. West discussed the Future Land Use Map designation of single-family detached-medium density residential of the subject parcel and adjacent properties, along with the surrounding zoning and land use pattern. Mr. West then reviewed the split zoning of the subject parcel (RM-1, south portion and I-1, north portion), the irregular shape of the property, access limitations and the presence of potential wetland areas and poor soils, particularly along the southern portion of the property. Mr. West briefly discussed the I-1 zoning designation of the adjacent city owned parcel to the east and south and the rear portion of three parcels on Dorset Street and the inconsistency with the Future Land Use Map and existing zoning/land use pattern. In an effort not to delay the applicant, Mr. West stated it was recommended that the Planning Commission consider a possible rezoning of these properties at a later date, consistent with the approved Work Program.

Mr. Chad Scott (applicant/property owner) and Mr. Greg Radd of Nederveld Associates (applicant's consultant) were present to support the zoning change and to discuss the proposed four-unit attached residential building planned along the northern portion of the property. Mr. Radd stated a preliminary wetland delineation was performed several years ago and the southern portion of the property was found to be wetlands. Mr. Radd stated this delineation would be updated and development would be concentrated to the northern portion of the property, where higher ground and better soils are present. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to adjourn the public hearing for Rezoning Application #15/16-2, 480 Admiral Avenue, to the December 3, 2015 meeting. The motion was unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

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

PLANNING COMMISSION

December 3, 2015

The City of Portage Planning Commission meeting of December 3, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Fifteen citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Richmond (yes), Schimmel (yes), Somers (yes), Dargitz (yes), Felicijan (yes), Welch (yes), Stoffer (yes), and Bosch (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the roll excusing Commissioner Patterson. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the November 19, 2015 meeting minutes contained in the agenda packet. Commissioner Dargitz indicated she would be abstaining from the vote since she was not present at the November 19, 2015 meeting. A motion was made by Commissioner Somers, seconded by Commissioner Richmond, to approve the minutes as submitted. The motion was unanimously approved 7-0-1.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. **Final Report; Rezoning Application #15/16-2, 480 Admiral Avenue.** Mr. Forth summarized the staff report dated November 25, 2015 regarding a request from Chad Scott to rezone 480 Admiral Avenue from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. According to the applicant, the rezoning would facilitate construction of 1-3 duplex units along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. Forth summarized the Future Land Use Map designation, existing zoning pattern, surrounding land uses and several inconsistencies. Mr. Forth also mentioned environmental features that may limit development such as the presence of wetlands and organic soils. Mr. Forth noted the applicant has changed the original proposal of constructing one, 4-unit building to 1-3 duplex units. Mr. Forth also noted that the Zoning Code requires at least one property line abut a major thoroughfare to permit a 4-unit building and this parcel does not meet that requirement. Mr. Forth indicated the R-1A zoning district is most consistent with the Plan designation but the R-1T district requested by the applicant can also be considered generally consistent with the Plan and surrounding area.

Ms. Kelly Cavanaugh, Nederveld Associates (applicant's consultant), was present to support the zoning change and to discuss the proposal to construct 1-3 duplex units. Commissioner Dargitz asked Ms. Cavanaugh to further explain the wetland report that had been prepared. Ms. Cavanaugh indicated a formal wetland delineation study had been prepared approximately five years ago by another company and they were requested to show the wetland boundary on a site plan. Nederveld Associates does not have a copy of

the formal report. Ms. Cavanaugh noted the wetland boundary changes where the elevation changes. Commissioner Dargitz indicated the National Wetlands Inventory map shows the entire area encumbered by wetlands. Ms. Cavanaugh indicated those maps show an assumed wetland area and showed the Commission a map of the wetland boundary prepared approximately five years ago. Ms. Cavanaugh reiterated the north end of the property is developable.

The public hearing was opened. Mr. Rick Dueweke, 606 Dorset, was present to speak against the proposed zoning change. Mr. Dueweke mentioned he has been a resident of the area for 24 years, lives close to the access point for the proposed duplex units, and is familiar with the subject property. Mr. Dueweke also mentioned the berm that was constructed to the north and the wetland area created when Romence Road Parkway was extended. The subject property borders a single-family neighborhood and multi-family uses would not be appropriate. Mr. Dueweke noted his property and several others on Dorset Street are currently zoned R-1T, but this zoning is not correct. Bryan Cedarberg, 612 Dorset, was also present to oppose the rezoning application. Mr. Cedarberg explained that when he purchased the property, he preferred the location away from the existing apartments located on Admiral Street. Mr. Cedarberg does not believe these existing apartments are very well maintained and negatively affect the value of the neighborhood. Mr. Cedarberg doesn't believe it is appropriate to construct multi-family units in an area of the neighborhood occupied by only single-family residential units. Mr. Cedarberg was concerned about an increase in noise, traffic, trash, crime and a negative impact on property values. Mr. Cedarberg also agreed with Mr. Dueweke that his property and the others that are currently zoned R-1T is not correct and should be changed to single-family residential. Ms. Theresa Rowlerhens was present to speak on behalf of her sister, Christine Rohr who lives at 619 Cameo. Ms. Rowlerhens stated Ms. Rohr is opposed to the rezoning. She mentioned her sister experiences periodic flooding in her basement which suggests the area is a wetland. Ms. Rowlerhens expressed concerns about decrease in property values and safety. Ms. Rowlerhens also mentioned a desire to purchase a portion of the adjacent property.

There being no further public comment, the public hearing was closed. Commissioner Felicijan asked if there was wetland restoration completed when Romence Road was extended. Mr. Forth stated that a wetland mitigation area was created and noted this area on the map. Commissioner Bosch asked if the triangular portion of the existing RM-1 zoned property located at the south end would remain. Mr. Forth indicated it would remain since it is located on property owned by the city that is not part of the rezoning application. Mr. Forth mentioned there are inconsistencies between the existing land uses, zoning classifications and future land use designations that should be reviewed. Commissioner Stoffer asked if the single-family home lots on Dorset were rezoned from R-1T to R-1A, would they be conforming. Mr. Forth stated the lots would be conforming if rezoned to R-1A. Commissioner Dargitz asked if any part of 480 Admiral were part of the Romence Road or Sam's Club wetland mitigation area. Mr. Forth indicated it was not impacted by Sam's Club and to his knowledge, it was not part of the Romence Road wetland mitigation area. Commissioner Dargitz also asked if the city should be considering this rezoning application without knowing if the area is in fact a designated wetland area. Mr. Forth stated the matter before the Commission involves the use of the land and whether or not the zoning the applicant is requesting is an appropriate use at this location. Mr. Forth indicated that before any development occurs on this site, either under the current I-1/RM-1 zoning districts or some other zoning district, an official wetland delineation report will need to be submitted. The developer has indicated the wetland report is approximately five years old but will have it updated. Commissioner Dargitz asked if the National Wetland Inventory (NWI) maps on the city's website might be more accurate than a five year old wetland study. Mr. Forth stated the NWI maps generally show where potential wetlands may exist and further investigative research needs to be completed. Commissioner Schimmel asked if the lots on Dorset currently zoned R-1T could be redeveloped with duplex units. Mr. Forth stated an existing dwelling could be modified into a duplex or one or more dwellings razed and a new duplex units constructed. Commissioner Stoffer asked if the three duplex units located at the south end of Dorset are conforming. Mr. Forth responded they are nonconforming since they are zoned R-1A. Chairman Welch asked Attorney Brown if the wetland designation should be an issue as part of the rezoning

consideration. Attorney Brown stated he concurs with Mr. Forth's previous comment that this is a land use issue and the developer will need to address the wetland matter with the State of Michigan. Commissioner Dargitz suggested that perhaps the city should acquire the subject property in exchange for property on Romence Road Parkway. In response to the comment about exchanging land with the developer, Mr. Forth indicated the Open Space and Recreation Plan designates the city property as parkland and the City Charter prohibits the sale of designated property without voter approval.

There being no further discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #15/16-2 be approved and 480 Admiral Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1T, attached residential. The proposed zoning change is generally consistent with the Comprehensive Plan. Commissioner Stoffer stated it was difficult to conclude the proposed zoning change is consistent with the neighborhood by changing the density and won't be supporting the motion. Commissioner Stoffer said he would support a motion changing the zoning from I-1 and RM-1 to R-1A. Commissioners Dargitz and Schimmel said they would support that motion as well. Commissioner Bosch stated he agrees with Commissioner Stoffer to a certain extent. Commissioner Bosch noted that although there are single-family dwellings located in the R-1T district, the proposed R-1T district is consistent with the adjacent R-1T district. Commissioner Dargitz asked for clarification on the history of the current zoning pattern. Mr. Forth noted there is an original 1965 zoning map and believed the neighborhood was zoned R-1A in 1965 but without further research, couldn't comment on more recent changes.

Mr. Forth suggested that given the amount of discussion at the meeting which was absent at the November 19th meeting and not considered as part of the staff recommendation, the Commission could table the application and complete a more comprehensive review of this area, including the inconsistencies that exist between existing land uses, zoning classifications and Future Land Use Plan designations. Commissioner Felicijan didn't believe that tabling this matter is necessary since the Commission would likely be voting on one of two zoning districts, either R-1A or R-1T. Commissioner Dargitz commented that she believes it is important to understand the zoning history of the area and would like to look at this entire area. A zoning change should not be based on what might be an archaic zoning district. Commissioner Somers supported tabling the rezoning application based on the public comments received and the discussion among Commissioner members. Commissioner Felicijan withdrew his previous motion. Commissioner Bosch supported the withdrawal. Commissioner Felicijan then offered a motion to table Rezoning Application #15/16-2 until the January 21, 2016 meeting and that

the Commission meet on December 17, 2015 to further discuss this matter. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Land Division Involving Public Improvements for Martin Luther King Jr. Drive, 6601 Constitution Boulevard. Mr. Forth summarized the report involving an application submitted by the Meyer C. Weiner Company to divide the property at 6601 Constitution Boulevard into three new parcels: one parcel defining the boundaries of Martin Luther King Jr. Drive (MLK), which is currently a private street; one new parcel to the north; and one new parcel to the south of MLK. The purpose of this project to facilitate the reconstruction of MLK Drive according to public street standards and upon completion, it is proposed that MLK Drive be accepted by the City of Portage as a public street. Mr. Forth summarized the existing conditions of the MLK Drive, proposed improvements, and method to finance the project. Mr. Forth also noted the building front yard setback will change from 30 feet to 75 feet and the property owners are aware of this change and the impact it will have on future development projects. Finally, Mr. Forth noted four

PLANNING COMMISSION

December 17, 2015

The City of Portage Planning Commission meeting of December 17, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Bosch (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes), Somers (yes), Schimmel (yes), and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the roll excusing Commissioner Patterson. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 3, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

None

NEW BUSINESS:

None.

OLD BUSINESS:

1. **Rezoning Application #15/16-2, 480 Admiral Avenue – expanded rezoning consideration.** Mr. Forth summarized the staff report dated December 11, 2015 and the Planning Commission decision at the December 3, 2015 meeting to consider additional areas for rezoning consideration under Rezoning Application #15/16-2. Mr. Forth discussed the original rezoning application submitted by Mr. Chad Scott for 480 Admiral Avenue and also reviewed various maps of the surrounding area that depicted existing zoning, existing land use and future land use designations. Mr. Forth indicated the Future Land Use Map designations were intended to serve as a general guide for future development and specific zoning district boundaries need to be determined on a case-by-case basis considering several other factors. Mr. Forth reviewed the historic development pattern of the single family and multiple family residential uses located along Admiral Avenue, Cameo Avenue and Dorset Street and also discussed three rezoning decisions that occurred in this area in 1968. Mr. Forth then summarized the three specific areas identified in the staff report where additional rezoning of properties could be considered by the Commission.

Chairman Welch asked for further direction and clarification of Planning Commission expectations regarding the expanded rezoning consideration. Mr. Forth stated the original rezoning request involving 480 Admiral Avenue has been adjourned to the January 21, 2016 meeting and, if desired by the Commission, the additional properties identified in the staff report could be added to the application and noticed for joint consideration during the January 21, 2016 meeting. Attorney Brown advised the Commission to focus tonight's discussion on the additional properties that could be considered for rezoning and not specifically discuss the original rezoning request involving 480 Admiral Avenue. The Commission and staff discussed various aspects of expanding the rezoning to include other properties such as the historic development/zoning patterns in the area, nonconforming duplex properties on Dorset Street, Future Land Use Map designations and other factors.

Three people spoke in regard to the expanded rezoning consideration: Mr. Rick Dueweke (606 Dorset), Ms. Kelly Cavanaugh (Nederveld Associates, representing the applicant of 480 Admiral Avenue rezoning request) and Mr. Bryan Cedarberg (612 Dorset Street). Mr. Dueweke presented a petition signed by the owners of 514, 532, 606, 612 and 618 Dorset Street requesting the seven properties located on Dorset Street be rezoned from R-1T to R-1A. Ms. Cavanaugh discussed the historic development/zoning pattern within the neighborhood and stated she believes the purpose and intent of these past decisions was to encourage a mixed use development with commercial land use along South Westnedge Avenue and then a transition from multiple family apartments, four-unit attached residential buildings, two-unit attached residential dwellings to single family detached residential dwellings as you move inward along Admiral Avenue, Dorset Street and Cameo Avenue. Ms. Cavanaugh stated the current I-1 zoning of the northern portion of 480 Admiral Avenue was not consistent with the surrounding neighborhood and the requested down zoning of the property to R-1T and construction of two-unit attached residential dwellings would be consistent and compatible with the surrounding development/zoning pattern. Ms. Cavanaugh also restated the southern portion of 480 Admiral Avenue was identified wetlands and not planned for development. Mr. Cedarberg stated that he disagrees with Ms. Cavanaugh's statements and indicated duplexes constructed at the end of Cameo Avenue would not be compatible with adjacent single family detached residential dwellings and would change the character of the neighborhood. Mr. Cedarberg stated he would not have purchased his home if he knew duplexes would be constructed at the end of Cameo Avenue and also expressed concerns about possible negative impacts on property values in the neighborhood.

The Commission discussed potential areas for inclusion in an expansion rezoning consideration. Commissioner Felicijan suggested retaining the existing R-1T zoning on the seven lots located on Dorset Street and including the five lots to the south (including the three existing duplex lots) in an expanded rezoning consideration to R-1T to create a consistent R-1T zoning pattern along the east side of Dorset Street. Commissioner Felicijan also suggested including the city-owned parcel addressed as 6979 South Westnedge Avenue in an expanded application to change the zoning from I-1, B-2 and RM-1 to R-1A. Commissioner Bosch stated he agrees with Commissioner Felicijan. Commissioner Dargitz stated she disagrees with Commissioners Felicijan and Bosch and believes the seven R-1T zoned lots located on the east side of Dorset Street should be considered for rezoning to R-1A to more accurately reflect the single family detached residential development pattern that occurred following the 1968 rezoning. Commissioner Dargitz also stated she agrees with Mr. Cedarberg and believes an R-1T zoning and construction of duplexes at the end of Cameo Avenue would not be consistent with the surrounding single family detached residential dwellings. Commissioner Dargitz stated a R-1T zoning district involving the three duplex units located at the south end of Dorset would be consistent with the existing land use and would create a transition into the multi-family residential along Admiral Street.

Following further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Felicijan, to expand Rezoning Application #15/16-2 to consider rezoning 6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612 and 618 Dorset Street from R-1A, R-1T and I-1, to R-1A and/or R-1T and a set a public hearing for January 21, 2016. The motion was unanimously approved 8-0. A motion was then made by Commissioner Bosch, seconded by Commissioner Felicijan, to expand Rezoning Application #15/16-2

to consider rezoning 6979 South Westnedge Avenue from I-1, RM-1 and B-2, to R-1A and a set a public hearing for January 21, 2016. The motion was unanimously approved 8-0.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

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

T:\COMMDEV\2015-2016 Department Files\Board Files\Planning Commission\Minutes\PCMin12172015.doc

PLANNING COMMISSION

January 21, 2016

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

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street.

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

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

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

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

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

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

PUBLIC HEARINGS:

1. Height Modification: Trade Centre III Office Building, 650 Trade Centre Way. Mr. West summarized the staff report dated January 29, 2016 regarding a request from H & G, LLC to construct a five-story office building at 650 Trade Centre Way to a height of 78-feet (measured at the top of the mechanical screening wall). Mr. West discussed the 2012 conceptual plan amendment for the Trade Centre Commercial Planned Development, which included a height modification to construct a four-story Trade Centre III Office building with a maximum height of 65-feet. Mr. West stated that applicant was now requesting approval to construct the building one-story and 13-feet higher than the 2012 approval. Mr. West discussed previous developments along Trade Centre Way including the three-story and four-story office buildings to the west and the two four-story hotel buildings to the east, the presence of the City of Kalamazoo wellfield site to the north and setback and elevation differences between the proposed office building and single family residence located to the north and west. Mr. West indicated staff was recommending approval of the height modification with a finding that the request satisfies requirements contained in Section 42-350(B)(6) and Section 42-414.G.

Mr. Greg Dobson, representing H & G, LLC, was present to support the application and explain the development history of the Trade Centre Commercial Planned Development. Mr. Dobson discussed the proposed building elevation and the setback distances and elevation differences between the proposed building and the nearest single family residences located in excess of 600-feet away. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed height modification. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 7-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Height Modification for Trade Centre III Office Building, 650 Trade Centre Way, be approved to allow construction of the building to five-stories and a maximum height of 78-feet (top of mechanical screening wall). The motion included a finding that the Trade Centre III Office Building will be setback at least 78-feet from the outer boundaries of the zoning lot and the location, setback distances and topographic differences will mitigate potential impacts on adjacent single family residentially zoned properties to north consistent with Section 42-350(B)(6) and Section 42-414.G of the Land Development Regulations. The motion was unanimously approved 7-0.

2. Final Report: Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street. Mr. Forth summarized the final staff report dated January 29, 2016 involving the Planning Commission expanded rezoning consideration of 480 Admiral Avenue, 6979 South Westnedge Avenue and 12 properties located along the east side of Dorset Street. Mr. Forth discussed the original request from Mr. Chad Scott to rezone 480 Admiral Avenue, the petition signed by several Dorset Street property owners to rezone seven Dorset Street lots and the previous Planning Commission discussions regarding this application and the decision to expand the rezoning consideration. Mr. Forth briefly discussed the existing zoning, existing land use and Future Land Use Map designations and then explained the staff recommendation regarding the rezoning and the rationale for the recommended zoning arrangement. Mr. Forth referred the Commission to a communication and attachments from Mr. Chad Scott (owner/applicant, 480 Admiral Avenue) that was included in the final agenda packet.

Chairman Welch reconvened the public hearing and the following citizens spoke in regard to the expanded rezoning consideration: 1) Mr. Greg Radd (Nederveld Associates, representing the applicant of the 480 Admiral rezoning request); 2) Mrs. Patricia Dueweke (606 Dorset); and 3) Mr. Bryan Cederberg (612 Dorset). Mr. Radd discussed the applicant's voluntary request to down-zone the property from I-1/RM-1 to R-1T in order to construct one to two duplexes along the northern portion of the property. Mr. Radd reaffirmed the presence of wetlands and poor soils along the southern portion of the parcel and the restated development was only planned for the northern portion of the property, at the east end of Cameo Avenue.

Mrs. Dueweke discussed the Future Land Use Map designation of the Dorset Street lots and adjacent 480 Admiral Avenue parcel and stated she supports the staff recommendation of R-1A for these properties since that zoning designation is most consistent with the Future Land Use Map and established single family residential neighborhood. Mr. Cederberg indicated he also supports the staff recommendation and the R-1A zoning best represents the established single family detached residential land use pattern in the adjacent neighborhood. No additional citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #15/16-2 be approved with the following changes:

- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential (No change);
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. Front portions of properties remain zoned R-1A (No change);
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

The motion included a finding that the rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and that best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480 Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While the requested R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is recommended. The recommended R-1A zoning for this parcel allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern, and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood. The motion was approved 6-2 with Commissioners Bosch and Schimmel voting in opposition.

3. Final Report; Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue. Mr. Forth summarized the final staff report dated January 29, 2016 regarding a request from Full Circle Communities to rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development. Mr. Forth summarized the proposed tentative plan for Selinon Park that would consist of 74 affordable apartment units within three buildings across the property. Mr. Forth discussed the historic district house and property located at 1521 East Centre Avenue and stated the Historic District Commission met yesterday (February 3rd) and is supportive of the

TO: Planning Commission

DATE: January 29, 2016

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Final Report: Rezoning Application #15/16-2 (expanded), 480 Admiral Avenue; 6979 South Westnedge Avenue; 6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612 and 618 Dorset Street

I. INTRODUCTION:

An application has been received from Mr. Chad Scott requesting that 480 Admiral Avenue be rezoned from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. According to the applicant, the rezoning would facilitate construction of one (1) to three (3) two-family residential dwellings (duplexes) along the northern portion of the property, at the eastern terminus of Cameo Avenue.

The Planning Commission initially convened a public hearing during the November 19th and December 3rd, 2015 meetings to discuss the proposed rezoning of 480 Admiral Avenue. After receiving public comment, and as recommended by staff, the Commission voted unanimously to adjourn the rezoning application until the January 21, 2016 meeting to further evaluate the application, including consideration to expand the rezoning area. During the December 17th meeting, the Planning Commission reviewed the surrounding area and decided to expand the rezoning application to also consider rezoning 6979 South Westnedge Avenue from I-1, light industry, RM-1, multiple family residential and B-2 community business to R-1A, one family residential; and 6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612 and 618 Dorset Street from R-1A, one family residential, R-1T, attached residential and I-1, light industry to R-1A, one family residential and/or R-1T, attached residential. A summary of the properties included in the expanded rezoning application is provided in the table below.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Chad Scott	480 Admiral Avenue	00010-260-O	I-1/RM-1	R-1T
Planning Commission	6979 South Westnedge Avenue	00010-256-A	I-1/RM-1/B-2	R-1A
Planning Commission	6843 Dorset Street	06840-044-O	R-1A/I-1	R-1T or R-1A
Planning Commission	422 Dorset Street	06840-042-O	R-1A/I-1	R-1T or R-1A
Planning Commission	426 Dorset Street	06840-041-O	R-1A/I-1	R-1T or R-1A
Planning Commission	502 Dorset Street	06840-040-O	R-1A	R-1T
Planning Commission	508 Dorset Street	06840-039-O	R-1A	R-1T
Planning Commission	514 Dorset Street	06840-038-O	R-1T	R-1A
Planning Commission	520 Dorset Street	06840-037-O	R-1T	R-1A
Planning Commission	526 Dorset Street	06840-036-O	R-1T	R-1A
Planning Commission	532 Dorset Street	06840-035-O	R-1T	R-1A
Planning Commission	606 Dorset Street	06840-034-O	R-1T	R-1A
Planning Commission	612 Dorset Street	06840-033-O	R-1T	R-1A
Planning Commission	618 Dorset Street	06840-032-O	R-1T	R-1A
14 parcels/lots				

II. EXISTING CONDITIONS (ZONING, EXISTING AND FUTURE LAND USE):

Attached are several maps that depict the existing zoning pattern, existing land use pattern and Future Land Use Map designations for the properties included in the expanded rezoning consideration and surrounding area. Commercial land use/zoning (B-2, B-3) is present along the South Westnedge Avenue frontage properties and the west end of Admiral Avenue, while multiple family residential land use/zoning (apartments and four-unit attached buildings zoned RM-1) is present along the north and south sides of Admiral Avenue. Properties located along Cameo Avenue and Dorset Street are primarily single-family detached residential homes zoned R-1A and R-1T, with the exception of three, two-family attached dwellings (duplexes) located along the southeast side of Dorset Street. Commercial and industrial land use/zoning (B-2 and I-1) including the Portage Crossings Shopping Center, Home Depot and Consumers Energy substation are situated north and west of the homes on Cameo Avenue. The original rezoning parcel at 480 Admiral Avenue is vacant with the southern portion zoned RM-1 and the northern portion zoned I-1. Vacant land zoned I-1 and RM-1 and owned by the City of Portage and part of the Bicentennial Park is located east of 480 Admiral Avenue and south of four-unit attached dwellings on Admiral Avenue.

