

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

7:00 p.m.

Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Black History Month 2021

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Board and Commission Interviews of January 12, 2021.
 - b. Regular Meeting of January 12, 2021.
 - c. Pre-Council Meeting of January 25, 2021.
2. Approval of the Accounts Payable Register of January 26, 2021 as presented.
3. Award a contract in the amount of \$119,805 to Wightman for engineering consulting services for the Elijah Root Dam Removal Feasibility Study, and authorize the City Manager to execute all documents related to this action on behalf of the city.
4. Adopt Refunding Bond Resolutions for City of Portage Capital Improvement Bonds, Series 2021A:
 1. approve a budget amendment in the Sewer Fund for \$178,736, and in the Water Fund for \$292,929, to fund portions of the early redemption of Capital Improvement Bonds, Series 2012; and
 2. adopt Refunding Bond Resolution Approving Redemption of City of Portage Capital Improvement Bonds, Series 2012.
5. Accept for first reading the proposed amendments to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections.
6. Approve the recommendations regarding Poverty Exemption Guidelines for 2021 as follows:
 1. decline the option provided under PA 253 of 2020 to carry forward poverty exemptions granted in 2019 and 2020 into 2021, 2022 and 2023 for those persons who receive a fixed income solely from public assistance that is not subject to significant annual increases; and
 2. adopt the Resolution Establishing Poverty Exemption Guidelines for 2021.
7. Minutes of Boards & Commissions.
8. Materials Transmitted of January 8, 2021.

9. Calendar of Meetings:

- Historic District Commission, Wednesday, February 3, 2021 at 8:15 a.m. - Virtual.
- Park Board, Wednesday, February 3, 2021 at 6:30 p.m. - Virtual.
- Human Services Board, Thursday, February 4, 2021 at 6:00 p.m. - Virtual.
- Planning Commission, Thursday, February 4, 2021 at 7:00 p.m. - Virtual.
- Zoning Board of Appeals, Monday, February 8, 2021 at 8:00 a.m. - Virtual.
- Environmental Board, Wednesday, February 10, 2021 at 7:00 p.m. - Virtual.
- *NOTE: All above meetings are subject to cancellation or inclusion/transition of a "virtual" aspect due to the on-going health crisis. Please monitor the City of Portage website at www.portagemi.gov for additional information. The public phone line to comment during most public meetings is: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.) Major meetings may be viewed live on Charter channel 995 and AT&T channel 99 or live streaming at portagemi.gov/205.*

B. Petitions and Statements of Citizens:

C. Communications:

1. Annual update from the Youth Advisory Committee.
2. Communication from Mr. Andy DeVries of Midwest Fastener Corporation.
3. Communications from former City employees regarding retiree health insurance.

D. Public Hearings:

E. Regular Business Agenda:

F. Unfinished Business:

1. Adopt the amendment to Article 1, In General, of Chapter 70, "Taxation" in the City of Portage Code of Ordinances.
2. With regard to 8833 Shaver Road:
 1. deny the property owner's appeal of the 30-day raze order issued on November 10, 2020 by the Construction Board of Appeals involving an unsafe building at this site; and,
 2. authorize the City Administration to solicit bids to raze/remove the building and debris on the site should the owner fail to comply with the order by January 15, 2021.
3. Response to Environmental Board Communication of December 1, 2020.

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.



CITY OF PORTAGE PROCLAMATION

Black History Month 2021

- WHEREAS,** Black History Month is observed in February of each year; and
- WHEREAS,** Black History Month seeks to emphasize and recognize Black Americans and their contributions to American life, and is designed to recognize and pay tribute to the many contributions of African Americans to the history, society and culture of the United States of America; and
- WHEREAS,** Black History Month celebrates the achievements of African Americans in the Arts, Civil Rights, Education, Entertainment, Government, History, Law, Literature, Medicine, Military, Music, Politics, Science, Sports, and other endeavors; and
- WHEREAS,** the theme for Black History Month 2021 is “The Black Family: Representation, Identity, and Diversity” its complexity as the “foundation” of African American life and history, as well as how to represent its meaning and typicality from a historical perspective— offering a rich tapestry of images for exploring the African American past and present; and
- WHEREAS,** this year is the 45th year of National African American History Month; and
- WHEREAS,** this year the Association for the Study of African American Life & History is offering a Virtual Festival to celebrate and explore the 2021 Black History theme; and
- WHEREAS,** Black History Month was originally set in February to include the birthdays of Abraham Lincoln and Frederick Douglass, two key figures in the history of African Americans; and
- WHEREAS,** the City of Portage continues to work toward becoming a community in which all citizens—past, present, and future—are respected and recognized for their contributions and potential contributions to our community and beyond; and
- WHEREAS,** to commemorate the birthdate of Martin Luther King, Jr. and Black History Month 2021, the City of Portage hosted a Martin Luther King, Jr. display at Portage City Hall and will host a speaker series on Fridays in February titled “*Highlighting the Black Experience with Personal Interviews and Demonstrations*”.
- NOW, THEREFORE, BE IT RESOLVED THAT** I, Patricia M. Randall, do hereby proclaim that this city honors and recognizes February as “Black History Month.”

Signed this 26th day of January, 2021

Patricia M. Randall, Mayor

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF JANUARY 12, 2021 - BOARD AND COMMISSION APPLICANTS**

Mayor Patricia Randall called the meeting to order at 5:30 p.m. The meeting was held virtually as permitted by PA 228. The following Councilmembers were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall. All members participated virtually from Portage, Michigan, except for Councilmember Reid who attended virtually from Pentwater, Michigan. Councilmember Terry Urban was absent with excuse. Also present were City Manager Joe La Margo, Deputy City Manager Adam Herringa, and City Clerk Erica Eklov.

* From 5:30 p.m. to 5:45 p.m., City Council interviewed Linda Finch for the Zoning Board of Appeals (ZBA).

Mayor Randall began by noting Ms. Finch had a prior engagement and the order of interviews would be switched to accommodate. Mayor Randall then opened the interviews to Councilmembers.

Councilmember Reid asked Ms. Finch how the ZBA meetings had been able to conduct business with the change to virtual meetings in light of COVID-19. Ms. Finch responded that meetings had continued as scheduled. Councilmember Reid then inquired whether there were any issues with vacancies and attendance. Ms. Finch responded that the last six months had been fine but before that, the Board had experienced issues with achieving a quorum and she expressed a desire for more applicants for the Board. Councilmember Reid encouraged City Council to assist in finding additional applicants.

Mayor Pro Tem Pearson, citing his prior tenure on the ZBA, inquired whether the Board had issues conducting business with petitioners in the virtual setting. Ms. Finch responded that technology issues were as expected for a virtual setting and varied on the petitioner's technology capability. Mayor Pro Tem Pearson then asked if the matters before the ZBA were still approximately twenty to thirty percent lake properties. Ms. Finch confirmed that ratio. Mayor Pro Tem Pearson then inquired whether the matters shared a commonality. Ms. Finch responded that most requests involved storage sheds, setbacks, and square footage allotment overages.

* From 5:45 p.m. to 6:00 p.m., City Council interviewed Patrick Buckley, Lindsay Vainner, Carol Eddy, Justin Gish, Keith Hearit, and Leonard Lamberson for Board of Review.

Mayor Randall noted each of the six applicants would be re-appointees and were familiar with the process. Mayor Pro Tem Pearson inquired whether the returning members had messages or advice for the City Council regarding the Board of Review (BOR). Patrick Buckley commended the Office of the City Assessor staff and encouraged the continuation of their good work. Carol Eddy agreed, noting certain topics could benefit from additional definition from the State Tax Commission.

Councilmember Reid inquired whether virtual or in-person meetings better served the BOR. Mr. Buckley said either format seemed to work and noted his

preference for the continuation of the dual “pod” format as it reduces wait times for applicants. Councilmember Reid noted the effects of COVID-19 could potentially create more March Board of Review appeals and inquired what the members or staff anticipated. Leonard Lamberson responded he was not aware of an impending influx of appeals. He further noted that the December Board of Review had been the only virtual meeting thus far and was unsure how the March Board of Review would function virtually with poverty exemption requests. Director of Assessing Meshia Rose stated that the March Board of Review would likely need to be virtual due to COVID-19, but she awaited further guidance from the State Tax Commission as this would affect every Board of Review in the State. Director Rose also noted that the Assessor’s Office would be encouraging written appeals in light of the virtual format and safety measures. Mayor Randall then asked Director Rose about citizen outreach. Director Rose responded that the annual March Board of Review announcement and virtual format would be published in the *Portager*, as well as on city social media. She noted that petitioners would still be required to contact the City Assessor’s Office to schedule an appointment for the March Board of Review, at which time staff can review the meeting format.

Councilmember Knapp inquired about training options for the BOR members. Director Rose responded that training is dependent upon the pending advisement from the State Tax Commission regarding the March Board of Review during COVID-19, but she will continue to utilize the initial BOR organizational meeting to provide any training updates. Mayor Randall asked about any other changes for 2021. Director Rose noted the poverty exemption guidelines issued by the State previously allowed for marginal deviation by the BOR if there was a compelling reason. She stated that the State has advised that the guidelines no longer allow for deviation.

Councilmember Burns inquired whether the December 2020 Board of Review had experienced an increase in poverty exemption applications. Director Rose responded it had not. Mayor Randall asked Director Rose to summarize the next steps for the BOR. Director Rose relayed that she would contact members by the end of the month, pending the update from the State Tax Commission. She noted the pods and organizational structure were slated for the evening’s Regular City Council Meeting agenda. Mayor Randall closed by thanking the members of the Board of Review.

ADJOURN: Mayor Randall adjourned the meeting at 5:53 p.m.

Erica L. Eklov, City Clerk

CITY COUNCIL MEETING MINUTES FROM JANUARY 12, 2021

Mayor Patricia Randall called the Regular Meeting to order at 7:01 p.m. The regular meeting was held virtually as permitted by PA 228. Mayor Patricia M. Randall, Mayor Pro Tem Jim Pearson, and Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, and Terry Urban were present. All members participated virtually from Portage, Michigan, except for Councilmember Reid who attended virtually from Pentwater, Michigan. Also in attendance were City Manager Joe La Margo, City Attorney Catherine Kaufman, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to honor all denominations and reflect upon beginning the first City Council Meeting of 2021 by each pledging to urge peace in the community, state, and nation. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS: Councilmember Reid read the proclamation in honor of Betty Lee Ongley. Ms. Ongley, via WebEx, thanked the City Council for the recognition. Several Councilmembers offered additional comments of commendation for Ms. Ongley. Mayor Pro Tem Pearson read the proclamation remembering Joanne Willson. Members of Council followed by offering condolences. Ms. Willson's son Bill and husband James attended, via WebEx, with James speaking in honor of his late wife.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Mayor Pro Tem Pearson removed Item A.8. Motion by Reid, seconded by Knapp, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Knapp, to approve the minutes of the Regular Meeting of December 15, 2020, and Pre-Council Meeting of January 11, 2021. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 12, 2021: Motion by Reid, seconded by Knapp, to approve the Accounts Payable Register of December 15, 2020. Upon a roll call vote, motion carried 7 to 0.

FINAL PRELIMINARY CONDOMINIUM SUBDIVISION (ENGINEERING PLANS) FOR PHASE 2 OF PENNRIDGE TRAIL: Motion by Reid, seconded by Knapp, to approve the Final Preliminary Condominium Subdivision (engineering plans) for Phase 2 of the Penridge Trail Planned Development, 1800 West Osterhout Avenue. Upon a roll call vote, motion carried 7 to 0.

AMENDMENT TO CODE OF ORDINANCES - TAXATION: Motion by Reid, seconded by Knapp, to accept the amendment to Article 1, In General, of Chapter 70, "Taxation" in the City of Portage Code of Ordinances for first reading and set a second reading with potential final adoption for January 26, 2021. Upon a roll call vote, motion carried 7 to 0.

DR. MARTIN LUTHER KING JR. PARK ARTWORK: Motion by Reid, seconded by Knapp, to award a contract in the amount of \$68,000 to Brent Harris Sculpture for fabrication and delivery of a series of sculptures as the art centerpiece for the Dr. Martin Luther King Jr. Park, 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.

CONTRACT AND PERFORMANCE AUDIT OF CITY TOW & FLEET MAINTENANCE

VENDOR: Motion by Reid, seconded by Knapp, to authorize the City Manager to contract with an Auditor to review the performance of the City Tow and Vehicle Fleet Maintenance Vendor and assess its compliance with the towing contract and City procurement procedures, in an amount not to exceed the City Manager's contractual authority. Upon a roll call vote, motion carried 7 to 0.

2021 MARCH BOARD OF REVIEW: Motion by Reid, seconded by Knapp, to approve the recommendations regarding the Board of Review as follows: adopt the resolution setting the schedule for the 2021 March Board of Review; approve the use of two three-member Board of Review panels for the March Board of Review; and appoint six members to the 2021 March Board of Review. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Knapp, to receive the minutes of the Zoning Board of Appeals for October 26, 2020, and Human Services Board of December 10, 2020. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: Mr. Mike Quinn (7025 Bradford) spoke in favor of the proposed Industrial Development District No. 93 for the Midwest Fastener Corporation, 9031 Shaver Road slated for the public hearing. He then advised that as a Commissioner on the Kalamazoo County Board of Commissioners that he knew of no opposition from the Board for the proposed Industrial Development District for Midwest Fastener.

PUBLIC HEARINGS:

MIDWEST FASTENER CORPORATION, PA 198 TAX ABATEMENT: Mayor Randall opened the public hearing. City Manager La Margo noted that City Council had been provided a corrected Project Impact Analysis earlier that day showing the average annual income amount to be \$63,000 and not \$42,000 as originally published. Deputy Director of Planning, Development & Neighborhood Services Chris Forth summarized the proposed Industrial Development District No. 93 for the Midwest Fastener Corporation, noting it would be a nine-year abatement period. Councilmember Reid inquired whether the \$63,000 annual income amount included benefits. Steven DeVries, a representative of Midwest Fastener Corporation, responded via phone that benefits varied, but the income amount included salary and bonus.

Motion by Reid, seconded by Burns, to close the public hearing. Upon roll call vote, motion carried 7 to 0.

Councilmember Burns complimented Midwest Fastener Corporation for their project, noting it was great for the community. Councilmember Reid noted her daughter's early employment history with the company, stating it was a great opportunity for her to gain insight into manufacturing operations.

Motion by Burns, seconded by Reid, to adopt: Resolution No. 2-20, creating Industrial Development District No. 93 for the Midwest Fastener Corporation, 9031 Shaver Road; Resolution No. 3-20, approving the industrial facilities exemption certificate application for the Midwest Fastener Corporation, 9031 Shaver Road; and approve the tax abatement agreement and affidavit between the City of Portage and the Midwest Fastener Corporation. Upon roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

APPOINTMENTS TO BOARDS AND COMMISSIONS: Mayor Randall requested the City Clerk to read the proposed appointments into the record. City Clerk Eklov stated as follows: to reappoint Pat Buckley, Carol Eddy, Justin Gish, Keith Hearit, Leonard Lamberson, and Lyndsay Vainner as members of the Board of Review with terms ending January 31, 2022, with designation of the panels to be determined by the Director of Assessing, as well as to reappoint Linda Finch to a term ending February 28, 2024, to the Zoning Board of Appeals.

Motion by Pearson, seconded by Burns, to confirm the appointments as noted. Upon a roll call vote, motion carried 7 to 0.

CONSTRUCTION BOARD OF APPEALS RAZE ORDER FOR AN UNSAFE BUILDING LOCATED AT 8833 SHAVER ROAD: Mayor Pro Tem Pearson requested staff to elaborate on new information recently received from the property owner. City Manager La Margo relayed a January 12 virtual meeting with the property owner's real estate agent. Development Services Director Kelly Peterson provided a summary of the meeting's conversation, prompting staff to propose amending the original Action Recommended to allow the property owner additional time to market the property. Director Peterson recommended that City Council postpone the raze order for sixty days, require a purchase agreement and initial concept development plan of a prospective buyer, or proceed with razing the building should the sixty days lapse and incur a lien. Director Peterson relayed that an additional meeting with the property owner was scheduled in two days to ascertain the next steps.

Councilmember Urban expressed concerns with the newly recommended timeframe and requested a timeline for correction or demolition by any new property owner. He further expressed concerns with the degraded condition of the building and requested the proposed conditions be provided to City Council in writing. City Manager La Margo responded that any new building applications would have requirements and a timeline to follow. Director Peterson noted that additional details would be provided at the time of a proposed property transfer. Councilmember Urban stated he preferred to table the item to the next City Council meeting in order to review the proposed conditions and options.

Councilmember Reid requested clarification regarding the amended Action Recommended, expressing agreement with Councilmember Urban in tabling the matter. Councilmember Knapp

also requested additional clarification regarding the proposed action. Mayor Pro Tem Pearson agreed with Councilmember Urban's request to table the matter to the following City Council meeting. Councilmembers Ledbetter and Urban requested staff to ensure the building was secured against casual entry.

Motion by Urban, seconded by Pearson, to table the item to the next regularly scheduled City Council Meeting on January 26, 2021, to 7:00 p.m. or as soon thereafter as can be heard. Upon a roll call vote, motion carried 7 to 0.

Mayor Randall provided additional background regarding recent discussions with the broker of the property and two previous potential sales that had fallen through due to the cost of connecting to city water via Shaver Road. She further noted ownership transfer issues due to the death of the original property owner and a need to continue the review of the property. Councilmember Knapp thanks staff for continued collaboration with the property owner on behalf of the city.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding the Central County Transportation Authority Board (CCTA) following a January 11 meeting. He noted that the Board had set a date to finalize the millage rate in May for the November 2021 election ballot that included the Dial-A-Ride service. Mayor Pro Tem Pearson clarified that the millage would be for the Kalamazoo County Transit Authority (KCTA) and not just the CCTA.

Motion by Pearson, seconded by Reid, to accept the Council Committee Reports as presented. Upon roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban stated it had been a trying couple of weeks, months, and years, noting his concern with the violent events at the nation's capital last week. He urged that we are all Americans and discord is not going to help the nation progress.

Councilmember Reid highlighted the Governor's recent announcement of the Phase 1B COVID-19 vaccine plan. Ms. Reid provided a status update from the Kalamazoo County Health and Human Services Department, noting the county was continuing to work through Phase 1A for the vaccinations. She urged everyone to continue efforts with distancing and safety measures, noting that COVID-19 continued to be a threat. Councilmember Reid then noted her history on the City Council, expressing appreciation for the Council's non-partisan collaboration. She further expressed concerns with national democracy after the January 6 events in Washington D.C. Councilmember Reid closed by stating she looked forward to the upcoming inauguration of President-elect Biden and hopes the new administration will rebuild national trust.

Councilmember Ledbetter highlighted his 25-year history in law enforcement and expressed sadness with the events of January 6. He stated protesting is a right and a healthy way to express messages, but not the recent actions in Washington D.C. He was happy to learn that no Portage Public Safety officers were part of the event. Councilmember Ledbetter expressed hope that the nation would get through the current period. He encouraged everyone to remain alert and mindful. He then highlighted the upcoming Martin Luther King, Jr. holiday, noting Mr. King was considered a threat during his era and wasn't revered until after his death. Mr. Ledbetter encouraged everyone to do something in Mr. King's honor on the holiday.

Councilmember Burns highlighted the Martin Luther King, Jr. Park Artwork item on the Consent Agenda and noted the selected artist was local. Mr. Burns noted he was troubled by the events of January 6 but expressed appreciation for local non-partisan collaboration, especially on City Council.

Councilmember Knapp thanked City Council for its civil presence and positive comments. She encouraged everyone to heed Councilmember Reid's COVID-19 advice. She also expressed displeasure with the events of January 6 and encouraged the public to reflect on democracy and trusting leaders.

City Manager La Margo stated 2021 would be the first year the City of Portage would be closing for the Martin Luther King, Jr. (MLK) holiday. He noted the proclamation slated for the January 26 City Council Meeting honoring MLK, Black History Month, and related city events. Mr. La Margo highlighted the current City Hall lobby display featuring Martin Luther King, Jr. City Manager La Margo then expressed appreciation for City Council's decorum and relationship. He closed by thanking Jeremy of ImageStream for his efforts in running the meeting technology and other videos in light of his departure.

Mayor Pro Tem Pearson began by thanking Jeremy of ImageStream as well. He then noted the evening's proclamations honoring local women of service and the dedicated citizen volunteers appointed to the various Boards and Commissions. He expressed how these people and City Council make Portage great.

Mayor Randall began by thanking Jeremy as well. She then highlighted Ms. Willson and Ms. Ongley, noting what the proclamations meant to the honoree and families. She encouraged the public to continue to highlight notable local figures at City Council Meetings during COVID-19. Mayor Randall highlighted Detective Randy Dylhoff's upcoming retirement and thanked him for his years of service. She then noted Martin Luther King, Jr.'s messages continue to be relevant and the focus of Black History Month in Portage. Mayor Randall then provided a city update on COVID-19. Mayor Randall then expressed appreciation for the creators of the City's Charter concerning a non-partisan City Council as an example for other communities. She closed by encouraging everyone to stay safe in the coming days.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:01 p.m.

Erica L. Eklov, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JANUARY 25, 2021**

Mayor Patricia Randall called the virtual meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp, and Mayor Pro Tem Jim Pearson also joined virtually. In compliance with Michigan Public Act 228, the Mayor and Councilmembers disclosed their virtual participation from Portage, Michigan. Councilmembers Vic Ledbetter, Claudette Reid, and Terry Urban were absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, and City Clerk Erica Eklov.

Mayor Randall began by noting Councilmember Reid was unable to attend but had previously provided questions concerning items on the January 26, 2021 agenda. Mayor Randall then reviewed the Proclamation, noting Councilmember Ledbetter would be reading it.

With regard to Item A.3, Elijah Root Dam Removal Feasibility Study, Mayor Pro Tem Pearson requested clarification regarding funding from the Capital Improvement Program (CIP), noting the potential \$1 million total cost for the entire Elijah Root Dam removal. City Manager La Margo noted he had provided initial CIP figures to City Council via e-mail. Deputy City Manager Herringa stated that the Elijah Root Dam was further deteriorating and there was now concern with negatively affecting the adjacent Milham Avenue/I-94 overpass. Mr. Herringa noted the feasibility study would allow the city to have a plan should the Dam collapse before removal. City Manager La Margo relayed that the feasibility study was included in the CIP for the current fiscal year, with the engineering proposed for the subsequent fiscal year, followed by anticipated repairs in fiscal year 2022-23. Mayor Pro Tem Pearson relayed that the City Manager's Report did not detail issues with the overpass in the proposal's justification and asked that staff include the information. Mayor Pro Tem Pearson then inquired whether the remainder of the project would be presented to City Council for approval in the next CIP review. City Manager La Margo confirmed. Deputy City Manager Carroll stated that Councilmember Reid had also inquired in her earlier e-mail as to why the staff was not recommending one of the lower bidders. Mr. Carroll relayed that staff does not believe the low bidder possesses experience for this type of project and the remaining three bids were only within \$2,000 of each other with Wightman having the most experienced and dedicated engineers for this project.