The Future Land Use Map component of the Comprehensive Plan identifies the commercial properties located along South Westnedge Avenue and west/north of the homes on Cameo Avenue as appropriate for Regional Business land use. The vacant city-owned property located east of the homes on Dorset Street and south of the four-unit attached dwellings on Admiral Avenue is primarily identified for Park/Recreation land use. A portion of this land south of 200 and 280 Admiral Avenue is designated for Regional Business land use. Multiple family and single family residential properties located along Admiral Avenue, Cameo Avenue and Dorset Street are designated for Single-Family Detached Medium Density Residential (SFD-MD) land use. The SFD-MD land use designation is intended to provide for a greater diversity in single-family housing development at higher densities (up to 6 units per acre) than allowed under the Low Density Residential designation (1-4 units per acre). Areas planned for SFD-MD land use are often located adjacent to higher intensity uses, such as the Regional Business area, and generally correspond to the R-1A, one family residential and PD, planned development zoning districts. Based on Zoning Code requirements, the R-1A district allows for a maximum residential development density of 4-5 units/acre (detached), while the PD district allows for up to 7 units/acre (combined single-family and multi-family units). For comparison purposes, the R-1T district allows for a maximum residential development density of 7 units/acre (attached).

While Future Land Use Map designations are intended to serve as a general guide for future development and rezoning considerations, they are not necessarily intended to be property line and/or parcel specific. 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.

Furthermore and as cited in Chapter 4 of the Comprehensive Plan, the Future Land Use Plan is a representation of general physical features/land use activities in the city when fully developed and does not imply that all of the changes will or should occur in the near term. Development and redevelopment will proceed in a manner consistent with policies on the environment, transportation and infrastructure capacity, as examples, and other matters which help determine the appropriate timeframe. Also, zoning decisions should, over time, produce changes that gradually establish greater conformity between the Zoning Map and the Future Land Use Plan. Importantly, deviations from the Future Land Use Map and Comprehensive Plan may be appropriate when justified by more detailed information, changes to conditions, or in the case where a deviation is not contrary to the overall intent and purpose of the Plan.

III. HISTORICAL RESIDENTIAL DEVELOPMENT/ZONING PATTERN:

Development of the multiple-family and single family residential uses located along Admiral Avenue, Cameo Avenue and Dorset Street began with approval of the Ramey Park Plat in 1958 (see attached plat map). The Ramey Park Plat includes the lots located along the north side of Admiral Avenue and along both sides of Cameo Avenue and Dorset Street. Subsequently, single family detached residential home construction began in the late 1950's and concluded in the mid-1970's. According to available city records, the three, two-family attached residential dwellings (duplexes) located at 6843, 422 and 426 Dorset Street were constructed in 1965 prior to the comprehensive rezoning of the city. Prior to the 1965 rezoning, the property was zoned "B Residence" that permitted both single-family and two-family dwellings. The 1965 zoning change to R-1A made these three duplexes nonconforming.

In 1968, City Council approved three rezoning applications (see attached map) that established the current zoning pattern and eventually facilitated construction of the apartment building located at 135 Admiral Avenue and the four-unit attached residential dwellings located along the south side of Admiral Avenue. Application #68-1 rezoned 280, 310, 340, 370, 400 and 430 Admiral Avenue from R-1A to RM-1 and 440 and 450 Admiral Avenue from I-1 to RM-1. The Woodside Ridge No. 1 plat was subsequently created in 1976, and construction of the four-unit attached residential buildings occurred in the late 1970s. Application #68-4 rezoned 135 Admiral Avenue from B-2 to RM-1 and subsequent construction of the apartment building occurred in approximately 1974. Application #68-3 rezoned 514, 520, 526, 532, 606, 612 and 618 Dorset from R-1A to R-1T, however, subsequent construction of single family detached residences occurred in the early 1970s. Application #68-3 also rezoned the rear portion of the subject rezoning parcel (480 Admiral Avenue) and a small triangular-shaped piece of the city-owned parcel located at 6979 South Westnedge Avenue from I-1 to RM-1, however, these properties have remained undeveloped.

IV. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the expanded rezoning application during the January 21, 2016 meeting. Mr. Rick Dueweke (606 Dorset), Mrs. Alishia Cederberg (612 Dorset Street) and Mr. Bryan Cederberg (612 Dorset Street) spoke in opposition to the request to rezone 480 Admiral Avenue to R-1T for development of duplexes and stated that 480 Admiral Avenue and the seven existing Dorset Street lots, also zoned R-1T, should be rezoned to R-1A to reflect the historic single family detached residential development pattern of the neighborhood. Mr. Dueweke stated the R-1A zoning district is most consistent with the Future Land Use Map designation and Mr. and Mrs. Cederberg discussed potential negative impacts associated with multiple family residential zoning including increase traffic, speeding, devaluation of property values, trash, noise and crime. Mr. Chad Scott (original applicant/owner of 480 Admiral) and Mr. Greg Radd (Nederveld Associates, representing Mr. Scott) were present to support the original rezoning request of 480 Admiral Avenue to R-1T. Mr. Scott responded to citizen concerns regarding his plans to construct two duplex units along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. Scott discussed specifics of the project and stated the duplexes would be occupied by families or young professionals and would be compatible with the existing neighborhood while enhancing adjacent property values.

V. FINAL ANALYSIS:

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

480 Admiral Avenue (original rezoning request)

- Existing Land Use: Vacant
- Existing Zoning: I-1, light industry (northern portion), RM-1, multiple family residential (southern portion)
- Future Land Use Map: Single-Family Detached-Medium Density Residential
- History: In 1968, the southern portion of this parcel was rezoned from I-1 to RM-1, in conjunction with the rezoning of the seven lots on Dorset Street from R-1A to R-1T (see below). While the current zoning permits a mix of industrial and multi-family residential land uses, the property has remained vacant largely due to location, accessibility and environmental limitations.
- Suitability of Existing Zoning/Impacts of Zoning Change: The existing I-1 zone along the northern portion of parcel and potential future industrial development would not be compatible with adjacent residential neighborhood. A zoning change to R-1T as requested by the applicant would constitute a “down zoning” and a reduction in the intensity of the land use currently allowed under the existing I-1/RM-1 zoning. However, a zoning change to R-1A would be most consistent with the Future Land Use Map designation and the historic single family detached residential development pattern in the adjacent neighborhood.

514, 520, 526, 532, 606, 612 and 618 Dorset Street

- Existing Land Use: single-family detached residential homes
- Existing Zoning: R-1T, attached residential
- Future Land Use Map: Single-Family Detached-Medium Density Residential
- History: In 1968, these seven lots were rezoned from R-1A to R-1T. While two-family attached dwellings (duplexes) could have been constructed on these lots, single-family detached homes were subsequently constructed in the late 1960’s/early 1970’s.
- Suitability of Existing Zoning/Impacts of Zoning Change: The existing R-1T zoning is not necessary to support the long-term use of these properties as single family detached homes. A zoning change from R-1T to R-1A would not create nonconformities at these properties. However, possible future conversion of these homes to duplexes or redevelopment of these lots with duplexes would not be permitted at these properties under an R-1A zoning designation. The R-1A zoning district also more accurately reflects the historic use of these properties and is most consistent with the Future Land Use Map designation.

502 and 508 Dorset Street

- Existing Land Use: single-family detached residential homes
- Existing Zoning: R-1A, one-family residential
- Future Land Use Map: Single-Family Detached-Medium Density Residential
- History: The single-family detached residential homes on these two lots were constructed in the early 1970s consistent with the R-1A zoning district.
- Suitability of Existing Zoning/Impacts of Zoning Change: The existing R-1A zoning for these two lots is consistent with the established single-family detached residential land use pattern and the neighborhood. While a zoning change to R-1T could be considered, it is not necessary to support the existing single-family detached residential homes. The R-1T district would not be entirely consistent with the Future Land Use Map and would allow for future conversion of these homes to duplexes, or redevelopment of the lots with duplexes. Retention of the R-1A zoning is consistent with the existing land use pattern and the Future Land Use Map.

6843, 422 and 426 Dorset Street

- Existing Land Use: two-family attached dwellings (duplexes)
- Existing Zoning: R-1A, one-family residential and I-1, light industrial (rear portions)
- Future Land Use Map: Single-Family Detached-Medium Density Residential
- History: According to city records, duplexes on these three properties were constructed in 1965 prior to the adoption of the City of Portage comprehensive zoning ordinance and map. When these three duplexes were developed, the property was zoned "B Residence", which permitted single-family and two-family residential uses. Following the comprehensive update of the city zoning ordinance and map in 1965, these three duplexes are lawfully nonconforming and governed by the nonconforming use regulations of the Zoning Code. The rear portions of these properties, which are currently zoned I-1 and vacant, appear to be a result of a lot line adjustment that occurred sometime in the 1970's.
- Suitability of Existing Zoning/Impacts of Zoning Change: Retention of the existing R-1A zoning for the front portion of these three parcels would continue the historical nonconforming status of the existing duplexes. A zoning change from I-1 to R-1A for the rear portions of these properties would be consistent with the current R-1A zoning of the front portion and the Future Land Use Map. Since the rear portions of these properties are currently vacant, a zoning change to R-1A would not affect the status of the existing duplexes located on the front portions of these properties. Alternatively, a zoning change from R-1A/I-1 to R-1T for the entirety of these properties could also be considered, which would eliminate the nonconforming use status of the duplexes on these three properties. However, and as stated previously, the R-1A zoning is most consistent with the Future Land Use Map designation of Single-Family Detached-Medium Density Residential.

6979 South Westnedge Avenue

- Existing Land Use: vacant, city owned property which is part of Bicentennial Park
- Existing Zoning: I-1, light industrial, RM-1, multiple family residential, B-2, community business
- Future Land Use Map: Park/Recreation and Regional Business (extreme western portion)
- History: This approximate 20 acre parcel is L-shaped paralleling the west side of the Grand Elk railroad tracks and fronting the north side of Romence Road Parkway with approximately 1,450 feet of frontage (a small area of this parcel is also located on the south side of Romence Road Parkway, which is zoned R-1A). The property is designated for recreation and park and is part of the Bicentennial Park system. As such, the property cannot be sold and privately developed without a change in the park designation and/or a referendum vote by the residents of Portage.
- Suitability of Existing Zoning/Impacts of Zoning Change: Given the city ownership of the property and park designation, a zoning change from I-1, RM-1 and B-2 to R-1A, or a similar low intensity residential district, could be considered and would be more consistent with the Comprehensive Plan, but would not affect future use or designation of this land area. Modifying the zoning pattern adjacent to the existing commercial/multiple family residential land uses located along South Westnedge Avenue and Admiral Avenue may impact land use restrictions related to screening, setbacks and building height apply when adjacent to single family residential zoning. To address this issue, the western portion of the parcel currently zoned B-2 could be retained.

VI. RECOMMENDATION:

Following the first public hearing involving only 480 Admiral Avenue on November 19, 2015 staff could support a zoning change to either R-1A or R-1T. Prior to or during the November 19th public hearing, no public comment had been received. As a result, staff provided the Commission with a recommendation to rezone 480 Admiral Avenue to R-1T. Although not as consistent with the Comprehensive Plan designation of Single-Family Detached-Medium Density Residential as the R-1A district, the R-1T district is a lower intensity attached residential zoning district and represents a down-zoning of the property from I-1, light industrial and RM-1, multi-family residential that would permit higher intensity land uses. During the second and what would have been the final public hearing held on December 3, 2015, several neighborhood residents attended the meeting and expressed concerns and opposition to the proposed zoning change.

In the preliminary staff report dated November 13, 2015, staff noted there were other inconsistencies between the Future Land Use Plan Map and current zoning in this area and suggested the Commission consider these inconsistencies at a later date so as not to delay the applicant. However, during the December 3rd public hearing, these other zoning inconsistencies were discussed in relation to the 480 Admiral Avenue rezoning application. Two Dorset Street residents indicated the zoning of their property and several others along Dorset Street was incorrect and should be changed. After additional discussion, the Planning Commission voted to adjourn the rezoning application until the January 21, 2016 meeting to further evaluate the application, including consideration to expand the rezoning area. During the December 17th meeting, the Planning Commission reviewed the surrounding area and accepted public comment from the applicant and neighborhood residents. A petition was submitted by five of seven Dorset Street property owners requesting their lots be rezoned from R-1T to R-1A. At the conclusion of the discussion, the Commission voted to expand the rezoning application to include several additional properties adjacent to 480 Admiral Avenue and set a public hearing on January 21, 2016.

After evaluating the entire area (current zoning/land use patterns and future land use designations) and consideration of public input from both the applicant and neighborhood residents, staff is advising the Planning Commission, subject to any additional comments that may be received during the public hearing, to recommend to City Council that Rezoning Application #15/16-2 be approved with the following changes:

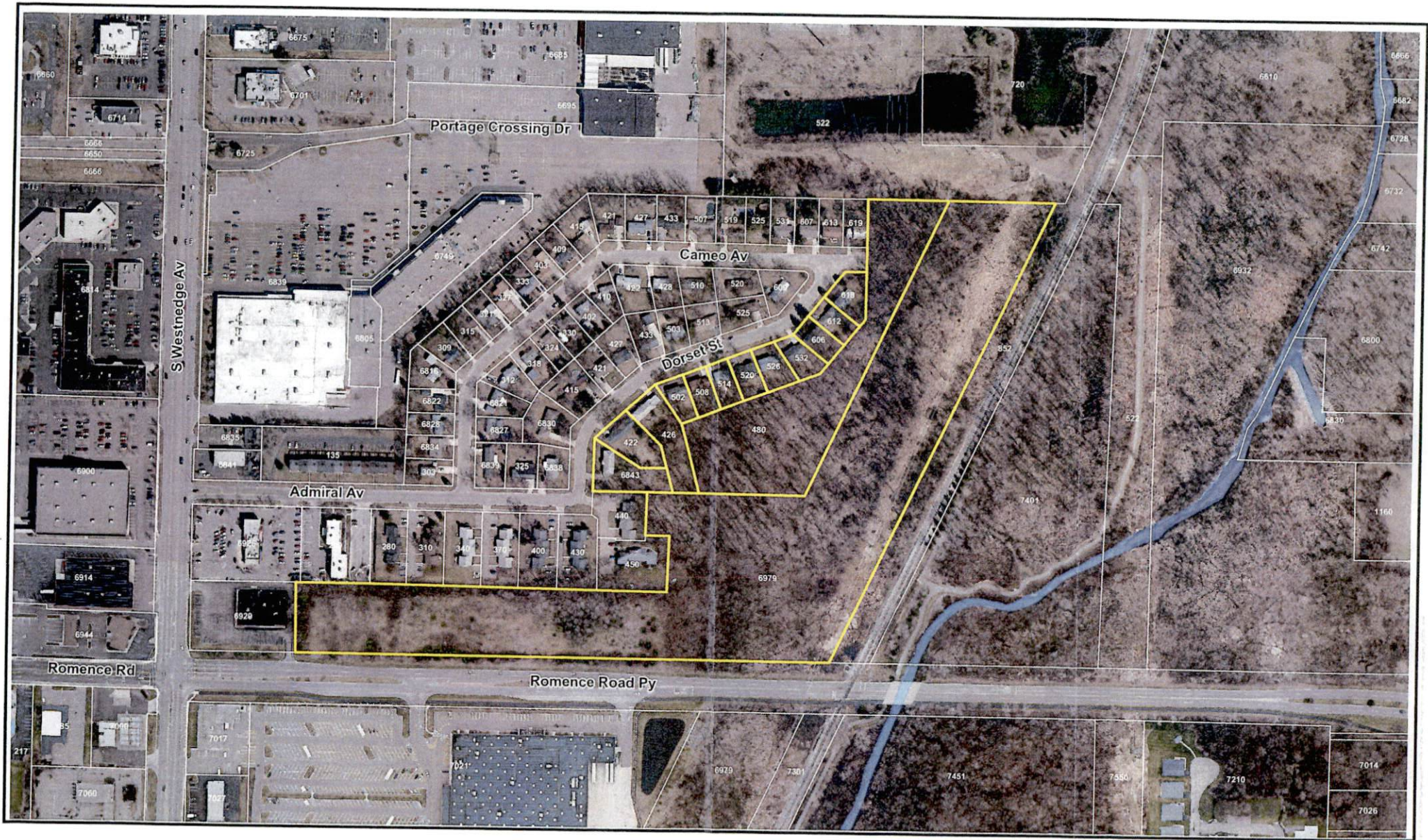
- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential (No change);
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. Front portions of properties remain zoned R-1A (No change);
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

The rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and that best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480

Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While the requested R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is recommended. The recommended R-1A zoning for this parcel allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern, and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood.

Attachments: Aerial Photograph Map
Existing Zoning Map
Existing Land Use Map
Future Land Use Map
Previous Rezoning Map (1968 rezonings)
Residential Structure Map (approximate construction periods)
Plat Maps (Ramey Park and Woodside Ridge No. 1)
Original Rezoning Application and Supporting Material (Chad Scott, 480 Admiral)
Expanded Rezoning Application (Planning Commission)
Citizen communications received

S:\Commdev\2015-2016 Department Files\Board Files\Planning Commission\PC Reports\Rezoning\2016 01 29 Rezoning Application #15-16-2 (expanded). Admiral-Dorset (final).doc



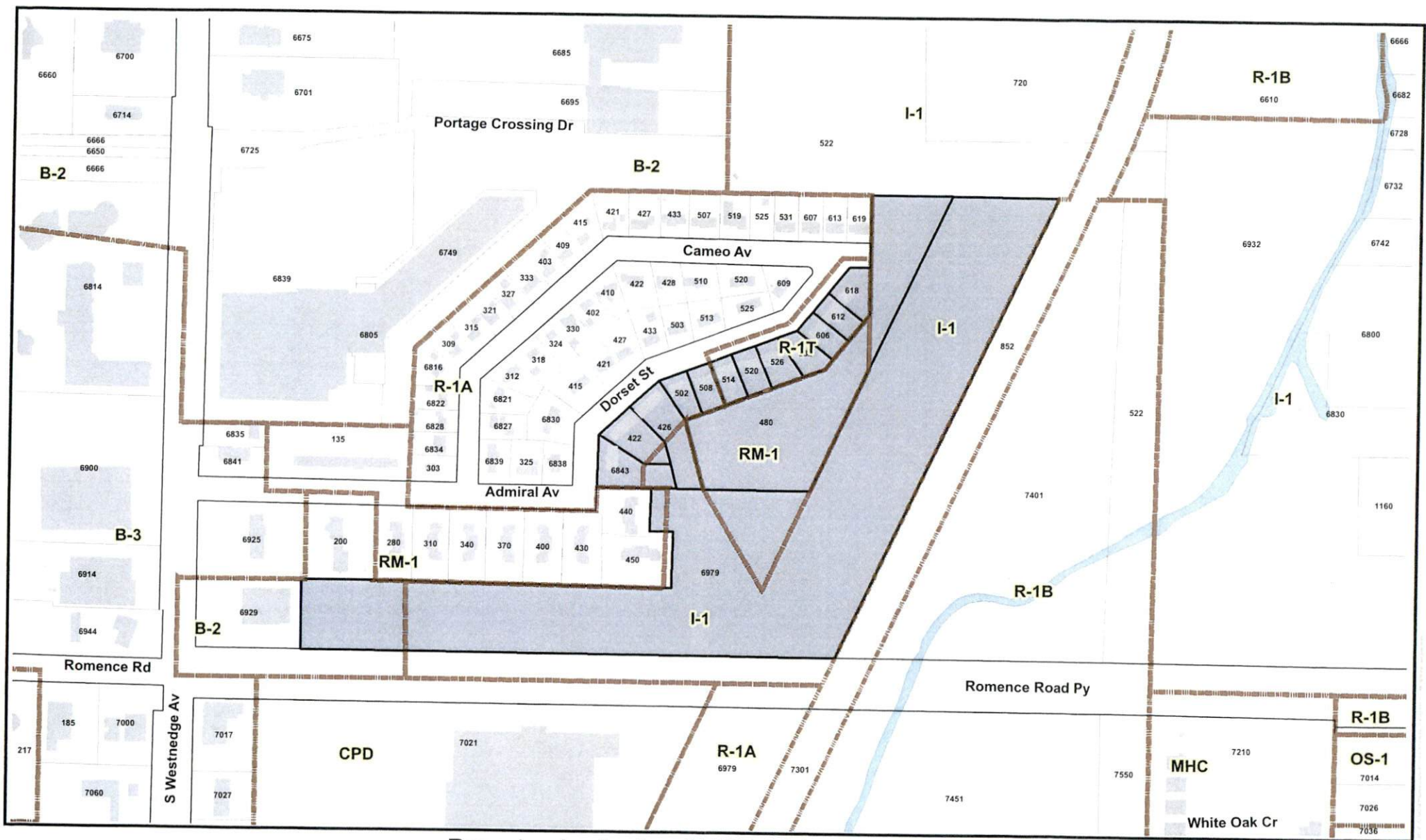
 Subject Properties

Date of photography: March 2013

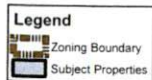
Aerial Photo



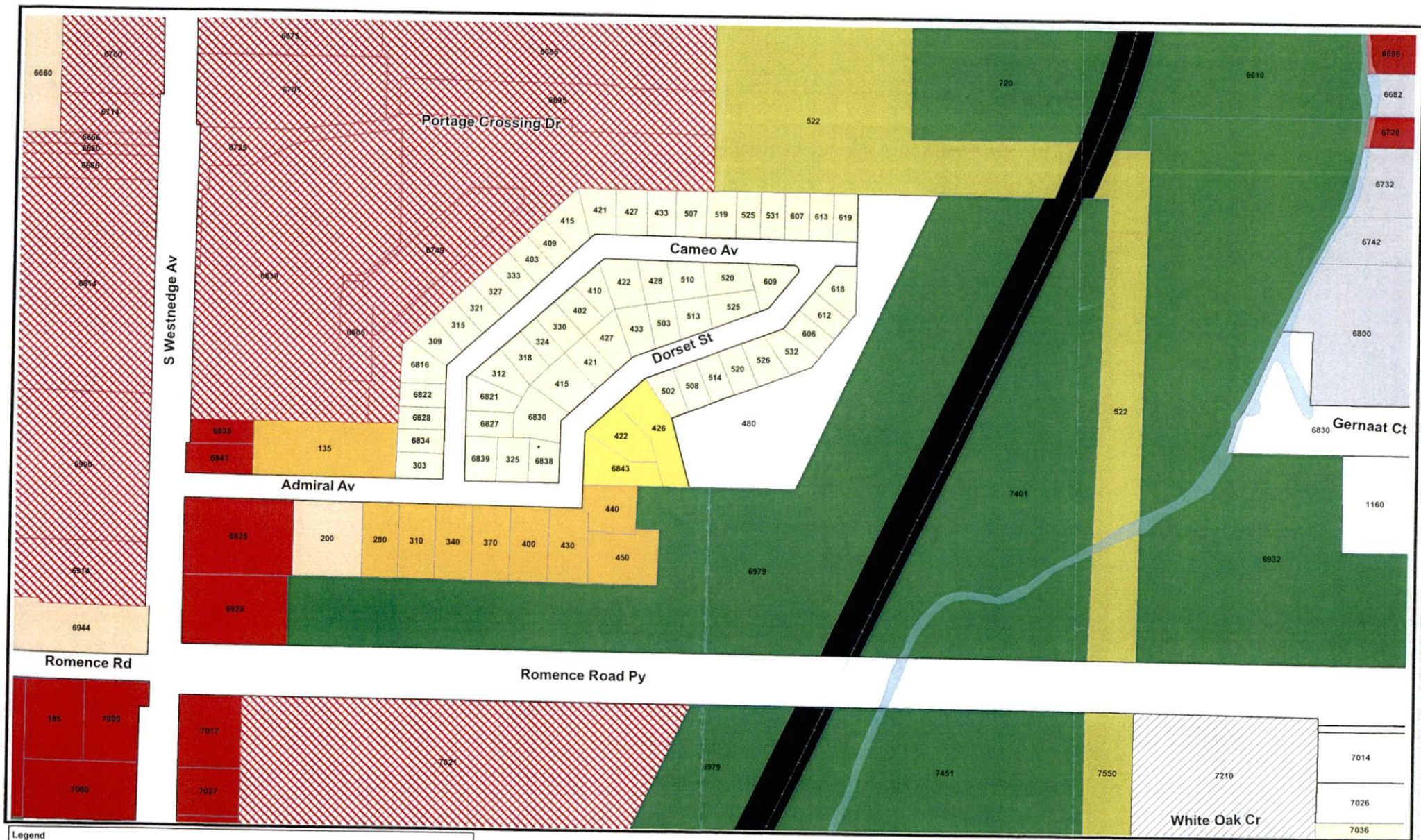
1 inch = 233 feet



Rezoning Application #15/16-02 (expanded)
 480 Admiral, 6979 South Westnedge Avenue,
 6843,422,426,502,508,514,520,526,532,606,612,618 Dorset Street



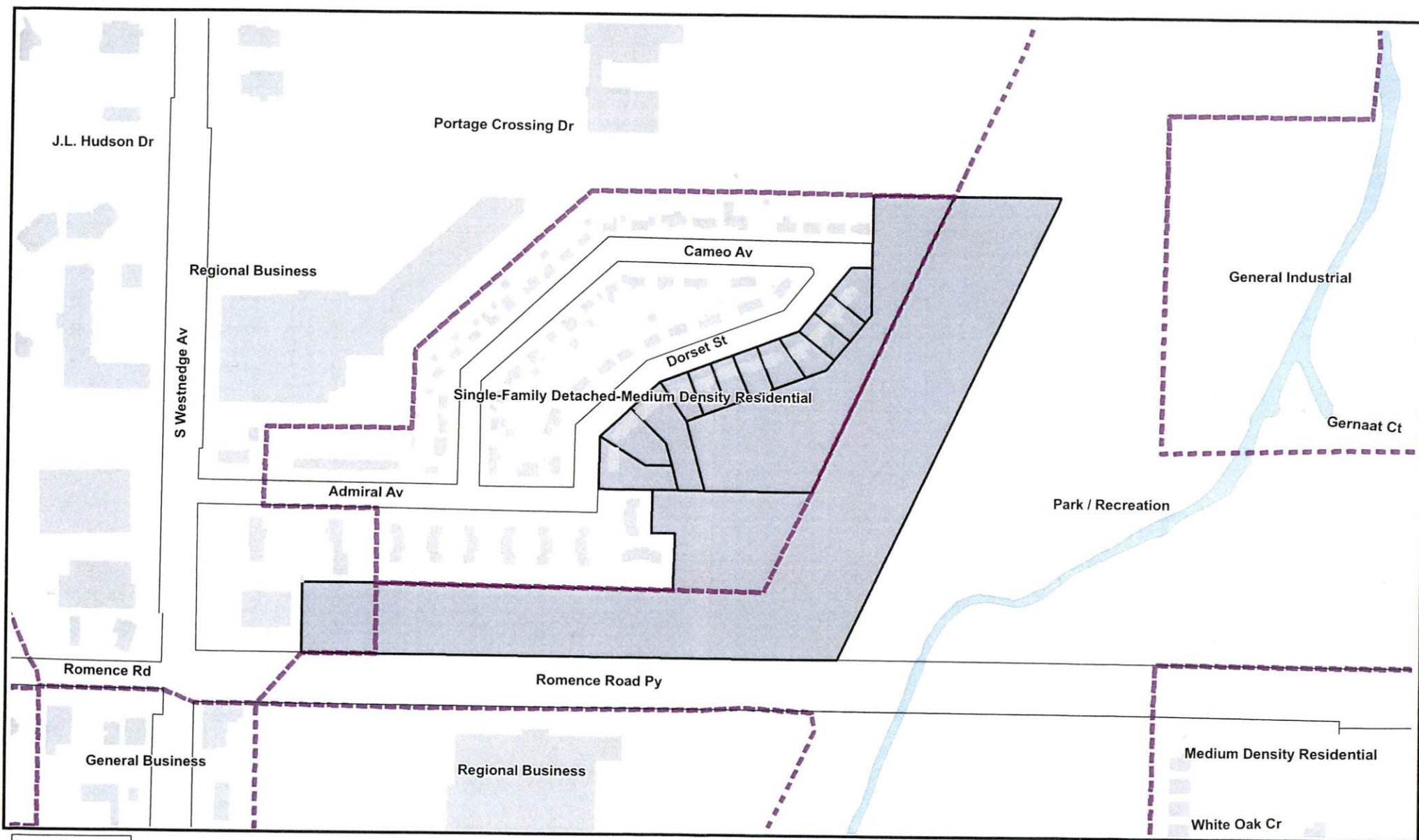
1 inch = 233 feet



Existing Land Use Map



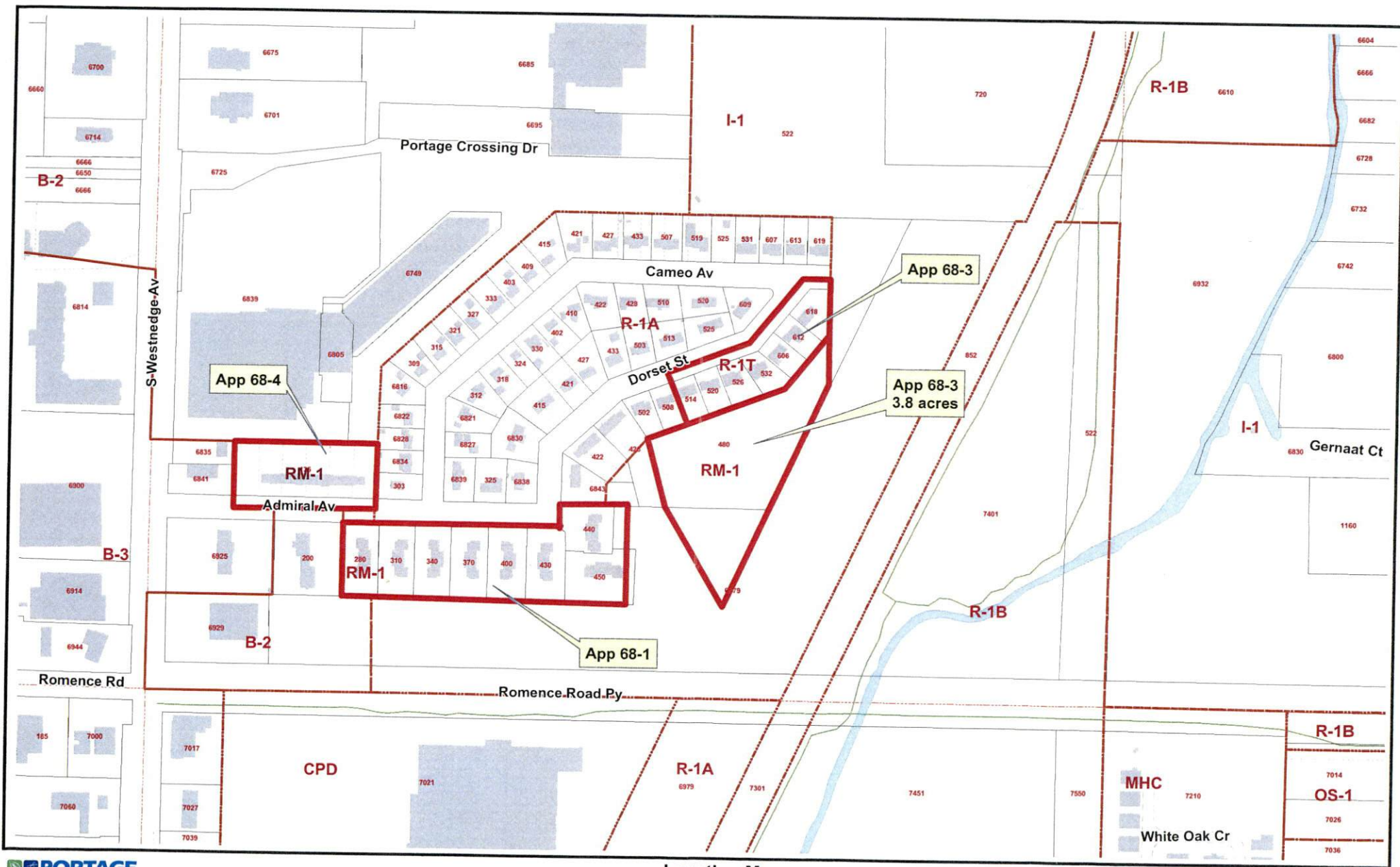
1 inch = 233 feet



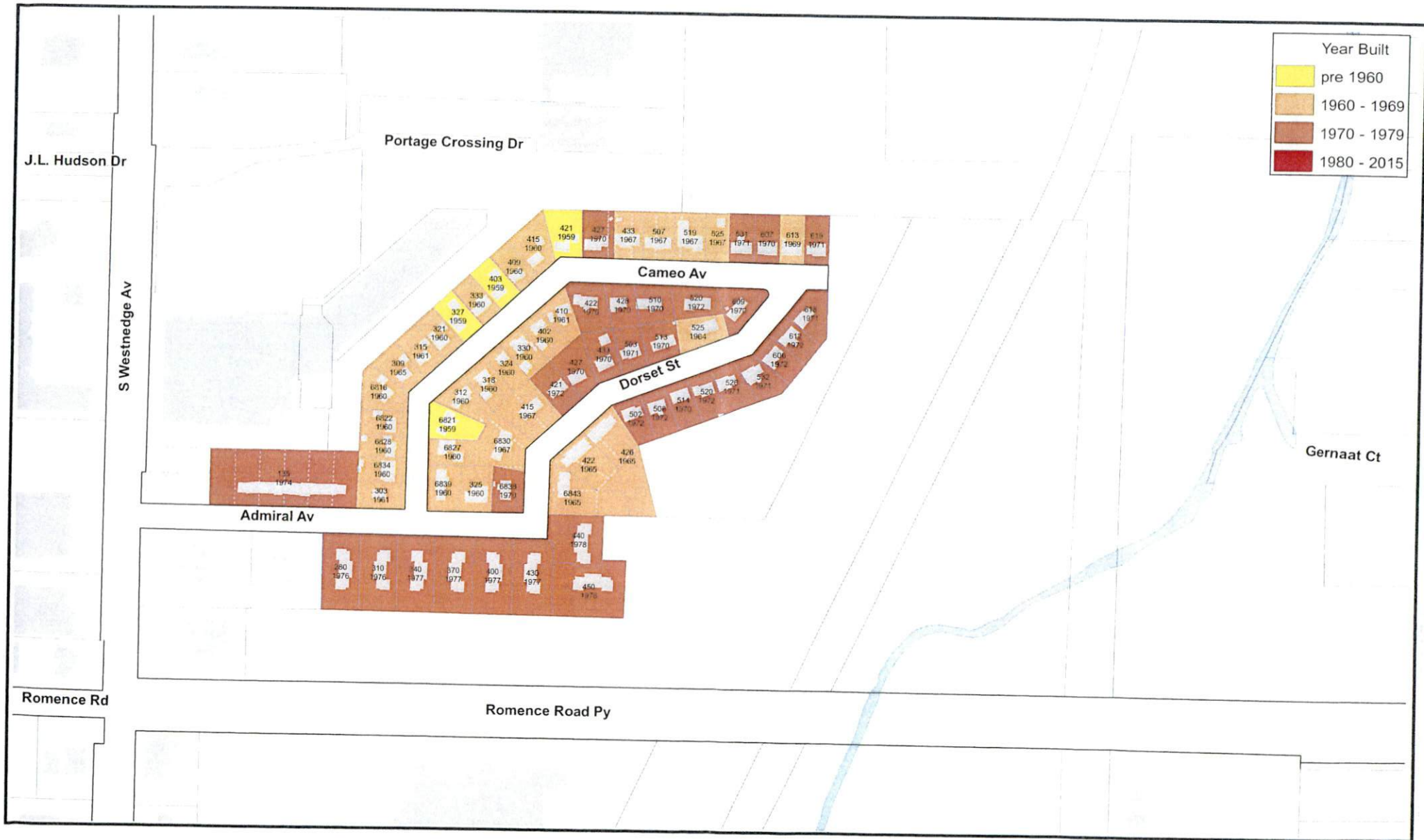
Future Land Use Map



1 inch = 233 feet



Location Map
Previous Rezoning



Data disclaimer: Specific construction dates taken from available city records and are considered approximate.

Structure Year Built



1 inch = 228 feet

PLAT OF "RAMEY PARK"

SEC. 10, T. 3 S., R. 11 W.
TOWNSHIP OF PORTAGE
COUNTY OF KALAMAZOO
MICHIGAN

SCALE: ONE INCH EQUALS 100 FEET

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Wm. Harold J. Esley and Wilhelmina Esley, his wife, Richard DeBruin and Mary DeBruin, his wife, and Richard P. Early, Sr. and Melite Early, his wife, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out, and platted, to be known as "RAMEY PARK", Section 10, Town 3 South, Range 11 West, Township of Portage, County of Kalamazoo, Michigan and that the Drainage Easement as shown on said plat is hereby dedicated to the use of the public for the construction and maintenance of a storm sewer.

Signed and Sealed in the Presence of:

<i>Harold J. Esley</i>	Harold J. Esley
<i>Wilhelmina Esley</i>	Wilhelmina Esley
<i>Richard DeBruin</i>	Richard DeBruin
<i>Melite Early</i>	Melite Early
<i>Richard P. Early</i>	Richard P. Early

STATE OF MICHIGAN) SS
County of Kalamazoo)

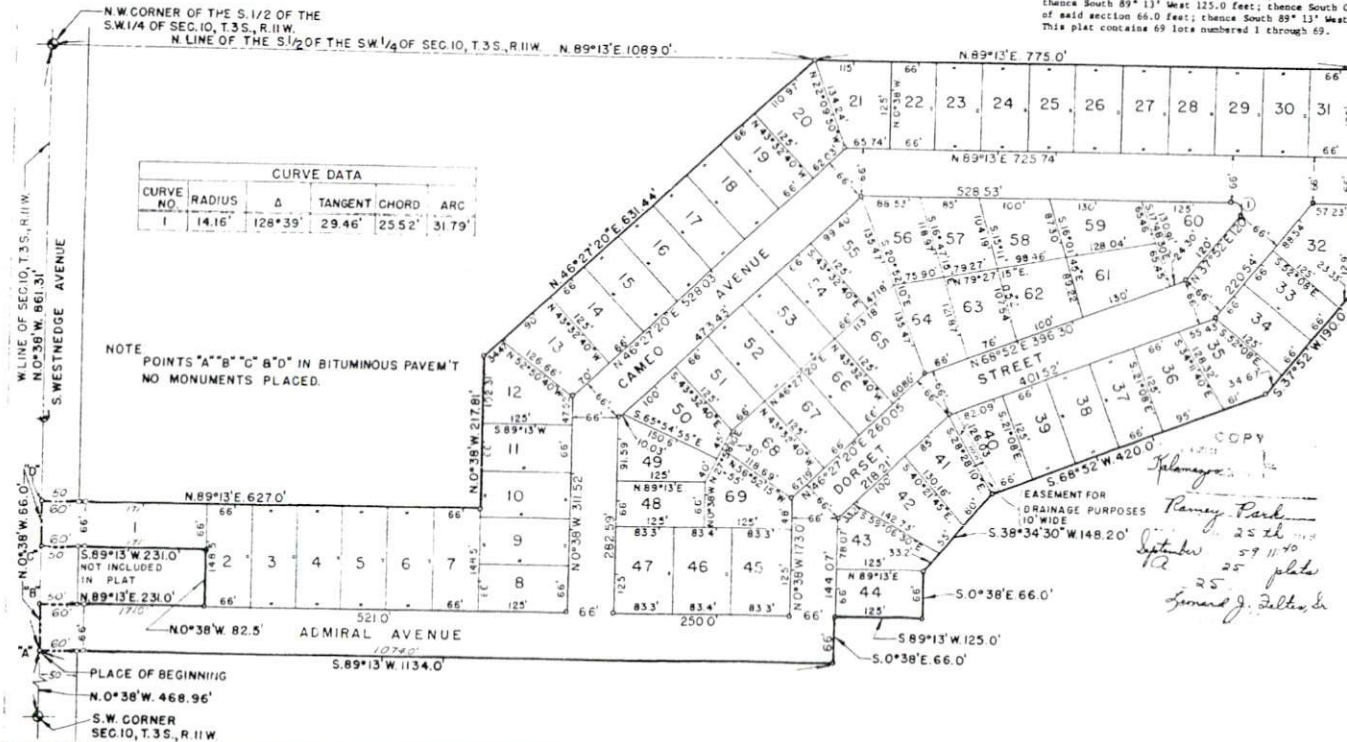
On this 25th day of September, 1959, before me, a Notary Public in and for said county, personally came the above named Harold J. Esley and Wilhelmina Esley, his wife, Richard DeBruin and Mary DeBruin, his wife, and Richard P. Early, Sr. and Melite Early, his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

My Commission expires:

25th day of September, 1962

DESCRIPTION

The land embraced in the annexed plat of "RAMEY PARK" is located in Southwest quarter of Section 10, Town 3 South, Range 11 West, Township of Portage, County of Kalamazoo, Michigan and is more particularly described as follows:
COMMENCING at the Southwest corner of Section 10, T. 3 S., R. 11 W.; thence North 0° 38' West along the West line of said section 466.96 feet to the place of beginning; thence continuing North 0° 38' West along said West line 66.0 feet; thence North 89° 13' East 231.0 feet; thence North 0° 38' West 82.5 feet; thence South 89° 13' West 231.0 feet to the West line of said section; thence North 0° 38' West along said West line 66.0 feet; thence North 89° 13' East 627.0 feet; thence North 0° 38' West parallel to the West line of said section 217.81 feet; thence North 46° 27' 20" East 631.44 feet to a point on the North line of the South half of the Southwest quarter of Section 10, T. 3 S., R. 11 W., 1089.0 feet North 89° 13' East from the Northwest corner of said South half of the Southwest quarter of Section 10, T. 3 S., R. 11 W.; thence North 89° 13' East along the North line of the South half of the Southwest quarter of said section 775.0 feet; thence South 0° 38' East parallel to the West line of said section 320.0 feet; thence South 37° 52' West 190.0 feet; thence South 68° 52' West 420.0 feet; thence South 38° 34' 30" West 140.20 feet; thence South 0° 38' East parallel to the West line of said section 66.0 feet; thence South 89° 13' West 125.0 feet; thence South 0° 38' East parallel to the West line of said section 66.0 feet; thence South 89° 13' West 1134.0 feet to the place of beginning. This plat contains 69 lots numbered 1 through 69.



EASEMENT FOR DRAINAGE PURPOSES
10' WIDE
S 38° 34' 30" W 148.20'
S 0° 38' E 66.0'
S 89° 13' W 125.0'
S 0° 38' E 66.0'

September 10, 1959
September 16, 1959
September 10, 1959
D. L. M. Esley

42342

PLAT OF "RAMEY PARK"

SECTION 10, T35, R11W
TOWNSHIP OF PORTAGE, COUNTY OF KALAMAZOO
MICHIGAN

SCALE ONE INCH EQUALS 100 FEET
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That We, Harold J. Zealey and Wilhelmine Zealey, his wife, Richard DeBruin and Mary DeBruin, his wife, and Richard P. Early, Sr. and Nellie Early, his wife, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out, and platted, to be known as "RAMEY PARK", Section 10, Town 3 South, Range 11 West, Township of Portage, County of Kalamazoo, Michigan and that 40th-100 Avenue, Cameo Avenue, Dorset Avenue, and that portion of Westnedge Avenue as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in the Presence of:

Ruby E. Smith
RUBY E. SMITH

James H. Renwick
JAMES H. RENWICK

John Everts
JOHN EVERTS

Joan I. Everts
JOAN I. EVERTS

Ruby E. Smith
RUBY E. SMITH

James H. Renwick
JAMES H. RENWICK

Harold J. Zealey
Harold J. Zealey

Wilhelmine Zealey
Wilhelmine Zealey

Richard DeBruin
Richard DeBruin

Mary DeBruin
Mary DeBruin

Richard P. Early, Sr.
Richard P. Early, Sr.