With regard to Item A.4, Early Redemption of Outstanding Bonds, Councilmember Burns stated the proposal appeared to be a private sale to Southwest Michigan Bank and Trust. He inquired whether the City Administration considered a public sale and requested the bid solicitation details. City Manager La Margo stated he would research and respond.

With regard to Item A.6, Poverty Exemption Guidelines for 2021, Mayor Randall inquired about the recommendation to extend the Board of Review poverty exemptions within three consecutive years instead of a single year. City Manager La Margo stated he would research and respond.

With regard to Item C.1, Youth Advisory Committee Update, Mayor Randall inquired whether the members of the Youth Advisory Committee would be present for the annual Committee update. City Clerk Eklov confirmed the three officers would be attending virtually.

With regard to Item C.3, Former City Employee Health Care Communications, Mayor Pro Tem Pearson inquired whether each communication was required to be read into the record. City Manager La Margo replied that Council only needed to accept the communications. Mayor Pro Tem Pearson stated that he and Councilmember Reid had also experienced transitions to Medicare Advantage health care plans at the age of 65. Deputy City Manager Carroll relayed Councilmember Reid's e-mail inquiry requesting a line item detail of the plans. He noted that the retired employees had been offered equal

or better coverage at an improved cost to the city and the change in plan was likely causing angst. Mr. Carroll then noted that Councilmember Reid had inquired whether alternative plans were available. Mr. Carroll relayed that staff had previously conducted a meeting with the former staff to review plan options. Mayor Pro Tem Pearson relayed that many of the former staff complained in their communications of a short Open Enrollment window. Deputy City Manager Carroll provided clarification of the timeline and ensured ample future Open Enrollment periods.

With regard to Item F.2, 8833 Shaver Road Raze Order, Mayor Pro Tem Pearson requested clarification regarding the city's policy regarding water connection to properties and adherence to the policy. City Manager La Margo responded, stating that the city offers utility connections to adjacent properties as part of road construction projects as part of the restructuring, noting that property owners are then required to reimburse the city for the work. He confirmed the city has abided by the policy, stating that the property to the south of 8833 Shaver Road accepted the offer to connect to city water during the prior reconstruction of Shaver Road. Deputy City Manager Carroll noted that routing utilities to the property at 8833 Shaver are complicated by the adjacent railroad tracks and a need for right-of-way access, but that more direct routes could be achieved via the properties to either the south or the east by way of purchasing easements with those property owners. Mayor Pro Tem Pearson then asked about the anticipated timeline for the current property owner or potential buyers to remediate or improve the property. City Manager La Margo offered a summarized history of city action on the property. Mr. La Margo noted the City Administration would be conversing with the property owner or property owner's attorney and not the real estate agent going forward. Mayor Pro Tem Pearson stated that the new property owners and heirs appeared to be more actively engaged with the property following the death of the prior owner. Mr. Pearson also inquired whether a representative of the property would be available for the Regular Council Meeting. City Manager La Margo responded that he would confirm with the owners, as compared with the real estate agent. Mayor Randall urged the city to collaborate with the real estate agent and owners to find a viable solution for this particular property and inquired whether there were exceptions to city policy for properties with more complicated situations. Mayor Randall then requested the property record cards from 2013 and 2020 for the property to evaluate the city assessments, as well as the city policy regarding water utility connections. She inquired whether the policy addressed commercial/industrial properties. The City Manager confirmed staff would research and respond. Councilmember Knapp inquired whether property seizure for failure to pay taxes was an issue for the property. City Manager La Margo responded that the property owner has three years to redeem the taxes with penalties via the Kalamazoo County Treasurer. Mayor Randall confirmed that property owners can pay the third year alone to avoid delinquency and public auction.

With regard to Item F.3, Environmental Board Climate Action Response, Mayor Randall requested the development of a proclamation agreeable to both the Environmental Board and the city. City Manager La Margo confirmed staff would work on the development of a document. Mayor Randall then requested City Manager La Margo to evaluate alternative opportunities to address the Environmental Board's concerns. City Manager La Margo confirmed he would follow-up with Deputy City Manager Herringa and related staff to illustrate City Administration efforts to date and going forward.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:53 a.m.

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approval of the Accounts Payable Register of January 26, 2021 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks, auto-pay payments, electronic payments and credit card payments. The attached Accounts Payable Register covers the period January 3, 2021 through January 16, 2021 and notes \$359,181.40 in automated clearing house payments, \$391,310.21 in paper checks, \$70,803.40 in autopay payments, \$3,751,805.51 in electronic payments and \$5,588.84 in credit card payments (December transactions) for a grand total of \$4,578,689.36.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of January 26, 2021

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/03/2021 to 01/16/2021

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Check Type: ACH Transactions

Check Date	Check	Vendor Name	Description	Amount
01/08/2021	14421(A)	ABONMARCHE CONSULTANTS, INC	HOOSE BOUNDARY EASEMENT STAKING	1,900.00
01/08/2021	14422(A)	ALRO STEEL CORPORATION	REPAIR AND MAINTENANCE SUPPLIES	19.25
01/08/2021	14423(A)	APOLLO FIRE EQUIPMENT COMPANY	FIRE OPERATING EQUIPMENT	508.95
01/08/2021	14424(A)	B S & A SOFTWARE	BS&A SOFTWARE RENEWAL	51,566.00
01/08/2021	14425(A)	BCHS-HELPNET	HELPNET EAP SERVICES	1,628.67
01/08/2021	14426(A)	BRINK WOOD PRODUCTS, INC.	WOODCHIPS FOR CITY SIGN AND PLAYGROUND	1,312.00
01/08/2021	14427(A)	CARRIER & GABLE	WB MALL DRIVE T/S CAMERA	2,485.00
01/08/2021	14428(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	640.68
01/08/2021	14429(A)	DIGITAL HIGHWAY WIRELESS SOLUTIONS	CELLULAR ENHANCEMENT SURVEY	795.00
01/08/2021	14430(A)	ENGINEERED PROTECTION SYSTEMS, INC.	UPGRADE TO SWAPPABLE DRIVE	3,220.58
01/08/2021	14431(A)	ETNA SUPPLY, INC.	FLEET MAINTENANCE	6.40
01/08/2021	14432(A)	FARR ASSOCIATES AND URBAN DESIGN PC	URBAN PLANNING AND DESIGN SERVICES	282.50
01/08/2021	14433(A)	FIRSTWATCH SOLUTIONS, INC.	FIRE SOFTWARE	68,069.62
01/08/2021	14434(A)	FURRY, WILLIAM	FINANCE CONSULTANT SERVICES	1,137.50
01/08/2021	14435(A)	GLOBAL EQUIPMENT CO., INC.	DRUM PUMP	154.90
01/08/2021	14436(A)	GORDON WATER SYSTEMS	WATER SERVICE	176.90
01/08/2021	14437(A)	GREAT LAKES CHLORIDE, INC.	TANKER RENTAL	1,600.00
01/08/2021	14438(A)	JACK DOHENY SUPPLIES INC.	VACTOR REPAIRS	5,231.98
01/08/2021	14439(A)	KLOSE2U PHOTOGRAPHY, LLC	RETIREE PHOTO SESSION	175.00
01/08/2021	14440(A)	LOEBIG, ELIZABETH	LOEBIG REIMB FOR KHRMA 2021 MEMBERSHIP	65.00
01/08/2021	14441(A)	LOWE'S HOME CENTER	FIRE FACILITY MAINT	115.83
01/08/2021	14442(A)	MARANA GROUP	METER SERVICE	273.00
01/08/2021	14443(A)	MCNALLY ELEVATOR CO.	REPAIR LOBBY ELEVATOR	924.00
01/08/2021	14444(A)	MEJEUR ELECTRIC LLC	REPAIR LIGHTING-MILHAM BRIDGE	319.00
01/08/2021	14445(A)	MUNICIPAL EMERGENCY SERVICES INC	FIRE PPE GEAR	837.88
01/08/2021	14446(A)	ONE WAY PRODUCTS	JANITORIAL SUPPLIES	432.00
01/08/2021	14447(A)	ONSTAFF USA INC	CDL SEASONAL STAFF	11,294.85
01/08/2021	14448(A)	R W LAPINE INC.	HVAC MAINTENANCE SERVICES	5,070.39
01/08/2021	14449(A)	REIST, GRETCHEN	REIMB KVM USB SWITCH HDMI BOX	139.90
01/08/2021	14450(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	174.98
01/08/2021	14451(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	170.12
01/08/2021	14452(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	264.00

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Check Date	Check	Vendor Name	Description	Amount
01/08/2021	14453(A)	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	360.95
01/08/2021	14454(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION	178,044.60
01/08/2021	14455(A)	THE WRIGHT FENCE	ELIASON FENCE PROJECT	4,510.00
01/08/2021	14456(A)	TRUCK & TRAILER SPECIALTIES	REPAIR AND MAINTENANCE	193.12
01/15/2021	14457(A)	BEST WAY DISPOSAL, INC.	SWEEPER DEBRIS DISPOSAL	5,114.04
01/15/2021	14458(A)	DIGITAL HIGHWAY WIRELESS SOLUTIONS	CELLULAR ENHANCEMENT SURVEY	795.00
01/15/2021	14459(A)	KUSHNER & COMPANY, INC.	KUSHNER & CO FSA & COBRA ADMIN	306.15
01/15/2021	14460(A)	MIH MICHIGAN LLC	DISASTER RECOVERY SERVICE MO CHARGE	1,757.70
01/15/2021	14461(A)	ONSTAFF USA INC	CDL SEASONAL STAFF	6,374.19
01/15/2021	14462(A)	QUADIENT LEASING USA, INC	LEASE PAYMENT	733.77
Total ACH				359,181.40
Check Type: Paper				
01/08/2021	315698	AEG DEVELOPMENT	OVERPAYMENT WTAX20 PARCEL # 01642-088-O	110.18
01/08/2021	315699	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	404.00
01/08/2021	315700	ARBOR FINANCIAL CREDIT UNION	OVERPAYMENT ON TWO PARCELS FOR WTAX20	293.75
01/08/2021	315701	AVB CONSTRUCTION LLC	CONSTRUCTION MANAGEMENT	14,280.00
01/08/2021	315702	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	6.99
01/08/2021	315703	CEREAL CITY WINDOW CLEANING	SR CNTR WINDOW CLEANING	100.00
01/08/2021	315704	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	210,446.65
01/08/2021	315705	CLEARNETWORK, INC.	UNIFIED SECURITY NOVEMBER	1,950.00
01/08/2021	315706	COMMUNITY ACTION AGENCY	OVERPAYMENT FINAL WATER BILL 2207 EWING	96.48
01/08/2021	315707	CORELOGIC CENTRALIZED REFUNDS	OVERPAYMENT WTAX20 MULTIPLE PARCELS	11,922.12
01/08/2021	315708	COSTAR REALTY INFORMATION, INC.	COMM REAL ESTATE DATABASE	367.23
01/08/2021	315709	D L GALLIVAN INC.	COPY MACHINE MAINTENANCE	92.92
01/08/2021	315710	DELISLE ASSOCIATES LTD	ASBESTOS AND LEAD SURVEY	1,047.00
01/08/2021	315711	DIGITAL IMPACT DESIGN, INC.	MEMORIAL PLAQUES	37.32
01/08/2021	315712	DODSON, JOANN	GULF COAST FOR 2021 TRIP REFUND	100.00
01/08/2021	315713	FAWLEY OVERHEAD DOOR, INC.	OVERHEAD DOOR REPAIRS	210.00
01/08/2021	315714	FIRST AMERICAN TITLE CO.	ROMENCE ROAD EXTENSION - THREE PARCELS	1,100.00
01/08/2021	315715	FIRST AMERICAN TITLE CO.	ROMENCE ROAD EXTENSION - THREE PARCELS	550.00
01/08/2021	315716	FLETCHER ENTERPRISES	GRAFFITI REMOVAL	300.00
01/08/2021	315717	H & H PROPERTY MAINTENANCE, LLC	SOD/LAWN INSTALLATION, LANDSCAPING	28,292.00
01/08/2021	315718	HOME DEPOT	PLYWOOD SHEETS FOR GRAVES	1,752.48

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01/08/2021	315719	I A C P N E T	ANNUAL IACP NET SERVICES	1,225.00
01/08/2021	315720	IMAGESTREAM, INC.	TECHNICIAN TIME AND CHARGES FOR COVID19	936.45
01/08/2021	315721	IMAGETREND, INC.	FIRE SOFTWARE	763.85
01/08/2021	315722	INFOGUYS, INC.	MIRS ANNUAL SUBSCRIPTION	1,000.00
01/08/2021	315723	J & B PROFESSIONAL TREE SERVIC	HANGING LIMB REMOVAL	525.00
01/08/2021	315724	JUSTICE FENCE COMPANY	FENCE INSTALL-SOUTH CEMETERIES	3,996.00
01/08/2021	315725	KALAMAZOO LAWN & GARDEN EQUIPMENT	ARIENS BLOWERS-WINTER MAINTENANCE	783.95
01/08/2021	315726	KUIPER BUILDING SERVICES, LLC	SIDING REPAIRS AT SCHOOL HOUSE	3,950.00
01/08/2021	315727	KZOO TIRE COMPANY	POLICE VEHICLE REPAIR	729.00
01/08/2021	315728	L FARNUM, INCORPORATED	CONSULTING SUMMER LOBBY FINANCIAL REPT	200.00
01/08/2021	315729	LERETA LLC	OVERPAYMENT WINTER TAXES SEVERAL PARCELS	7,052.16
01/08/2021	315730	MARTIN & ASSOC ENVIRONMENTAL, LLC	ASBESTOS REMOVAL	600.00
01/08/2021	315731	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	122.00
01/08/2021	315732	MICHIGAN FIRE INSPECTOR'S SOCIETY	FIRE PREVENTION TRAINING	300.00
01/08/2021	315733	MICHIGAN SECURITY & LOCK	LOCK AND KEY SERVICES	150.00
01/08/2021	315734	MID-MICHIGAN ASSO OF ASSESSING	5 MMAAO ANNUAL MEMBERSHIPS	100.00
01/08/2021	315735	MIDWEST CUSTOM EMBROIDERY COMPANY	UNIFORM POLO'S-ASSESSORS	51.00
01/08/2021	315736	MLIVE MEDIA GROUP	BID ANNOUNCEMENT/AFFIDAVIT	40.37
01/08/2021	315737	MML UNEMPLOYMENT FUND	QUARTERLY UNEMPLOYMENT CONTRIBUTION	281.25
01/08/2021	315738	NEMRAVA, MINA	GENEALOGY PROGRAM REFUND	20.00
01/08/2021	315739	O'REILLY AUTO PARTS	FLEET MAINTENANCE	70.70
01/08/2021	315740	OFFICE DEPOT, INC.	OFFICE SUPPLIES	607.78
01/08/2021	315741	PATCH PLAQUES	CUSTOM DIGITAL COMBO PODIUM PLAQUE	180.45
01/08/2021	315742	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	358.08
01/08/2021	315743	PORTAGE GLASS & MIRROR	REPLACEMENT WINDOWS	14,393.90
01/08/2021	315744	PURITY CYLINDER GASES, INC	WELDING SUPPLIES	39.79
01/08/2021	315745	QUADMED, INC.	FIRE EMS SUPPLIES	700.83
01/08/2021	315746	RATHCO SAFETY SUPPLY, INC.	SIGNS AND MATERIALS	169.50
01/08/2021	315747	RESTORATIVE LAKE SCIENCES, LLC	WEST LAKE WEED MANAGEMENT PROGRAM	1,625.00
01/08/2021	315748	SAFEBUILT MICHIGAN, LLC	INSPECTIONS FOR BUILDING SERVICE	4,740.00
01/08/2021	315749	SESAC INC	MUSIC LICENSING - SESAC	965.00
01/08/2021	315750	SKY KING HOMES	OVERPAYMENT FINAL WATER/SEWER	313.11
01/08/2021	315751	SPARTAN DISTRIBUTORS INC.	VENTRAC MAINTENANCE	125.15

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Check Date	Check	Vendor Name	Description	Amount
01/08/2021	315752	STATE OF MICHIGAN	SOR FEES	210.00
01/08/2021	315753	STATE SYSTEMS RADIO, INC	RANGER RADIO CLIP	15.00
01/08/2021	315754	STEENSMA LAWN & POWER EQUIPMENT	CHAIN SAW SUPPLIES	664.84
01/08/2021	315755	THE POSTMAN AND CONCRETE DESIGNS	FENCE REPAIRS	375.00
01/08/2021	315756	THOMAS, MONTORA	THOMAS-TUITION REIMB	640.00
01/08/2021	315757	THRYV, INC.	SC YELLOW PAGES	54.50
01/08/2021	315758	VERIZON WIRELESS	WIRELESS SERVICE	2,857.74
01/08/2021	315759	WELLS FARGO REAL ESTATE TAX SERVICE	OVERPAYMENTS WINTER TAXES ON 4 PARCELS	1,582.25
01/08/2021	315760	WESTERN MICH. ELECT. INSPECT. ASSOC	WMEA MEMBERSHIP	60.00
01/08/2021	315761	WITMER PUBLIC SAFETY GROUP	FIRE ADMIN UNIFORMS	49.94
01/15/2021	315762	ADP, INC.	BI WEEKLY PAYROLL	5,280.55
01/15/2021	315763	AT&T	ELECTRONIC COMMUNICATIONS	6,572.42
01/15/2021	315764	BLUE CROSS/BLUE SHIELD OF MICH	BCBSM INSURANCE	45,240.30
01/15/2021	315765	FLETCHER ENTERPRISES	PREP/PAINT SPRINKLER LINES	3,375.00
01/15/2021	315766	INGERSOLL, WATSON, MCMACHEN INC	SURVEY FOR 9007 WEST END DRIVE	154.79
01/15/2021	315767	INT'L INSTITUTE MUNI. CLERKS	INTERNATIONAL INSTITUTE OF MUNI CLERKS	345.00
01/15/2021	315768	MICHIGAN ASSOC OF MUNICIPAL CLERKS	MEMBERSHIP FEES-MICHIGAN ASSOC MUNI CLKs	120.00
01/15/2021	315769	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL LEGAL SERVICES	1,365.00
01/15/2021	315770	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	923.07
01/15/2021	315771	PORTAGE GLASS & MIRROR	GLASS REPAIR	60.00
01/15/2021	315772	UNITED PARCEL SERVICE	UPS WEEKLY	24.00
01/15/2021	315773	VERIZON CONNECT NWF, INC.	GPS HARNESES	766.37
Total Paper Checks				391,310.21
Check Type: Auto-pay Payments				
01/04/2021		CONSUMERS ENERGY	GAS-ELECTRIC	101.67
01/06/2021		CONSUMERS ENERGY	GAS-ELECTRIC	43,440.48
01/07/2021		CONSUMERS ENERGY	GAS-ELECTRIC	14,546.45
01/11/2021		CONSUMERS ENERGY	GAS-ELECTRIC	1,560.77
01/12/2021		CONSUMERS ENERGY	GAS-ELECTRIC	5,615.84
01/14/2021		CONSUMERS ENERGY	GAS-ELECTRIC	5,538.19
Total Auto-pay Payments				70,803.40

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Check Date	Check	Vendor Name	Description	Amount
Check Type: Electronic Payments				
12/31/2020		MULTIPLE	WEEKLY TAX DISBURSEMENT 12/25/20	1,370,910.89
12/31/2020		ICMA	PENSION WITHOLDINGS	37,931.88
01/08/2021		CITY OF PORTAGE	RETURN OF TRAVEL ADVANCE FUNDS	105.00
01/08/2021		MULTIPLE	WEEKLY TAX DISBURSMENT 1/1/21	1,888,039.11
01/15/2021		MULTIPLE	IAFF, PPOA, PPOA, UAW PENSION PAYMENTS	88,262.44
01/15/2021		MULTIPLE	RETIREE HEALTH SAVINGS	31,301.35
01/15/2021		MULTIPLE	WEEKLY TAX DISBURSEMENT 1/8/21	275,490.58
01/15/2021		ATTORNEY	LEGAL & ARBITRATION	18,810.00
01/15/2021		ICMA	PENSION WITHOLDINGS	40,954.26
Total Electronic Payments				3,751,805.51

Check Type: Credit Card Transactions

12/01/2020		FBI LEEDA INC	POLICE MEMBERSHIP	50.00
12/01/2020		BUZZSPROUT.COM PODCAST	MONTHLY PODCAST SUBSCRIPTION	24.00
12/01/2020		MICHIGAN ASSOC OF CHIEFS	POLICE MEMBERSHIP	100.00
12/01/2020		NATIONAL TACTICAL OFFICE	POLICE MEMBERSHIP	450.00
12/02/2020		UVA COOPER CNTR CONF WEB	CITY MANAGER WEBINAR	50.00
12/03/2020		WEB SECURE POSITIVESS	WEBSITE DOMAIN CERTIFICATES	209.00
12/07/2020		HOMEDPOT.COM	NEW CABINET FOR DPW SHOP	300.50
12/07/2020		AMZN MKTP US	QVF YUBIKEY RINGS	30.60
12/10/2020		SP IMPACT DOG CRATES	CHEWPROOF CRATE FOR K9 RIGGS	1,129.10
12/10/2020		MICHIGAN ASSOC OF CHIEFS	POLICE MEMBERSHIP	100.00
12/10/2020		AMZN MKTP US	ICE RINK DECORATIONS	129.70
12/11/2020		AMZN MKTP US	PARKS BLACK HISTORY MONTH BOOK RET	(303.40)
12/11/2020		ICMA ONLINE	CITY MANAGER WEBINAR	149.00
12/11/2020		MICHIGAN ASSOC OF CHIEFS	POLICE CONFERENCE/TRAINING	280.00
12/15/2020		AMERICAN PUBLIC WORKS	STORMWATER MANAGEMENT MANUAL	133.34
12/16/2020		COMMUNITY ECONOMIC DEV	PARKS DEPT DIR MEMBERSHIP RENEWAL	250.00
12/17/2020		GOVERNMENT FINANCE OFFIC	GFOA MEMBERSHIP RENEWAL FEES	305.00
12/17/2020		MICHIGAN MUNICIPAL LEAGUE	CITY MANAGER MEMBERSHIP	145.00
12/21/2020		AMERICAN PUBLIC WORKS	APL FOR EMPLOYEE TO BECOME CERTIFIED	95.00
12/22/2020		THE MICHIGAN LEAN CONSORT	DCM MEMBERSHIP RENEWAL	120.00

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Check Date	Check	Vendor Name	Description	Amount
12/23/2020		ICMA ONLINE	MEMBERSHIP RENEWAL	1,400.00
12/29/2020		CHARGE.PREZI.COM	IT SUBSCRIPTION RENEWAL	228.00
12/30/2020		IACP	MEMBERSHIP RENEWAL	190.00
12/31/2020		BUZZSPROUT.COM PODCAST	MONTHLY PODCAST SUBSCRIPTION	24.00
			Total Credit Card Payments	5,588.84
			Grand Total	4,578,689.36

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Elijah Root Dam Removal Feasibility Study

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services
Kendra Gwin, Director of Transportation & Utilities
Jamie Harmon, Assistant City Engineer

ACTION RECOMMENDED: Award a contract in the amount of \$119,805 to Wightman for engineering consulting services for the Elijah Root Dam Removal Feasibility Study, and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Elijah Root Mill Dam was part of a lumber mill originally constructed in 1834. The lumber mill structure has been removed but the dam structure including an earthen berm and two concrete spillways remain that split the flow of Portage Creek around an island located downstream of the dam. Wetlands exist upstream of the dam and a significant amount of sediment has accumulated behind the dam. The East Milham Avenue bridge is upstream of the dam and the Lovers Lane access road is downstream. The dam is failing and is a barrier for fish passage and recreational uses including canoeing and kayaking. Therefore, the City Administration believes removal of the dam is prudent and recommends the preparation of a feasibility study for the removal of the Elijah Root Mill Dam.