Nellie Early
Nellie Early

ACKNOWLEDGMENT

STATE OF MICHIGAN) SS
County of Kalamazoo)

On this 23RD day of DECEMBER, 1958, before me, a Notary Public in and for said county, personally came the above named Harold J. Zealey and Wilhelmine Zealey, his wife, Richard DeBruin and Mary DeBruin, his wife, and Richard P. Early, Sr. and Nellie Early, his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

My Commission expires: January 17, 1959

Ruby E. Smith
RUBY E. SMITH
Notary Public, Kalamazoo County
Michigan

SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars one-half inch in diameter and 36 inches in length, encased in a concrete cylinder 4 inches in diameter and 36 inches in depth have been placed at points marked thus (D) as thereon shown at all angles in the boundaries of the land platted, at the intersection of 40th-100 Avenue with Westnedge Avenue, Cameo Avenue, and Dorset Avenue, at the intersection of Cameo Avenue with Dorset Avenue and at the intersection of Cameo Avenue and 40th-100 Avenue with the boundaries of the plat, as shown on said plat.

Robert H. Cove
Robert H. Cove
Registered Civil Engineer #7944

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS

This plat has been examined and was approved on the 10th day of SEPT, 1959, by the Kalamazoo County Board of Road Commissioners.

Ed Gies CHAIRMAN

Ed Gies Member

Marie Vosburg Member

CERTIFICATE OF TOWNSHIP APPROVAL

This plat was approved by the Portage Township Board at a meeting held on the 10th day of SEPT, 1959, and the width of lots is in compliance with requirements of Section 30, Act 172, of 1929, as amended.

Wilma V. Smith Township Clerk

CERTIFICATE OF APPROVAL BY COUNTY PLAT BOARD

This plat was approved on the 9 day of SEPT, 1959, by the Kalamazoo County Plat Board.

Leonard J. Peltes, Sr.
Register of Deeds, Chairman

Leonard Kloet County Treasurer

Anthony Stano County Clerk

Fred T. Rix Drain Commissioner

COUNTY TAX CERTIFICATE

Office of County Treasurer, Kalamazoo County, Michigan

I hereby certify, that there are no tax liens or titles held by the State on the lands described hereon, and that there are no tax liens or titles held by individuals on said lands, for the five years preceding the 10th day of SEPT, 1959, and that the taxes for said period of five years are paid, as shown by the records of this office.

This certificate does not apply to taxes, if any, now in process of collection by township, city or village collecting officers.

Leonard Kloet County Treasurer

CERTIFICATE AS TO STATE TRUNK LINE OR FEDERAL AID ROADS

We hereby certify that said plat appears to include land located on a state trunk line or federal aid road.

Leonard J. Peltes, Sr.
Register of Deeds, Chairman

Leonard Kloet County Treasurer

Anthony Stano County Clerk

Fred T. Rix Drain Commissioner

APPROVED
Robert H. Cove
Registered Civil Engineer #7944

RECEIVED
OCT 16 2015

APPLICATION FOR ZONING AMENDMENT

Application number #15/16-2

Date 10-16-15

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at _____ between _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

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

480 Admiral Avenue, Portage, MI 49002 00010-260-O Approx. 3.86 acres

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

b. Name of the owner of the property to be rezoned: Chad Scott

Address 6325 East V Ave, Vicksburg, MI 49097

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Property owner desires to build ~~one (1) four (4)~~ unit single family, attached homes
1 to 3 2 unit duplexes

4. CURRENT ZONING: Split I-1 and RM-1 PROPOSED ZONING: R1-T

ZONING TEXT AMENDMENT

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

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

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

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

<u>CM</u>	<u>SR</u>
(Signature of Applicant)	(Signature of Applicant)
<u>6425 East V Ave</u>	
(Address)	<u>Vicksburg 49097</u>
(Address)	(Address)
<u>(269) 720-7729</u>	
(Phone)	(Phone)

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

ZONE CHANGE DESCRIPTION
480 ADMIRAL AVENUE

RECEIVED
DEC 02 2015
COMMUNITY DEVELOPMENT

The zone change request at 480 Admiral Avenue would result in the proposed development one (1) to three (3) two-family dwellings (duplexes). The zone change request is necessary as the current site is split zoned I-1 Light Industrial on the north end of the site and RM-1 Multiple Family Residential on the south end of the site. Due to significant wetlands on the site, there is only a small, unaffected pocket at the northern end of the site, however, since that area is currently zoned I-1 Light Industrial, residential of any kind is not allowed.

In determining the most appropriate zoning district to request, many factors were considered including the impact of the wetlands on developability of the site, the Master Plan and future land use map and existing zoning trends and districts on adjacent properties. The development area of 480 Admiral is actually a small pocket of land on the Northern portion of the site off the East end of Cameo Ave. With the natural impacts and property configuration this small Northern portion is the only likely developable area. Therefore, although the property is future planned to be medium density, detached single family dwellings, the developable area of this site limits this type of development from taking place on the site at the master plan density. The southern end of the site is currently zoned RM-1, Multiple Family Residential, and other RM-1 zoned property exists west of the site. However, rezoning the entire parcel to RM-1 is least consistent with the Master Plan. Adjacent to the currently zoned I-1 portion of the site is property zoned R1-T. The R1-T zone is a down-zone from both of the current classifications of RM-1 and I-1 however more consistent with the surrounding area. Therefore, the R1-T Attached Residential zoning district was determined to be the most consistent, compatible and appropriate for maintaining property rights.

The R1-T Attached Residential zoning district allows for the construction one-family, two-family or one-family attached dwellings subject to provisions of Section 42-202, which would maximize the available developable space. In maximizing the available developable space, the property owner's rights to construct single family dwellings on the property is maintained. The R1-T is a down-zone from the current zoning classifications. Lastly, the requested zoning district is consistent and compatible with existing zoning as adjacent property to the west is currently zoned R1-T.

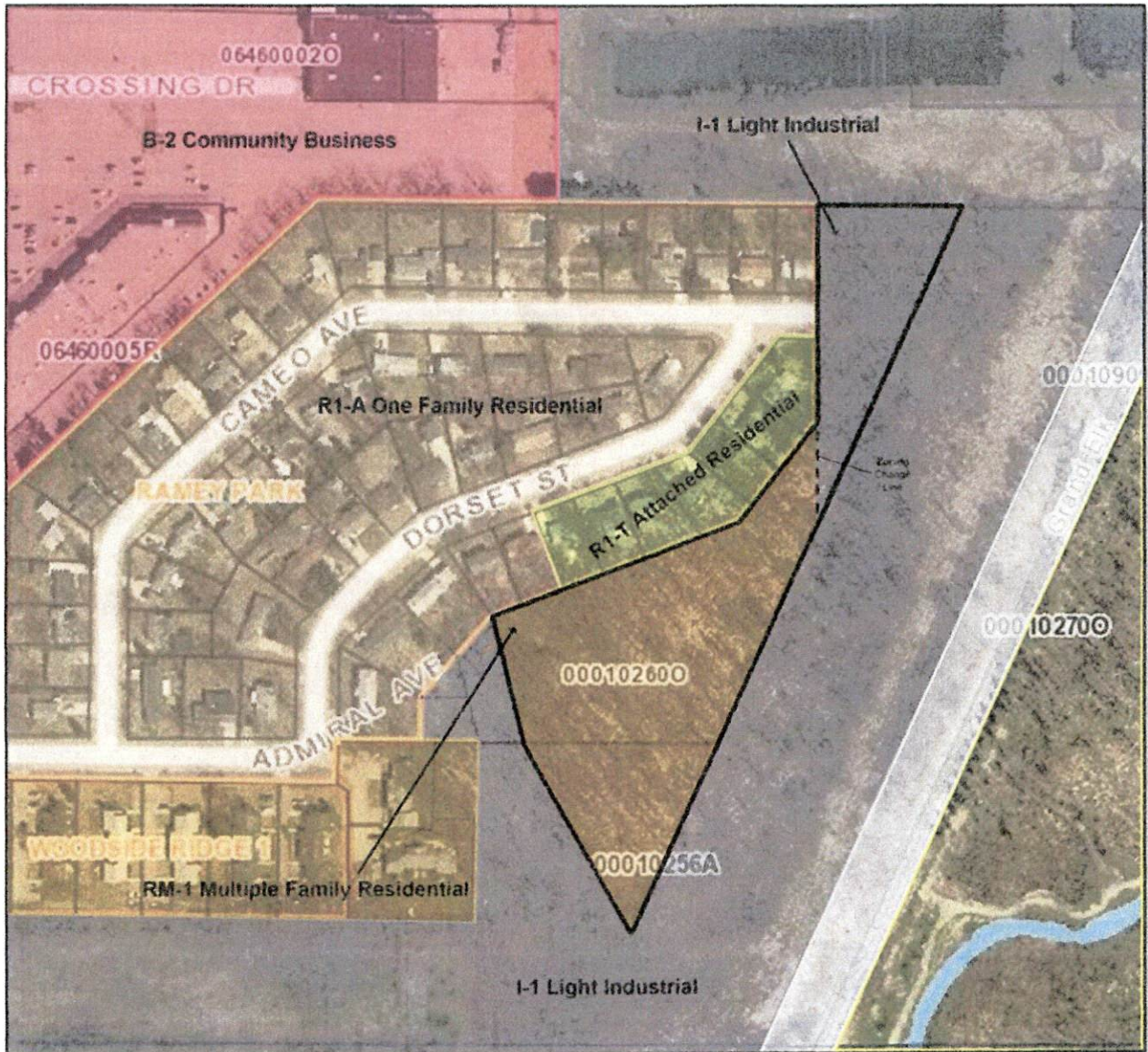
PROJECT LOCATION
480 ADMIRAL AVENUE



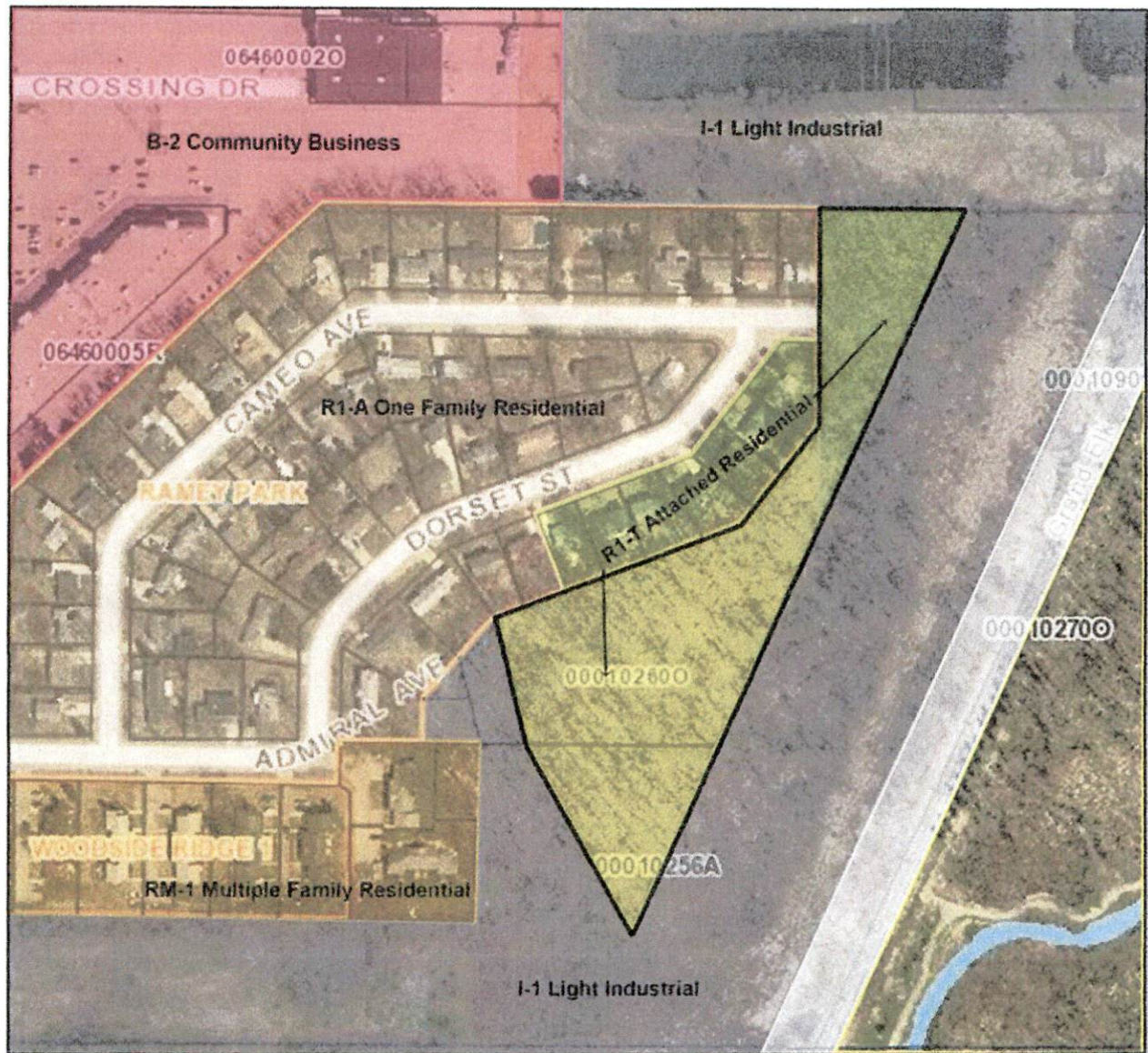
LEGAL DESCRIPTION
480 ADMIRAL AVENUE

SEC 10-3-11 BEG AT NE COR LOT 31 RECD PLAT OF RAMEY PARK TH S ALG E LI SD PLAT 320 FT TH S 37 DEG 52 MIN W 190 FT TH S 68 DEG 52 MIN W 420 FT TH SE 192.61 FT TH E 294.88 FT TH N 24 DEG 15 MIN E 869.4 FT TH S 89 DEG 13 MIN W 180 FT TO PL OF BEG.

EXISTING ZONING EXCERPT
480 ADMIRAL AVENUE



PROPOSED ZONING EXCERPT
480 ADMIRAL AVENUE

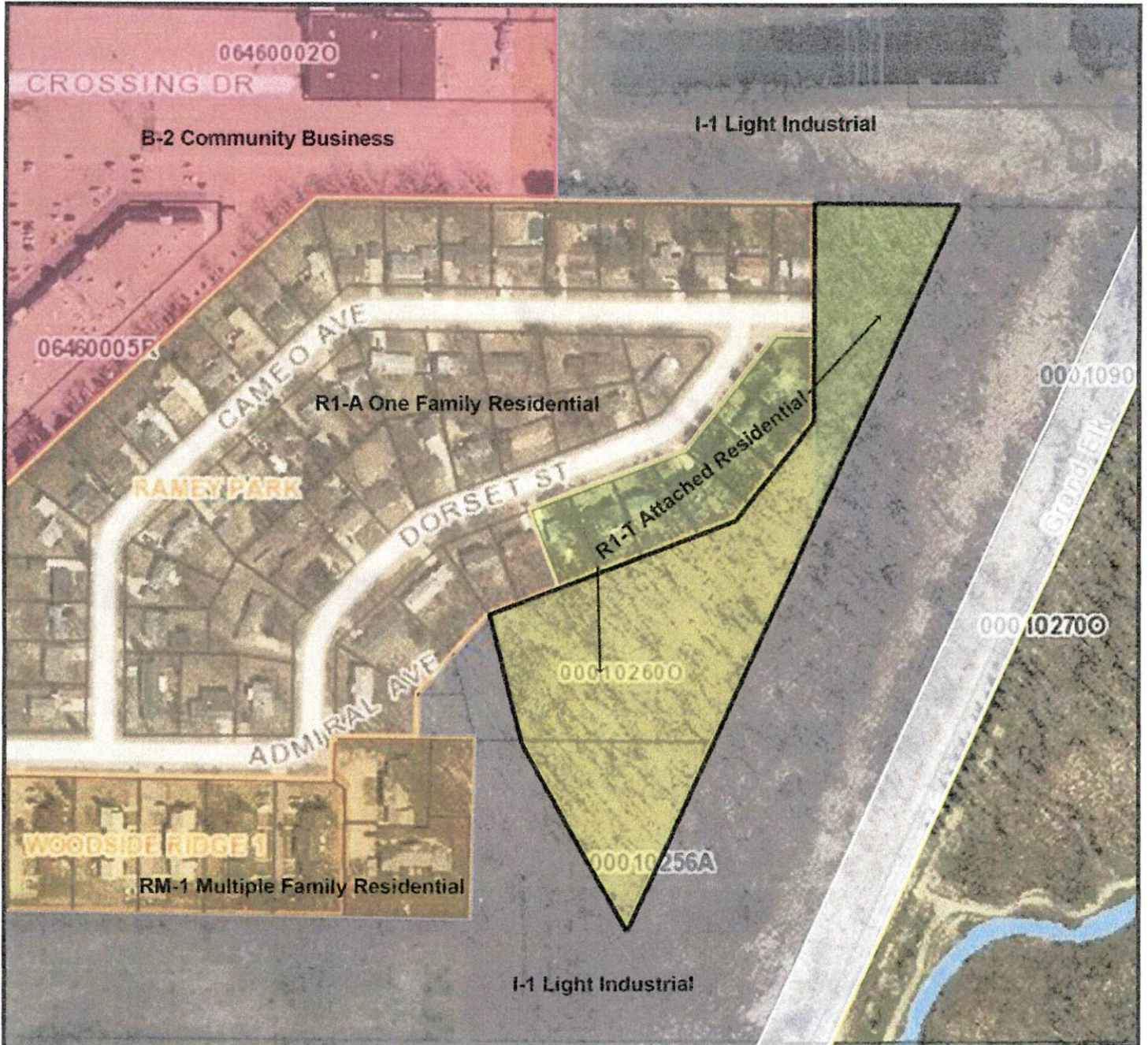


480 ADMIRAL AVENUE
ZONING AMENDMENT REQUEST

RECEIVED

OCT 16 2015

COMMUNITY DEVELOPMENT



APPLICATION FOR ZONING AMENDMENT

Application number #15/16-2 (amended)

Date December 17, 2015

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at _____ between _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

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

13 parcels/lots (see attached list)

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

b. Name of the owner of the property to be rezoned: _____

Address _____ (see attached list)

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Review existing zoning pattern for consistency with Future Land Use Map

4. CURRENT ZONING: I-1/B-2/RM-1/R-1A/R-1T PROPOSED ZONING: R-1A/R-1T

ZONING TEXT AMENDMENT

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

N/A

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

N/A

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

N/A

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

City of Portage Planning Commission

(Signature of Applicant)

(Signature of Applicant)

7900 South Westnedge Avenue, Portage, MI 49002

(Address)

(Address)

(269) 329-4477 (Community Development Department)

(Phone)

(Phone)

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

Rezoning Application #15/16-2 (expanded)

(Planning Commission Expanded Rezoning Consideration – 13 properties)

Address	Parcel ID	Existing Zoning	Proposed Rezoning *
6979 South Westnedge Avenue	00010-256-A	I-1, light industry RM-1, multiple family residential B-2, community business	R-1A, one family residential
6843 Dorset Street	06840-044-O	R-1A, one family residential I-1, light industry	R-1T, attached residential or R-1A, one family residential
422 Dorset Street	06840-042-O	R-1A, one family residential I-1, light industry	R-1T, attached residential or R-1A, one family residential
426 Dorset Street	06840-041-O	R-1A, one family residential I-1, light industry	R-1T, attached residential or R-1A, one family residential
502 Dorset Street	06840-040-O	R-1A, one family residential	R-1T, attached residential
508 Dorset Street	06840-039-O	R-1A, one family residential	R-1T, attached residential
514 Dorset Street	06840-038-O	R-1T, attached residential	R-1A, one family residential
520 Dorset Street	06840-037-O	R-1T, attached residential	R-1A, one family residential
526 Dorset Street	06840-036-O	R-1T, attached residential	R-1A, one family residential
532 Dorset Street	06840-035-O	R-1T, attached residential	R-1A, one family residential
606 Dorset Street	06840-034-O	R-1T, attached residential	R-1A, one family residential
612 Dorset Street	06840-033-O	R-1T, attached residential	R-1A, one family residential
618 Dorset Street	06840-032-O	R-1T, attached residential	R-1A, one family residential
* Proposed zoning designation or any other zoning classification permitted by law.			

Michael West

From: Christopher Forth
Sent: Thursday, January 21, 2016 3:50 PM
To: 'Bryan Cederberg'
Cc: Victoria Georgeau; Michael West
Subject: RE: Rezoning Application No. 15/16-2, 480 Admiral
Attachments: [Untitled].pdf

Good afternoon Mr. Cedarberg:

As you requested, your e-mail will be provided to the Planning Commission at tonight's public hearing. In regard to the Notice of Hearing (attached), I wanted to reiterate what you and I talked about approximately two weeks ago concerning the proposed zoning district for 480 Admiral Avenue. The applicant has requested the zoning be changed to R-1T, attached residential and the notice correctly reflects this request. The notice also includes a footnote that states " *Proposed zoning designation, or any other classification permitted by law." This language allows the Planning Commission and City Council to consider R-1T, R-1A or any other designation for 480 Admiral Avenue and the other properties now included in the rezoning application.

If you have any further questions, please contact me at your earliest convenience.

Sincerely,

Christopher Forth, AICP
Deputy Director of Planning, Development & Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002
269.329.4474
www.portagemi.gov

From: Bryan Cederberg [mailto:CederbergB@comstockps.org]
Sent: Thursday, January 21, 2016 11:33 AM
To: Christopher Forth <forthc@portagemi.gov>
Subject: Re: Rezoning Application No. 15/16-2, 480 Admiral

RE: Zoning Meeting Tonight

Hello,

On the Notice of Public Hearing and Public Hearing Information I noticed that the Proposed Rezoning for 480 Admiral is listed as *R-1T, attached residential*. This is incomplete. It was my understanding, given the discussion at the last meeting, that it should read *R-1T, attached residential or R-1A, one family residential*. The zoning of the whole area was to be taken into consideration.

Our Dorset Street addresses are listed as *R-1T, attached residential or R1A, one family residential*. The 480 Admiral address should be the same.

At the meeting, R-1A was mentioned as the most appropriate designation for properties similar to 480 Admiral Avenue. If the Dorset Street homes are rezoned R1-A, as desired by the neighborhood (because it is the best designation given the build pattern), wouldn't an R1-T designation for 480 Admiral be a form of spot zoning given that the designation would only be in place to justify building multi-family units in the middle of single-family homes?

My concern with the zoning process is that any designation decided will be used to justify future building projects and will also pull attention away from the reality/build pattern on the ground.

Also, I think it is important that the zoning is made right this time. Sort of right doesn't do it for me. One person's will shouldn't override the will of the neighborhood. Everyone has admitted that the most proper designation would be R1-A for the Dorset Street homes and also for 480 Admiral. I'm not understanding why this process has been drawn out as long as it has given that there hasn't been one person who lives in the neighborhood who has spoken in favor of the R-1T zoning/proposed building at 480 Admiral. On the contrary, many have spoken against it and have provided a number of reasons as to how it will devalue the neighborhood and our quality of life.

I'm worried that business concerns could take precedent over neighborhood concerns. Shouldn't the people living in an area have more say than one person who is pursuing an opportunity to make money? I'm all for people making a living, but not at the expense of the quality of life in our neighborhood, our property values/equity, and . When we moved to Portage we made the best informed decision we could given the information available to us (DEQ and City of Portage maps). A change at this point feels like a bait and switch and as a Portage resident I'm disheartened. Who is protecting my investment?

There seem to be a couple people on the Commission who I suspect are trying to ram the proposal through in favor of Mr. Scott. When the arguments during meetings support the neighborhood positions it almost feels like things are then delayed in the hope that we stop fighting. I'm not saying that's the case, but this has been a stressful and tiring process, and I'd prefer to not keep having to free up time to make the same argument over and over.

I also feel that any decision that is made needs to be paired with an explanation of why the decision was made. I haven't heard one argument explaining how the proposed zoning/multi unit development will bring value to the neighborhood. And when I have mentioned that our houses and quality of life will be negatively affected I'm not receiving any sort of feedback. We deserve an explanation for a decision regardless of which direction things might go.

Thank you,
Bryan Cederberg



FIRST READING AND NOTICE OF HEARING CITY OF PORTAGE, MICHIGAN NOTICE

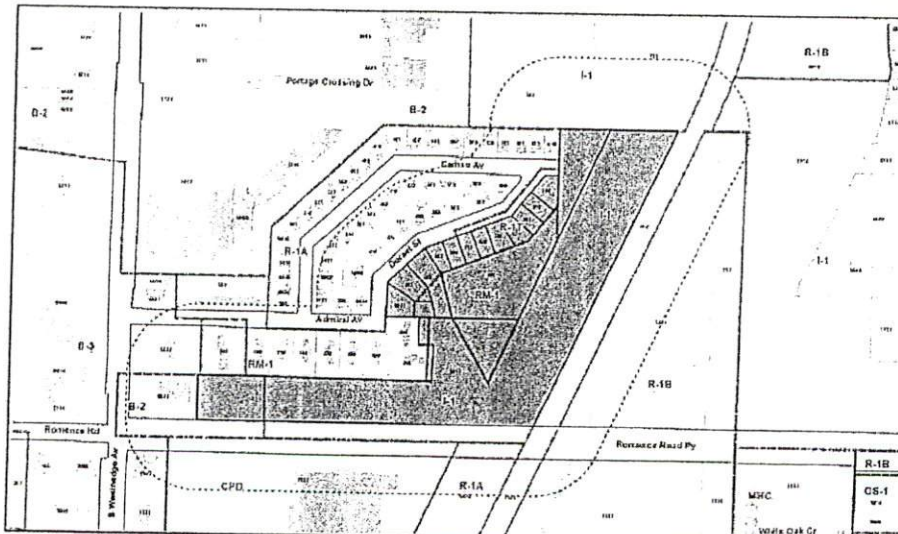
TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL INTERESTED PERSONS.

NOTICE IS HEREBY GIVEN that there is before the Planning Commission of the City of Portage, Michigan, an Ordinance to amend the Code of Ordinances of the City of Portage, Michigan, amending Article 4 - Zoning of Chapter 42 of the Codified Ordinances of Portage, Michigan. The changes to be considered are presented below:

A tract of land located in Section 10, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as the following parcels:

Address	Parcel ID	Existing Zoning	Proposed Rezoning *
480 Admiral Avenue	00010-260-O	I-1, light industry RM-1, multiple family residential	R-1T, attached residential
6979 South Westnedge Avenue	00010-256-A	I-1, light industry RM-1, multiple family residential B-2, community business	R-1A, one family residential
6843 Dorset Street	06840-044-O	R-1A, one family residential I-1, light industry	R-1T, attached residential or R-1A, one family residential
422 Dorset Street	06840-042-O	R-1A, one family residential I-1, light industry	R-1T, attached residential or R-1A, one family residential
426 Dorset Street	06840-041-O	R-1A, one family residential I-1, light industry	R-1T, attached residential or R-1A, one family residential
502 Dorset Street	06840-040-O	R-1A, one family residential	R-1T, attached residential
508 Dorset Street	06840-039-O	R-1A, one family residential	R-1T, attached residential
514 Dorset Street	06840-038-O	R-1T, attached residential	R-1A, one family residential
520 Dorset Street	06840-037-O	R-1T, attached residential	R-1A, one family residential
526 Dorset Street	06840-036-O	R-1T, attached residential	R-1A, one family residential
532 Dorset Street	06840-035-O	R-1T, attached residential	R-1A, one family residential
606 Dorset Street	06840-034-O	R-1T, attached residential	R-1A, one family residential
612 Dorset Street	06840-033-O	R-1T, attached residential	R-1A, one family residential
618 Dorset Street	06840-032-O	R-1T, attached residential	R-1A, one family residential

* Proposed zoning designation or any other zoning classification permitted by law.



Rezoning Application #15/16-02 (expanded)
480 Admiral, 6979 South Westnedge Avenue,
6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612, 618 Dorset Street

NOTICE IS FURTHER GIVEN that a public hearing on the proposed amendment will be held on **Thursday, January 21, 2016** commencing at 7:00 p.m. or as soon after as may be heard in the City Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan, at which time the proposed amendment will be heard. A copy of the proposed amendment is on file and available for public inspection at the Department of Community Development during regular business hours.

Dated: January 6, 2016

Rezoning Application #15/16-2 (expanded)

Portage Planning Commission

Portage, Michigan

Petition to rezone 7 lots on north end of Dorset St, east side of street.

We, the undersigned residents of the affected properties, petition the city of Portage to correct the zoning of the 7 lots with single family homes, incorrectly zoned R-1T (multi family) to R-1A (single family). All the surrounding single family homes are on lots zoned R-1A contiguous to these incorrectly zoned lots. Please preserve the single family residence environment of this neighborhood by correcting this decades old zoning mistake.

Resident Name	Address	Signature	Date
Richard/Patricia Dueweke	606 Dorset St Portage, MI	<i>Richard Dueweke</i> <i>Patricia Dueweke</i>	12/10/15 12/10/15
Steven R Schrick	532 Dorset St	<i>Steven R Schrick</i>	12/13/15
Pamela L (Thomas) Schrick	532 Dorset St	<i>Pamela L Schrick</i>	12/13/15
Whippie	618 Dorset		12/13/2015
Melissa Newton	514 Dorset		12/13/15
Alisha Cederberg	612 Dorset	<i>Alisha Cederberg</i>	12/13/15
Bryan Cederberg	612 Dorset	<i>Bryan Cederberg</i>	12/13/15

1-12-16

Planning Commission

In regards 480 Admiral rezoning
I really don't want a property built there

520 Camie

Karen Holson

RECEIVED

FEB 12 2016

COMMUNITY DEVELOPMENT

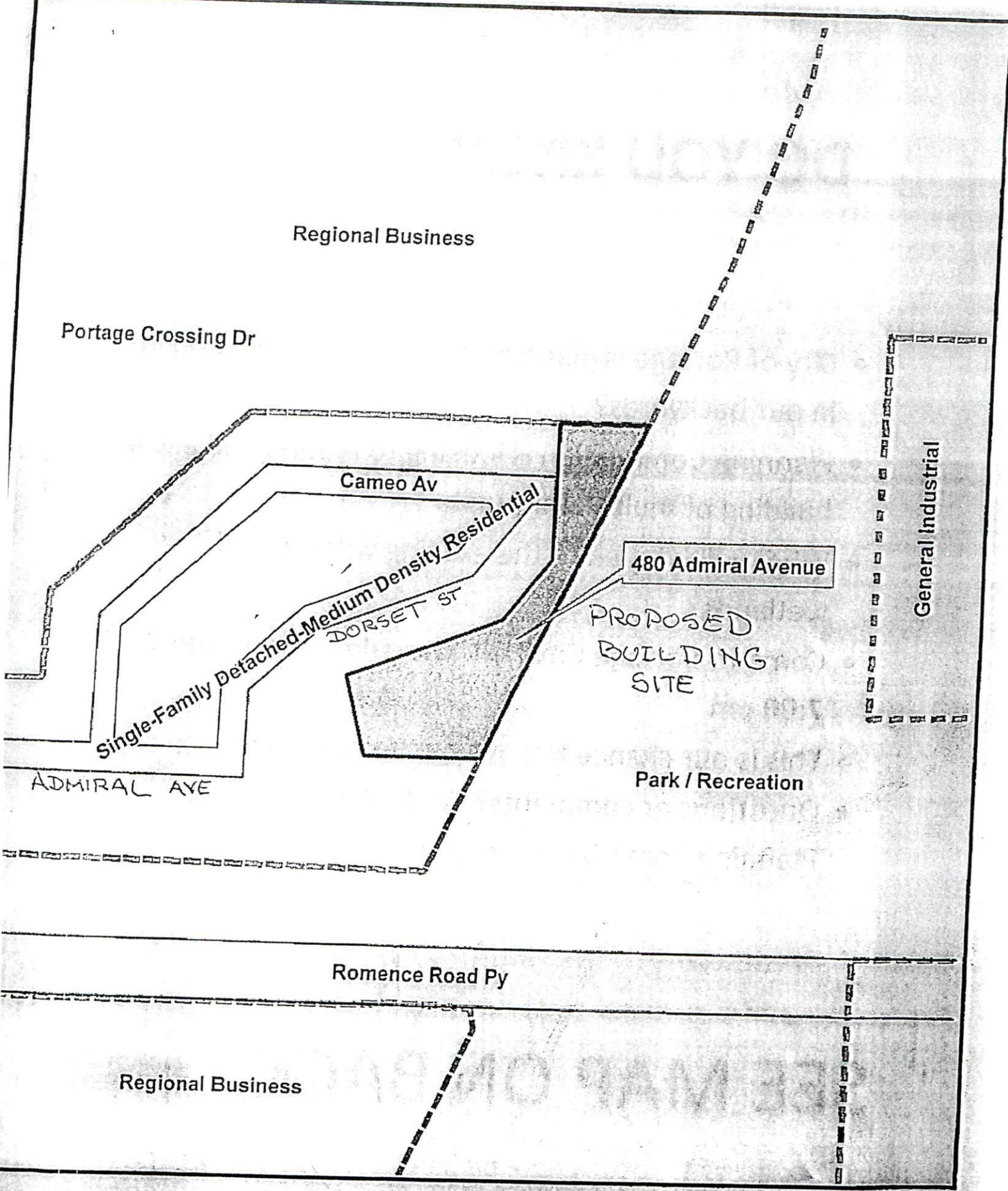
DO YOU KNOW????????

- City of Portage is planning on rezoning the wood lot in our backyards?
- Planning Commission is looking to rezone and allow building of multi-family units
- What will happen to the existing wildlife and wetlands?
- Come to Portage City Hall **Thursday, December 3, at 7:00 pm**
- This is our chance to have our voices heard!
- Questions or comments? Contact Portage City Planning Commission at (269)329-4477.

SEE MAP ON BACK



*Karen Gadsen
520 Cameo*



Legend

Future Land Use

Subject Property

Future Land Use Map 480 Admiral Avenue

1 inch = 300 feet

(215)



TeScott
CONSTRUCTION

6425 East V Ave Vicksburg MI 49097
269-720-7729 cell 269-679-2831 Fax

February 1, 2016

City of Portage

480 Admiral

To whom it may concern:

My name is Chad Scott. I am the builder trying to develop the condo's at 480 Admiral.

The following bullet points are facts and thoughts about the property.

- I am trying to build only (1) 2-Unit building for now with a possibility to build (1) additional 2-Unit building in the future. The additional unit would sit next to the first unit.
- The development when finished will take up less than 2% of the entire property. This includes parking. Both buildings together are smaller than a typical ranch style house footprint.
- Only 2 properties in the neighborhood will have any sight lines of the units. I have included pictures of the properties in your pamphlet. The reason I did this was to show that the buildings being built will not drive down their property values. The homes in question have mold growing on the siding. I believe that would be cleaned up if pride of neighborhood/community was really an issue.

RECEIVED
FEB 01 2016
COMMUNITY DEVELOPMENT

- People who spend \$1200 to \$1400 on rent typically aren't a burden to neighborhoods. (They don't "speed down the roads" "leave trash everywhere" or "deal and consume drugs" like some of the members of the community are stating.
- If I do get the multiple family zoning I am requesting, I can assure you I will not touch any of the trees or properties behind any of the homes in question. I will also address the city's continued use of my land as a spill through for all of the neighborhoods street rain water.
- If I do not get the multiple family zoning I am requesting, I will be forced to clear cut the trees to get back money I have spent during this process. I will also need to address the fact that the city uses my land for all street water. Please don't see this as a threat. It will be something I will have to do. Nobody wants this option but it will happen if it needs to.
- Nothing is being built in wetlands. If you want to hire an engineer to state otherwise then proceed. If not, I think we should trust the engineers I hired.
- I don't think any council member that has not made a neighborhood site visit should be voting on this matter. I think the homeowners need to be told they are all downgrading their lot to single family. In essence, they are hurting their property values. In addition, Romence Road frontage should never be anything but commercial property. It is virtually useless if not.

Thank you for your time,

Chad Scott











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

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

Tract of land located in Section 10, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
480 Admiral Avenue	00010-260-O

From I-1, light industry and RM-1, multiple family residential to R-1T, attached residential.

502 Dorset Street	06840-040-O
508 Dorset Street	06840-039-O

No change.

514 Dorset Street	06840-038-O
520 Dorset Street	06840-037-O
526 Dorset Street	06840-036-O
532 Dorset Street	06840-035-O
606 Dorset Street	06840-034-O
612 Dorset Street	06840-033-O
618 Dorset Street	06840-032-O

From R-1T, attached residential to R-1A, one family residential.

6843 Dorset Street (rear portion)	06840-044-O
422 Dorset Street (rear portion)	06840-042-O
426 Dorset Street (rear portion)	06840-041-O

From I-1, light industry to R-1A, one family residential.

6979 South Westnedge Avenue	00010-256-A
-----------------------------	-------------

From I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

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

James R. Hudson, City Clerk

(App #15/16-2)

Approved as to Form:

Date: 2/12/16

By: [Signature]

City Attorney

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2016, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2016, at 7:30 p.m. or as soon thereafter as may be heard.

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

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

Tract of land located in Section 10, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
480 Admiral Avenue	00010-260-O

From I-1, light industry and RM-1, multiple family residential to R-1T, attached residential, or any other classification allowed by law.

502 Dorset Street	06840-040-O
508 Dorset Street	06840-039-O
514 Dorset Street	06840-038-O
520 Dorset Street	06840-037-O
526 Dorset Street	06840-036-O
532 Dorset Street	06840-035-O
606 Dorset Street	06840-034-O
612 Dorset Street	06840-033-O
618 Dorset Street	06840-032-O

From R-1T, attached residential and R-1A, one family residential to R-1A, one family residential and/or R-1T, attached residential, or any other classification allowed by law.

6843 Dorset Street (rear portion)	06840-044-O
422 Dorset Street (rear portion)	06840-042-O
426 Dorset Street (rear portion)	06840-041-O

From I-1, light industry to R-1A, one family residential, or any other classification allowed by law.

6979 South Westnedge Avenue	00010-256-A
-----------------------------	-------------

From I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business, or any other classification allowed by law.

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

Dated: _____

James R. Hudson, City Clerk

(App #15/16-2)

Z:\JODY\PORTAGE\ORD\REZONE\15-16-2.102815.DOCX

Meeting Date: February 18, 2016

DISTRICT ADVISORY COUNCIL
REPORTING FORM

Present: Mark Bielang, Rita Briggs, Heather Carlson, Adam Herringa, Tammy Karmon-Hoffman, Michelle Karpinski, Jill Meyle, Terri Novaria, Mike Proos and Dawn Sylvester

Unable to Attend: Cindy Baranowski, Esther Bouwman, Shelli Candey, John Crouch, Sara Della-Coletta, Andrew DeVisser, Carolyn Fitzmaurice, Robert Jordan, Rose Kirsch, Christy Klien, Amy Lehman, Sharon Longman, Rachel Markel, Kate Overheul, Mary Rogers, Liz Shotwell, Matt Swanson, Matt Tabor, Stacey Vogl, Kent White and Katie Williams

Attend As Needed: Ron Herron, Larry Killips, Jeanine Mattson-Gearhart, Eric VerHey and Dan Vomastek

Copy: PTO Presidents, Administrators and Building Principals, Board of Education

NOTES

Rita called the meeting to order at 4:31 p.m. in Conference Room 1 at the Administration Building.

A motion was offered by Adam Herringa, seconded by Mike Proos, to approve the minutes of the January 21, 2016, meeting. The minutes were approved unanimously.

Mark updated Council members on Bond related activities that have taken place since the January DAC meeting. The Board hired an Owners Representative, Walbridge, earlier this month. Walbridge will provide the day to day contact with the Construction Manager (Owen Ames Kimball) and the Architectural Firm C2AE/Stantec. The District has utilized the services of an Owners Representative (OR) on previous Bond projects. Due to the numerous projects, it is in the best interest of the District to again use some level of OR services. Mark discussed the Bond Implementation Steering Committee (BISC) meetings and how the members have identified guiding principles. The guiding principles were based on Board Policies and they will help guide decisions and support Committee efforts. He added this information was shared with the Board on February 8. The BISC looked at both campuses (Central and Northern), prepared a rough mock-up and five themes emerged, two for the Northern and North Middle site and three for the Central High and Central Middle site. He discussed the different options, pools, stadiums and the variables (pros/cons, limitations and easements). Mark noted the information that has been shared with the Board will be taken to an Advisory Committee and input will be taken back to the BISC. A Special Board Meeting has been scheduled for Monday, February 29, 2016, at 2:00 p.m. to share the plan and move forward. He noted some decision will be made much further down the road. Mark confirmed traffic studies are currently taking place to help improve traffic flow. Topographical surveys are also being done and the District is working with the City to confirm boundaries. After the meeting on February 29, the stage will be set and then the Committee will begin looking at stadiums and pools. The project sequencing won't be known until a master plan is complete along with the sale of Bonds and what the work force looks like. Mark noted this should be much clearer by the end of March.

Mark provided a legislative update pertaining to Public Act 269. (PA269 prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election.) A judge has issued a temporary restraining order which is considered good news for now with hopes for a permanent fix in the future. Mark noted the Governor has issued his

2016/17 budget which includes an increase in the foundation allowance based on your funding level; and recommends changing the funding formula to calculate the allowance from 90% October count and 10% February count to 50%-50%. The new formula would be a disadvantage for the District as we typically lose students after the October count. The Senate and House will be issuing budgets as well and more details will be available after the May Revenue Estimating Conference. A few other items contained in the Governor's budget were \$9 million for voluntary water testing and 180 days of instruction (1,098 hours). Mark also noted the District is watching the following House Bills: one would allow expanded use of Building and Site Sinking Funds (i.e., could include technology and security upgrades); one pertains to third grade reading (where it would be mandatory that a student be held back if they don't meet certain standards -- with no parental input); and one pertaining to teacher professional development (moving from five days to 30 hours and delivered in 45 minute increments).

Jill asked Council members if there was any news they wanted to share. Jill informed the members that Central Middle School students are doing a book drive for the Central Elementary School students. To-date they have collected over 750 books.

Mark shared news that the Portage District Library will be hosting a student artwork display from early March through April.

Mark also shared news that Bright Eyes Brewing is currently hosting third grade artwork from Haverhill Elementary. This artwork will be on display through the end of February.

Jill reminded members that the next meeting was March 17th at 4:30 p.m.

The meeting adjourned at 5:02 p.m.

Please note: The next meeting will be held on March 17, 2016, at 4:30 p.m. in Conference Room 1 at the Administration Building.

YAC Meeting Minutes: March 14th, 2016

- I. Call to Order
 - a. Meeting called to order at 6:35 pm
- II. Introductions and Attendance
 - a. Name, grade, and where you're going for spring break
- III. Motion to Approve the Minutes of Last Meeting
 - a. Motion approved
- IV. Youth Liaison Report
 - a. Human Resources Board: Discussion about grants
 - b. Ali spoke on behalf of the Senior Citizens Board.
- V. Concert Event Review
 - a. Great turnout and it was a big success
- VI. Green-a-Thon Earth Day Festival
 - a. Saturday, April 23
 - b. Bring back Chocolatea (has confirmed) and Indian Cuisine
 - c. Review of the details of the event on the agenda
 - d. Portager, Encore Magazine, FYI Magazine, and Fliers will be used for advertising
 - e. Adam's Outdoor Advertising will be advertising on two billboards
 - f. Activities: Chalk, hula hoops, animals (ex. Goats), bubble station
 - g. Review of trees chosen
 - h. Motion to approve the report
 - i. Motion Approved
- VII. Sticker Shock
 - a. April 16, 2016 9-1 p.m.
 - b. Almost 4,000 votes for sticker design!
- VIII. YAC Recruitment
 - a. How should we attract new people?
- IX. Grace's Presentation about Bus Stops
 - a. Add seating to bus stops within our jurisdiction in Portage
 - b. Talk to City Hall?
 - c. Should a junior take on the project after Grace leaves for college?
 - d. Motion approved
- X. Movie Night Discussion
 - a. Pirates of the Caribbean (2003), Scott Pilgrim vs. the World, Captain America: Civil War, Jurassic World
 - b. Narrowed down to Jurassic World or Captain America

PLANNING COMMISSION

April 7, 2016

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

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Senior City Planner; and Charlie Bear, Assistant City Attorney.