There are three major engineering elements which are critical to the removal of the dam:

1. Scour prevention of the Milham Avenue bridge footings from the water level drop.
2. Management of more than seven feet of sediment behind the dam.
3. Overall hydrology of Portage Creek as part of the restoration with impact to the Lovers Lane access road.

These elements are a major focus of an assessment to prevent bridge failures and sediment buildup that could potentially force Portage Creek to reroute into the pedestrian trails. Experience in dam removal, sediment management, hydrology and bridge impact assessments is a major factor in the vendor selection for the feasibility study. The city is also looking at qualifications for creek restoration that will allow for streambed restoration for brown trout and other marine life, recreational usage and historic

interpretation.

The goal of the feasibility study would be to evaluate alternatives and define the scope and sequencing of work that would be necessary to remove the Elijah Root Mill Dam, while minimizing impacts to the East Milham Avenue Bridge, Lovers Lane access road and adjacent wetland areas. The feasibility study will NOT include design engineering services such as preparing project plans and specifications and securing permits. Upon completion of the feasibility study, the city would consider negotiating engineering services for the safe removal of the Elijah Root Mill Dam. The final report with recommendations will include:

- Identify and evaluate three alternatives to allow for bridge integrity, kayak/canoe and fish passage
- Identify and evaluate necessary alterations to upstream and downstream creek morphology, including the creek bed and streambank stabilization, as well as restoration and floodplain alterations
- Assessment and recommendation of the Lover's Lane culvert to allow unobstructed flow of Portage Creek and elimination of sediment deposits
- Maintain portions of the mill building structure for historical interpretation
- Restoration of fish habitat and streambed
- Cost estimates for all alternatives

Proposals were solicited for conducting the Elijah Root Mill Dam Removal Feasibility Study. Four proposals were received on December 18, 2020 to perform the work. The firm that submitted the low bid is not qualified and does not have the high level of experience with dam removals and bridge assessments held by the other bidding firms. Wightman submitted the highest bid in the amount of \$119,805 (within \$2,135 of the other two proposals). City staff have worked extensively with Wightman, which has experience and familiarity conducting the city's bridge inspections every two years, including the East Milham Avenue Bridge. The firm has three dedicated engineers with dam removal experience and has MDOT hydraulic analysis and modeling qualifications, which would be required for this project. Wightman has an excellent and highly experienced team in place for stream restoration and historic interpretation proposed for the project.

It is recommended that City Council award a contract in the amount of \$119,805 to Wightman for engineering consulting services for the Elijah Root Mill Dam Removal Feasibility Study, and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funding is included in the CIP for FY 19-20.

Attachments: 1. Proposal Tabulation - Elijah Root Dam

**ELIJAH ROOT DAM REMOVAL FEASIBILITY STUDY
PROPOSAL TABULATION**

	Total Sum
Land & Resource Engineering	\$99,340.00
Keiser & Associates, LLC	\$117,670.00
GEI Consultants of Michigan, P.C.	\$118,500.00
Wightman	\$119,805.00

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Early Redemption of Outstanding Bonds

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Adopt Refunding Bond Resolutions for City of Portage Capital Improvement Bonds, Series 2021A:

1. approve a budget amendment in the Sewer Fund for \$178,736, and in the Water Fund for \$292,929, to fund portions of the early redemption of Capital Improvement Bonds, Series 2012; and
2. adopt Refunding Bond Resolution Approving Redemption of City of Portage Capital Improvement Bonds, Series 2012.

In August 2012, the City of Portage sold \$2.135 million in bonds to finance various capital improvement projects in Streets, Parks, Public Safety, Sewer and Water categories. The outstanding balance of those bonds is currently \$1,060,000, with interest rates ranging from 2.00% to 3.375%. Sewer projects account for \$178,736 of the balance, and Water projects total \$292,929, while general capital improvement projects total \$588,335.

The bid from Southern Michigan Bank and Trust was a net interest cost of 1.45%, yielding a net present value benefit from the refunding of \$50,270, including coverage of issuance costs. The contribution of \$471,665 to the refunding by the Sewer and Water Funds will limit the refunding to only the portion related to non-utility projects, reducing overall outstanding debt by approximately \$459,000.

The attached bond resolution was prepared by the city's Bond Counsel, John Axe. The resolution will initiate the legal process required to refinance the existing Capital Improvement Bonds, Series 2012. Municipal Financial Consultants, Inc., the city's financial advisor, has analyzed alternate bond sale both by direct bank placement and through a negotiated sale, and found the two types comparable, and less costly than a traditional bond sale. Refunding bonds will be sold following City Council approval.

FUNDING: Funding is available in the Sewer Fund (\$178,736) and Water Fund (\$292,929).

- Attachments:**
1. Portage CI RF 2021A-finalv2
 2. City of Portage Refunding Bond Resolution 2021A

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

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City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Refunding Summary

Dated 02/25/2021 | Delivered 02/25/2021

Sources Of Funds

Par Amount of Bonds	\$602,605.00
Transfers from Prior Issue Debt Service Funds	14,040.63
Planned Issuer Equity contribution	471,665.00

Total Sources	\$1,088,310.63
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Uses Of Funds

Costs of Issuance	14,270.00
Deposit to Current Refunding Fund	1,074,040.63

Total Uses	\$1,088,310.63
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Flow of Funds Detail

State and Local Government Series (SLGS) rates for
Date of OMP Candidates

Current Refunding Escrow Solution Method	Net Funded
Total Cost of Investments	\$1,074,040.63
Total Draws	\$1,074,040.63

Issues Refunded And Call Dates

Portage CI Bonds 2012	4/01/2021
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PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 2.005%(AIC)	535,976.26
Total Cash contribution	(471,665.00)
Transfers from Prior Issue Debt Service Fund	(14,040.63)
Net Present Value Benefit	\$50,270.63

Net PV Benefit / Refunded Principal	4.743%
Net PV Benefit / Refunding Principal	8.342%
Average Annual Cash Flow Savings	46,838.06
Total New Net D/S	642,955.30
Total Prior D/S	1,251,850.10
Total Cashflow Savings	608,894.80

Bond Statistics

Average Life	4.618 Years
Average Coupon	1.4500007%
Net Interest Cost (NIC)	1.4500007%
Bond Yield for Arbitrage Purposes	1.4498574%
True Interest Cost (TIC)	1.4498574%
All Inclusive Cost (AIC)	2.0051606%

Portage CI RF 2021 | SINGLE PURPOSE | 1/12/2021 | 4:35 PM

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Sources & Uses

Dated 02/25/2021 | Delivered 02/25/2021

Sources Of Funds

Par Amount of Bonds	\$602,605.00
Transfers from Prior Issue Debt Service Funds	14,040.63
Planned Issuer Equity contribution	471,665.00

Total Sources	\$1,088,310.63
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Uses Of Funds

Costs of Issuance	14,270.00
Deposit to Current Refunding Fund	1,074,040.63

Total Uses	\$1,088,310.63
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City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
10/01/2021	106,000.00	1.450%	5,242.66	111,242.66
10/01/2022	101,442.00	1.450%	7,200.78	108,642.78
10/01/2023	100,151.00	1.450%	5,729.86	105,880.86
10/01/2024	38,678.00	1.450%	4,277.68	42,955.68
10/01/2025	32,489.00	1.450%	3,716.84	36,205.84
10/01/2026	31,335.00	1.450%	3,245.76	34,580.76
10/01/2027	30,002.00	1.450%	2,791.40	32,793.40
10/01/2028	28,649.00	1.450%	2,356.36	31,005.36
10/01/2029	27,115.00	1.450%	1,940.96	29,055.96
10/01/2030	25,558.00	1.450%	1,547.78	27,105.78
10/01/2031	28,897.00	1.450%	1,177.20	30,074.20
10/01/2032	27,129.00	1.450%	758.20	27,887.20
10/01/2033	25,160.00	1.450%	364.82	25,524.82
Total	\$602,605.00	-	\$40,350.30	\$642,955.30

Yield Statistics

Bond Year Dollars	\$2,782.78
Average Life	4.618 Years
Average Coupon	1.4500007%
Net Interest Cost (NIC)	1.4500007%
True Interest Cost (TIC)	1.4498574%
Bond Yield for Arbitrage Purposes	1.4498574%
All Inclusive Cost (AIC)	2.0051606%

IRS Form 8038

Net Interest Cost	1.4500007%
Weighted Average Maturity	4.618 Years

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
04/01/2021	-	-	-	-
10/01/2021	106,000.00	1.450%	5,242.66	111,242.66
04/01/2022	-	-	3,600.39	3,600.39
10/01/2022	101,442.00	1.450%	3,600.39	105,042.39
04/01/2023	-	-	2,864.93	2,864.93
10/01/2023	100,151.00	1.450%	2,864.93	103,015.93
04/01/2024	-	-	2,138.84	2,138.84
10/01/2024	38,678.00	1.450%	2,138.84	40,816.84
04/01/2025	-	-	1,858.42	1,858.42
10/01/2025	32,489.00	1.450%	1,858.42	34,347.42
04/01/2026	-	-	1,622.88	1,622.88
10/01/2026	31,335.00	1.450%	1,622.88	32,957.88
04/01/2027	-	-	1,395.70	1,395.70
10/01/2027	30,002.00	1.450%	1,395.70	31,397.70
04/01/2028	-	-	1,178.18	1,178.18
10/01/2028	28,649.00	1.450%	1,178.18	29,827.18
04/01/2029	-	-	970.48	970.48
10/01/2029	27,115.00	1.450%	970.48	28,085.48
04/01/2030	-	-	773.89	773.89
10/01/2030	25,558.00	1.450%	773.89	26,331.89
04/01/2031	-	-	588.60	588.60
10/01/2031	28,897.00	1.450%	588.60	29,485.60
04/01/2032	-	-	379.10	379.10
10/01/2032	27,129.00	1.450%	379.10	27,508.10
04/01/2033	-	-	182.41	182.41
10/01/2033	25,160.00	1.450%	182.41	25,342.41
Total	\$602,605.00	-	\$40,350.30	\$642,955.30

Yield Statistics

Bond Year Dollars	\$2,782.78
Average Life	4.618 Years
Average Coupon	1.4500007%
Net Interest Cost (NIC)	1.4500007%
True Interest Cost (TIC)	1.4498574%
Bond Yield for Arbitrage Purposes	1.4498574%
All Inclusive Cost (AIC)	2.0051606%

IRS Form 8038

Net Interest Cost	1.4500007%
Weighted Average Maturity	4.618 Years

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
10/01/2021	111,242.66	111,242.66	158,081.26	46,838.60
10/01/2022	108,642.78	108,642.78	155,481.26	46,838.48
10/01/2023	105,880.86	105,880.86	152,718.76	46,837.90
10/01/2024	42,955.68	42,955.68	89,793.76	46,838.08
10/01/2025	36,205.84	36,205.84	83,043.76	46,837.92
10/01/2026	34,580.76	34,580.76	81,418.76	46,838.00
10/01/2027	32,793.40	32,793.40	79,631.26	46,837.86
10/01/2028	31,005.36	31,005.36	77,843.76	46,838.40
10/01/2029	29,055.96	29,055.96	75,893.76	46,837.80
10/01/2030	27,105.78	27,105.78	73,943.76	46,837.98
10/01/2031	30,074.20	30,074.20	76,912.50	46,838.30
10/01/2032	27,887.20	27,887.20	74,725.00	46,837.80
10/01/2033	25,524.82	25,524.82	72,362.50	46,837.68
Total	\$642,955.30	\$642,955.30	\$1,251,850.10	\$608,894.80

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	535,976.26
Net PV Cashflow Savings @ 2.005%(AIC)	535,976.26
Total Cash contribution	(471,665.00)
Transfers from Prior Issue Debt Service Fund	(14,040.63)
Net Present Value Benefit	\$50,270.63
Net PV Benefit / \$1,060,000 Refunded Principal	4.743%
Net PV Benefit / \$602,605 Refunding Principal	8.342%

Refunding Bond Information

Refunding Dated Date	2/25/2021
Refunding Delivery Date	2/25/2021

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
10/01/2021	Serial Coupon	1.450%	1.450%	106,000.00	100.000%	106,000.00
10/01/2022	Serial Coupon	1.450%	1.450%	101,442.00	100.000%	101,442.00
10/01/2023	Serial Coupon	1.450%	1.450%	100,151.00	100.000%	100,151.00
10/01/2024	Serial Coupon	1.450%	1.450%	38,678.00	100.000%	38,678.00
10/01/2025	Serial Coupon	1.450%	1.450%	32,489.00	100.000%	32,489.00
10/01/2026	Serial Coupon	1.450%	1.450%	31,335.00	100.000%	31,335.00
10/01/2027	Serial Coupon	1.450%	1.450%	30,002.00	100.000%	30,002.00
10/01/2028	Serial Coupon	1.450%	1.450%	28,649.00	100.000%	28,649.00
10/01/2029	Serial Coupon	1.450%	1.450%	27,115.00	100.000%	27,115.00
10/01/2030	Serial Coupon	1.450%	1.450%	25,558.00	100.000%	25,558.00
10/01/2031	Serial Coupon	1.450%	1.450%	28,897.00	100.000%	28,897.00
10/01/2032	Serial Coupon	1.450%	1.450%	27,129.00	100.000%	27,129.00
10/01/2033	Serial Coupon	1.450%	1.450%	25,160.00	100.000%	25,160.00
Total	-	-	-	\$602,605.00	-	\$602,605.00

Bid Information

Par Amount of Bonds	\$602,605.00
Gross Production	\$602,605.00
Bid (100.000%)	602,605.00
Total Purchase Price	\$602,605.00
Bond Year Dollars	\$2,782.78
Average Life	4.618 Years
Average Coupon	1.4500007%
Net Interest Cost (NIC)	1.4500007%
True Interest Cost (TIC)	1.4498574%

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Current Refunding Escrow

Date	Rate	Zero Coupon	Reinvestment	Receipts	Disbursements	Cash Balance
02/25/2021	-	(1,074,040.00)	-	0.63	-	0.63
04/01/2021	-	-	1,074,040.00	1,074,040.00	1,074,040.63	-
Total	-	(1,074,040.00)	\$1,074,040.00	\$1,074,040.63	\$1,074,040.63	-

Investment Parameters

Investment Model [PV, GIC, or Securities]	Securities
Default investment yield target	Unrestricted

Cash Deposit	1,074,040.63
Total Cost of Investments	\$1,074,040.63
Target Cost of Investments at bond yield	\$1,072,490.16
Actual positive or (negative) arbitrage	(1,550.47)
Yield to Receipt	-
Yield for Arbitrage Purposes	1.4498574%

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Detail Costs Of Issuance

Dated 02/25/2021 | Delivered 02/25/2021

COSTS OF ISSUANCE DETAIL

Financial Advisor	\$5,499.48
Bond Counsel	\$6,500.00
MAC Fee	\$400.00
State of Michigan Fee	\$120.52
Verification Agent Fee	\$750.00
Escrow/Paying Agent Fee	\$1,000.00
TOTAL	\$14,270.00

City of Portage

Capital Improvement Bonds, Series 2012

\$2,135,000

Prior Original Debt Service

Date	Principal	Coupon	Interest	Total P+I
10/01/2012	-	-	-	-
04/01/2013	-	-	33,054.17	33,054.17
10/01/2013	-	-	24,790.63	24,790.63
04/01/2014	-	-	24,790.63	24,790.63
10/01/2014	165,000.00	2.000%	24,790.63	189,790.63
04/01/2015	-	-	23,140.63	23,140.63
10/01/2015	165,000.00	2.000%	23,140.63	188,140.63
04/01/2016	-	-	21,490.63	21,490.63
10/01/2016	165,000.00	2.000%	21,490.63	186,490.63
04/01/2017	-	-	19,840.63	19,840.63
10/01/2017	165,000.00	2.000%	19,840.63	184,840.63
04/01/2018	-	-	18,190.63	18,190.63
10/01/2018	165,000.00	2.000%	18,190.63	183,190.63
04/01/2019	-	-	16,540.63	16,540.63
10/01/2019	125,000.00	2.000%	16,540.63	141,540.63
04/01/2020	-	-	15,290.63	15,290.63
10/01/2020	125,000.00	2.000%	15,290.63	140,290.63
04/01/2021	-	-	14,040.63	14,040.63
10/01/2021	130,000.00	2.000%	14,040.63	144,040.63
04/01/2022	-	-	12,740.63	12,740.63
10/01/2022	130,000.00	2.125%	12,740.63	142,740.63
04/01/2023	-	-	11,359.38	11,359.38
10/01/2023	130,000.00	2.250%	11,359.38	141,359.38
04/01/2024	-	-	9,896.88	9,896.88
10/01/2024	70,000.00	2.500%	9,896.88	79,896.88
04/01/2025	-	-	9,021.88	9,021.88
10/01/2025	65,000.00	2.500%	9,021.88	74,021.88
04/01/2026	-	-	8,209.38	8,209.38
10/01/2026	65,000.00	2.750%	8,209.38	73,209.38
04/01/2027	-	-	7,315.63	7,315.63
10/01/2027	65,000.00	2.750%	7,315.63	72,315.63
04/01/2028	-	-	6,421.88	6,421.88
10/01/2028	65,000.00	3.000%	6,421.88	71,421.88
04/01/2029	-	-	5,446.88	5,446.88
10/01/2029	65,000.00	3.000%	5,446.88	70,446.88
04/01/2030	-	-	4,471.88	4,471.88
10/01/2030	65,000.00	3.125%	4,471.88	69,471.88
04/01/2031	-	-	3,456.25	3,456.25
10/01/2031	70,000.00	3.125%	3,456.25	73,456.25
04/01/2032	-	-	2,362.50	2,362.50
10/01/2032	70,000.00	3.375%	2,362.50	72,362.50
04/01/2033	-	-	1,181.25	1,181.25
10/01/2033	70,000.00	3.375%	1,181.25	71,181.25
Total	\$2,135,000.00	-	\$528,263.72	\$2,663,263.72

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	2/25/2021
Average Life	5.737 Years
Average Coupon	2.9701957%
Weighted Average Maturity (Par Basis)	5.737 Years
Weighted Average Maturity (Original Price Basis)	5.737 Years

Refunding Bond Information

Refunding Dated Date	2/25/2021
Refunding Delivery Date	2/25/2021

Portage CI Bonds 2012 | SINGLE PURPOSE | 1/12/2021 | 4:35 PM

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Derivation Of Form 8038 Yield Statistics

Maturity	Issuance Value	Coupon	Price	Issuance Price	Exponent	Bond Years
10/01/2021	106,000.00	1.450%	100.000%	106,000.00	0.6000000x	63,600.00
10/01/2022	101,442.00	1.450%	100.000%	101,442.00	1.6000000x	162,307.20
10/01/2023	100,151.00	1.450%	100.000%	100,151.00	2.6000000x	260,392.60
10/01/2024	38,678.00	1.450%	100.000%	38,678.00	3.6000000x	139,240.80
10/01/2025	32,489.00	1.450%	100.000%	32,489.00	4.6000000x	149,449.40
10/01/2026	31,335.00	1.450%	100.000%	31,335.00	5.6000000x	175,476.00
10/01/2027	30,002.00	1.450%	100.000%	30,002.00	6.6000000x	198,013.20
10/01/2028	28,649.00	1.450%	100.000%	28,649.00	7.6000000x	217,732.40
10/01/2029	27,115.00	1.450%	100.000%	27,115.00	8.6000000x	233,189.00
10/01/2030	25,558.00	1.450%	100.000%	25,558.00	9.6000000x	245,356.80
10/01/2031	28,897.00	1.450%	100.000%	28,897.00	10.6000000x	306,308.20
10/01/2032	27,129.00	1.450%	100.000%	27,129.00	11.6000000x	314,696.40
10/01/2033	25,160.00	1.450%	100.000%	25,160.00	12.6000000x	317,016.00
Total	\$602,605.00	-	-	\$602,605.00	-	\$2,782,778.00

Description of Bonds

Final Maturity Date	10/01/2033
Issue price of entire issue	602,605.00
Stated Redemption at Maturity	602,605.00
Weighted Average Maturity = Bond Years/Issue Price	4.618 Years
Bond Yield for Arbitrage Purposes	1.4498574%

Uses of Proceeds of Issue

Proceeds used for accrued interest	-
Proceeds used for bond issuance costs (including underwriters' discount)	14,270.00
Proceeds used for credit enhancement	-
Proceeds allocated to reasonably required reserve or replacement fund	-

Description of Refunded Bonds

Proceeds used to currently refund prior issue	1,074,040.63
Proceeds used to advance refund prior issue	-
Remaining weighted average maturity of the bonds to be currently refunded	5.737 Years
Remaining weighted average maturity of the bonds to be advance refunded	-
Last date on which the refunded bonds will be called	4/01/2021

City of Portage

Capital Improvement Refunding Bonds, Series 2021A

\$602,605

Form 8038 Refunded Bonds

Date	Type of Bond	Coupon	FV Principal	Price	Issue Price
Portage CI Bonds 2012					
10/01/2021	Serial Coupon	2.000%	130,000.00	100.000%	130,000.00
10/01/2022	Serial Coupon	2.125%	130,000.00	100.000%	130,000.00
10/01/2023	Serial Coupon	2.250%	130,000.00	100.000%	130,000.00
10/01/2024	Term 1 Coupon	2.500%	70,000.00	100.000%	70,000.00
10/01/2025	Term 1 Coupon	2.500%	65,000.00	100.000%	65,000.00
10/01/2026	Term 2 Coupon	2.750%	65,000.00	100.000%	65,000.00
10/01/2027	Term 2 Coupon	2.750%	65,000.00	100.000%	65,000.00
10/01/2028	Term 3 Coupon	3.000%	65,000.00	100.000%	65,000.00
10/01/2029	Term 3 Coupon	3.000%	65,000.00	100.000%	65,000.00
10/01/2030	Term 4 Coupon	3.125%	65,000.00	100.000%	65,000.00
10/01/2031	Term 4 Coupon	3.125%	70,000.00	100.000%	70,000.00
10/01/2032	Term 5 Coupon	3.375%	70,000.00	100.000%	70,000.00
10/01/2033	Term 5 Coupon	3.375%	70,000.00	100.000%	70,000.00
Subtotal		-	\$1,060,000.00	-	\$1,060,000.00
Total		-	\$1,060,000.00	-	\$1,060,000.00

CITY OF PORTAGE

At a Virtual meeting of the City Council of the City of Portage, Kalamazoo County, Michigan (the "City"), held in the City of Portage in said City, on _____, 2021 at ____:____.m., Eastern Time, there were

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____

REFUNDING BOND RESOLUTION
City of Portage
County of Kalamazoo, State of Michigan
Capital Improvement Refunding Bonds, Series 2021A

WHEREAS, on July 24, 2012, the City of Portage (the "City"), pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), issued its \$2,135,000 City of Portage Capital Improvement Bonds, Series 2012 the ("Prior Bonds"); and

WHEREAS, the City may call \$1,060,000 of the Prior Bonds on April 1, 2021; and

WHEREAS, the Prior Bonds were issued at a time when interest rates were higher than is currently the case and, accordingly, bear rates of interest in excess of current tax-exempt interest rates; and

WHEREAS, the City has determined that it is necessary and appropriate at this time to issue a series of refunding bonds pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to refund all or part of the Prior Bonds so long as such refunding generates present value savings; and

WHEREAS, the City agrees to pledge its full faith and credit for the repayment of the bonds as further described below.