ROLL CALL:

Mr. Forth called the roll: Patterson (yes), Stoffer (yes), Welch (yes), Dargitz (yes), Somers (yes), Schimmel (yes) and Richmond (yes). A motion was offered by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the roll excusing Commissioners Felicijan and Bosch. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the March 17, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Somers, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

1. Specific (Site) Plan: Wal-Mart (supercenter expansion), 8350 Shaver Road. Mr. Forth summarized the staff report dated April 1, 2016 regarding a request by Wal-Mart Stores, Inc. to construct an approximate 41,000 square foot "supercenter" expansion along the north and east sides of the existing retail store, and a vehicle fueling station (1,440 square foot kiosk building and eight fueling pumps) along the southeast portion of the subject property. Mr. Forth summarized the original 2003 conceptual plan and site plan approvals and construction of the existing retail facility. Mr. Forth also reviewed the conceptual plan amendment and associated parking and building height modifications that were approved by City Council on August 12, 2014. Mr. Forth indicated the 2014 conceptual plan amendment also included seven minor repairs/actions to the private, on-site storm water management system that were intended to improve the system operation and eliminate erosion into Portage Creek. Mr. Forth stated the specific (site) plan has been designed consistent with the 2014 approved conceptual plan amendment and that modifications to the storm water management system have been completed including the preparation and signing of a storm water management agreement between Wal-Mart and the City of Portage. Commissioner Dargitz asked if the seven minor repairs/actions to the storm water system were one-time improvements or whether they required ongoing maintenance. Mr. Forth stated the city administration and city attorney had reviewed and approved the storm water management agreement and periodic inspections and ongoing maintenance were required by Wal-Mart. Additionally, Mr. Forth indicated the city administration could also conduct annual inspections.

Mr. Paul Furtaw of Bergmann Associates (applicant's engineer) was present to support the application and explain the project. Mr. Furtaw confirmed that all required improvements to the storm water management system have been completed and Wal-Mart has signed the storm water management agreement. Mr. Furtaw stated that Exhibit C of the storm water management agreement specifies how often certain inspections are required to be performed by Wal-Mart (bi-monthly, monthly, annually, as needed). The Commission, staff, Attorney Bear and Mr. Furtaw next discussed various elements of the storm water management agreement.

After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the Specific (Site) Plan for Wal-Mart (supercenter expansion), 8350 Shaver Road. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

7:25 p.m. - The Commission took a short recess.
7:30 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2

OLD BUSINESS:

1. Portage Road Diet Study - Information. Mr. Forth referred the Commission to a copy of the Portage Road Traffic Study/Road Diet Feasibility Study completed by CESO that was included in the agenda packet. Mr. Forth summarized the general findings of the study and the two road diet alternatives evaluated by the consultant. Mr. Forth stated an Open House will be scheduled for Thursday, May 5, 2016 from 4:30-6:30pm to garner public input on the road diet study.

Commissioner Dargitz stated that he hoped the presentation at the Open House would include a discussion of both the negative and positive aspects of a road diet study along with renderings or visual graphics that depict the various transportation modes that would be provided (vehicle, bike, pedestrian, etc). Commissioner Patterson asked if the proposed roundabouts should be added to the diagram, where being contemplated. Commissioner Dargitz discussed the findings under Section 4.3 Crash Rate Impacts of the study and presented examples of temporary improvements that could be installed to reduce the friction effect. The Commission and staff next discussed other elements of the study. Mr. Forth stated a large mailing to Portage Road property owners, along with other outreach efforts, would be completed in an effort to encourage public participation and comment at the May 5th Open House.

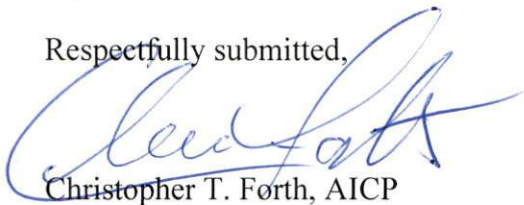
2. Recommended FY 2016-2017 Goals and Objectives. Chairman Welch referred the Commission to the Planning Commission goals and objectives that were recommended to City Council for FY 2015-2016 and asked for any comments regarding the proposed FY 2016-2017 goals and objective. After a brief discussion, the Commission concurred to table further discussion on this topic to the April 21, 2016 meeting.

3. Community Impact Projects Grant Fund – additional discussion. Mr. Forth indicated that Commissioner Felicijan stated he would be emailing the Commission a draft memo tomorrow (Friday) for review and comment. The Commission then concurred to table further discussion on this topic to the April 21, 2016 meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

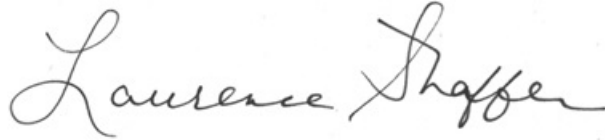
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chris Forth", is written over the typed name.

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

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Traffic Signal Equipment and Material Purchase - Bid Tabulation

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

ACTION RECOMMENDED: That City Council award a contract for the purchase of traffic signal poles, mast arms and assemblies to Maico Industries, Inc., in an amount not to exceed \$153,873 for:

- a traffic safety project on South Westnedge Avenue and Romence Road,
- a traffic signal upgrade on South Westnedge Avenue and Kilgore Road,
- new traffic signal installation on West Centre Avenue and Old Centre Avenue and
- additional inventory stock

and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2015–2016 Capital Improvement Program budget includes funds for various traffic signal upgrades and installations as part of the 2015-2016 construction season. Planned traffic signal upgrades at South Westnedge Avenue and Kilgore Road and South Westnedge Avenue and Romence Road will enhance traffic safety, interconnection, traffic flow and provide traffic data and streamline video to the Transportation Operation Center located in the Public Services building. The existing traffic signals in these locations have exceeded their serviceable life and require full replacement. To ensure continued operation, the intersections are scheduled to have the upgrade include new signal poles and mast arm structures. In addition, two new signal mast arm and poles have also been included in this bid package for the intersections of West Centre Avenue and Old Centre Road as well as additional inventory stock for future traffic signal installations.

On August 11 and September 22, 2015, City Council awarded a contract to Abonmarche Consultants, Incorporated, for engineering services for the noted projects. Plans and specifications have been finalized and the projects will soon be submitted for construction bidding. Mast arm replacement and construction is anticipated to begin in August 2016.

The delivery of new traffic signal poles, mast arms and assemblies can take up to 14 to 20 weeks, which necessitates that this specialized equipment be ordered well in advance of the commencement of the construction projects. Pre-bidding these specialty items has proven successful with previous city

projects and assures that the materials will be available when needed by the selected construction contractors. On April 7, 2016, bids were received for the required traffic signal assemblies from three vendors. The low bid in the amount of \$153,873 was submitted by Maico Industries, Inc. of Ellsworth, Kansas. Marco Industries, Inc. has previously supplied similar materials successfully.

Therefore, it is recommended that a contract for the purchase of traffic signal poles, mast arms and assemblies for the traffic safety project on South Westnedge Avenue at Romence Road, signal upgrade on South Westnedge Avenue at Kilgore Road, new traffic signal installations on West Centre Avenue and Old Centre Road and additional inventory stock, be awarded to Maico Industries, Inc., in the amount not to exceed \$153,873 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funding for this purchase is included in the 2015 - 2016 Capital Improvement Program. Additionally, federal funding in the amount of \$261,000 has been awarded for the traffic safety project at South Westnedge Avenue and Romence Road.

Attachments: 1. Bid Tabulation

Bid Tabulation
Traffic Signal Mast Arms

<u>Location</u>	<u>Maico Industries 936 Highway 14 Ellsworth, KS 67439</u>	<u>Farr & Faron Associates 136 E. Grand River Ste. #3 Brighton, MI 48116</u>	<u>Carrier & Gable, Inc. 24110 Research Dr. Farmington Hills, MI 48335</u>
Romence Road/S. Westnedge Ave.			
NE Corner	\$12,265.00	\$12,336.00	\$18,885.40
NW Corner	\$9,757.00	\$11,348.00	\$14,432.00
SE Corner	\$10,343.00	\$11,916.00	\$16,101.00
SW Corner	\$12,265.00	\$12,336.00	\$18,106.00
Kilgore Road/S. Westnedge Ave.			
NE Corner	\$11,001.00	\$10,905.00	\$16,442.00
NW Corner	\$9,757.00	\$11,348.00	\$14,432.00
SE Corner	\$10,343.00	\$11,916.00	\$16,101.00
SW Corner	\$10,343.00	\$11,916.00	\$16,101.00
W. Centre Avenue/Old Centre Road			
NW Corner	\$10,343.00	\$11,916.00	\$16,101.00
South Side of Centre	\$13,325.00	\$16,261.00	\$17,134.00
Inventory Stock			
NE Corner	\$9,258.00	\$10,766.00	\$12,503.50
NW Corner	\$12,265.00	\$12,336.00	\$18,106.00
SE Corner	\$12,265.00	\$12,336.00	\$18,106.00
SW Corner	<u>\$10,343.00</u>	<u>\$11,916.00</u>	<u>\$16,101.00</u>
Total	\$153,873.00	\$169,552.00	\$228,651.90

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Independent Audit Service - Bid Tab

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council award an independent audit service contract to Yeo & Yeo PC of Portage, Michigan, for a three-year cost not to exceed \$71,400, with the option for three one-year renewals, and authorize the City Manager to execute all documents related to this contract on behalf of the city.

In response to a request for proposals sent to more than 18 auditing firms, four proposals were received on March 24, 2016 for the provision of comprehensive independent audit services for the city. The independent auditor will review the financial records of the city and will issue an opinion and any recommendations for improvement pertaining to the financial condition of the city. Yeo & Yeo PC submitted the lowest and best proposal for providing this service to the city for a three-year period. Yeo & Yeo PC has significant auditing experience with government entities, serving over 130 government clients, including the City of Midland, City of Saginaw and the City of Alma.

Therefore, it is recommended that City Council accept the independent audit proposal submitted by Yeo & Yeo PC for a three-year contract, with the option for three one-year renewals. It is further recommended that the City Manager be authorized to execute all documents related to the contract on behalf of the city.

FUNDING: Funding will be included in the proposed budget for the fiscal 2015/16 audit. Funds necessary for the audits of fiscal years 2016/17 and 2017/18 will be budgeted accordingly.

Attachments:

1. Bid Tabulation
2. Bid Comparison

AUDIT SERVICES
TABULATION OF PROPOSALS

Firm	Fiscal Year	Fiscal Year Audit	A-133 Single Audit Rule	Estimated Hours to Prepare A-133	Official Statement Review Fee (First)	Official Statement Review Fee (Subsequent)	CAFR Preparation (If Required)	Estimated Hours to Complete audit
Yeo & Yeo PC 710 E. Milham Portage, MI 49002	6/30/2016 6/30/2017 6/30/2018 FY Audit Total	\$23,000.00 \$23,800.00 \$24,600.00 \$71,400.00	\$3,000.00 \$3,000.00 \$3,000.00	16	\$2,000.00 \$2,000.00 \$2,000.00	\$2,000.00 \$2,000.00 \$2,000.00	\$2,500.00 \$2,500.00 \$2,500.00	240
Rehmann 675 Robinson Rd. Jackson, MI 49203	6/30/2016 6/30/2017 6/30/2018 FY Audit Total	\$28,500.00 \$29,000.00 \$29,500.00 \$87,000.00	\$3,000.00 \$3,000.00 \$3,000.00	28	\$1,000.00 \$1,000.00 \$1,000.00	\$1,000.00 \$1,000.00 \$1,000.00	\$2,500.00 \$2,500.00 \$2,500.00	348
Gabridge & Company, PLC 3940 Peninsular Dr. SE, Suite 130 Grand Rapids, MI 49546	6/30/2016 6/30/2017 6/30/2018 FY Audit Total	\$35,285.00 \$36,000.00 \$37,000.00 \$108,285.00	\$5,000.00 \$5,000.00 \$5,000.00	60	No fee charged No fee charged No fee charged	No fee charged No fee charged No fee charged	\$5,000.00 \$5,000.00 \$5,000.00	460
Abraham & Gaffney, P.C. 3511 Coolidge Rd., Suite 100 E. Lansing, MI 48823	6/30/2016 6/30/2017 6/30/2018 FY Audit Total	\$43,800.00 \$45,800.00 \$47,800.00 \$137,400.00	\$3,000.00 \$3,000.00 \$3,000.00	504	\$500.00 \$500.00 \$500.00	\$500.00 \$500.00 \$500.00	\$8,000.00 \$8,000.00 \$8,000.00	414

AUDIT SERVICES
FISCAL 2013 - 2015 ACTUAL, 2016 - 2018 PROPOSED

<u>Firm</u>	<u>Fiscal Year</u>	<u>Fiscal Year Audit</u>	<u>A-133 Single Audit Rule</u>	<u>Official Statement Review Fee (First)</u>	<u>Accounting Assistance</u>	<u>CAFR Preparation (If Required)</u>	<u>Total</u>
Rehmann	6/30/2013	\$22,000.00	\$0.00	\$1,190.00	\$0.00	\$0.00	
	6/30/2014	\$22,500.00	\$0.00	\$1,250.00	\$0.00	\$5,000.00	
	6/30/2015	<u>\$23,000.00</u>	<u>\$2,500.00</u>	<u>\$1,250.00</u>	<u>\$3,750.00</u>	<u>\$5,000.00</u>	
	FY Audit Total	\$67,500.00	\$2,500.00	\$3,690.00	\$3,750.00	\$10,000.00	\$87,440.00
Yeo & Yeo PC	6/30/2016	\$23,000.00	\$0.00	\$2,000.00	\$0.00	\$2,500.00	
	6/30/2017	\$23,800.00	\$0.00	\$2,000.00	\$0.00	\$2,500.00	
	6/30/2018	<u>\$24,600.00</u>	<u>\$0.00</u>	<u>\$2,000.00</u>	<u>\$0.00</u>	<u>\$2,500.00</u>	
	FY Audit Total	\$71,400.00	\$0.00	\$6,000.00	\$0.00	\$7,500.00	\$84,900.00

City of Portage



MONTHLY REPORTS March 2016

**Assessing Department
City Clerk's Office
City Manager's Office
Community Development Department
Finance Department
Human Resources Department
Parks, Recreation and Senior Citizen Services
Public Safety
Public Services Department
Purchasing Department
Technology Services
Transportation & Utilities Department**

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 1, 2016

FROM: John Baumann, Deputy Assessor 

SUBJECT: March 2016 Department Operations Report

The following summarizes the operations of the City Assessor's Office during March 2016:

- **March Board of Review:** The majority of the department efforts during the month of March were concentrated on the activities related to the preparation for and conduction of the March Board of Review (MBOR). Assessment roll changes for tax year 2016 were made in accordance with the Kalamazoo County Equalization Department ratio studies reported to you last month. The MBOR was held as scheduled by City Charter commencing March 14th and held continuously until March 29th. The Board activity included poverty exemptions, veteran exemptions and valuation appeals, 79 of which appeared in person before the board of review.

Changes to the 2016 assessment roll were made in accordance with the MBOR actions and notification of the results were mailed to all whom appealed the last week of March.

- **County and State Reports:** Numerous financial reports required by statute have been prepared and forwarded to the Kalamazoo County Equalization department and the State Tax Commission for county and state equalization purposes. Additionally, the City Assessing Department Report Book, a large compilation of useful tables and statistical reports used by both the other city departments and citizens is currently being prepared.
- **Customer Service:** The staff of the City Assessor's Office provided a high level of customer service during the month of March particularly to the citizens that made appearances before the Board of Review.

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

Cc. Rob Boulis, Deputy City Manager
Edward VanderVries, City Assessor

TO: Laurence Shaffer, City Manager

DATE: April 18, 2016

FROM: James R. Hudson, City Clerk

SUBJECT: March Monthly Report

PUBLIC INFORMATION AND CITIZEN ASSISTANCE

Deputy City Clerk Adam Herringa attended one Youth Advisory Committee meeting as liaison; continued preparations for Greenathon, the Earth Day Event; and worked on planning “Sticker Shock” in cooperation with the Substance Abuse Task Force. Began recruitment for the youth Advisory Committee (YAC)

Provided employee orientation for seven (7) new employees.

Coordinated the Freedom of Information Act (FOIA) process, tracked and prepared transmittals for documents, resolutions and FOIA responses.

Recorded documents for City Departments and the City Attorney, provided help to citizens with over-the-counter requests including voter information, guidance to appropriate departments and miscellaneous assistance. Provided Notary Public Service to citizens upon request.

Coordinated the liquor license procedures, processed Second Hand Dealer Licenses, processed Solicitor Permits and ensured all requirements were met.

Responded to request(s) from Police Department for copies of Police Reports required during an investigation (reports are on microfilm). Performed research for city departments on a variety of topics.

CEMETERIES

Processed six (6) grave openings/closings, including the preparation of invoices and Burial Rights Certificates and entry on the BS&A Cemetery Software module. Researched availability of lots for citizens in conjunction with the Parks Department and assisted with burials.

Completed the quarterly review of the cemetery maps and updated them as necessary.

RECORDS

Administered the microfilming, scanning and destruction of documents contract for the city. Reviewed recently scanned and microfilmed documents for completeness and accuracy.

ELECTION PREPARATION AND FOLLOW-UP

Conducted the March 8, 2016 Presidential Primary Election with 38% turnout. Trained the Precinct Election Officials, including approximately 40 new Election Officials and Receiving Board for the March 8, 2016 Presidential Primary Election. Received a glowing review from the County Clerk, who conducted the audit in accordance with State Standards.

Began preparations for the May 3, 2016 Special Election, sent the QVF information to Michigan Election Resources for processing, mailed approximately 3,200 Absentee Ballot Applications to voters on the Permanent Absentee Voter List, and assisted Human Resources with letters to confirm the appointment of Election Officials for the May 3, 2016 Special Election. Sent out ballots to military and overseas voters.

Arranged for the delivery of election supplies, the M-100 and AutoMark voting equipment to the various precincts in the city.

Continued processing additions, changes, deletions from the QVF In-Box, for new voters and continued process of manually recording QVF changes/updates (addresses, DOB, ID numbers, etc.) on in-house Master Voter Cards and filing.

AGENDA PREPARATION AND FOLLOW-UP

Organized Mayor for the Day, including: food, drinks, voter registration for the students, the election of Student Mayor for the Day and Student Councilmembers for the Day and swearing them in and coaching them for the reading of the Consent Agenda.

Provided follow-up communications, adopted Resolutions and approved Ordinances on items passed by City Council at the March City Council Meetings.

Prepared City Council electronic and paper meeting agenda packets. Worked with BoardSync on implementing the video aspect of the agenda management program.

Prepared the Summary and Minutes of the two Regular March City Council Meetings for permanent records and indexed approved minutes of City Council Meetings.

Added approved minutes of all Council meetings to the Document Collection in Clerk's Index as well as Clerk folder on Sharecop for internal research and filed all contracts for the year.

PUBLICATIONS

Published public and legal notices in the *Kalamazoo Gazette* and *Mlive* as necessary for meetings and public hearings.

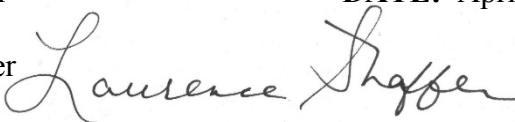
CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 1, 2016

FROM: Laurence Shaffer, City Manager



SUBJECT: Monthly Report – March 2016

The following summarizes some of the activities in which staff of the Office of the City Manager were involved during the month of March 2016.

1. City Council:

- Coordinated and/or prepared agenda and other materials for the following meetings:
 - City Council Regular Meetings on March 8 and 22.
 - Pre-Council meetings on March 7 and 21.
 - Utility (Water/Sewer) Rate Committee meeting on March 21.
 - Mayor and Council for a Day on March 22.

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

- Met with Councilmember Ford on March 1.
- Met with Gloria Padilla of the Senior Citizen Advisory Board on March 1.
- Met with Mayor Strazdas and Mayor Pro Tem Ansari to review Council Committees on March 1.
- Met with representatives of the PPOA on March 2.
- Met with the president of the IAFF on March 3.
- Hosted a conference call with the Michigan Department of Licensing and Regulatory Affairs (LARA) Director Irvin Poke and the City of Kalamazoo regarding the licensing provisions for Colonial Acres Mobile Home Park on March 3.
- Attended the Michigan Municipal Risk Management Association workshop in Lansing on March 3.
- Met with Nathan Triplett of Equality Michigan on March 4.
- Met with representatives of Life EMS to review criteria for ambulance performance on March 9.
- Met with Remnant Mwanahiba of Bronson Hospital to discuss community health needs on March 10.

- Attended the Kalamazoo County Consolidated Dispatch Authority Board meeting on March 10.
- Met with Jeff Troyer, Director of the KCCDA, on March 15.
- Met with Mayor Strazdas and Mayor Pro Tem Ansari on March 16.
- Met with Greg Ayers of Discover Kalamazoo on March 17.
- Met with Scott Zimmer of BridgeWorks on March 17.
- Met with Councilmember Randall on March 17.
- Hosted representatives from Company C, 415 Civil Affairs Army Reserve Battalion on March 18.
- Met with Mayor Pro Tem Ansari and Kalamazoo County Board of Commissioners Vice Chair John Taylor on March 25.
- Volunteered with the Kalamazoo area Meals on Wheels organization on March 23.
- Met with Jim Ritsema, Kalamazoo City Manager on March 24.
- Met with Blain Lam of Lam and Associates on March 24.
- Met with Mayor Pro Tem Ansari on March 29.
- Met with Joe Gesmundo of AVB on March 30.
- Attended a firefighter swearing-in ceremony on March 30.

3. Projects - Completed and Ongoing:

- Continued management and planning for the 2016-17 FY Budget.
- Interviewed a candidate for the Deputy Director of Human Resources position on March 31.
- Continued implementation of the replacement program for the city's ReportIt system – SeeClickFix.
- Continued oversight of planning, design and construction for various city projects and developments. Toured several locations with current construction projects.
- Consulted with city staff regarding Information Technology projects as well as current Community Development, Finance, Transportation & Utility and Assessing matters.
- Continued training and assistance for the new electronic agenda software with staff and City Council.
- Prepared for the Historic District Commission monthly meeting on March 2.

4. Public Information and Citizen Assistance:

- Coordinated production of the April *Portager* newsletter.
- Continued oversight of the *PortageAlert* system and notifications for those who registered through the portal for updates.

- Coordinated responses to citizen concerns/requests regarding a variety of matters, including the Quarterly Brush Pickup, lead water levels and deer population / management.
- Updated and approved changes to the city website and city publications.
- Provided informational packets on Portage to citizens, realtors and businesses, as requested.
- Continued to collect and monitor Citizen Comment Card responses and submissions to the Online Customer Service Survey.

TO: Laurence Shaffer, City Manager**DATE:** April 12, 2016**FROM:** Vicki Georgeau, Director of Community Development**SUBJECT:** Monthly Customer Service Report for March 2016

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

PLANNING, DEVELOPMENT AND NEIGHBORHOOD SERVICESPlanning Commission

March 3, 2016 meeting:

1. Approved a Special Land Use Permit for a group childcare home at 10606 Oakland Drive.
2. Reviewed and discussed the FY 2016-2026 Capital Improvement Program.

March 17, 2016 meeting:

1. Approved a Special Land Use Permit for a group childcare home at 4020 Pompano Avenue.
2. Recommend to City Council approval of the FY 2016-2026 Capital Improvement Program.