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

1. **Issuance of Refunding Bonds.** Refunding Bonds aggregating in the principal amount not to exceed Six Hundred Two Thousand Six Hundred and Five Dollars (\$602,605) (the "Bonds") shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding all or part of the Prior Bonds (the "Refunded Bonds") so long as such refunding generates present value savings.

2. **Refunding Bond Details.** The Bonds shall be known as “City of Portage Capital Improvement Refunding Bonds, Series 2021A (the “Bonds”) and shall be dated on the date of delivery. The Bonds shall be fully registered Bonds, both as to principal and interest, in any one or more denominations or a multiple thereof 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 \$602,605 in Bonds and the Bonds shall bear interest at 1.45% per annum and mature on October 1 in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2021	\$106,000.00	2028	\$28,649.00
2022	101,442.00	2029	27,115.00
2023	100,151.00	2030	25,558.00
2024	38,678.00	2031	28,897.00
2025	32,489.00	2032	27,129.00
2026	31,335.00	2033	25,160.00
2027	30,002.00		

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

3. **Interest Payment and Date of Record.** The Bonds shall bear interest payable October 1, 2021 and each April 1 each October 1 thereafter, until maturity, which interest shall not exceed 3% per annum. Interest shall be paid by check or draft mailed to the registered owner of each Bond as of the applicable date of record, provided, however, that the City Finance Director may agree with the bond registrar on a different method of payment. If interest is paid differently, the Bond form attached as Exhibit A shall be changed accordingly.

The date of record for each interest payment shall be the 15th day of the calendar month preceding the date such payment is due.

4. **Prior Redemption.** The Bonds maturing prior to October 1, 2031 shall not be subject to redemption prior to maturity. Bonds maturing on and after October 1, 2031 shall be subject to redemption in whole or in part on any date on and after October 1, 2030, and in any order at par, plus accrued interest to the date fixed for redemption.

5. **Purchaser.** The Bonds were sold to Southern Michigan Bank and Trust at par and the interest rate set forth above in paragraph 2.

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 7.

7. **Increase or Decrease in Aggregate Amount of Refunding Bonds.** In the event the amount necessary to refund the Refunded Bonds shall be more or less than \$602,605, the City Finance Director shall increase, or decrease the principal amount of the Bonds by any amount, to the extent required to avoid the issuance of more 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. 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. **Security for the Bonds.** The City agrees to pledge for the repayment of the Bonds sufficient amounts of City taxes ("Tax Revenue") 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 the Michigan Constitution.

9.(A) **Bond Registrar and Paying Agent/Book Entry Depository Trust.** The City Finance Director shall enter into an agreement with, Huntington National Bank, Grand Rapids, Michigan a bond registrar and paying agent for the Bonds which is 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 Refunding 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 Refunding 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 Refunding Bonds which has been selected for redemption.

10. **Mutilated, Lost, Stolen or Destroyed Refunding 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, a new Bond having a number not then outstanding, of like date, maturity and denomination as that 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 shall 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; 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.

11. **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.

12. **City's Limited Tax Pledge.** The principal of and interest on the Bonds shall be payable primarily out of the Tax Revenues for each year through and including the year ending June 30, 2033, in anticipation of which the Bonds are to be issued. In addition, the limited tax pledge of the City is to be irrevocably pledged to the prompt payment of the principal of and interest on the Bonds when due. If the foregoing collections of tax revenues shall not be sufficient to pay the principal of and the interest on the Bonds as the same shall become due, then moneys sufficient to meet the deficiency shall be advanced from the General Fund of the City. The City's ability to raise such funds is subject to applicable constitutional and statutory limitations on the taxing power of the City.

13. **Principal and Interest Fund.** All monies paid to the City from Tax Revenues shall be set aside by the City in a separate fund hereby established, to be known as the "Principal and Interest Fund." All moneys in the Principal and Interest Fund shall be kept in a separate depository account with one or more banks or trust companies where the principal of and interest on the Bonds are payable, and such moneys shall 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. All accrued interest and the premium, if any, received from the purchaser of the Bonds shall be deposited in the Principal and Interest Fund upon receipt.

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

- a. There shall 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
- b. 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 Bonds may be properly defeased in accordance with Act 34, the City shall enter into an escrow agreement with the HUNTINGTON NATIONAL BANK, Grand Rapids, Michigan (the "Escrow Agreement"). The Escrow Agreement shall be in substantially the form attached as *EXHIBIT D* 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 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 Refunding 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 Refunding 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 Refunding Bonds and the interest thereon from the State of Michigan income taxation.

19. **Not Qualified Tax-Exempt Obligations.** The Bonds are not 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 the Request for Proposal is circulated, the Bonds have been determined to be eligible to be so designated on the basis of the City's reasonable expectations at the time of such publication. In such event, the Request for Proposal shall be changed appropriately and the Bonds shall there be so designated.

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

- (a) the whole amount of the principal of 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 and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of and 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 and 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 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 thereof 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, (y) a description of the moneys or Government Obligations so held by it, and (z) 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 and 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 of and interest on which are unconditionally guaranteed by, the United States of America.

21. **Filing with Municipal Finance Division.** If necessary, the Chief Administrative Officer of the City 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 Refunding Bonds;
- (b) file with such application all required supporting material; and
- (c) pay all fees required in connection therewith.

22. **Proposal to Purchase Bonds:** The City has received a proposal to Purchase Bonds from Southern Michigan Bank and Trust in the form attached to this resolution as *Exhibit C* and the City wishes to accept that Proposal. The Bond Counsel and Financial Advisor are hereby designated to act for and on behalf of the City to review the Proposal for the purchase of the Bonds and to take all other steps necessary in connection with the sale, issuance, transfer and delivery thereof in accordance with the provisions of this resolution.

23. **Retention of Bond Counsel.** The firm of Clark Hill PLC, attorneys of Detroit, Michigan, is hereby retained to act as bond counsel for the City in connection with the issuance, sale and delivery of the Bonds.

24. **Retention of Financial Advisor.** MFCI, LLC, Troy, Michigan, is hereby retained to act as financial consultant and advisor to the City in connection with the sale and delivery of the Bonds.

25. **City Finance Director.** The City Finance Director is authorized to sign the Closing Memo for the delivery of the Bonds and any other document relating to the delivery of the Bonds by the City.

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 upon its adoption by the City Council and shall be recorded in the minutes of the Council as soon as practicable after adoption.

A roll call vote on the foregoing resolution was then taken, and was as follows:

YES: _____

NO: _____

ABSTAIN: _____

The resolution was declared adopted.

CERTIFICATION

STATE OF MICHIGAN)
) SS.
COUNTY OF KALAMAZOO)

The undersigned, being the City Clerk of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City Council at a Virtual meeting held on _____, 2021, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Council in my office, (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.

City Clerk

[SEAL]

Approved as to Form

By: _____
John R. Axe



EXHIBIT A

UNITED STATES OF AMERICA-STATE OF MICHIGAN
CITY OF PORTAGE
County of Kalamazoo, State of Michigan
CAPITAL IMPROVEMENT REFUNDING BOND, SERIES 2021A

RATE **MATURITY DATE** **DATE OF ISSUANCE** **CUSIP**

_____, 1, ____

=====

REGISTERED OWNER:

PRINCIPAL AMOUNT:

=====

FOR VALUE RECEIVED, the City of Portage (the "City"), County of Kalamazoo, State of Michigan, 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.

The Bonds are being issued pursuant to the provisions of Act 34, and are being issued in anticipation of and are primarily payable from taxes increment revenues ("Tax Revenues") to be collected by the City, for each year until the principal of and interest on the Bonds has been paid in full.

In addition, the limited tax pledge of the City is to be irrevocably pledged to the prompt payment of the principal of and interest on the Bonds when due. If the foregoing Tax Revenues are insufficient for any reason to make the payment of the principal of and interest on the Bonds when due, then moneys sufficient to meet the deficiency shall be advanced from the General Fund of the City. However, the City's ability to raise such funds is subject to applicable constitutional, statutory and tax limitations.

This Bond shall be transferable on the books of the City maintained by the Bond Registrar with respect to the refunding bonds upon the surrender of this Refunding 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 refunding 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 NOT 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 refunding bonds of which this is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Portage, County of Kalamazoo, Michigan, has caused this Bond to be executed in its name with the facsimile signatures of its Mayor and its 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 Bond is one of a series of bonds designated "City of Portage Capital Improvement Refunding Bonds, Series 2021A.

_____, Michigan
as Bond Registrar and Authenticating Agent

By:

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)

ORDER ADJUSTING MATURITIES

**\$ _____
CITY OF PORTAGE
County of Kalamazoo, State of Michigan
CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2021A**

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

Due		
_____ 1	<u>Amount</u>	<u>Rate</u>

Dated: _____

_____,
City Finance Director

PROPOSAL TO PURCHASE BONDS
\$602,605
CITY OF PORTAGE
STATE OF MICHIGAN
CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2021A

SOUTHERN MICHIGAN
BANK & TRUST

John H. Castle
Chairman and
Chief Executive Officer

51 West Pearl Street • P.O. Box 309 • Coldwater, MI 49036-0309 • Phone 517.279.5504 • Fax 517.278.8469

VIA EMAIL

January 12, 2021

Lauren VanderVeen,
City Finance Director
vandervl@portagemi.gov

Steven Burke
City Financial Advisor
steveb@mfc.com

RE: City of Portage, State of Michigan, Capital Improvement Refunding
Bonds, Series 2021A Ms. VanderVeen,

For the principal amount of \$602,605 (subject to adjustment up or down in \$1 increments), for the City of Portage, Capital Improvement Refunding Bonds, Series 2021A, we will pay the City \$602,605 on the expected date of issue on February 25, 2021, at the rate of 1.45%. All interest is calculated using a 30-day month, 360-day year method. The Bonds have NOT been designated as "Qualified Tax-Exempt Obligations" as described in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

Bonds maturing prior to October 1, 2031, shall not be subject to redemption prior to maturity. Bonds maturing on and after October 1, 2031, shall be subject to redemption in whole or in part on any date on and after October 1, 2030, and in any order, at the option of the City, at par, plus accrued interest to the date fixed for redemption.

Interest on the maturities will be payable semiannually on April 1st and October 1st of each year commencing October 1, 2021. Principal on the maturities will be payable annually commencing October 1, 2021.

In making this offer, we hereby certify that we are not an “Iran linked business” within the meaning of the Iran Economic Sanctions Act, Act 517, Public Acts of Michigan, 2012.

Thank you for including us in your bid solicitation.

Sincerely,

John H. Castle
Chairman and Chief Executive Officer
jcastle@smb-t.com

EXHIBIT D

ESCROW AGREEMENT

**CITY OF PORTAGE
CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2021A**

This escrow agreement (the "Agreement"), dated as of _____ 1, _____, is between the City of Portage (the "City"), County of Kalamazoo, Michigan, (the "City" or "Issuer") and The HUNTINGTON NATIONAL BANK, Grand Rapids, Michigan, as escrow agent (the "Escrow Agent").

WHEREAS, the City has previously issued the following bonds of which the principal amount listed below remains outstanding (all of such outstanding bonds being referred to as the "Prior Bonds", and the Prior Bonds to be refunded referred to as the "Refunded Bonds"):

	Outstanding <u>Principal</u>	Principal to <u>be Refunded</u>
<u>Prior Bonds</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 Issuer has, pursuant to a bond resolution adopted on _____ (the "Resolution") authorized the issuance of a series of refunding bonds dated _____ 1, _____, as designated and described in the Resolution and hereafter (the "Refunding Bonds"); and

WHEREAS, pursuant to the Resolution, the Escrow Agent has been appointed by the Issuer for the purpose of assuring the payment of the principal of, premium (if any) and interest on the Refunded Bonds and the Issuer 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 Issuer 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 Refunding Bonds or for the validity of the execution by the Issuer 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 Issuer, 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 Refunding 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 Issuer signed by (i) the _____, _____, or _____ 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 _____, _____, or _____ to the effect that a resolution in the form attached to such certificate has been adopted by the Issuer 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 Issuer 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 Drainage District 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 Issuer will irrevocably deposit moneys with the Escrow Agent for the account of the Issuer from the proceeds of the Refunding 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 Issuer will redeem, prior to their scheduled maturity, Refunded Bonds as follows:

Prior Bonds

Principal to
be Refunded

The Issuer 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 Issuer not more than forty-five (45) nor less than thirty (30) 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 Issuer maintained by the paying agent for the Refunded Bonds.

Section 4. Investments. As directed by the Issuer, 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 Refunding 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 Issuer 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 Drainage District of such deficiency, as provided for under Section 12 below.

Section 7. Reports to Issuer. The Escrow Agent shall deliver to the Issuer's City Finance Director an annual statement reflecting each transaction relating to the Escrow Fund; and on or before the first day of _____ of each year and shall deliver to the Issuer a list of assets of the Escrow Fund as of _____ 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 Issuer 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 Issuer, 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 Issuer 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 Issuer, and this Agreement shall cease.

Section 10. Interest of Bondholders Not Affected. The Escrow Agent and the Issuer 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 Issuer 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 Issuer 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 Issuer. 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 Issuer. 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 Issuer.

If the Issuer 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 Issuer.

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 Issuer, 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. Counterparts. This Escrow Agreement may be executed in counterparts, in which case it shall be deemed executed when each party has signed at least one counterpart and the counterpart(s) signed by each party together shall constitute one and the same document. The facsimile transmission by one party to the other of a counterpart signed by the transmitting party shall authorize the other party to rely upon the facsimile for all purposes.

Section 17. 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 18. 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 Issuer:

The City of Portage
Lauren VanderVeen

City Finance Director
7900 S. Westnedge Ave.
Portage, MI 49002

If to the Escrow Agent:

The Huntington National Bank
Corporate Trust
Attention: Ellen Campbell
40 Pearl Street NW
Grand Rapids, MI 49503

The Issuer 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 19. Costs of Issuance. Simultaneously with the transfer of bond proceeds from the Refunding 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 Refunding 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 Issuer, under the “*Closing Memorandum*”, and shall be paid on _____, ____.

Section 20. 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: City Finance Director

the HUNTINGTON NATIONAL BANK

as Escrow Agent

By: _____

Its: _____

APPENDIX I

§ _____
CITY OF PORTAGE
County of Kalamazoo, State of Michigan
CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2021

(4) REMAINING ORIGINAL DEBT SERVICE SCHEDULE

Bond Registrar and Paying Agent:

APPENDIX II

[FORM OF NOTICE OF REDEMPTION]

NOTICE OF REDEMPTION

\$ _____

Dated as of _____, _____

DUE _____ **1,** _____ **THROUGH** _____ **1,** _____

NOTICE IS HEREBY GIVEN that the _____, County of _____, 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 1992, 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.

(The Issuer)

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

APPENDIX IV

§ _____

Dated as of _____, _____

Redemption Schedule

Redemption Premium: _____%

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

APPENDIX V

\$ _____

Dated as of _____, _____

ESCROW CASH FLOW ANALYSIS

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

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

Total Cost of Escrow Securities: \$ _____

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Ordinance Amendment-Storm Water Illicit Discharges & Connections

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Accept for first reading the proposed amendments to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections.

On September 20, 2019, the city was issued a new National Pollution Discharge Elimination System (NPDES) storm water permit through the Michigan Department of Environment, Great Lakes and Energy (EGLE) effective October 1, 2019, through October 1, 2022. NPDES permits are required by federal law for cities and municipalities that maintain storm drainage systems in urban areas with populations greater than 10,000. As a requirement of the permit, the city must maintain adequate and up-to-date ordinances and methods to control storm water runoff and amend ordinances and methods as necessary.

In July 2020, the current Storm Water, Illicit Discharges and Connections ordinance which had been approved by EGLE was adopted by City Council. Once the recorded ordinance was received by EGLE, additional updates were requested. Principally, the changes include:

- Change Best Management Practices to Nonpoint Source Best Management Practices Manual.
- Remove “or as approved by the Director of Transportation & Utilities” for channel protection, hot spot properties, and contaminated properties.
- Add “or as approved by the Director of Transportation & Utilities” for flooding standards and contaminated properties.

The changes continue to allow flexibility in addressing flood control and flood management while maintaining EGLE’s required and approved water quality standards and channel protection standards.

It is recommended that City Council accept for first reading the proposed amendment to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections and consider final adoption on March 9, 2021.

FUNDING: N/A

- Attachments:**
1. Chapter 64 Storm Water, Illicit Discharges and Connections - clean
 2. Chapter 64 Storm Water, Illicit Discharges and Connections - redlined

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING CHAPTER 64, STORM WATER,
ILLCIT DISCHARGES AND CONNECTIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 64 shall be amended as follows:

ARTICLE 1. - IN GENERAL

Sec. 64-1. - Statutory authority and title.

This chapter is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The City shall administer, implement and enforce the provisions of this part. Any powers granted or duties imposed upon the City may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

Sec. 64-2. - Findings.

The city finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the water bodies and water resources of the city.
- (2) Illicit discharges enter the MS4 and water bodies through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this chapter and implementing the same will address many of the deleterious effects of illicit discharges.

Sec. 64-3. - Purpose.

It is the purpose of this chapter to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the MS4 and water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connection to the MS4 and water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

Sec. 64-4. - Applicability, exemptions, and general provisions.

This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted.

Sec. 64-5. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized enforcement agency: Employees or designees of the director of the department of transportation and utilities designated to enforce this chapter.

Best management practices (BMPs): A practice, or combination of practices and design criteria that comply with the Michigan Department of Environment, Great Lakes, and Energy Nonpoint Source Best Management Practices Manual, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the city engineer.

Chapter: The six articles of storm water.

City: The City of Portage.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Director: The director of the department of transportation and utilities.

Discharger: Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this chapter.

Drain: Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq., other than an established county or intercounty drain.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainageway: MS4, drain, water body, or floodplain.

EGLE: Michigan Department of Environment, Great Lakes and Energy

EPA: The United States Environmental Protection Agency.

Exempted discharges: Discharges other than storm water as specified in section 64-7 of this chapter.

Floodplain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, which has been or may be covered by floodwater.

Hazardous materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connection: Any method or means for conveying an illicit discharge into water bodies or the storm water system of the city.

Illicit discharge: Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this chapter.

MS4: Municipal separate storm sewer system, as defined by federal and state laws.

National pollutant discharge elimination system (NPDES) storm water discharge permit: A permit issued by the U.S. Environmental Protection Agency (EPA) (or a state under authority delegated pursuant to 33 USC section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstorm water discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant: A substance discharged which includes, but is not limited to, the following: Any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

Premises: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property owner: Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

State of Michigan Water Quality Standards: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of section 3106 of part 31 of 1994 PA 451, as amended.

Storm drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm water pollution prevention plan: A document, which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Storm water runoff: The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Water body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE 2. - PROHIBITIONS AND EXEMPTIONS

Sec. 64-6. - Prohibited discharges.

- (a) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (b) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the storm water drainage system of the city.

- (c) **Prohibition of illicit discharges:** No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited, to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for discharges specified in writing by the city as being necessary to protect public health, safety and welfare.
- (d) **Prohibition of illicit connections:**
 - (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this chapter if the person connects a conduit conveying wastewater to the MS4, or allows such a connection to continue.
- (e) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Sec. 64-7. - Exempted discharges.

The following nonstorm water discharges shall be permissible, provided they are not significant contributors to violations of Water Quality Standards.

- (1) Water supply line flushing.
- (2) Landscape irrigation.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Individual residential car washing.
- (11) Dechlorinated swimming pool water.
- (12) Street wash water.
- (13) Discharges or flows from emergency firefighting activities.
- (14) Discharges for which a specific federal or state permit has been issued.
- (15) Lawn watering runoff

- (16) Dye testing using EGLE approved dyes, so long as authorized by a EGLE Rule 97 Certificate of Approval, and preceded by a written notification to and permission from the Director of Transportation and Utilities.

Sec. 64-8. - Storage of hazardous or toxic materials in drainageway.

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a MS4, drain, or water body.

ARTICLE 3. - INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

Sec. 64-9. - Inspection and sampling.

To assure compliance with the standards in this regulated area, the city may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the properly identified representative of the city to enter the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city shall provide the discharger reasonable advance notice of such inspection and/or sampling, or monitoring including, but not limited to, smoke/dye testing, televising pipes, examination and/or copying of records that are required by this chapter to be maintained, sampling and excavation. The city or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a facility is a violation of this chapter.

Sec. 64-10. - Storm water monitoring facilities.

A discharger of storm water runoff suspected of violating this chapter shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the city. The city may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances, and regulations.

Sec. 64-11. - Accidental discharges.

- (a) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the city concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city within five days. The written report shall specify the following:
- (1) The composition of the discharge and the cause thereof.
 - (2) The exact date, time, and estimated volume of the discharge.
 - (3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
 - (4) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (b) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a legal action brought to obtain an injunction,

to obtain recovery of costs or to obtain other relief as a result of, or arising out of, the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of section 64-11(a).

Sec. 64-12. - Record keeping requirement.

Any person violating any part of this chapter or subject to monitoring under the chapter shall retain and preserve for no less than ten (10) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property.

Sec. 64-13 – Right of Entry & Furnishing Information

Representatives of the City, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Transportation (MDOT) and Kalamazoo County Drain Commission (KCDC) shall have the right to enter at any reasonable time any property served by a storm water drainage facility for inspections, investigations, or monitoring. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the drainage system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of unlawful discharge.

ARTICLE 4. - ENFORCEMENT

Sec. 64-14. - Sanctions for violation.