Zoning Board of Appeals

March 28, 2016 meeting

1. Approved variances for Mavcon Properties at 9110 Portage Road to allow a) a four-foot wide greenstrip along Portage Road where a minimum ten-foot width is required; b) provide 603 square feet of interior parking lot landscaping where a minimum 1,252 square feet is required; and c) a variance from the requirement to provide a loading/unloading area in the rear yard separate from parking spaces and maneuvering lanes.
2. Postponed consideration of a building setback variance for Bickford Cottage Assisted Living and Memory Care at 4707 West Milham Avenue.
3. Approved a building setback variance for Dockery Memory Care, 710 and 732 East Centre Avenue, to allow construction of an approximate 31,900 square foot memory care facility a) within 12-feet of the east property line (side yard) where a 30-foot setback is required, and b) within 25-feet of the south property line (rear yard) where a 30-foot setback is required.

Human Services Board

March 3, 2016 meeting:

1. The Board discussed the proposed Nondiscrimination Ordinance.
2. Concluded review of the FY2016-2017 Human/Public Service funding applications and recommended the following funding: CDBG Fund/Portage Community Center - \$41,928; General Fund/Portage Community Center - \$82,386; Housing Resources - \$20,735; YWCA - \$11,685; Catholic Charities - \$11,635; Goodwill Industries - \$1,500; Gryphon Place - \$2,500; and Lending Hands of Michigan - \$1,500.

OTHER BOARD ACTIVITIES

- Local Development Finance Authority - The Authority did not meet in March 2016.
- Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority - The Authority met on March 29, 2016, and recommended to City Council that the resolution of support involving the Kalamazoo County Brownfield Redevelopment Authority Brownfield Redevelopment Plan for RAI AZO, LLC, 5825 and 5901 Willoughby Drive, be approved.
- Downtown Development Authority - The Authority did not meet in March 2016.

Citizen Information Requests:

During the month of March 2016, a total of 177 cases/violations were inspected or identified in response to citizen service requests or staff field observations: 54 parking; 36 debris/refuse; 22 building maintenance; 20 inoperable vehicles; 17 sidewalk snow; 11 zoning; 9 sign; 3 property maintenance; 2 sidewalk obstruction; 1 housing maintenance; 1 safety, sanitation and health; 1 noise.

BUILDING AND HOUSING SERVICES

Construction Board of Appeals: The Board did not meet in March 2016.

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

Type of Permit/Application	Number of Permits	Project Valuations
Single-family Houses Detached	10	\$2,457,962
Residential Additions, Interior Remodels, Garages, Sheds, etc.	17	\$649,885
Commercial Additions, Interior Remodels, etc.	12	\$3,912,479
Permits Not on Report (i.e., demolition, electrical, plumbing, mechanical, driveway, sign, water use/sewer use, etc.).	163	N/A
Totals	202	\$7,020,326

CDBG Housing Assistance Programs

CDBG PROGRAMS				
Activity	Housing Rehabilitation	Water / Sewer	Emergency Repair	Down Payment Assistance
New Applications	0	0	0	0
Applications Approved	1	0	0	0
New Loan Closings	2	0	N/A	1
Monthly Projects Completed	0	0	0	0
Projects Underway	7	0	0	1
FY YTD Projects Completed	5	0	0	0

T:\COMMDEV\2015-2016 Department Files\2015 Forms\Monthly Reports\2016 04 08 Monthly Report - March.docx

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 15, 2016

FROM: William Furry, Director of Finance



SUBJECT: Monthly Report-March 2016

ACCOUNTING /PAYROLL

- Issued 261 accounts payable checks totaling \$1,832,307.35 and sent 78 ACH payments totaling \$483,941.00 for payments totaling \$2,316,248.35.
- Processed 3 payrolls, creating 827 checks and deposit advices for 349 employees, with a total monthly payroll expenditure of \$1,413,358.77.
- Processed payment to 123 election workers for primary election on March 8, 2016.
- Completed quarterly "personal use of city vehicle" tax calculations based on statements provided by applicable staff.
- Issued quarterly payroll checks for City Council.
- Prepared data extraction files for budget document preparation.
- Assisted in the development of additional training materials for use with ADP electronic time software program for distribution and use by city staff.
- Conducted Manager Q&A training sessions for ADP Enhanced Time & Attendance
- Continued working through resolution on issues with employee use of the new electronic time system.

TREASURY

- Settled with Kalamazoo County Treasurer for the 2015 delinquent tax roll on March 4, 2016. All reports were delivered to that office on March 3, 2016.
- Issued 12 letters to delinquent business personal property taxpayers indicating small claims court litigation for unpaid taxes.
- Additionally, mailed 149 statements to delinquent business personal property taxpayers showing balances due for tax years 2010 through 2015.
- Sent letters to 2 businesses warning of seizure of personal property if not paid by March 31, 2016. One business paid. Treasury/Finance is working with Public Services to assist in seizing assets of the other business and putting them up for auction.
- Treasury Supervisor attended MMTA/MGFOA Spring Seminar.
- Printed 71 miscellaneous receivable statements for unpaid invoices.
- Prepared and issued the following utility billing statements:
 - 5,495 regular quarterly bills (cycle 3)
 - 84 final bills
- Prepared and issued the following utility billing delinquent notices:
 - 558 reminder notices (decrease of 9 percent from 2015) and 353 disconnect notices (decrease of 19 percent from 2015) (cycle 2)

- 23 delinquent notices for customers with inactive accounts (all cycles)
- 38 Property owner notices informing them of unpaid final bills on their property
- 43 customers were on the shut off list on March 30.
- Sent 88 new accounts for “pre-note” related to the direct debit program.
- Processed 161 requests to initiate or terminate water/sewer services. On average, Treasury staff handles 9 such requests per business day.
- Staff handled 1,099 phone calls during March 2016. Since July 1, 2014, 10,225 phone calls have been handled, averaging 53 per business day.
- During March 2016, staff worked with 134 customers at the Treasury Counter to whom receipts were not issued. On average, staff works with 6 such customers per day.

FINANCE/BUDGET

- Participated in budget team meetings held to prepare the proposed Administration Recommended budget and incorporated any changes to budget numbers.
- Worked with department heads to obtain responses to Budget Team questions.
- Prepared proposed budget book for publication using Adobe, Word, Excel, and BS&A software. Also reviewed and edited the proposed budget book several times. Worked with the Assistant to the City Manager to complete the final document.
- Met with several Department Heads and Deputies on 2015-2016 (current year) budget issues.
- Worked with the Director of Transportation and Utilities on the preparation of the 2015 Utility Rate Study.
- Attended and participated in Utility Rate Committee meeting.
- Cashed in maturing investments, analyzed cash position and reinvested excess funds with Raymond James, Comerica and D.A. Davidson.
- Prepared monthly investment scorecard, input investment activity and balances into SymPro software and generated monthly SymPro reports.
- Worked with Community Development department to coordinate publication of 2016-2026 Capital Improvement Program books.
- Defined the account codes for the Capital Improvement Program projects to be entered in BS&A for the 2016-2017 budget.
- Prepared and posted several budget amendments.
- Director attended MMTA/MGFOA Spring Seminar in place of Deputy Director.
- Worked with BS&A on finance questions and issues.
- Participated in a city-wide orientations for new employees to introduce them to the functions of finance, accounting and treasury services.

BENEFITS/COMPENSATION

- Continued to monitor, research, and implement requirements of the Affordable Care Act (ACA).
- Continued to track city share of health insurance premium limits as provided for by PA-152.
- Calculated health insurance taxes and fees required under the ACA.
- Calculated and approved monthly payments for employee fringe benefit plans (medical, vision, dental, life and long-term disability insurance, flexible spending accounts, pension contributions, etc.).

- Continued to administer Defined Benefit Plan, including locating and coordinating benefit payments for terminated vested participants.
- Began process to establish ICMA-RC Guided Pathways® Managed Accounts Services for 401(a) Plans and 457 Plan.
- Began process to establish Roth IRA to complement current 457 Plan.
- Administered contractual wage adjustments per applicable labor agreements.
- Administered contractual bonus payments per applicable labor agreements.
- Responded to various employment verifications for employees.

WORKERS' COMPENSATION

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

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 18, 2016

FROM: Rob Boulis, Deputy City Manager



SUBJECT: Human Resources Department Monthly Report – March 2016

RECRUITING

The following positions were filled in March:

- Firefighter (Bubble)
- Park Ranger
- Adult Softball Coordinator
- Administrative Fire Division Chief Training/Safety

The following positions have candidates identified:

- Dispatch/Radio Operators (4 in backgrounds)
- Police Reserve Officers (7 in backgrounds)
- Park Ranger (1)
- Police Officer (PT) (2 in backgrounds)
- Director of Human Resources
- Summer Engineering Interns (2)
- Ramona Park Supervisors (3)
- Seasonal Recreation Attendants (1)
- Lifeguards/Senior Lifeguards (5)

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

- Property Appraiser
- Deputy Director Human Resources
- Seasonal Recreation Attendants (1)
- Lifeguards/Senior Lifeguards (6)
- On-Call Firefighters

Employment applications, assessments and recruitment activities:

98	Applications processed and screened
64	In person and phone interviews conducted
0	Testing and other assessments conducted

SAFETY, TRAINING AND DEVELOPMENT

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

- Randomly tested 2 participants for drug testing program.
- Conducted orientation sessions for 2 new employees.
- Resolved one grievance with the IAFF.

HEALTH MANAGEMENT PROGRAM

- Continued to administer Health Management Program (HMP) for Department Head, Non-Union, PPCOA, PPOA and UAW employee groups.
- Conducted HMP Training Session #1 – Functional Medicine presented by Borgess CorpFit.
- Held HMP Special Event #4.
- Began preparation for HMP Special Event #5.

BENEFITS

- Provided benefit consultation to employees terminating, retiring and beginning employment. Assisted employees and retirees with various benefit matters, including claim resolution and dependent eligibility.
- Processed benefit changes as necessary, including calculation and submission of payroll deductions including changes made during open enrollment.
- Issued retiree health insurance invoices to 8 retirees and 2 unions.
- Monitored Flexible Spending Account (FSA) reimbursements processed by Kushner & Company for 24 participants for the 2015-2016 plan year. Processed enrollments for 2016-2017 FSA plan year for 25 participants.
- Performed administrative requirements to meet legal compliance in regard to the Family Medical Leave Act (FMLA). Processed 22 notifications for employees.
- Performed administrative requirements to meet legal compliance in regards to the Consolidated Omnibus Budget Reconciliation Act (COBRA).
- Documented and monitored sick leave usage.

TO: Laurence Shaffer, City Manager**DATE:** April 15, 2016**FROM:** Kendall Klingelsmith, CPRP, Director of Parks, Recreation and Senior Citizen Services

KL

SUBJECT: Monthly Operations Report for March 2016**PARKS & RECREATION:****PARK RESERVATIONS**

Stuart Manor	3
Schrier Park	2
Total:	5

SENIOR CITIZEN SERVICES:**ATTENDANCE AND ACTIVITIES**

Total participations for the month of March were 2,372.

MEMBERSHIP

Total active memberships for the month of March were 1,280. There were 15 new members who signed up in March, and 94 membership renewals.

VOLUNTEERISM

Total numbers of PSC volunteer hours for March were 1,831 representing the contributions of 153 volunteers whose combined work is valued at over \$39,730.

MARCH PROGRAM HIGHLIGHTS

- The annual weekly “Garden Talks” series, offered in partnership with Schram’s Greenhouses started in March and will run into April.
- St. Patrick’s Day lunch was held on March 17, with the food provided by the culinary team at MediLodge of Portage with 40 attendees.
- Casino excursions continue to be popular with the PSC membership. On March 22, two busses with a total of 90 people traveled to Four Winds Casino in New Buffalo.
- The first-ever “New Member Meet & Eat” was held on March 10, with 41 attending.

TRAVEL PROGRAM

- Total Participation for travel was 43. March trips were Thirsty Village Tour and Local Treasures.

FUNDRAISING

Income for the month of March was \$2,720 and includes transportation donations, memberships, fundraising and rentals.

OTHER SENIOR CENTER HIGHLIGHTS

- Thanks to the generous support of the Friends of the Portage Senior Center, updates were made to both PSC restrooms. This included stripping of old wallpaper, new coat of paint, and cleaning & resealing the tile floors.
- PSC staff has made an effort to more fully utilize the MySeniorCenter database and go as “paperless” as possible at the Reception Desk. This streamlines the process used to register customers for programs and events. It also allows for more timely and accurate reporting.

TO: Laurence Shaffer, City Manager**DATE:** April 18, 2016**FROM:** Richard J. White, Public Safety Director – Police/Fire Chief *RW***SUBJECT:** Monthly Report for March 2016

On March 15, 2016, the Portage Department of Public Safety – Fire Division received Accredited Agency status with the Commission on Fire Accreditation International (CFAI) for meeting the criteria established through the CFAI's voluntary self-assessment and accreditation program. The Portage Department of Public Safety Fire Division is one of approximately 200 agencies to achieve Accredited Agency status with the CFAI and the Center for Public Safety Excellence, Inc. (CPSE). Only two other agencies in the State of Michigan are accredited through the CFAI, the Detroit Metro Airport Fire Authority and the City of Grand Rapids Fire Department. The City of Portage is the first public safety agency in the State of Michigan to have both Police and Fire agencies accredited.



The Fire Division's achievement of Accredited Agency status demonstrates commitment to provide the highest quality of service to the Portage community. The CFAI process is a proactive mechanism to plan for the future and identify areas for improvement on the quality of service the Portage Department of Public Safety provides. For example, by examining and making changes to call-processing methods, the Fire Division is able to respond in a shorter time period to medical-related responses.



POLICE DIVISION STATISTICAL SUMMARY

Police Incidents Dispatched:	1,681
Fire Incidents Dispatched:	413
Gun Registrations:	171
Warrants Obtained:	122
Expressway Incidents Handled:	100
9-1-1 Calls Received	2,443

ARRESTS

Total Adult Arrests: 318

Major Charges:

- Aggravated/Felonious Assault
- Identity Theft
- Armed Robbery
- Delivery/Manufacture of Marijuana

Total Juvenile Arrests: 34

Major Charges:

- Criminal Sexual Conduct
- Assault & Battery
- Resisting & Obstructing Police
- MDP to Business Property

FEBRUARY CRIME STATISTICS

Violent Crimes:	73
Non-Violent Crimes:	266

Reported Crimes - February 2016 Compared to February 2015:

Part I Crimes:	+ 6.2%
Part II Crimes:	- 9.0%

Year-to-Date Comparison:

Part I & II Crimes Total YTD: -10.3%

TRAINING

Topics: SWAT Command Leadership
Advanced Sniper
Narcotic Unit Supervisor
CALEA Conference

VOLUNTEER HOURS

March:	100
YTD:	293

EMPLOYEES INJURED

March:	0
YTD:	6

FIRE DIVISION STATISTICAL SUMMARY

Calls for Service		Count
Fire		6
Overpressure Rupture		8
Rescue & Emergency Medical Service Incident		239
Hazardous Condition (No Fire)		13
Service Call		44
Good Intent		83
False Alarm and False Call		19
Total Calls		412
Total Property Loss		\$51,950.00

Inspections		Count
Annual Attempt & Inspection		460
Reinspection Attempt & Inspection		3
Key Box		1
Fire Protection Inspection/Plan Review		5
Plan Review		10
Campfire Permit and Inspection		5
Final or Move-in		2
FOIA		4
Other		6

Auto/Mutual Aid		Count
Mutual Aid Received - Comstock		2
Automatic Aid Received - Comstock		1
Mutual Aid Given - Comstock		1
Automatic Aid Received - Oshtemo		1
Mutual Aid Given - Oshtemo		2
Mutual Aid Received - Oshtemo		1
Mutual Aid Received - Texas Twp.		1

Public Education	Adult	Child
Car Seats	24	6
Public Relations	12	2
Station Tours	11	10
		Installed
Smoke Detectors		0
Car Seats		16

Training		Count
Respiratory Hazards		27
Pump Operations		16
Rope Rescue		30
Firefighter Survival Training		40
Airway Basic		30
Confined Space Awareness		22

SIGNIFICANT EVENTS – MARCH 2016

Fire units were dispatched to a residential fire on Eagle Court. First arriving units encountered heavy smoke conditions on the second floor of the home. The fire was contained within 15 minutes of arrival; however, fire crews were on scene for approximately two and a half hours, performing suppression, ventilation, overhaul, salvage, and investigation. The fire originated in the ceiling fan of the second floor bathroom. The estimated loss was estimated at \$8,000 to contents and \$5,500 to the property.

The victims of a fraud reported they located a puppy on the internet that they were interested in purchasing. The victims were told by the seller to send \$500 for the first payment. The money was sent via Western Union. After sending the money, the victims were advised by the seller that there transportation issues, and they would have to send more money, approximately \$2,000, for a special crate. The victims then became suspicious and researched the company and learned it was a scam.

Police and rescue units responded to the report of an unresponsive subject. Rescue determined the patient had a pulse, so rescue breathing was initiated. An ambulance was called to the scene and administered further treatment. The patient regained consciousness, however, became violent. The patient refused any further treatment or transportation. Medical Control was updated and finally gave approval for rescue units to leave the scene due to the patient's behavior.

A Portage officer conducted a traffic stop on a vehicle, and the driver was subsequently detained because he did not have a valid license. A male passenger was arrested on an outstanding warrant, and a female passenger was found to be in possession of \$4,600 and marijuana. The female passenger attempted to discard suspected packaged heroin while being placed into custody. Charges are being sought on all three subjects, and the case is being worked jointly with the Kalamazoo Valley Enforcement Team.

Officers responded to an assault that occurred at a residence where a pizza had been delivered. The assault was upon the pizza delivery driver. The suspect was the resident, and he had several warrants for his arrest. After the suspect refused officers entrance into the home, a search warrant was obtained and served. A marijuana grow operation was found in the home. The suspect was arrested, and charges for both the assault and grow operation are pending.

On March 13, at 12:44 a.m., the Communications Center received a report of gunshots fired at The Renaissance banquet hall. Officers from Portage, the Kalamazoo Department of Public Safety and the Kalamazoo County Sheriff's Office arrived, however, found no indication of shots being fired. Approximately 30 minutes later, a Portage officer, who was conducting surveillance near the banquet hall, saw several people running out the back doors and then heard what he believed to be several gunshots inside the building. As the crowd was leaving the building, responding officers were approached by security staff and advised someone had been shot. The officers located the subject, who had been shot one time in the jaw. Approximately 250 to 300 people were at the party at The Renaissance, along with security guards and the owner and employees of the banquet hall. Detectives have not been able to locate anybody who can or will identify the shooter. The case is still under investigation.

While on routine patrol, officers observed three subjects in the parking lot of an apartment complex. When the subjects saw police, they fled. One of the subjects was carrying a plastic tote, which he dropped as he fled. The subject with the tote and a second subject were apprehended. Inside the dropped tote were components used for making methamphetamine. The suspect who had the tote was arrested on outstanding warrants and was subsequently charged with operating/maintaining a meth lab.

Fire units were dispatched to Portage Central High School for two students trapped inside an elevator. Fire personnel kept the students calm while attempting to open the door. A technician from the elevator company subsequently arrived and opened the door. The students were removed safely from the elevator after approximately 45 minutes. Fire personnel assisted in shutting down power to the elevator unit and resetting the door.

Fire units were dispatched to a fire in an attached garage. The flames were confined to contents within the garage. All occupants were verified out of the home. The homeowner stated, and it was confirmed by fire personnel, that the fire started due to incense falling and igniting a can of lighter fluid.

On March 23, at 12:51 a.m., fire and police units were dispatched to a structure fire at Milham and Lovers Lane. A police officer was first to arrive and located a 2001 GMC pickup that was fully involved in flames. The truck, belonging to a local company, was parked near a shed, where the fire had spread. Contact was made with the owner of the truck, and he advised the truck was parked at about 5:00 p.m. the evening before. Firefighters contained the shed fire within five minutes of arrival; however, the truck's fuel tank split and continued to burn for a period of time. Fire crews were on scene for approximately two and a half hours. The cause of the fire has not been determined at this time. Estimated loss for the pickup truck was approximately \$6,000, and \$3,000 for the shed. The Fire Marshal believed the fire originated in the cab of the truck and spread to the shed. A canine was called to the scene but was unable to track due to the hazardous conditions. The fire was determined to be suspicious.



Police officers were sent to Target, 6839 S. Westnedge, concerning a gift card fraud involving several subjects. Three subjects from Illinois were initially detained. As the investigation developed, it was learned the subjects were part of a multi-state fraud ring that had fraudulently obtained over \$100,000 in gift card credits. The identified leader of the ring was a 16-year-old juvenile. Apprehensions were made, and charges were submitted.

The Detective Bureau was notified by Adult Protective Services that a 76-year-old man was possibly the victim of a scam. Detectives learned that the victim claimed he had sent approximately \$90,000 to a woman (who he referred to as his girlfriend) in Hawaii. The woman had told him she needed money to open a massage business. A detective made contact with the victim, who stated the woman is a gem dealer in Egypt, and she needed money to pay for her business. The victim advised he has sent the woman nearly \$150,000, believing it was legitimate.

RJW:JMH;jh

TO: Laurence Shaffer, City Manager

DATE: April 15, 2016

FROM: Rod Russell, Director of Public Services 

SUBJECT: Monthly Operations Report for March 2016

STREET MAINTENANCE ACTIVITIES

- Removed 12.4 inches of snow from major and local streets
- Repaired mailboxes damaged from snow removal operations
- Provided mechanic support for the DPS Fleet Division
- Replaced damaged or faded street signs
- Performed interior & exterior modifications to the Ramona beach house
- Installed 2,954 square feet of concrete around new addition at Ramona beach house
- Restored turf area around new addition at Ramona beach house
- Removed berm and concrete at Celery Flats Interpretive Center
- Removed snow from the four bridge sidewalks for pedestrian access
- Durapatched potholes located on the major & local street systems
- Modified Durapatch machine to accept new truck
- Plowed snow from the park trail system
- Hauled repaired picnic tables to the parks
- Restored trenched area's along Millennium bikeway
- Repaired curb castings at three locations
- Picked up roadside debris at several locations
- Repaired lawn damage from snow removal operations
- Repaired lawns from spring stump grinding locations
- Installed split rail and restored area along PCBP trail from fiber install
- Removed curb markers for winter maintenance

Weekly Curbside Recycling Program - The following summarizes total weights of recyclable materials collected during the month of March 2016 as well as Fiscal Year-to-Date totals:

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

Date	Fiber Collected (tons) (Paper/Cardboard)	Rigids Collected (tons) (Glass/Plastics)	Single Stream Recycling (tons)	Totals (tons)
March 2016	0	0	217.4	217.4
FY 2015-16	161.25	73.9		1481.41

Note: There were 31 new requests for recycling services in the month of March.