- (a) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and subject to the penalties in section 1-7(e) of this Code. Each day such violation occurs or continues shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.
- (b) A notification of a violation shall be sent to any person violating any provision of this chapter. Notification of violation shall include a notice to cease the violation and corrective action which must be taken and a deadline for completion of such action. Failure to comply with the corrective action within the deadline or after an appeal pursuant to section 64-20 may be a basis to take enforcement action pursuant to section 64-15 or suspension of MS4 access as defined in section 64-19.
- (c) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

Sec. 64-15. - Failure to comply; completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the city may, after the giving of reasonable notice and opportunity for compliance as provided in section 64-14 (b), have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of such work.

Sec. 64-16. - Emergency measures.

When emergency measures are necessary to moderate a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the city is

authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this chapter, and shall promptly reimburse the city for all of such costs.

Sec. 64-17. - Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this chapter. Costs include, but are not limited to, those penalties levied by the EPA or EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

Sec. 64-18. - Collection of costs; lien.

Costs incurred by the city pursuant to sections 64-15, 64-16, and 64-17 shall be a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the finance director, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the city shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Sec. 64-19. - Suspension of MS4 access.

- (a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated, if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city.

Sec. 64-20. - Appeals.

A written appeal may be taken to the city manager or his designated representative by any person affected by a decision or action of the director or the enforcing agency taken under this article not later than 30 days after said action or decision. Such appeal shall identify the matter being appealed and the basis for the appeal. An appeal shall stay all proceedings in furtherance of the action appealed unless the director certifies to the city manager that by reason of the facts a stay would cause imminent peril to life or property. The city manager shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the city manager may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the city manager may grant a variance from the terms of this chapter so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the chapter provisions being appealed will present or cause practical difficulties for a facility; provided, however, that practical difficulties shall not include the need for the property owner to incur additional reasonable expenses in order to comply with the chapter; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this chapter, nor result in less effective management of storm water runoff.

ARTICLE 5. - PERFORMANCE AND DESIGN STANDARDS

Sec. 64-21. - Responsibility to implement BMPs.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

Sec. 64-22. Performance Standards.

1. Storm water management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. In order to be approved, all storm water management plans must meet the following performance standards:
 - (a) Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
 - (b) Capture and treatment of runoff.
 - (c) Channel Protection Criteria.
 - (d) Flood Control.
2. Storm water storage facilities which protect water quality and provide channel protection shall be required for all sites. In order to improve the quality of storm water runoff and reduce the discharge of sediment into wetlands, watercourses, roadways, structures and other property within, and downstream of the City of Portage techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" shall be used.
3. Storm water storage facilities which prevent adverse flooding on-site and off-site shall be required for all sites. In order to prevent adverse flooding on-site and off-site techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" or as approved by the Director of Transportation and Utilities shall be used.
4. Pipes, conduits, ditches, drains, or other conveyance facilities shall not discharge directly to the following receiving waters without providing the minimum treatment volume and channel protection criteria:
 - (a) Any natural watercourses, including lakes, ponds, rivers and streams.

(b) Any wetlands.

5. **Operation and Maintenance.** All structural and vegetative best management practices installed as a performance standard for storm water management shall include a plan for maintaining maximum performance through the long-term operation and maintenance (O&M). The plan shall include a schedule for O&M procedures and recordkeeping provisions such as periodic inspections.
6. **Records Retention.** Inspection and other records pertaining to the O&M of best management practices for storm water quality protection shall be maintained by the property owner and retained for a minimum of ten (10) years.
7. **No storm water management plan shall be approved if the Director of Transportation & Utilities finds that the action will or is likely to pollute, impair or destroy air, water or other natural resources or the public trust therein, provided that there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.**

Sec. 64-23. Design Standards.

The City shall maintain design standards. Water quality standards and channel protection standards shall be as indicated in the "Storm Water Design Criteria Manual – City of Portage, Michigan." Flood control volume and flood management shall be as indicated in the "Storm Water Design Criteria Manual - City of Portage, Michigan" or as approved by the Director of Transportation and Utilities.

Sec. 64-24. "Hot Spots" Properties.

If the subject property is a potential "Hot Spot" area with the potential for significant pollutant loading or with the potential for contaminating public water supply (wells), additionally site-specific requirements may apply to address the contaminant(s) of concern. Example of typical "hot spots" areas included, but not limited to gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards. See City design standards related to address these properties in the "Storm Water Design Criteria Manual – City of Portage, Michigan."

Sec. 64-25 Contaminated Properties.

If the subject property contains soil and/or groundwater contamination, site-specific requirements may apply. See EGLE Post-Construction Storm Water Runoff Controls Program Compliance Assistance Document (MDEQ, 2014) for specifics regarding storm water. In addition, see Appendix 13 Soil and Groundwater Contamination in the "Storm Water Design Criteria Manual – City of Portage, Michigan."

Sec. 64-26 – 64-39. Reserved

ARTICLES 6. STORM WATER MANAGEMENT PLAN AND POST CONSTRUCTION

Sec. 64-40. Storm water Management Plan.

No building, grading, or sediment control permit shall be issued until a satisfactory storm water management plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the storm water management plan, and modifications to that plan as deemed necessary by the City, a storm water management final plan must be submitted to the City for approval. Information required for the storm water management plan is provided in the "Storm Water Design Criteria Manual – City of Portage, Michigan".

Sec. 64-41. Maintenance and Repair of Storm water BMPs.

- (a) **Storm water Best Management Practices Operations & Maintenance Agreement:** Prior to the issuance of any permit for development involving any storm water BMP, the applicant or owner of the site must execute a Storm water Best Management Practices Operations & Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for inspection by the City or City's designee, as determined by the City and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City storm water requirements. The agreement shall be recorded by the City at the expense of the permit holder or property owners.
- (b) **Maintenance Covenants:** Maintenance of all storm water BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the storm water management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts. Developer or entity responsible shall have the inspections performed by qualified persons or entities.
- (c) **Requirements for Maintenance Covenants:** All storm water BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. Developer or entity responsible shall have the inspections performed by qualified persons or entities. These needs may include (but are not limited to) removal of silt, litter, and other debris from all storm water treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement within 30 days, or as determined by the City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water BMPs.
- (d) **Inspection of Storm water BMPs:** Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water BMPs, and evaluating the condition of storm water BMPs.
- (e) **Records of Installation and Maintenance and Repair Activities:** Parties responsible for the operation and maintenance of storm water BMPs shall be required to prepare an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. The responsible parties shall retain the

report and records for at least ten (10) years or longer if the City Inspector deems it necessary. These report and records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

- (f) **Failure to Maintain Storm water BMPs:** If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the storm water BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the storm water BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the storm water BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the storm water BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

Sec. 64-42. - Effective date.

This Ordinance shall not become effective until 15 days after its adoption and publication.

Sec. 64-43 – 64.50. Reserved.

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2021.

Erica Eklov, City Clerk

PREPARED BY:

Catherine P. Kaufman
Portage City Attorney
470 West Centre Avenue
Portage, MI 49024
(269) 382-4500

Approved as to Form:

Date: 1-12-2021

Catherine P. Kaufman
City Attorney

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING CHAPTER 64, STORM WATER,
ILLCIT DISCHARGES AND CONNECTIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 64 shall be amended as follows:

ARTICLE 1. - IN GENERAL

Sec. 64-1. - Statutory authority and title.

This chapter is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The City shall administer, implement and enforce the provisions of this part. Any powers granted or duties imposed upon the City may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

Sec. 64-2. - Findings.

The city finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the water bodies and water resources of the city.
- (2) Illicit discharges enter the MS4 and water bodies through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this chapter and implementing the same will address many of the deleterious effects of illicit discharges.

Sec. 64-3. - Purpose.

It is the purpose of this chapter to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the MS4 and water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connection to the MS4 and water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

Sec. 64-4. - Applicability, exemptions, and general provisions.

This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted.

Sec. 64-5. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized enforcement agency: Employees or designees of the director of the department of transportation and utilities designated to enforce this chapter.

Best management practices (BMPs): A practice, or combination of practices and design criteria that comply with the Michigan Department of ~~Environmental Quality Guidebook of BMPs for Michigan Watershed~~ Environment, Great Lakes, and Energy Nonpoint Source Best Management Practices Manual, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the city engineer.

Chapter: The six articles of storm water.

City: The City of Portage.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Director: The director of the department of transportation and utilities.

Discharger: Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this chapter.

Drain: Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq., other than an established county or intercounty drain.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainageway: MS4, drain, water body, or floodplain.

EGLE: Michigan Department of Environment, Great Lakes and Energy

EPA: The United States Environmental Protection Agency.

Exempted discharges: Discharges other than storm water as specified in section 64-7 of this chapter.

Floodplain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, which has been or may be covered by floodwater.

Hazardous materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connection: Any method or means for conveying an illicit discharge into water bodies or the storm water system of the city.

Illicit discharge: Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this chapter.

MS4: Municipal separate storm sewer system, as defined by federal and state laws.

National pollutant discharge elimination system (NPDES) storm water discharge permit: A permit issued by the U.S. Environmental Protection Agency (EPA) (or a state under authority delegated pursuant to 33 USC section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstorm water discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant: A substance discharged which includes, but is not limited to, the following: Any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

Premises: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property owner: Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

State of Michigan Water Quality Standards: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of section 3106 of part 31 of 1994 PA 451, as amended.

Storm drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm water pollution prevention plan: A document, which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Storm water runoff: The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Water body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE 2. - PROHIBITIONS AND EXEMPTIONS

Sec. 64-6. - Prohibited discharges.

- (a) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (b) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the storm water drainage system of the city.

- (c) Prohibition of illicit discharges: No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited, to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for discharges specified in writing by the city as being necessary to protect public health, safety and welfare.
- (d) Prohibition of illicit connections:
 - (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this chapter if the person connects a conduit conveying wastewater to the MS4, or allows such a connection to continue.
- (e) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Sec. 64-7. - Exempted discharges.

The following nonstorm water discharges shall be permissible, provided they are not significant contributors to violations of Water Quality Standards.

- (1) Water supply line flushing.
- (2) Landscape irrigation.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Individual residential car washing.
- (11) Dechlorinated swimming pool water.
- (12) Street wash water.
- (13) Discharges or flows from emergency firefighting activities.
- (14) Discharges for which a specific federal or state permit has been issued.
- (15) Lawn watering runoff

- (16) Dye testing using EGLE approved dyes, so long as authorized by a EGLE Rule 97 Certificate of Approval, and preceded by a written notification to and approval permission from the Director of Transportation and Utilities.

Sec. 64-8. - Storage of hazardous or toxic materials in drainageway.

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a MS4, drain, or water body.

ARTICLE 3. - INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

Sec. 64-9. - Inspection and sampling.

To assure compliance with the standards in this regulated area, the city may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the properly identified representative of the city to enter the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city shall provide the discharger reasonable advance notice of such inspection and/or sampling, or monitoring including, but not limited to, smoke/dye testing, televising pipes, examination and/or copying of records that are required by this chapter to be maintained, sampling and excavation. The city or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a facility is a violation of this chapter.

Sec. 64-10. - Storm water monitoring facilities.

A discharger of storm water runoff suspected of violating this chapter shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the city. The city may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances, and regulations.

Sec. 64-11. - Accidental discharges.

- (a) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the city concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city within five days. The written report shall specify the following:
- (1) The composition of the discharge and the cause thereof.
 - (2) The exact date, time, and estimated volume of the discharge.
 - (3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
 - (4) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (b) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a legal action brought to obtain an injunction,

to obtain recovery of costs or to obtain other relief as a result of, or arising out of, the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of section 64-11(a).

Sec. 64-12. - Record keeping requirement.

Any person violating any part of this chapter or subject to monitoring under the chapter shall retain and preserve for no less than ten (10) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property.

Sec. 64-13 – Right of Entry & Furnishing Information

Representatives of the City, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Transportation (MDOT) and Kalamazoo County Drain Commission (KCDC) shall have the right to enter at any reasonable time any property served by a storm water drainage facility for inspections, investigations, or monitoring. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the drainage system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of unlawful discharge.

ARTICLE 4. - ENFORCEMENT

Sec. 64-14. - Sanctions for violation.

- (a) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and subject to the penalties in section 1-7(e) of this Code. Each day such violation occurs or continues shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.
- (b) A notification of a violation shall be sent to any person violating any provision of this chapter. Notification of violation shall include a notice to cease the violation and corrective action which must be taken and a deadline for completion of such action. Failure to comply with the corrective action within the deadline or after an appeal pursuant to section 64-20 may be a basis to take enforcement action pursuant to section 64-15 or suspension of MS4 access as defined in section 64-19.
- (c) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

Sec. 64-15. - Failure to comply; completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the city may, after the giving of reasonable notice and opportunity for compliance as provided in section 64-14 (b), have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of such work.

Sec. 64-16. - Emergency measures.

When emergency measures are necessary to moderate a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the city is

authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this chapter, and shall promptly reimburse the city for all of such costs.

Sec. 64-17. - Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this chapter. Costs include, but are not limited to, those penalties levied by the EPA or EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

Sec. 64-18. - Collection of costs; lien.

Costs incurred by the city pursuant to sections 64-15, 64-16, and 64-17 shall be a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the finance director, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the city shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Sec. 64-19. - Suspension of MS4 access.

- (a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated, if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city.

Sec. 64-20. - Appeals.

A written appeal may be taken to the city manager or his designated representative by any person affected by a decision or action of the director or the enforcing agency taken under this article not later than 30 days after said action or decision. Such appeal shall identify the matter being appealed and the basis for the appeal. An appeal shall stay all proceedings in furtherance of the action appealed unless the director certifies to the city manager that by reason of the facts a stay would cause imminent peril to life or property. The city manager shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the city manager may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the city manager may grant a variance from the terms of this chapter so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the chapter provisions being appealed will present or cause practical difficulties for a facility; provided, however, that practical difficulties shall not include the need for the property owner to incur additional reasonable expenses in order to comply with the chapter; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this chapter, nor result in less effective management of storm water runoff.

ARTICLE 5. - PERFORMANCE AND DESIGN STANDARDS

Sec. 64-21. - Responsibility to implement BMPs.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

Sec. 64-22. Performance Standards.

1. Storm water management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. In order to be approved, all storm water management plans must meet the following performance standards:
 - (a) Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
 - (b) Capture and treatment of runoff.
 - (c) Channel Protection Criteria.
 - (d) Flood Control.
2. Storm water storage facilities which protect water quality and provide channel protection ~~prevent adverse flooding on-site and off-site~~ shall be required for all sites. In order to improve the quality of storm water runoff and reduce the discharge of sediment into wetlands, watercourses, roadways, structures and other property within, and downstream of the City of Portage techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" ~~or as approved by the Director of Transportation and Utilities~~ shall be used.
- 2-3. Storm water storage facilities which prevent adverse flooding on-site and off-site shall be required for all sites. In order to prevent adverse flooding on-site and off-site techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" or as approved by the Director of Transportation and Utilities shall be used.

~~3.4.~~ Pipes, conduits, ditches, drains, or other conveyance facilities shall not discharge directly to the following receiving waters without providing the minimum treatment volume and channel protection criteria:

- (a) Any natural watercourses, including lakes, ponds, rivers and streams.
- (b) ~~Wetlands with unique or natural wildlife or habitat characteristics as defined by a profession wetlands delineation specialist, biologist or ecologists~~Any wetlands.
- (c) ~~Wetlands which are within a 500 foot distance of any natural lake or pond.~~
- (d) ~~Wetlands which are within a 100 foot distance of any river or stream.~~

~~4.5.~~ Operation and Maintenance. All structural and vegetative best management practices installed as a performance standard for storm water management shall include a plan for maintaining maximum performance through the long-term operation and maintenance (O&M). The plan shall include a schedule for O&M procedures and recordkeeping provisions such as periodic inspections.

~~5.6.~~ Records Retention. Inspection and other records pertaining to the O&M of best management practices for storm water quality protection shall be maintained by the property owner and retained for a minimum of ten (10) years.

~~6.7.~~ No storm water management plan shall be approved if the Director of Transportation & Utilities finds that the action will or is likely to pollute, impair or destroy air, water or other natural resources or the public trust therein, provided that there is a feasible and prudent alternative consistence-consistent with the reasonable requirements of the public health, safety and welfare.

Sec. 64-23. Design Standards.

The City shall maintain design standards. Water quality standards and channel protection standards shall be as indicated in the "Storm Water Design Criterial Manual – City of Portage, Michigan." ~~are referred to as~~Flood control volume and flood management shall be as indicated in the "Storm Water Design Criteria Manual - City of Portage, Michigan" or as approved by the Director of Transportation and Utilities.

Sec. 64-24. "Hot Spots" Properties.

If the subject property is a potential "Hot Spot" area with the potential for significant pollutant loading or with the potential for contaminating public water supply (wells), additionally site-specific requirements may apply to address the contaminant(s) of concern. Example of typical "hot spots" areas included, but not limited to gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards. See City design standards related to address these properties in the "Storm Water Design Criteria Manual – City of Portage, Michigan." ~~or as approved by the Director of Transportation and Utilities.~~

Sec. 64-25 Contaminated Properties.

If the subject property contains soil and/or groundwater contamination, site-specific requirements may apply. See EGLE Post-Construction Storm Water Runoff Controls Program Compliance Assistance Document (MDEQ, 2014) for specifics regarding storm water. In addition, see Appendix 13 Soil and Groundwater Contamination in the "Storm Water Design Criteria Manual – City of Portage, Michigan." ~~or as approved by the Director of Transportation & Utilities.~~

Sec. 64-26 – 64-39. Reserved

ARTICLES 6. STORM WATER MANAGEMENT PLAN AND POST CONSTRUCTION

Sec. 64-40. Storm water Management Plan.

No building, grading, or sediment control permit shall be issued until a satisfactory storm water management plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the storm water management plan, and modifications to that plan as deemed necessary by the City, a storm water management final plan must be submitted to the City for approval. Information required for the storm water management plan is provided in the "Storm Water Design Criteria Manual – City of Portage, Michigan".

Sec. 64-41. Maintenance and Repair of Storm water BMPs.

- (a) Storm water Best Management Practices Operations & Maintenance Agreement: Prior to the issuance of any permit for development involving any storm water BMP, the applicant or owner of the site must execute a Storm water Best Management Practices Operations & Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for inspection by the City or City's designee, as determined by the City and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City storm water requirements. The agreement shall be recorded by the City at the expense of the permit holder or property owners.
- (b) Maintenance Covenants: Maintenance of all storm water BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the storm water management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts. Developer or entity responsible shall have the inspections performed by qualified persons or entities.
- (c) Requirements for Maintenance Covenants: All storm water BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. Developer or entity responsible shall have the inspections performed by qualified persons or entities. These needs may include (but are not limited to) removal of silt, litter, and other debris from all storm water treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement within 30 days, or as determined by the City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water BMPs.
- (d) Inspection of Storm water BMPs: Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type

associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water BMPs, and evaluating the condition of storm water BMPs.

- (e) Records of Installation and Maintenance and Repair Activities: Parties responsible for the operation and maintenance of storm water BMPs shall be required to prepare an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. The responsible parties shall retain the report and records for at least ten (10) years or longer if the City Inspector deems it necessary. These report and records shall be made available to the City during inspection of the facility and at other reasonable times upon request.
- (f) Failure to Maintain Storm water BMPs: If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the storm water BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the storm water BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the storm water BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the storm water BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

Sec. 64-42. - Effective date.

This Ordinance shall not become effective until 15 days after its adoption and publication.

Sec. 64-43 – 64.50. Reserved.

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 202~~0~~1.

Erica Eklov, City Clerk

PREPARED BY:

Approved as to Form:

~~Randall L. Brown (P34116)~~ Catherine P. Kaufman

Date:

Portage City Attorney

~~1662 East Centre Avenue~~ 470 West Centre Avenue

City Attorney

Portage, MI ~~49002~~ 49024

(269) ~~323-8812~~ 382-4500

~~Z:\JODY\PORTAGE\ORDINANCES\NONZONE\Chapter 64 Storm Water Illicit Discharges and Connections.docx~~

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Poverty Exemption Guidelines for 2021

SUPPORTING PERSONNEL: Meshia Rose, Director of Assessing

ACTION RECOMMENDED: Approve the recommendations regarding Poverty Exemption Guidelines for 2021 as follows:

1. decline the option provided under PA 253 of 2020 to carry forward poverty exemptions granted in 2019 and 2020 into 2021, 2022 and 2023 for those persons who receive a fixed income solely from public assistance that is not subject to significant annual increases; and
2. adopt the Resolution Establishing Poverty Exemption Guidelines for 2021.

The Board of Review meets annually in March, July and December to review poverty exemption requests permitted under MCL 211.7u. The Board of Review is statutorily required to determine eligibility based on policy adopted by the local unit.

PA 253 of 2020 impacted how local units, assessors and boards of review handle exemptions under MCL 211.7u beginning with the 2021 tax year. The Act allows the option for local units to adopt a resolution allowing exemptions granted in 2019 and 2020 to be carried forward into tax years 2021, 2022 and 2023. Based on the following reasons, it is recommended that Council decline this option based on the following reasons:

1. If approved, recipients would be required to file a rescission within 45 days of any changes to eligibility. Failure to timely file would result in interest and penalties, creating a financial burden for exemption recipients. This would have an effect opposite of the intent of the poverty exemption program.
2. The State Tax Commission has yet to release guidelines and requirements for the audit program. Local policy should be established as soon as possible to allow sufficient time for submission of the application and required documents before the March Board of Review.
3. The Office of the City Assessor would be required to implement an audit program to ensure continued eligibility, creating an administrative burden. Income and asset data is not accessible

by city staff, other than what is provided by the applicant as part of the application process.

4. ***With only 25 individuals receiving the poverty exemption in 2020, the Office of the City Assessor can notify and work with those individuals who qualified for poverty exemptions regarding eligibility for 2021. This removes the need to establish an audit system that is burdensome to both the City and the applicant.***

PA 253 of 2020 also clarifies that policies must grant either a full exemption equal to 100% reduction in taxable value, or a partial exemption equal to a 25% or 50% reduction in taxable value, or any other percentage reduction in taxable value approved by the STC. Historically, the City of Portage Board of Review has limited partial exemptions when deviating from policy for "substantial and compelling reasons" -- a practice is no longer permitted. Granting a full exemption equal to 100% reduction in taxable value would provide the most relief to those that meet the city's current criteria for eligibility.

The attached resolution can be broken down to a four-part test to determine eligibility:

1. Property must be the applicant's principal residence;
2. Applicant must submit a completed application, including all required documents;
3. Household assets must not exceed \$25,000 in assets (excluding motor vehicles required for transportation to and from place of employment or education); and
4. Household income may not exceed the federal poverty income guidelines as updated annually by the United States Department of Health and Human Services.

It is recommended that Council adopt the Resolution Establishing Poverty Exemption Guidelines for 2021 as the city's policy for granting Poverty Exemptions.