HOUSEHOLD HAZARDOUS WASTE PROGRAM – The following tables shows the number of residents that disposed items at the Kalamazoo County Household Hazardous Waste Facility at 1301 Lamont Avenue.

**Household Hazardous Waste Participants
 From 2008 through December 2015**

PORTAGE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Year End Total
2008	53	43	58	135	138	116	147	63	84	117	89	47	1090
2009	63	70	94	142	121	143	173	107	118	126	128	73	1358
2010	68	48	107	208	192	147	165	131	119	157	152	72	1566
2011	78	59	145	102	171	198	145	124	125	131	151	93	1522
2012	93	93	117	124	158	168	141	135	130	156	152	104	1571
2013	109	66	90	156	232	162	200	130	149	178	170	86	1728
2014	97	70	86	220	256	219	264	182	174	226	134	101	2029
2015	117	91	118	186	212	280	276	192	210	226	205	174	2287
TOTAL	678	540	815	1273	1480	1433	1511	1064	1109	1317	1181	750	13151

PARKS MAINTENANCE ACTIVITIES

- Supported 4 burials in the cemeteries
- Mulched and pruned trees on city properties, major & local streets, and the trail system
- Ensured entrances to city buildings were free of ice and snow
- Continued the repairs to picnic tables with damaged wooden boards
- Continued the refurbishing of park trash barrels
- Continued removal of dead trees from Lexington Green Park & the Portage Creek Bicentennial Park Trail
- Prepared park facilities for upcoming rentals
- Removed trash and debris from cemeteries, parks and car pool lots
- Repaired inoperable lights in the parks
- Repaired damage split rail fencing in the parks
- Repaired buildings and restrooms in preparation for water turn on
- Disassembled ice rink equipment and removed ramps
- Prepped Kalamazoo in Bloom figures and canoe
- Hauled baskets and flower containers to nursery grower

FLEET & FACILITIES DIVISION

The Fleet & Facilities Division generated 154 work orders for the month of March 2016. A total of \$14,134.30 was spent on billable labor hours while the parts costs were \$7,621.43. The outside contracted work was \$6,786.39.

March 2016	March 2015	
154	98	Work Orders
\$12,233.08	\$3,563.46	Parts Cost
\$14,134.30	\$14,002.59	Labor Cost
27	26	Preventative Maintenance (P.M.) Work Orders Completed
\$182.26	\$83.65	Average Cost per P.M
\$3,827.54	\$2,174.82	Total P.M. Cost
\$0.00	\$2,448.00	Contracted Repairs-Body & Painting
\$6,786.39	\$4,402.80	Contracted Repairs (Not Including Body & Paint)
\$9,998.30	\$238.44	Building Renovations

BUILDING MAINTENANCE

1. Custodial Operations
2. City Hall, Police, and Senior Center support services

RECEIVED

APR 01 2016

CITY OF PORTAGE

COMMUNICATION

CITY MANAGER'S OFFICE

PORTAGE, MI

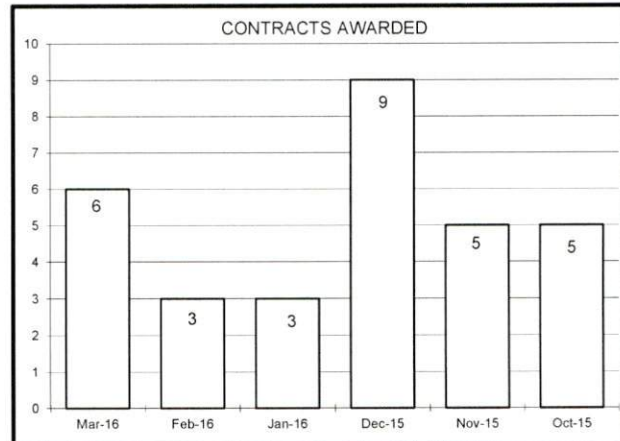
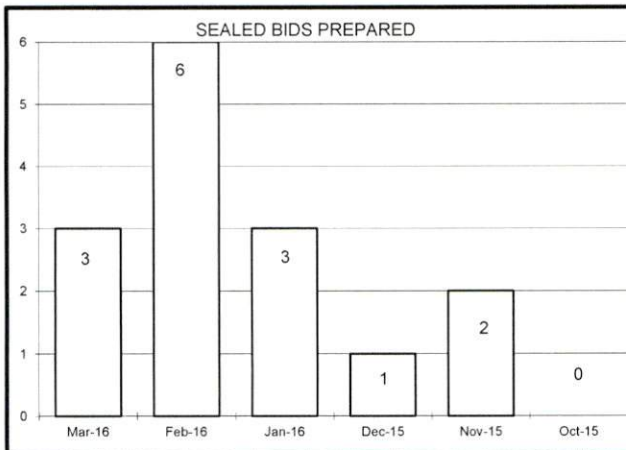
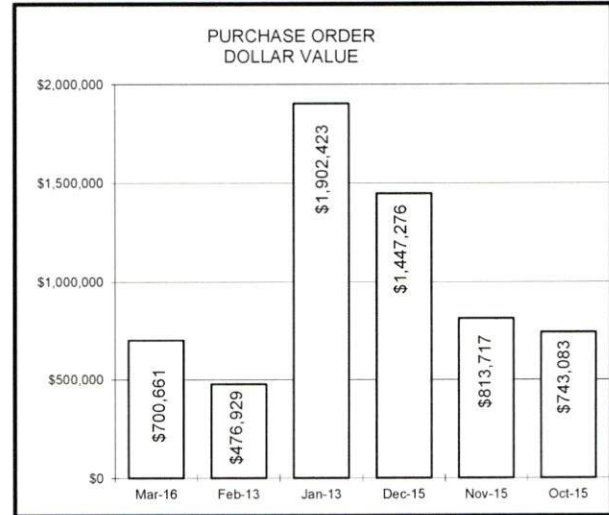
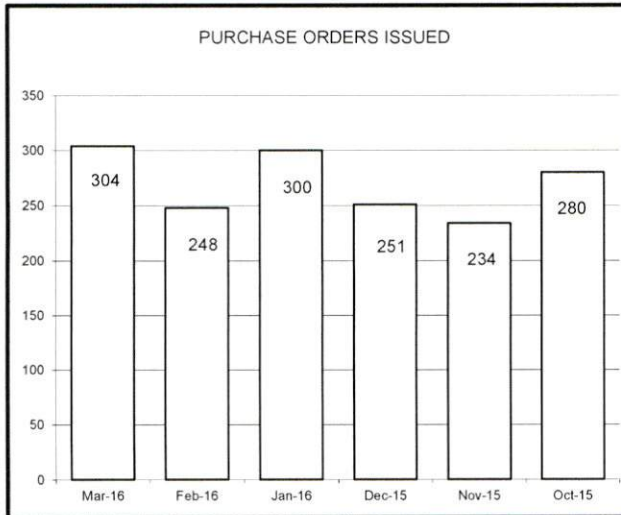
TO: Laurence Shaffer, City Manager

DATE: April 1, 2016

FROM: Rob Boulis, Deputy City Manager



SUBJECT: Purchasing Monthly Report - March 2016



SEALED BIDS OPENED / CONTRACTS AWARDED

Resurfacing of Constitution, S. Westnedge, Shaver
Police Vehicle Maintenance
Local Street Resurfacing (Phase I)
Financial Audit
S. Shore Dr. Sanitary Sewer Replacement & Water Main
Call-In Sanitary Sewer Repair
MLK Drive Reconstruction
MLK Drive Construction Engineering
E. Osterhout Ave. Reconstruction
Managed Printer Services

SEALED BIDS PREPARED

Traffic Signal Mast Arms
Police Fleet Vehicle Maintenance
S. Shore Drive Sanitary Sewer Construction

- Five new claims were filed with MMRMA, four claims were settled.
- Purchasing staff added 12 new vendors to the purchasing software vendor file.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: April 4, 2016

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



SUBJECT: Department Monthly Report – March, 2016

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

Cable Access

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

Significant Activities:

- Continued taping various special programs (HMP, PSI, Lunch & Learn, etc.)
- Continued working with Director Haasch on emergency broadcast protocols
- Several audio/video issues continue. Continue working with PMN to resolve

Internet/Intranet Web Site

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

Significant Activities:

- Researching municipal website development vendors for updating the city internet/intranet sites to make them more user/mobile friendly.

Telecommunications

- Continued working on the Fibertech ROW permit process

Contract Administration

- Completed printer management services bid process
- Completed VM Ware licensing renewal

Information Technology

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

Significant Activities:

- Continued working with the City of Kalamazoo and CTS Telecom to install a fiber run between the two City IT networks
- Continued PortageAlert mass notification system for emergency initiatives
- Continued installation of Wi-Fi at Celery Flats
- Continued updating the Firehouse application to .net
- Continued researching city website rebuild vendors
- Continued investigating options for upgrading the inadequate decades-old multi-mode fiber ring
- Continued implementation of the ADP time and attendance system
- Continued researching various new technologies
- Continued researching posting live snow plow location tracking on the city website
- Continued researching new citywide keyless entry and camera system project
- Continued new World system migration
- Continued implementing the new Streets work order system
- Continued conversation with Portage Public Schools to access school cameras and entry systems
- Continued migration of Suez inventory data into BS&A
- Continued working on a new GIS layer for fiber assets
- Began installation of Jabber and IM phone system capabilities
- Began update of city software applications listing
- Began developing plan for backup storage replacement and expansion
- Began replacement of several inoperable surveillance cameras

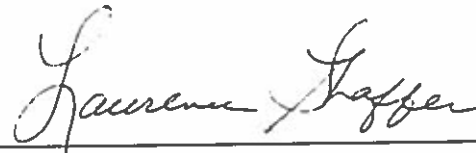
Marketing Activities

- Continued oversight and management of all city marketing activities

MATERIALS TRANSMITTED

Tuesday, April 12, 2016

1. Communication from the City Manager regarding Pre-Council Meeting Question: Department of Public Safety – Police Division Vehicle Maintenance Bid Tabulation (Item L.4).
2. Communication from the City Manager regarding Pre-Council Meeting Question: Resolution of Support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Redevelopment Plan for 5825/5901 Willoughby Drive (Item F.3).
3. Copies of maps for the 2016 Major and Local Street Reconstruction Programs (Item L.1) – Information Only.
4. Communication from the City Manager regarding the Proposed Fiscal Year 2016 – 2017 Budget Review Schedule – Information Only.
5. Copies of the FY 2016 – 2017 Proposed Budget.
6. Copies of the FY 2016 – 2017 Supplemental Budget.

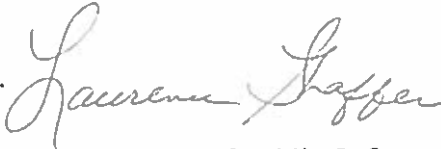


Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Pre-Council Meeting Question: Department of Public Safety - Police Division
Vehicle Maintenance Bid Tabulation (Item L.4)

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager
Judy Johnson, Purchasing Manager

At the Pre-Council meeting of April 11, 2016, a Councilmember posed an inquiry relative to the Police Fleet Vehicle Maintenance Contract being proposed by the City Manager for the April 12, 2016 City Council Agenda (Item L.4). Essentially, one contractor bid the project and is being recommended for a contract at the rate of \$45 per hour.

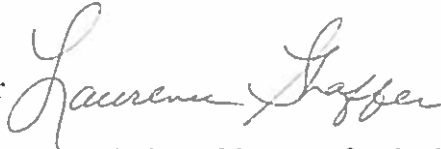
Of the 24 organizations that received invitations to bid, six (6) to include the winning bidder, attended a pre-bid meeting conducted on March 14, 2016. The city's Purchasing Manager contacted four of the six repair firms that attended the pre-bid meeting to inquire as to why those firms did not submit a proposal to the city. Each vendor maintained that they did not have the emergency vehicle technician certification to meet one of the bid requirements. One firm reported to the city's Purchasing Manager that it did not have the level of insurance required; another firm responded that it did not have enough time to prepare a proposal due to the complexity of the items required by the city.

Thank you for the question. If there are any additional questions, please don't hesitate to contact me.

Attachments: N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Pre-Council Meeting Question: Resolution of Support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Redevelopment Plan for 5825/5901 Willoughby Drive (Item F.3)

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager
Vicki Georgeau, Director of Community Development

At the Pre-Council meeting of April 11, 2016, Councilmember Reid asked a number of questions relative to the communication recommending that the City Council adopt a resolution of support for the Kalamazoo County Brownfield Redevelopment Authority Plan for the redevelopment of Willoughby Drive in order to create tax capture in the amount of \$190,540 (Item F.3 on the April 12, 2016 City Council Agenda).

Councilmember Reid wanted to know whether this item was first brought to the attention of the city or Kalamazoo County. RAI AZO, LLC approached the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) first. The KCBRA has up-front funding to assist with the preparation of environmental studies and brownfield plans, which are funded by the County's Local Site Remediation Revolving Fund (LSRRF), and then later reimbursed to the LSRRF. Plus, the County has dedicated staff to process and administer brownfield plans over the life of projects. If the city processed the brownfield plan, the TIF capture period would be five years shorter than proposed by the KCBRA since we do not have a LSRRF. However, LSRRF funds can be used (once the LSRRF is funded at a higher level) to actually fund environmental clean-up activities, which can help with site remediation for projects where the anticipated TIF will be negligible or low (e.g. WL Molding site). This collaboration with the KCBRA allows the city to address eligible activities that might not otherwise be within the framework of the resources available to the city's Brownfield Redevelopment Authority.

The city recently adopted changes to our brownfield redevelopment policy in April 2015 authorizing legislation that fundamentally synchronizes eligibility requirements with Kalamazoo County in order to more effectively collaborate with our partner.

I look forward to answering any further questions you might have. Thank you.

Attachments: N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Proposed Fiscal Year 2016-2017 Budget Review Schedule

The budget review schedule has been developed to permit review of all budget aspects. Budget review sessions were approved by City Council for Tuesday, April 19 and Tuesday, May 3, 2016 from 4:30 to 8:30 p.m. in Conference Room #1 of Portage City Hall. The schedule for the 2016-2017 budget review meetings is as follows:

Review Session #1

Tuesday, April 19

Budget Overview	4:30 - 4:40 p.m.
Purchasing	4:40 - 5:00
Human Resources	5:00 - 5:20
City Assessor	5:20 - 5:40
	BREAK 5:40 - 6:10
Transportation & Utilities	6:10 - 6:30
Public Services	6:30 - 7:00
Parks, Recreation & Senior Citizen Services	7:00 - 7:30
Public Safety	7:30 - 8:30

Review Session #2

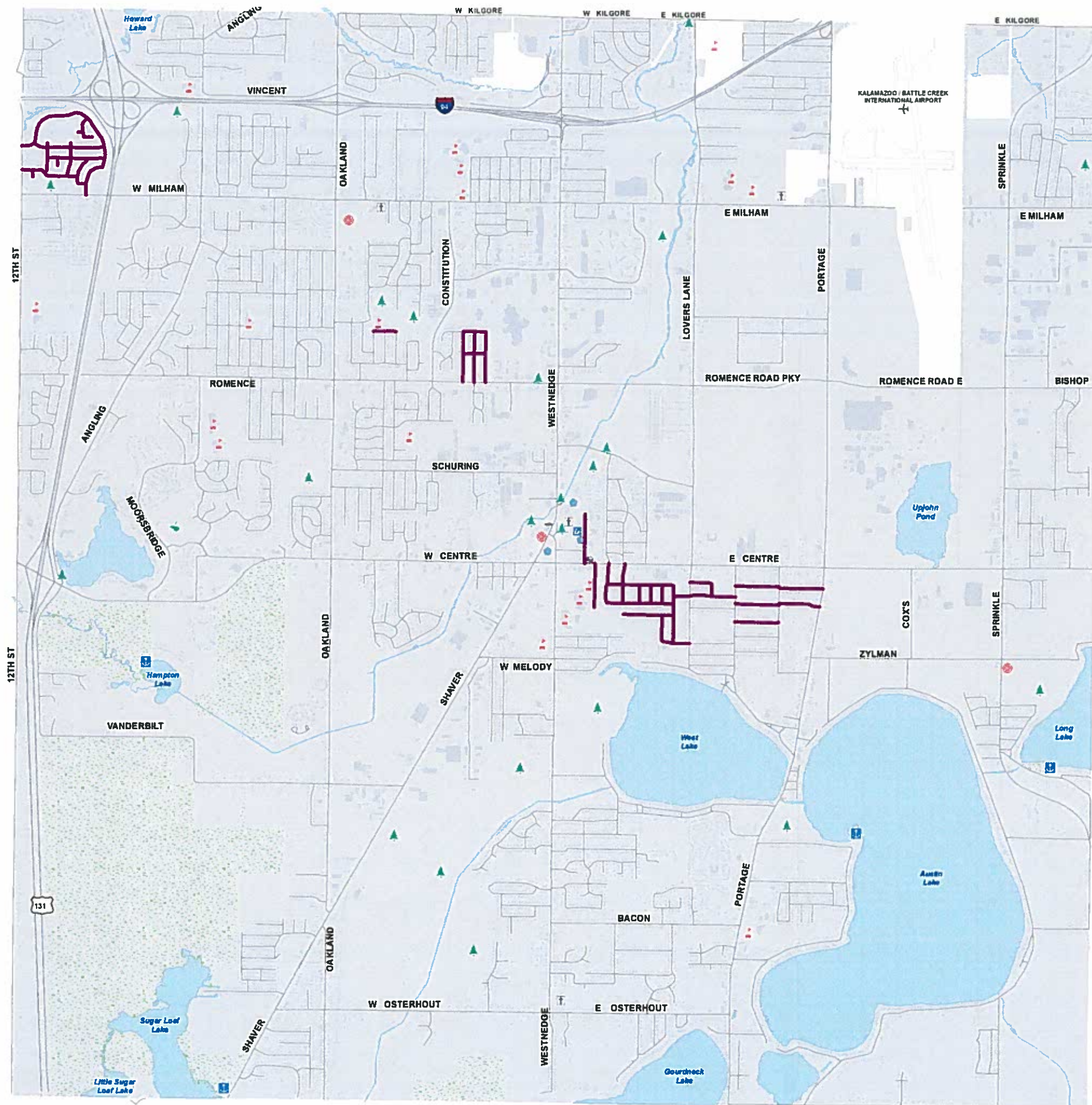
Tuesday, May 3

Legislative/Human Services	4:30 - 5:00 p.m.
Community Development	5:00 - 5:20
City Clerk	5:20 - 5:40
Technology Services	5:40 - 6:00
	BREAK 6:00 - 6:30
City Manager	6:30 - 6:50
Finance & Other Fund Activities	6:50 - 7:15
Capital Improvement Program	7:15 - 8:30

Local Street Reconstruction Program 2016

Date: 4/11/2016

 2016 Local Streets

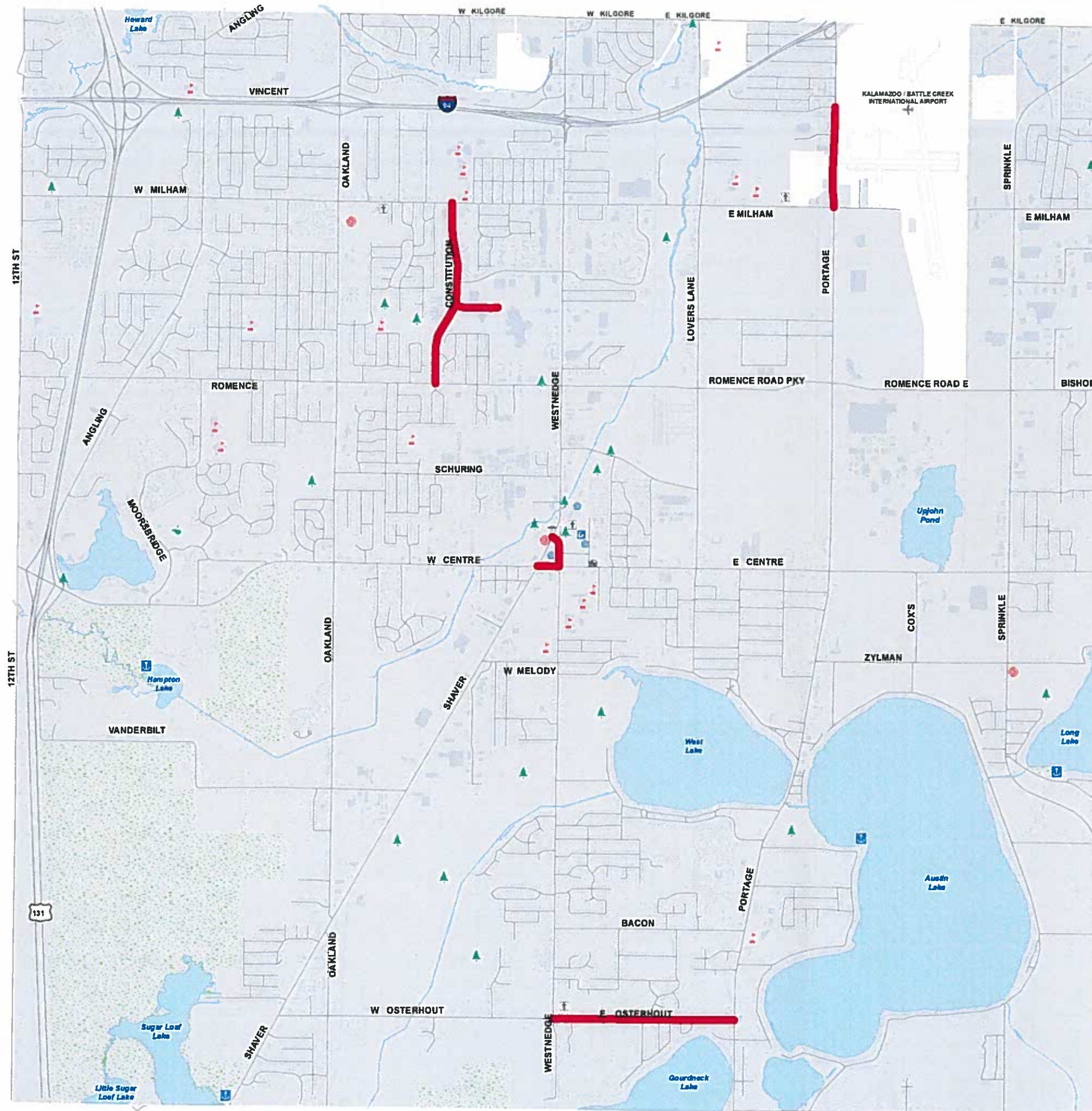


1 inch = 3,200 feet

2016 Major Street Reconstruction Program

Date: 4/12/2016

 2016 Major Streets



1 inch = 3,200 feet