FUNDING: N/A

Attachments: 1. Resolution Establishing Poverty Exemption Guidelines

CITY OF PORTAGE

RESOLUTION ESTABLISHING POVERTY EXEMPTION GUIDELINES FOR 2021

Moved by Council Member

Supported by Council Member

WHEREAS, the adoption of guidelines for poverty exemptions is required of the City Council; and

WHEREAS, the principal residence of persons, who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390 of 1994, the City of Portage, Kalamazoo County adopts the following guidelines for the Board of Review to implement when considering eligibility. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principal residence the property for which an exemption is requested.
- 2) File a claim in the form of a complete application with the assessor or Board of Review, accompanied by federal and State income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form 4988, Poverty Exemption Affidavit.
- 3) File a claim in the form of a complete application reporting that the combined assets of all persons do not exceed \$25,000. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles which are not required for transportation to and from place of employment or education, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- 4) Produce a valid driver's license or other form of identification if requested.
- 5) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
- 7) The application for an exemption shall be filed after January 1, but one day prior to the last day of the Board of Review meetings in 2021. The filing of this claim constitutes an appearance before the Board of Review for preserving the right of appeal to the Michigan Tax Tribunal.

The following are the federal poverty income guidelines, which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

2020 Federal Guidelines for 2021 Assessments

**Number of Persons Residing
in the Principal Residence**

**Poverty Guidelines
Annual allowable income**

1 person	12,760
2 persons	17,240
3 persons	21,720
4 persons	26,200
5 persons	30,680
6 persons	35,160
7 persons	39,640
8 persons	44,120

Each additional person, add \$4,480

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption in the full amount equal to 100% reduction in taxable value.

NOW, THEREFORE, BE IT FURTHER RESOLVED that all resolutions or parts of resolutions are to the extent of any conflict with this resolution, rescinded.

ADOPTED: YEAS:

NAYS:

ABSENT:

Erica Eklov, City Clerk

CERTIFICATE

I 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, Michigan held on the 26th day of January 2021, the original of which resolution is on file in my office.

Erica Eklov, City Clerk

APPROVED AS TO FORM

DATE 1/21/2021

Catherine Fayre
CITY ATTORNEY

MATERIALS TRANSMITTED

Friday, January 8, 2021

1. Communication from the City Manager regarding the Bi-Monthly Financial Report – Information Only.
2. Communication from the City Manager regarding the Comprehensive Annual Financial Report – Information Only.



Joseph S. La Margo, City Manager

cc Adam Herringa, Deputy City Manager
Michael Carroll, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager

SUBJECT: Bi-Monthly Financial Report

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

Prudent practices require that the governing body be periodically apprised of the ongoing financial status of city operations. Attached is a report of revenue and expenditure levels as compared to budget through the most recently completed bi-weekly period.

Attachments: December 31, 2020 Financial Report

01/04/2021

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 12/31/2020

		2020-21	2020-21	2020-21	50%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended
					Collected/Used
REVENUES					
	Totals for dept 0000 -	24,708,791	24,708,791	21,430,854	87%
	Totals for dept 1720 - City Manager	500	500	0	0%
	Totals for dept 2053 - Finance Treasury	1,500	1,500	1,285	86%
	Totals for dept 2110 - Technology Services	0	0	2,583	0%
	Totals for dept 2133 - Public Information	215,000	215,000	0	0%
	Totals for dept 2415 - City Clerk	197,050	197,050	76,455	39%
	Totals for dept 2491 - City Clerk Elections	25,000	25,000	80,744	323%
	Totals for dept 2865 - Parks Maintenance	2,000	2,000	946	47%
	Totals for dept 2876 - Cemeteries	68,000	68,000	31,543	46%
	Totals for dept 2877 - Parks & Rec - Parks	65,500	65,500	28,453	43%
	Totals for dept 2878 - Parks & Rec - Kalamazoo In Bloom	0	0	0	0%
	Totals for dept 2881 - Parks & Rec - Farmers Market	9,100	9,100	4,053	45%
	Totals for dept 2882 - Parks & Rec - Team Sports	120,000	120,000	29,968	25%
	Totals for dept 2885 - Parks & Rec - Programs	7,050	7,050	7,930	112%
	Totals for dept 2886 - Parks & Rec - Ramona Park	59,600	59,600	37,360	63%
	Totals for dept 2887 - Parks & Rec - Special Events	17,000	17,000	11,565	68%
	Totals for dept 2888 - Parks & Rec - Millennium Park	47,800	47,800	0	0%
	Totals for dept 3005 - Police Administration	152,700	152,700	62,398	41%
	Totals for dept 3010 - Police Patrol	1,500	1,500	2,500	167%
	Totals for dept 3021 - Police Training-Grant Funded	9,000	9,000	3,022	34%
	Totals for dept 3030 - Police Public Safety Dispatch/ts	9,800	9,800	19,853	203%
	Totals for dept 3050 - Police Drug Law Enforcement	1,000	1,000	0	0%
	Totals for dept 3065 - Police Facility Management	70,000	70,000	35,000	50%
	Totals for dept 3310 - Fire Admin	100	100	0	0%
	Totals for dept 3340 - Fire Prevention	1,000	1,000	665	67%
	Totals for dept 3710 - Comm Dev Building Services	700,000	700,000	406,186	58%
	Totals for dept 3720 - Comm Dev Planning & Development	60,000	60,000	16,752	28%
	Totals for dept 3730 - Comm Dev Neighborhood Services	189,500	189,500	75,342	40%
	Totals for dept 6720 - Senior Center	199,576	199,576	28,576	14%
	Totals for dept 6721 - Senior Center Trips	394,000	394,000	0	0%
	Totals for dept 6722 - Senior Center Activities	15,000	15,000	0	0%
	Totals for dept 6725 - Aging Mastery Program	1,000	6,000	5,000	83%
TOTAL REVENUES - GENERAL FUND		27,348,067	27,353,067	22,399,033	82%

01/04/2021

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 12/31/2020

		2020-21	2020-21	2020-21	50%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended
					Collected/Used
EXPENDITURES					
	Totals for dept 1001 - City Council	92,955	92,955	42,565	46%
	Totals for dept 1085 - City Council-Human Services	174,234	174,234	20,121	12%
	Totals for dept 1720 - City Manager	794,795	838,252	354,749	42%
	Totals for dept 2001 - Finance Accounting	321,078	321,078	150,359	47%
	Totals for dept 2002 - Finance & Budget	364,261	364,261	109,819	30%
	Totals for dept 2053 - Finance Treasury	211,778	211,778	79,795	38%
	Totals for dept 2110 - Technology Services	818,635	818,635	296,859	36%
	Totals for dept 2133 - Public Information	465,499	468,499	221,289	47%
	Totals for dept 2209 - Assessor	520,464	520,464	209,224	40%
	Totals for dept 2247 - Assessor Board Of Review	37,163	37,163	10,286	28%
	Totals for dept 2310 - Attorney	250,937	250,937	113,085	45%
	Totals for dept 2415 - City Clerk	163,857	163,857	87,370	53%
	Totals for dept 2416 - City Clerk Records Management	66,297	66,297	33,069	50%
	Totals for dept 2491 - City Clerk Elections	264,368	264,368	167,836	63%
	Totals for dept 2610 - Human Resources	657,960	657,960	287,498	44%
	Totals for dept 2733 - Purchasing	85,800	85,800	37,730	44%
	Totals for dept 2734 - Purchasing Risk Management	25,429	25,429	9,151	36%
	Totals for dept 2865 - Parks Maintenance	1,344,835	1,344,835	460,996	34%
	Totals for dept 2876 - Cemeteries	70,201	70,201	25,447	36%
	Totals for dept 2877 - Parks & Rec - Parks	689,738	689,738	284,151	41%
	Totals for dept 2878 - Parks & Rec - Kalamazoo In Bloom	15,000	15,000	0	0%
	Totals for dept 2880 - Parks & Rec - Rec Admin	212,462	212,462	81,666	38%
	Totals for dept 2881 - Parks & Rec - Farmers Market	22,635	22,635	9,788	43%
	Totals for dept 2882 - Parks & Rec - Team Sports	68,957	68,957	20,248	29%
	Totals for dept 2885 - Parks & Rec - Programs	42,295	42,295	15,400	36%
	Totals for dept 2886 - Parks & Rec - Ramona Park	158,726	158,726	65,139	41%
	Totals for dept 2887 - Parks & Rec - Special Events	129,103	129,103	61,668	48%
	Totals for dept 2888 - Parks & Rec - Millennium Park	91,655	91,655	12,284	13%
	Totals for dept 3005 - Police Administration	1,226,781	1,226,781	338,777	28%
	Totals for dept 3006 - Police Youth Services	525,441	525,441	213,046	41%
	Totals for dept 3007 - Police Investigation	710,632	710,632	344,329	48%
	Totals for dept 3010 - Police Patrol	6,108,429	6,108,429	2,736,526	45%
	Totals for dept 3020 - Police Training	328,778	330,751	124,632	38%
	Totals for dept 3021 - Police Training-Grant Funded	9,000	9,000	2,545	28%
	Totals for dept 3030 - Police Public Safety Dispatch/ts	69,619	69,619	44,858	64%
	Totals for dept 3031 - Police Emergency Sirens	23,676	23,676	0	0%
	Totals for dept 3040 - Police Records & PST	675,952	675,952	300,011	44%
	Totals for dept 3050 - Police Drug Law Enforcement	341,060	341,060	153,871	45%

01/04/2021

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 12/31/2020

		2020-21	2020-21	2020-21	50%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended
					Collected/Used
	Totals for dept 3065 - Police Facility Management	270,993	270,993	48,139	18%
	Totals for dept 3090 - Police KCCDA support	756,793	756,793	378,397	50%
	Totals for dept 3310 - Fire Admin	728,028	778,155	329,872	42%
	Totals for dept 3320 - Fire Operations	4,033,702	4,051,546	1,997,766	49%
	Totals for dept 3330 - Fire On Call Firefighters	95,308	95,308	27,928	29%
	Totals for dept 3331 - Fire Emergency Operations	4,950	4,950	1,250	25%
	Totals for dept 3340 - Fire Prevention	140,913	140,913	43,545	31%
	Totals for dept 3350 - Fire Training	216,263	238,007	99,310	42%
	Totals for dept 3365 - Fire Facility Management	443,781	443,781	95,676	22%
	Totals for dept 3710 - Comm Dev Building Services	595,810	595,810	291,721	49%
	Totals for dept 3720 - Comm Dev Planning & Development	392,760	392,760	154,740	39%
	Totals for dept 3730 - Comm Dev Neighborhood Services	404,006	404,006	112,184	28%
	Totals for dept 3765 - Comm Dev Building Maintenance	238,004	238,004	85,912	36%
	Totals for dept 4210 - City-wide Services	712,689	730,689	291,995	40%
	Totals for dept 6050 - Contagious Diseases	0	2,707	22,895	0%
	Totals for dept 6720 - Senior Center	411,215	415,215	153,988	37%
	Totals for dept 6721 - Senior Center Trips	406,396	406,396	14,207	3%
	Totals for dept 6725 - Aging Mastery Program	1,200	2,200	960	44%
	Totals for dept 9610 - Transfers Out	617,000	617,000	0	0%
TOTAL APPROPRIATIONS - GENERAL FUND		28,650,296	28,814,148	11,676,798	41%
202	Major Street Fund - Revenues	5,120,098	5,120,098	1,707,960	33%
	Major Street Fund - Expenditures	5,090,545	5,097,466	995,452	20%
203	Local Streets Fund - Revenues	1,850,283	1,850,283	531,169	29%
	Local Streets Fund - Expenditures	1,821,280	1,821,280	563,924	31%
204	Municipal Streets Fund - Revenues	1,551,700	1,551,700	1,486,310	96%
	Municipal Streets Fund - Expenditures	1,608,000	1,608,000	0	0%
223	Curbside Recycling - Revenues	626,500	626,500	570,289	91%
	Curbside Recycling - Expenditures	742,758	742,758	294,167	40%
226	Leaf Pickup/Spring Cleanup - Revenues	643,000	643,000	580,084	90%
	Leaf Pickup/Spring Cleanup - Expenditures	850,632	858,832	280,108	33%
230	CDBG Program Income Fund - Revenues	125,000	125,000	20,740	17%
	CDBG Program Income Fund - Expenditures	125,000	125,000	79,902	64%

01/04/2021

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 12/31/2020

FUND	DESCRIPTION	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	2020-21 ACTIVITY	50% Percent of Amended Collected/Used
252	West Lake Weed Mgmt - Revenues	36,050	36,050	101	0%
	West Lake Weed Mgmt - Expenditures	32,500	32,500	3,250	10%
296	Community Development Block Grant - Rev	221,794	352,268	0	0%
	Community Development Block Grant - Exp	221,794	352,268	72,696	21%
298	Cable Television Fund - Revenues	767,215	767,215	187,551	24%
	Cable Television Fund - Expenditures	766,663	766,663	252,540	33%
400	Capital Improvement General - Revenues*	26,543,000	18,905,752	4,797,900	25%
	Capital Improvement General - Expenditures*	26,543,000	37,513,597	11,716,184	31%
490	Capital Improvement Sewer - Revenues*	1,510,000	5,515,000	0	0%
	Capital Improvement Sewer - Expenditures*	1,510,000	2,677,774	142,918	5%
491	Capital Improvement Water - Revenues*	3,365,000	9,601,974	0	0%
	Capital Improvement Water - Expenditures*	3,365,000	8,573,673	2,029,155	24%
590	Sewer Fund - Revenues	9,234,691	9,234,691	4,842,999	52%
	Sewer Fund - Expenditures	8,500,093	8,552,206	2,929,272	34%
591	Water Fund - Revenues	6,811,397	6,811,397	4,550,116	67%
	Water Fund - Expenditures	5,907,131	5,988,994	3,146,949	53%
TOTAL REVENUES - ALL FUNDS **		85,753,795	88,493,995	41,674,252	47%
TOTAL EXPENDITURE - ALL FUNDS **		85,734,692	103,525,159	34,183,315	33%

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

** Debt Service and Internal Service Funds not included.

TO: Honorable Mayor and City Council

FROM: Joseph S. La Margo, City Manager

SUBJECT: Comprehensive Annual Financial Report – Information Only

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

Attached for the information of City Council is a communication from Yeo & Yeo, PC dated December 28, 2020 concerning the audit of financial activities of City of Portage for the fiscal year ended June 30, 2020. The 2020 Comprehensive Annual Financial Report (CAFR) can be viewed on the Finance page of the city website.

Attachment: Communication dated December 28, 2020 from Yeo & Yeo, PC

December 28, 2020

The Honorable Mayor and Members of the City Council
City of Portage
Portage, Michigan

We have audited the financial statements of the governmental activities, business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of City of Portage (the City) as of and for the year ended June 30, 2020. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter to you dated June 1, 2020. Professional standards also require that we communicate to you the following information related to our audit.

We discussed these matters with various personnel in the City during the audit including management. We would also be pleased to meet with you to discuss these matters at your convenience.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in the footnotes of the financial statements. The City has adopted the following Governmental Accounting Standards Board Statements effective July 1, 2019:

- Statement No. 90, *Majority Equity Interests* improves the consistency and comparability of reporting a government's majority equity interest in a legally separate organization and improves the relevance of financial statement information for certain components.
- Statement No. 92, *Omnibus 2020* enhances comparability in accounting and financial reporting and improves the consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB Statements. This Statement addresses a variety of topics and includes specific provisions about the following: (1) The effective date of Statement No. 87, Leases, and Implementation Guide No. 2019-3, Leases, for interim financial reports (2) Reporting of intra-entity transfers of assets between a primary government employer and a component unit defined benefit pension plan or defined benefit other postemployment benefit (OPEB) plan. (3) The applicability of Statements No. 73, Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68, as amended, and No. 74, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans, as amended, to reporting assets accumulated for postemployment benefits. (4) The applicability of certain requirements of Statement No. 84, Fiduciary Activities, to postemployment benefit arrangements. (5) Measurement of liabilities (and assets, if any) related to asset retirement obligations (AROs) in a government acquisition. (6) Reporting by public entity risk pools for amounts that are recoverable from reinsurers or excess insurers. (7) Reference to nonrecurring fair value measurements of assets or liabilities in authoritative literature. (8) Terminology used to refer to derivative instruments.
- Statement No. 95, *Postponement of the Effective Dates of Certain Authoritative Guidance* provides temporary relief to governments and other stakeholders in light of the COVID-19 pandemic and provides postponement of effective dates for certain GASB Statements.

We noted no transactions entered into by the City during the year for which there is lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statement in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

- The useful lives of its capital assets. Useful lives are estimated based on the expected length of time during which the asset is able to deliver a given level of service.
- Net pension liability, and related deferred outflows of resources and deferred inflows of resources. The estimate is based on an actuarial report.
- Net OPEB asset, and related deferred outflows of resources and deferred inflows of resources. The estimate is based on an actuarial report.
- Compensated absences and accrued leave liability deposits due within one year. Management's estimate of accrued compensated absences and the accrued leave liability deposits due within one year is based on current hourly rates and policies regarding payment of sick and vacation banks.

We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent and clear.

Accounting Standards

The Governmental Accounting Standards Board has released additional Statements. Details regarding these Statements are described in Note 1 of the financial statements.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial and communicate them to the appropriate level of management. Management has corrected all such misstatements.

In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

There were no known uncorrected misstatements that were more than trivial.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated as of the date of the audit report.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Report on Required Supplementary Information

We applied certain limited procedures to management's discussion and analysis and the remaining required supplementary information (RSI) as described in the table of contents of the financial statements that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Report on Other Supplementary Information

We were engaged to report on other supplementary information as described in the table of contents of the financial statements, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Comprehensive Annual Financial Report

The City's audited financial statements are included in their comprehensive annual financial report. Our responsibility for the other information contained in the comprehensive annual financial report does not extend beyond the financial information identified in our audit report. We do not have an obligation to perform any procedures to corroborate the other information contained in the introductory section and statistical section. However, we read the other information and considered whether such information, or the manner of its presentation, was materially inconsistent with information, or the manner of its presentation, appearing in the financial statements. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, was materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

Restriction on Use

This information is intended solely for the information and use of the City Council and management of the City and is not intended to be, and should not be, used by anyone other than these specified parties.

Yeo & Yeo, P.C.

Kalamazoo, Michigan

TO: Honorable Mayor and City Council

DATE: January 19, 2021

FROM: Genevieve Kim, Youth Advisory Committee Chairperson

SUBJECT: 2020-2021 Youth Advisory Committee Goals and Objectives

The Youth Advisory Committee (YAC) is pleased to submit the following update on our Goals and Objectives:

- 1.) Continue to support educating members of the YAC on the roles and functions of the City of Portage Government.
 - a. The Youth Advisory Committee did not meeting during the summer of 2020 due to COVID. Virtual YAC meetings began in September.
 - b. Youth members on other boards and commissions report back to the YAC at each meeting. A different liaison selecting process was implemented by the YAC in 2018 with at least one volunteer for the city boards and commissions, if not two to three each. This practice was well received and has continued for 2020-21. YAC liaisons have easily modified to attending these meetings virtually.
- 2.) Continue a commitment to community service by volunteering time at organizations such as the Portage Community Center. In addition, to take initiative and volunteer in support of other causes as the need may arise.
 - a. Volunteered several times at the Portage Community Center in advance of both the Thanksgiving and Christmas holiday with the food basket programs.
 - b. Due to COVID, assistance with Park Board and Environmental Board events did not occur for 2020 but are anticipated to resume in 2021.
 - c. Plan to increase and promote community youth involvement in volunteering as opportunities present.
- 3.) Promote environmental awareness in the community.
 - a. The 2020 Green-A-Thon with the anticipated first-ever “soft-opening” Portage Farmers Market joint event was cancelled to the Governor’s Stay Home Stay Safe orders.
 - b. The 2021 Green-A-Thon will pick up where 2020 left off and is scheduled for Sunday, April 25th in front of City Hall. Planning is currently underway.
 - c. The YAC are also examining a climate change focus and has formed sub-committee to better act on the topic.
- 4.) Participate in and support community efforts related to addressing substance abuse in the community. Provide teens an opportunity to socialize without the use of drugs and alcohol, including hosting activities such as the Snow Party and Summer Movie Night.
 - a. The 2021 Snow Party is slated for February 6th. COVID alterations include requiring masks, removing the concessions and the bonfire gathering. Alternatives for a “no snow” possibility are also planned, including potential virtual competitions via social media.

- b. Plan to collaborate with the Breakfast Optimist Club and the Department of Public Safety to host a summer movie night in August with a law enforcement education opportunity. The event has been changed to a drive-in movie at Ramona Park to match the Parks Department's Summer Movie series and safety. Alternative methods for the Public Safety display will be reviewed.
- 5.) Advise the City Council in areas / subjects under the purview of the Youth Advisory Committee.
 - a. Provided the annual presentation to City Council in February 2020.
 - b. Provide youth perspective on effects of COVID-19 and virtual shift for 2021 presentation to City Council.
- 6.) Present an annual verbal report to the City Council.
 - a. Completed.
- 7.) Maintain an active social media presence via Instagram and providing updates/articles to city Facebook page. Review possibilities to restart Twitter account and evaluate Snapchat.

Sincerely,

Genevieve Kim, Chairperson
Youth Advisory Committee



Midwest Fastener Corporation • 9031 Shaver Rd • Kalamazoo, MI 49024-6164 • TEL (800) 444-7313 • FAX (800) 388-9798

January 14, 2021

Dear City Council,

Midwest Fastener would like to express its thanks for the PA 198 designation and tax abatement approval at your most recent meeting. Midwest has deep ties to our community, and it is a pleasure doing business here. These tax abatements will only strengthen this commitment as we invest in new infrastructure and grow our employment numbers. Although the future is uncertain, we remain optimistic that our community will pull through and that our best days are ahead.

Regards,

A handwritten signature in dark ink, appearing to read "Andy DeVries". The signature is fluid and cursive, written over a light gray background.

Andy DeVries

President

From: [dan foecking](#)
To: [Patricia Randall](#); [Jim Pearson](#); [Chris Burns](#); [Lori Knapp](#); [Victor Ledbetter](#); [Claudette Reid](#); [Terry Urban](#)
Cc: [Erica Eklov](#)
Subject: health insurance
Date: Monday, January 18, 2021 3:25:51 PM

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Happy New Year Mayor and Council Members

Hope this email finds you in good health.

Upon receiving my open enrollment documents I was distressed to see that my coverage through Blue Cross Blue Shield of Michigan would not be available to me after March 1, 2021. A medicare advantage plan is no substitute for the coverage provided by BCBSM under the current plan. One can google "medicare advantage problems" for a list of potential problems and differences.

I served as Finance Director for 18 years retiring in 2013. As a department head with more than 15 years of service, it was my understanding that health insurance coverage, on-par with active city department heads, would be provided by the city of Portage for life. This is part of the compensation package that enticed me to stay employed with the city of Portage.

It would have been nice if the medicare advantage plan was offered in addition to the BCBSM 14/20% plan, rather than forcing those of us over 65 off the current plan and to opt for alternative coverage.

If possible, could you please have this situation corrected for the current year. If that is not possible, please instruct the administration to provide the BCBSM 14/20% plan as an option next year for those of us on Medicare.

Thank you for your time.

Thank you for your service.

Daniel S. Foecking
1452 Sherry Drive
Portage, MI 49024-4237
danfoecking@gmail.com

DEPARTMENT HEADS – RETIREE HEALTH BENEFIT Suggestions:

Send letter/email no later than Thursday, January 21 at noon. Send to Portage City Council (below) and Copy Erica Eklov at Eklove@portagemi.gov Request letter be read in public at the January 26, 2021 Council Meeting. Current Portage City Council Patricia Randall, Mayor patricia.randall@portagemi.gov Jim Pearson, Mayor Pro Tem jim.pearson@portagemi.gov Chris Burns, Councilmember chris.burns@portagemi.gov Lori Knapp, Councilmember lori.knapp@portagemi.gov Vic Ledbetter, Councilmember vic.ledbetter@portagemi.gov Claudette Reid, Councilmember claudette.reid@portagemi.gov Terry Urban, Councilmember terry.urban@portagemi.gov Definition of the Department Head RETIREE HEALTH BENEFIT: a) Single Coverage as outlined in the schedule (ie, 55 age with 15 yos = 100%, b) Spousal Coverage at Retirees' Cost c) Retiree/spouse, if covered, must enroll in Medicare A & B when eligible. Insurance coverage at that point is supplemental to Medicare. d) Surviving Spouse Benefit 50% e) City can change health insurance provisions and insurers. (e was added to allow the city to change deductibles, coinsurance, copay, insurance companies)

As you know, I worked at the City of Portage as City Clerk, Director of Elections, for 24 years. I retired as a Department Head from the City of Portage in 2016. With that, I earned the City of Portage Department Head Retiree Health Benefit which was promised to me and was fully funded by a Trust established by the City of Portage. At the time I retired, it was reassuring to know that the City of Portage Department Head Trust was fully funded and the Retiree Health Benefit for Department Heads was closed to further participation in 2006.

Since becoming eligible for Medicare, I have maintained Medicare A & B as stated in the Personnel Rules and Regulations to ensure the city continued my supplemental insurance coverage. I was recently notified that effective March 1, 2021, the city will no longer provide me with supplemental insurance coverage. The Portage City Council voted on December 1, 2020, to eliminate the supplemental coverage benefit I earned while working as a Department Head at the City of Portage as a primary benefit and an important reason I accepted my appointment in the first place.

In order to be enrolled in the Advantage Plan, I am required to pay for Medicare B in the amount of \$148.40/month, yet I have to give up my Medicare A & B to be in the plan. I do not understand why the city would increase the deductible I have through Medicare Part B (\$203) to \$1500 per year. This will increase my cost by over \$1000 per year alone: \$1500 minus \$203 equals \$1297 (80% coverage). Portage has the largest tax base in Kalamazoo County and the fund balance of the city general fund as of 6/30/20 was over 31%.

The City of Portage is spending substantial funds to construct and operate a significantly enlarged Senior Center at the same time the city is increasing health insurance costs to its Department Head Retiree Seniors. This disparity is very difficult to rationalize, especially when the Department Head retiree health benefit remains fully funded in the city retiree health

Trusts. Plus, the city is not exhibiting any financial stress – no layoffs, no pay freezes, hiring continues and the City Manager was recently awarded a significant pay increase and bonus.

The information retirees received stated we had to return our election form to the City of Portage by Friday, January 8, 2020 at 5:00 p.m. I received my packet on (xx-xx-xx). There was no transparency in the communication I received. I had no idea until a retiree mentioned during the Zoom meeting that with the Advantage Plan I would no longer have my Medicare A & B resulting in losing my \$200 deductible provided by my Medicare B. Department Head retirees received short notice from the city in regard to losing our supplemental benefit considering the (nature/importance/magnitude) of this decision. Department Head retirees received limited notice considering the holidays. Department Head retirees received limited notice considering the COVID Pandemic. There was no explanation provided to retirees as to why the urgency for Portage City Council to eliminate the Department Heads' supplemental insurance during the COVID Pandemic. During a zoom meeting scheduled with less than a week notice, the City of Portage Human Resources Director was questioned by a retiree about how the levels of deductibles, coinsurance and copays were determined for the new Advantage Plan. The HR Director stated city staff did not take into consideration the retirees' loss of their primary benefits through Medicare A and B when establishing the Advantage Plan. Very confusing as City of Portage staff did not provide Department Head retirees with a comparison of current benefits (Medicare A & B + city supplemental plan) to the Advantage Plan. Deputy City Manager Michael Carroll stated during the Zoom meeting that the city is providing supplemental insurance coverage for Department Heads through Blue Care Network 65. After the meeting when a retiree requested for the insurance company to put this in writing, the city communicated in writing to that retiree that the BCN65 is not supplemental insurance. Considering the City of Portage staff admittedly did not consider retirees' loss of Medicare coverage, City of Portage Deputy City Manager Michael Carroll was asked by a retiree during the Zoom meeting to reconsider the \$1500 deductible to an amount more in line with our current Medicare Part B deductible (\$203) of which he immediately refused.

Honorable Mayor and City Council
City of Portage

Please spread across the minutes of the January 26, 2021 Regular Portage City Council Meeting

As you know, I worked at the City of Portage as City Clerk, Director of Elections, for 24 years. I retired as a Department Head from the City of Portage in 2016. With that, I earned the City of Portage Department Head Retiree Health Benefit which was promised to me and was fully funded by a Trust established by the City of Portage. At the time I retired, it was reassuring to know that the City of Portage Department Head Trust was fully funded and the Retiree Health Benefit for Department Heads was closed to further participation in 2006. In fact, almost every budget year, a Councilmember would question the Retiree Health Benefit as a legacy responsibility, and each time the Finance Director would respond that the Trust was so well-funded that there would never be a shortage issue.

Since becoming eligible for Medicare, I have maintained Medicare A & B as stated in the Personnel Rules and Regulations to ensure the city continued my supplemental insurance coverage. I was recently notified that effective March 1, 2021, the city will no longer provide me with supplemental insurance coverage. The Portage City Council voted on December 1, 2020, to eliminate the supplemental coverage benefit I earned while working as a Department Head at the City of Portage as a primary benefit and an important reason I accepted my appointment in the first place.

In order to be enrolled in the Advantage Plan, I am required to pay for Medicare B in the amount of \$148.40/month, yet I have to give up my Medicare A & B to be in the plan. I do not understand why the city would increase the deductible I have through Medicare Part B (\$203) to \$1,500 per year. This will increase my cost by over \$1,000 per year alone: \$1,500 minus \$203 equals \$1,297 (80% coverage). Portage has the largest tax base in Kalamazoo County and the fund balance of the city general fund as of 6/30/20 was over 31%, so what happened?

The City of Portage is spending substantial funds to construct and operate a significantly enlarged Senior Center at the same time the city is increasing health insurance costs to its Department Head Retiree Seniors. This disparity is very difficult to rationalize, especially when the Department Head retiree health benefit remains fully funded separately in the city retiree health Trusts. Plus, the city is not exhibiting any financial stress – no layoffs, no pay freezes, hiring continues and the City Manager was recently awarded a significant pay increase and bonus.

The information retirees received stated we had from December 15, 2020, to Friday, January 8, 2020, at 5:00 p.m. to return our election form to the City of Portage. I received my packet just before the Blue Cross/Blue Care Network open enrollment window closed on December 15, 2020. Plus, there was no detail information in the City Council Meeting Agenda for their first meeting on December 1, 2020. Regardless, this was precious little to no time to evaluate the options and make an informed decision for my wife and me before the December 15, 2020 Blue Cross/Blue Care Network deadline.

Moreover, there was no transparency in the communication I received. I had no idea until a retiree mentioned during the Zoom meeting that with the Advantage Plan, I would no longer have my Medicare A & B resulting in a loss of my \$200 deductible provided by my Medicare B. Department Head retirees received short notice from the city in regard to the loss of our supplemental benefit considering the magnitude of this decision. Department Head retirees received limited notice considering the holidays and the COVID Pandemic. There was no explanation provided to retirees as to why there was such an urgency for Portage City Council to eliminate the Department Heads' supplemental insurance during the COVID Pandemic and there was precious little time to consider possible alternative insurance options.

During a zoom meeting scheduled with less than a week notice, the City of Portage Human Resources Director was questioned by a retiree about how the levels of deductibles, coinsurance and copays were determined for the new Advantage Plan. The HR Director stated city staff did not take into consideration the retirees' loss of their primary benefits through Medicare A and B when establishing the Advantage Plan. This is very confusing as City of Portage staff did not provide Department Head retirees with a comparison of current benefits (Medicare A & B + city supplemental plan) to the Advantage Plan.

Deputy City Manager Michael Carroll stated during the Zoom meeting that the city is providing supplemental insurance coverage for Department Heads through Blue Care Network 65. After the meeting when a retiree requested for the insurance company to put this in writing, the city communicated in writing to that retiree that the BCN65 is not supplemental insurance. Considering that the City of Portage staff admittedly did not consider retirees' loss of Medicare coverage in their deliberations, a retiree asked City of Portage Deputy City Manager Michael Carroll during the Zoom meeting to reconsider the \$1,500 deductible to an amount more in line with our current Medicare Part B deductible (\$203) of which he immediately refused. Please advise. Thank you.

Sincerely,

James R. Hudson, J.D.

January 8, 2021

Dear Mayor Randall and City Council Members,

While I appreciate the retiree health insurance benefit I receive from the City of Portage, I was disappointed with the health insurance options offered to Department Head Retirees during the group health insurance Open Enrollment that has just ended. As you may know, during the 2021 open enrollment these retirees were not offered the insurance coverages offered to current employees. This is a deviation from past practice, inconsistent with the Personnel Rules and Regulations and a clear deviation from the expectation of these retired employees.

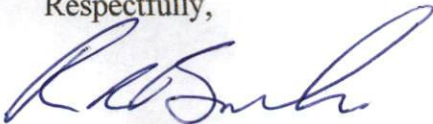
Although legal counsel can certainly interpret the Personnel Rules and Regulations to justify the recent change in coverage offered to retirees, the actual words and the intent of the words when written and adopted by City Council, are very clear. According to the Personnel Rules and Regulations Department Head retirees hired prior to 2007 will be offered city single group insurance plan(s). The intent of this was to offer these retirees the same plan or plans offered to other employees. The Personnel Rules and Regulations go on to state that at age 65 the group insurance plan(s) become supplemental to Medicare Part A and B. The Medicare Advantage Plan offered is not supplemental to Medicare.

I am confident that the recent change was made as a cost saving measure. And while on one hand I can appreciate this, on the other hand changing a commitment made to City employees is an action not in keeping with the values or ethics of the City of Portage. It is likely too late for the City to change the 2021 group health insurance options offered to Department Head Retirees, but I urge City Council to offer the same employee health insurance options to these retirees in 2022.

To be completely open and honest, when I retired in 2020 I opted out of the City health insurance plan and enrolled in a Medicare Advantage Plan. I did so for several reasons but with the understanding that I could opt back into and choose a traditional City sponsored plan during a future open enrollment period.

In closing, I enjoyed the nearly eighteen years I was employed by the city and wish the City of Portage continued growth and success.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rob Boulis", written in a cursive style.

Rob Boulis

RECEIVED BY

JAN 11 REC'D

CITY OF PORTAGE
TREASURY OFFICE

Mayor Randau + City Council
City of Portage
7900 S. Westwedge Av
Portage MI 49602

January 20, 2021

Portage City Council
7900 S. Westnedge Ave.
Portage, MI 49002

Honorable Mayor and Council:

I am writing to you to express my concern with recent changes to retiree health care approved by City Council that impact a group of dedicated former department heads.

This core group of department heads, of which I am one, creatively dealt with the severe national economic recession that began in 2008 and lasted for over five years. During this time, many sacrifices were made that allowed the City of Portage to survive. As city administrators in 2008, our common goal was to ensure that, when the recession ended, our community would not only survive, but thrive. An example of such sacrifice was my assuming the responsibilities of two retiring department heads. I did this with minimal monetary incentive, saving the city hundreds of thousands of dollars. As a department head, I felt I was doing my part to help keep Portage stable during difficult financial times.

As you are aware, the City of Portage did survive the recession in an admirable position. The city administration's success was hailed as a model of how to deal with major economic setbacks while having a minimal impact on its citizenry. I vividly recall our former City Manager Larry Shaffer, who assumed duties in 2014, saying to City Council members how "blessed" he felt to have the opportunity to manage a city in such a positive fiscal position. He was well aware of how other Michigan communities had suffered and faltered during the recession. Portage has been able to build on this post-recession financial foundation, and it continues to thrive to this day, having a General Fund balance of over thirty-one percent.

The city responsibly committed to a fully funded post-employment retiree health benefit program to honor the services of our specific group of employees. The trust fund created for these benefits is solvent. Yet, the current City Council has approved modifications to the retiree health benefit program as a "cost control" measure.

Although I have opted out of the city-provided options the past two years, I understand and support the concerns of fellow retired department heads who wish to retain the benefits promised by the city. Each year I am required to decide on whether to opt out and there may well be a time when I want or need to opt back into the city plan. I would expect to have a group supplemental plan available that would "back up" Medicare A & B and have reasonable deductibles.

Thank you for your time and consideration of my comments.

Sincerely,

William M. Deming

Cc: Erica Eklov, City Clerk

January 18, 2021

Patricia Randall, Mayor	patricia.randall@portagemi.gov
Jim Pearson, Mayor Pro Tem	jim.pearson@portagemi.gov
Chris Burns, Councilmember	chris.burns@portagemi.gov
Lori Knapp, Councilmember	lori.knapp@portagemi.gov
Vic Ledbetter, Councilmember	vic.ledbetter@portagemi.gov
Claudette Reid, Councilmember	claudette.reid@portagemi.gov
Terry Urban, Councilmember	terry.urban@portagemi.gov

Dear Council Members:

Please accept this letter addressing my Department Head Retiree Health Benefits in the positive manner that it is intended. While I am certainly concerned about the effort to change my health benefits for Benefit Plan Year 2021, I remain hopeful that City Council will affirm the commitment made to me and the remaining former department heads and restore our health care benefits. I respectfully request that City Council take appropriate action to restore the health benefits earned by department head retirees.

My title when I worked at the City of Portage was the Director of Community Development, a position I held from 1989 until my retirement in June 2011. Over the course of my successful 22 year career as head of the department, and with respect, I earned my City of Portage Department Head Retiree Health Benefits.

I understood that the city established a Trust to ensure funding the cost of the Department Head Retiree Health Benefit. I understood the retiree benefit promised to me was fully-funded when I retired. (In 2006, the Retiree Health Benefit for Department Heads was closed to further participation.) The reassurance of having this earned health benefit was obviously helpful as I entered retirement with my spouse. As far as my eligibility, I have maintained my Medicare A and B as required so that supplemental insurance coverage would continue.

As for my personal circumstance, we now reside in Indianapolis, Indiana. We have selected the "Opt-out" alternative that the city provided department head retirees again this year. We purchase health insurance in the state of Indiana. This alternative is mutually beneficial to me and to the City of Portage given my circumstances. However, should I need to consider a more standard health insurance option and enroll in a future year(s), the ability to do so, and the comfort in knowing that my earned health benefits will be available for us, is important.

As for my(our) concerns, the City Administration notified me just before the Christmas Holiday that effective March 1, 2021, the city will no longer provide supplemental insurance coverage and that City Council voted on this issue on December 1, 2020. I was further given the short, but very firm, deadline to review and decide on an option by January 8th. It is troubling that I had little time to consider the options and, importantly, no information was provided to explain the change where retirees must give up Medicare coverage to be in a plan and be subject to increased deductibles and significant increased annual costs. I also took the time to participate in a Zoom

meeting, also scheduled with little notice from the City Administration. I adjusted my schedule to take part. The responses to questions were less than clear, and actually, the responses were framed in a “take it or leave it” manner. As an example, city staff was asked by a retiree about how the levels of deductibles, co-insurance and copays were determined for the new Advantage Plan. The Portage HR Director said city staff did not consider the retirees’ loss of their primary benefits through Medicare A and B when establishing the Advantage Plan. Deputy City Manager Michael Carroll offered his opinion during the Zoom session that the city was providing comparable supplemental insurance coverage. He also specifically said that the city was providing supplemental insurance coverage for Department Heads through Blue Care Network 65 (BCN65). Blue Cross Blue Shield representatives did not definitively respond to this inquiry at the time of the Zoom meeting. However, I have come to understand that after the meeting, when a retiree requested the insurance company put this in writing, correspondence was provided to the retiree that the BCN65 option is not supplemental insurance.

I want to make sure that the City Council and the City Administration understand that I support my retiree colleagues in this matter. Retirees giving up Medicare coverage to be in a plan and being subject to increased deductibles and significant increased costs annually is not right.

The City of Portage has successfully weathered the economic uncertainties of the past year or two. Portage continues to have a large and increasing tax base in Kalamazoo County. The fund balance in the City General Fund was over 31% at the end of the previous fiscal year. Major projects including the new Senior Center are underway (which is somewhat ironic given the issues in this letter). And there is no serious financial stress as evidenced by the City of Portage continuing to hire new staff, having no layoffs or pay freezes, and recently awarding the City Manager a pay increase and bonus. Yet, the Department Head Retiree Health Benefits are significantly modified to retirees’ detriment.

To reiterate, I respectfully request that City Council take appropriate action to restore the health benefits earned by department head retirees.

Sincerely,

JME

Jeffrey M. Erickson
7545 Chatterton Drive
Indianapolis, IN 46254
ericksjmca@yahoo.com

c. Joseph La Margo, City Manager
(lamargoj@portagemi.gov)

January 21, 2021

City Council Members
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Please read this letter into the record of the City of Portage Council Meeting of January 26, 2021

I am writing to you to express the surprise and disappointment I and other City of Portage Department Head retirees have experienced with recent changes to the retiree health care plan approved by City Council. As you might expect, retirees have a high interest in their health care. This is perhaps even more so during the current COVID pandemic when changes for a vulnerable population are particularly unnerving.

Former Department Heads in the Retiree Health Benefit group have provided decades of service to the City of Portage. In return, during the period of their employment, the city responsibly planned for and fully funded post-employment benefits to ensure promised benefits would be delivered. Expectations by Department Head retirees for the city to honor their commitment are, therefore, high.

Several concerns exist with the Department Head retiree health care plan approved by City Council. Most specifically:

- The city is violating its Personnel Rules and Regulations by not providing supplemental insurance to retirees who became Department Heads prior to July 1, 2007. A specific requirement of the Department Head Retiree Health Benefit is to provide supplemental insurance. Supplemental insurance is utilized by retirees to retain and augment their current Medicare coverage, as has been the case until the upcoming insurance plan year. Retirees must forego the benefit levels afforded through Medicare A and B coverage in order to participate in the city offered Medicare Advantage Plan.
- Costs of coverage are being shifted from the city to retirees. The City of Portage did not consider the retirees loss of current Medicare benefit levels when establishing the proposed Medicare Advantage plan. Consequently, retirees transitioning to the Medicare Advantage plan face a \$1500 plan deductible vs the current Medicare B \$203 deductible. Depending on their health care plan selection, Department Head retirees are being required to pay higher deductibles, co-pays and co-insurance costs with the city assuming significant premium cost savings.
- Limited time was provided for retirees to consider changes to the plan and review alternative coverage options. I personally received my health care election packet on January 2, 2021, leaving only 6 days to consider coverage options. Additionally, the information provided to retirees only included a side-by-side comparison of the current city plan to the Medicare Advantage Plan. No information was included comparing benefits provided via retirees current Medicare coverage. In contrast, City of Kalamazoo retirees were provided 18 months notice before transitioning to a Medicare Advantage Plan. Also of note, City of Kalamazoo retirees were provided with a comparison of their proposed Medicare Advantage Plan against their current city plan, as well as their Medicare A and B coverage. Similarities and differences of coverage

between plans, including Medicare A and B, were clearly conveyed. Portage Department Head retirees were left on their own to attempt to compare proposed coverage levels to their current city plan and with Medicare A and B.

It seems particularly ironic that Department Head retiree health insurance is being singled out for cost control at a time when the Portage Retiree Health Care Trust remains fully funded, the city is evidencing an historically high fund balance in the General Fund (31.7% as of June 30, 2020); where revenues increased by \$1.3 million over the prior year; and where no layoffs are being implemented, hirings are continuing unabated and pay increases, bonuses, moving expense payments and such are ongoing. More ironic yet is at the same time additional cost is being shifted to Department Head retirees, the city is devoting millions of dollars to construct a significantly enlarged *Senior Center*, and will be assuming hundreds of thousands of dollars of additional operating and staffing expense associated with this facility.

To resolve this matter, it is requested that City Council immediately pursue the following through the City Administration:

- Offer Department Head retirees supplemental insurance coverage as required under the Personnel Rules and Regulations. As noted above, supplemental insurance can then be used by retirees to retain and augment their current Medicare coverage, as has been the case until the upcoming plan year. A Medicare Advantage Plan may be provided as an alternative health insurance option to the supplemental plan, if possible and desired.
- Insurance options should be altered such that costs of coverage are not being shifted from the city to retirees. Department Head retirees should not be expected to assume additional costs for health care coverage when the Portage Retiree Health Care Trust is fully funded, when the city is experiencing historic fund balance levels in the General Fund and when employees are receiving pay and bonus increases.
- Using the City of Kalamazoo as a model, the city should be more comprehensive and transparent in communicating retiree health care changes. A full comparison of all plan options, current and proposed should be provided. As demonstrated by the City of Kalamazoo, city staff should include all coverage (i.e., Medicare in addition to the city plan) in their analysis to present a “comparable” plan that avoids harm to retirees. In addition, should the city not be able to ensure timely mail delivery, changes should be implemented to ensure electronic delivery of retiree health care information.

Thank you for your time and consideration.

Sincerely,

Brian J. Bowling

c: Portage City Clerk

January 20, 2021

Portage City Council

7900 S. Westnedge Ave.

Portage, MI 49002

Dear Honorable Mayor and City Council:

I am a city of Portage Department Head retiree. I worked as City Assessor from 2000 to 2015 for a total of 15+ years. During that time period I was aware that upon retirement, in addition to my Medicare Part A and B health care coverage, I was entitled to the City of Portage Department Head Retiree Health Care Benefit in the form of Blue Cross/Blue Shield Supplemental Insurance Coverage.

I received the Supplemental Insurance Coverage since 2000. However, on or around December 20, 2020 I was notified that the Supplemental Coverage was no longer being offered to the 22 retirees in the group, but was being replaced with the Blue Cross/Blue Shield Medicare Advantage Plan. To be enrolled in the Advantage Plan, I am required to pay a premium for Medicare B in the amount of \$148.40 per month (\$1,781 annually) yet I must give up my Original Medicare Part A & B to be in the plan.

Current Original Medicare deductible is \$203 per year. The deductible in the Advantage Plan is \$1,500 per year., a real "advantage".

Of greatest concern to me is due to fact that I no longer reside in Michigan, I cannot take "advantage" of the use of any of the Blue Cross/Blue Shield of Michigan In-network Hospitals, Doctors, Specialists and Prescription Drug providers, I must use all Out-of-network providers. Some of the examples of the cost penalties for having to use Out-of-network providers are as follows:

Doctor office visits: Instead of \$30 co-pay, Out-of-network costs are 40% of the total Dr. bill after deductible.

Diagnostic Services, Surgery, Anesthesia, Inpatient Hospital Care, Skilled Nursing Facility: All instead of 20% co-pay, Out-of-network costs are 40% of total bill co-pay after deductible.

Most all other **services and procedures** are at the 40% of total bill. **Prescription drugs** are all twice the co-pay amount when using Out-of-network providers.

The total cost I can expect to pay to participate in the Advantage Plan is \$1,7881 for premiums, \$1,500 deductible (Note: prescription drug costs are NOT included in the deductible amount) and an out-of-pocket maximum amount of \$2,500, or a total of \$5,781 annually.

The City of Portage is a prosperous community. It has the largest Tax base in Kalamazoo County. It maintains a healthy General Fund balance in excess of 30%. A Trust was established by the City of Portage to fund the cost of the Department Head Retiree Health Benefit. It is my understanding that the Trust is not only fully funded, but it has not ever been used to pay for retiree health care benefit costs.

The City of Portage is spending substantial funds to enlarge and operate the Senior Center so that resident (and non-resident) seniors, the majority of whom were never employed by the City or served as a Department Head can add enrichment to their lives.

It is very difficult to understand why considering the extremely good financial health of the City, and the existence of the fully funded Retiree Health Trust that the City would choose to invest more in Senior Center infrastructure and operations for citizens and yet toss their Department Head Retirees into an alternative health care insurance plan that has radical disadvantages compared to the past plan.

During a zoom meeting conducted by the Human Resources Department and BC/BS, the HR Director stated that city staff did NOT take into consideration the retirees' loss of their primary benefits through Original Medicare A and B when establishing the Advantage Plan.

I believe the changes in the health care insurance options could have been better communicated to the retirees. Considering the Christmas holiday season and impact that the COVID Pandemic, the two-week open enrollment window did not allow retirees much time to sift through all the information to make decisions regarding their health care insurance. The information was less than transparent and did not openly disclose that it was in fact a Medicare Advantage Plan and other facts such as required premiums.

During the zoom meeting, we were told that we could all get a copy of the lengthy Power Point presentation in order to better understand all the details in the new plan. I have requested in writing twice to Stacey Baker of the HR Department for the e-mail copy of the presentation. I have never received it.

I am going to be adversely financially affected, particularly due to not being a Michigan resident by being required to participate in the Medicare Advantage plan. There are simply no "advantages" to this plan. I respectfully request that the City Council reconsider the Advantage Plan decision particularly in light of the financial impact it has on your retirees. I am requesting that my letter of concern be read aloud into the public record at the January 26, 2021 City Council Meeting.

Sincerely, Jim Bush

James C. Bush
7946 SE Villa Cir
Hobe Sound, FL 33455

January 21, 2021

City Council
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Please read this letter into the City of Portage Council Meeting records of January 26, 2021.

Honorable Mayor and City Councilmembers,

The City of Portage recently announced that the Department Head retiree insurance that is supplemental to Medicare would be eliminated on March 1st by the city. As the former Director of Benefit Services, I am submitting the following statement to be placed on record with the City of Portage:

The City of Portage Department Head Retiree Health Benefit, as provided for by the Personnel Rules and Regulations is applicable to personnel who acquired Department Head status prior to July 1, 2007, and attained mandatory age and service requirements at retirement. This limited group of approximately 20 Department Heads who served the City of Portage in positions such as the City Manager, Deputy City Manager, Police Chief, Fire Chief, Director of Community Development, Finance Director, Senior Center Director, etc., is closed to additional participants. Most of these individuals are well into their retirement. Throughout my employment with the city, I communicated both verbally and in writing, to the majority, if not all, Department Heads, in regard to the specific provisions of the Department Head Retiree Health Benefit as follows:

- a. The health insurance benefit is single coverage provided under the city group health insurance plan(s). The city will pay the percentage of premium for single health insurance coverage as provided for in the age/service schedule. The retiree is responsible for the remainder of the premium.
- b. Spouses may remain in the city group health insurance plan if the retiree pays the additional premium.
- c. The retiree and spouse, if covered, must be enrolled in Medicare A & B when eligible. Health insurance coverage at that point is supplemental to Medicare.
- d. Surviving spouse coverage is available upon the death of the retiree. The city will pay 50% of the premium for single coverage with the individual responsible for the balance of the remaining premium. The surviving spouse will no longer be eligible for the Retiree Health Benefit should he/she remarry.
- e. Failure by the retiree and/or spouse to pay their portion of the premium by the due date will be cause for termination of health insurance and forfeiture of the Retiree Health Benefit.
- f. Retiree health insurance coverage provisions and insurers are subject to change by the city.

As noted above, Paragraphs A-E provide the specifics of the Retiree Health Benefit earned by Department Head retirees. Paragraph F states, "Retiree health insurance coverage provisions and insurers are subject to change by the city." This language was authored by me to afford transparency to employees prior to retirement, that changes to active group insurance coverage provisions (ie., deductibles, copays, and coinsurance) are also reflected in the retiree health insurance coverage provisions. Paragraph F above, and the identical language included in Paragraph E of the Non-Union Retiree Health Benefit, do not in any way negate the city's obligation to provide the specific provisions of the Retiree Health Benefit.

I respectfully encourage the Portage City Council to honor the commitment made to this group of retired Department Heads by continuing to provide insurance that is supplemental to Medicare.

Sincerely,


Patricia Thompson

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Amendment to Code of Ordinances - Taxation

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Adopt the amendment to Article 1, In General, of Chapter 70, "Taxation" in the City of Portage Code of Ordinances.

At the October 20, 2020, meeting, City Council received a communication from Jeanne L. Fielder, 1728 Colchester, regarding a late tax payment and the ensuing three percent late fee. Mr. John Paver, 9651 Portage Road attended that meeting to discuss a proposal for waiver of late fees associated with delinquent tax payments. City Council approved waiver of Ms. Fielder's late fee, and took no action on Mr. Paver's request. Subsequent discussion between City Administration and City Council led to a proposal to delay actual application of the late fee until seven calendar days after the due date, to allow taxpayers additional time to pay without penalty.

Change to the three percent late fee may be made by the governing body. If approved, the attached amendment to the Taxation ordinance will revise the dates upon which the late fees are assessed from September 15 for summer taxes and February 15 for winter taxes, and instruct the Treasury Office to apply late fees to unpaid tax bills on September 22 and February 22 - one week later than currently established. A redline/strikeout version of the pertinent section of the ordinance is attached for reference.

The first reading of this proposed ordinance was held at the January 12, 2021, Regular Meeting. It is therefore recommended that City Council adopt the amendment to Article 1, In General, of Chapter 70, "Taxation" in the City of Portage Code of Ordinances.

FUNDING: N/A

Attachments:

1. Tax Late Fee Ordinance Revision Draft 1.6.21
2. Tax Late Fee Ordinance Attorney Approved

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 1, IN GENERAL, OF CHAPTER 70, TAXATION**

THE CITY OF PORTAGE ORDAINS:

That Chapter 70 shall be amended as follows:

ARTICLE 1. - IN GENERAL

- Sec. 70-1. - Property tax administration charge and late charge.

All taxes, assessments and charges which are levied or spread by the city on any city tax roll under authority of law which are paid on or before September 14 of the year in which they are so levied or spread shall be collected by the city treasurer, and the taxes collected shall be subject to a one percent property tax administration fee. The treasurer shall add to all taxes, assessments or charges paid on or after September 15 a charge equal to one percent for each calendar month or fraction thereof from October 1 to the date of payment. In addition to the property tax administration fee provided for in this section, the treasurer shall add an additional three percent late charge seven calendar days on or after the tax payment due dates of September 14~~15~~ and February 14 for the periods of the year in which taxes, assessments or charges are levied or spread on such unpaid taxes, assessments or charges.

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 1, IN GENERAL, OF CHAPTER 70, TAXATION**

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FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

APPROVED AS TO FORM

DATE 1/11/2021

Catherine Kienfuer
CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Construction Board of Appeals raze order for an unsafe building located at 8833 Shaver Road

SUPPORTING PERSONNEL: Chris Forth, Deputy Director of Planning, Development and Neighborhood Services
Terry Novak, Deputy Director of Building and Housing Services

ACTION RECOMMENDED: With regard to 8833 Shaver Road:

1. deny the property owner's appeal of the 30-day raze order issued on November 10, 2020 by the Construction Board of Appeals involving an unsafe building at this site; and,
2. authorize the City Administration to solicit bids to raze/remove the building and debris on the site should the owner fail to comply with the order by January 15, 2021.

As background, the vacant building located at 8833 Shaver Road has fallen into severe disrepair. The structure and overall site have a long history of continued decline, lack of maintenance and code enforcement action. The initial unsafe structure proceedings for the building commenced in June 2013 when the Construction Board of Appeals held a Show Cause Hearing. In an effort to assist the property owner, Mr. Evan Eichhorn, the Board did not order the building razed contingent upon progress being made to repair the structure and correct code violations. Following the June 2013 Show Cause Hearing, progress was being made. Mr. Eichhorn passed away in November 2017 and a relative, Mrs. Lisa Calhoun (co-owner), took control of the property. No further repairs of the building have occurred since 2017. Consequently, water/weather intrusion has continued into the building causing further wood rot and decay, separation of the structural block walls and other interior deterioration. Additionally, the utility components for the structure (electrical, plumbing and mechanical systems) are not operational.

During the November 10, 2020 Construction Board of Appeals meeting, the Board unanimously approved a motion requiring the building located at 8833 Shaver Road be razed and removed from the site within 30 days. In accordance with Section 42-1353, if the owner fails to comply with the Construction Board of Appeals order, the matter is referred to City Council with a recommendation that the city be authorized to raze/remove the building and debris on the site. Any and all costs incurred by

the City of Portage for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance.

On November 12, 2020, a communication was received from the property owner, Mrs. Lisa Calhoun, requesting to appeal the raze order. On November 17, 2020, a second communication was received from Christopher LaLonde, Veritas Law Group representing the estate of Evan Eichhorn, also requesting to appeal the raze order. Staff reached out to Mrs. Calhoun on Thursday, January 7, 2021 and Mrs. Calhoun indicated there are no plans or schedule to repair the building and correct code violations. There is also impending sale of the property.

The property owners have been afforded many opportunities and a significant amount of time to either repair, sell or raze the building. No improvements have been made to the building in more than three years and, as result, it has deteriorated further. The building is also an attractive nuisance that is oftentimes open to casual entry, occupied by individuals requiring removal by Public Safety and a blight on the area. Staff is aware of at least one complaint received from an adjacent business owner concerned about the condition and appearance of the building and site. Consequently, the City Administration is recommending the appeal to rescind the decision of the Construction Board of Appeals be denied. If the building is not razed in 30 days, it is requested that City Council authorize the City Administration to solicit bids to raze/remove the building and debris on the site. If the low bid exceeds the amount the City Manager is authorized to approve (less than \$75,000), the bid will be forwarded to Council for review and approval.

FUNDING: General Fund

- Attachments:**
1. November 10, 2020 DRAFT Construction Board Minutes
 2. September 15, 2020 Construction Board Minutes
 3. Communication for Bruce VanderWeele dated August 7, 2020
 4. Construction Board report and background materials

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – November 10, 2020

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

The minutes of September 15, 2020 were approved.

BOARD ACTION:

8833 Shaver Road – Show Cause Hearing

Chairman Gilchrist reconvened discussion of the Show Cause Hearing for 8833 Shaver Road. Deputy Director Novak summarized the prior meetings held on August 13, 2020 and September 15, 2020. Novak read the motion from the September meeting requiring that a letter of intent, building application and plans for the proposed use of the building be submitted to the Department of Community Development for formal review by October 15, 2020. If the material was not submitted by October 15, 2020, or it was determined that the prospective buyer would not move forward with the project, the matter was to return to the Construction Board of Appeals as a raze order. Novak informed the Board that the requested material and information had not been submitted. Assistant Fire Chief Moore also advised that no information or contact in regard to the proposed use of the building had been received by the Fire Department.

Property owner Lisa Calhoun was in attendance and spoke to the Board and indicated that additional time was needed because she and her realtor had believed the property was being purchased by Steven Payne. Calhoun further advised she believed that the building could be repaired and did not know why it needed to be razed. Senior Building Inspector Beery provided the Board with his past and recent observations of the building and its prolonged deteriorated condition. Several members of the Board spoke referencing that the building initially appeared before the Board in 2013 as a raze or repair order. Novak confirmed that the matter had been to the Board repetitively over the past several years as progress to repair the building would commence and then stall. Beery confirmed that he had previously performed several inspections with the co-owner of the property, Evan Eichhorn as he attempted to repair the roof. Unfortunately, Eichhorn passed away in 2017 and no further repairs to the roof or building were completed. Beery added that the former roof repairs to the building have now failed as evidenced by recent areal photographs. Beery also indicated that portions of the office area ceiling had collapsed due to water damage and that there was evidence of rotted wood. Moore stated the Fire Department considered the building to be a public safety hazard due to its condition, and on a previous occasion, had to have people illegally living in the building removed. Calhoun referenced Bruce Vander Weele's structure review of the building and his August 7, 2020 communication indicating the building and roof were structural sound. Beery provided information on the poor condition of the roof and building due to the lack of maintenance and repair. Novak advised that the building was unfit for occupancy with no functioning electrical, plumbing or mechanical utilities. Calhoun again advised the Board that she thought Payne was going to buy the property and needed more time. Members of the Board spoke to the continuing deterioration and ongoing blighted condition of the property and building over the past several years and the need for corrective action.

A motion was made by Member Smith that within 30 days the building located at 8833 Shaver Road be razed and removed from the site. Should the owner fail to comply with the order, the matter shall be referred to City Council with a recommendation that the city be authorized to raze/remove the building and any junk and debris on the site. Any and all costs incurred for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance. Member Leach seconded the motion. The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 5:45 PM.

Respectfully Submitted,

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

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – September 15, 2020

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

The minutes of August 13, 2020 were approved.

BOARD ACTION:

8833 Shaver Road – Show Cause Hearing

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

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

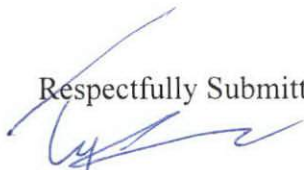
Assistant Fire Chief Moore advised that contrary to VanderWeele's assessment, a fire sprinkler system would be required for the building. Moore added that the building currently did not have any municipal water on-site for firefighting and that was very problematic. Senior Building Inspector Beery stated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

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

ADJOURNMENT:

The Board meeting adjourned at 5:50 PM.

Respectfully Submitted,



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



August 7, 2020

City of Portage
Department of Community Development
7900 South Westnedge
Portage, Michigan 49002

Att: Christopher Forth

Re: Structural Inspection and condition review – 8833 Shaver Road
Reference Unsafe Structure

To Whom It May Concern:

As requested, Vander Weele Design Consultants inspected the building at 8833 Shaver Road, Portage, Michigan regarding the Notice of Unsafe Structure.

Over the last 10 years we have inspected the referenced building on several occasions. Today's inspection found the building was in a very similar condition. The roofing system does have considerable leaks and the downspouts dump water on the exterior walls, which is eroding some of the mortar from the masonry joints. We also noted that in several areas there are weeds growing on top of the roof system.

Despite the noted deficiencies, we found the complete structural steel roof system, including roof deck, bar joist, beams, and columns in good condition. There is minor surface rust but not enough to cause any concern. There is no settlement or any other reason to indicate loss of structural capacity. The masonry walls have some minor areas of concern including the noted mortar erosion at some of the downspouts. There are also a few minor areas that need repair including near the door openings at the southeast corner. Generally, and overall, the masonry walls are in reasonable condition and with some maintenance and attention, will provide good service.

Regarding the deficiencies noted in the City of Portage letter dated June 12, 2020 I would make the following comments:

1. The roofing has failed, not the roof structure as I have noted above. The main building does not have any ceiling and there is nothing that can fall. The front office area does have a lay-in ceiling, which has some water infiltration but has not fallen or is in any danger of same. As I have noted above the roof structure is safe and adequate, and there is no concern for its ability to safely support water or snow.
2. There are a few minor areas of masonry deterioration but none that would cause any significant structural failure, and there is no evidence of any foundation settlement or movement.

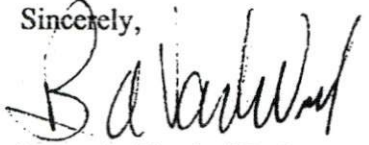
City of Portage
Department of Community Development
7900 South Westnedge
Portage, Michigan 49002
Christopher Forth
Re: Structural Inspection and condition review - 8833 Shaver Road
Reference Unsafe Structure

3. The brush and debris around the building have now been removed allowing clear access to the building.
4. The windows have mostly been covered with plywood.
5. The building is secure, with window and wall opening covered, and no longer open to casual entry.

Overall, I realize the building has not been keep up and needs maintenance. As I noted I have inspected this facility several times in past years and despite of the lack of upkeep, there has been far less deterioration than I would have expected. I believe this building can be easily saved and put back into service. I would hope reasonable consideration be given to allowing a new owner to take over this facility and move forward with upgrades.

If you have any questions regarding this information, please feel free to contact this office

Sincerely,


Bruce A. VanderWeele, P.E.

10300 / 10331 Str Building Insp 8833 Shaver



Vander Weele
DESIGN CONSULTANTS, P.C.
6330 Terrington Road
Kalamazoo, Michigan 49009-9118
(269) 372-7227 • Fax (269) 372-3964

TO: Construction Board of Appeals

FROM: Christopher Forth, Interim Director of Community Development

DATE: October 26, 2020

SUBJECT: Show Cause Hearing – 8833 Shaver Road (Update)

CODE SECTION: Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances

During the September 15, 2020 meeting, the prospective buyer of the property located 8833 Shaver Road, Mr. Steven Payne, indicated it was his intention to utilize the existing building for automobile and/or boat storage. Discussion on the proposed use ensued. Assistant Fire Chief Larry Moore advised that the building does not have on-site municipal water for firefighting purposes as required by the International Fire Code. Additionally, Senior Building Inspector Beery indicated that changing the occupancy classification to an S (storage) would require that all building components comply with current code requirements.

Due to the lack of specific information related to the proposed use and associated building improvements, the Board table this matter and requested the applicant submit to the Department of Community Development a letter of intent, building application, and plans for the proposed use of the building by October 15, 2020. If the information is not submitted by October 15, 2020, or it was determined that the prospective buyer would not move forward with the project, the matter was to return to the Construction Board of Appeals as a raze order. As of this date, the applicant has not submitted required information.

It is recommended that the Construction Board of Appeals issue an order that the building located at 8833 Shaver Road be razed and removed from the site along with any debris/rubbish within 30 days, or be repaired to meet current State of Michigan occupancy requirements. Should the owner fail to comply with the order, this matter will be forwarded to City Council with a recommendation that the city be authorized to raze/remove the building and any junk and debris on the site. Any and all costs incurred for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance.

Attachments: Show Cause Hearing notification dated October 26, 2020
Agenda material from the August 13, 2020 Construction Board meeting

T:\COMMDEV\2020-2021 Department Files\Address Files\2020 10 26 8833 Shaver Road (Construction Board Recommendation update)CF.docx

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – August 13, 2020

The City of Portage Construction Board of Appeals meeting of August 13, 2020 was called to order at 5:00 PM in City Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

William Leach; Gary Gilchrist; Sheldon Smith and George Theodoru. Bill Koopsen attended via teleconference.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

Todd Gasaway; Barney Martlew.

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

The minutes of August 8, 2019 were approved.

BOARD ACTION:

8833 Shaver Road – Show Cause Hearing

Deputy Director Novak informed the Board of the unsafe structure procedures and notifications in regard to the property. Novak provided background information pertaining to the property, including previous unsafe structure proceedings in 2013 due to the condition of the property. Novak advised at that time, the Board had attempted to work with the property owners, Evan Eichhorn and Lisa Calhoun in an effort to have the building repaired, however, Eichhorn died in 2017, and the building has continued to decline. Senior Building Inspector Mike Beery provided an overview of the condition of the building and its deficiencies, including broken windows, rotted wood and cracks in the concrete block walls. Several of the Board members spoke that they were familiar with the past history of the property and its ongoing blighted condition. The Board emphasized that prompt and complete corrective action for the building and site was required.

Steven Payne, spoke to the Board and advised that he was in a sales agreement to purchase the property and planned to restore the building. Payne provided a communication from Bruce Vander Weele, State of Michigan Professional Engineer indicating that although the building needed extensive repair, it was not structurally failing at this point. Novak advised that Vander Weele's communication had not been received by the Department of Community Development prior to the meeting. Payne stated that he had already improved the property by removing some of the overgrown vegetation and rubbish from the site. The discussion turned to the proposed use for the property and the need to provide fire sprinklers for the building. Payne indicated that he did not believe fire sprinklers would be required as municipal water was not readily available to the site. Assistant Fire Chief Moore advised to the contrary and stated that almost any use of the building would require that fire sprinklers be provided. Payne questioned if other buildings in the area were connected to municipal water. Novak affirmed that they did and that the businesses had brought water under the railroad tracks to their sites to meet fire suppression requirements. Payne stated that he needed to research the matter further to see if the purchase and repair of the building would be cost feasible and requested more time from the Board.

Novak advised the Board that Lisa Calhoun was still the owner of the property and that Payne only had a vested interest as a purchaser. Any order for the building from the Board would need to be directed to Calhoun as the current property owner. Calhoun spoke to the Board and wanted to make sure she understood the proceedings.

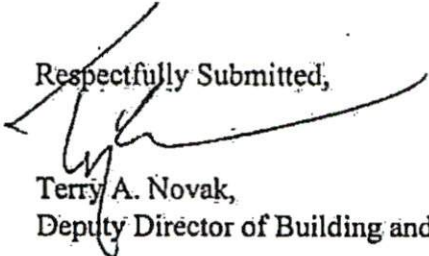
Attorney Christopher LaLonde addressed the Board and advised that he was representing the estate of Evan Eichhorn, which entailed 50 percent of the property ownership. LaLonde stated that as he was only recently brought into the matter, he too would request that any action on the property be postponed.

After further Board discussion, a motion was made by Member Leach that the matter be tabled for 30-days to allow Payne the opportunity to review the cost feasibility of the site. In addition, if Payne intended to purchase and repair the building, he would need to supply supporting documentation from contractors along with a timeframe for the repair. The motion was seconded by Member Smith. The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 5:45.

Respectfully Submitted,


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

TO: Construction Board of Appeals

FROM: Christopher Eorth, Interim Director of Community Development

DATE: August 4, 2020

SUBJECT: Show Cause Hearing – 8833 Shaver Road

CODE SECTION: Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances.

The vacant building located at 8833 Shaver Road has fallen into severe disrepair. In compliance with the Unsafe Structure Ordinance, a June 12, 2020 Unsafe Structure notice was sent certified mail and posted at the site. The notice instructed that the property owner had 30-days to repair or remove the building or further enforcement action would be pursued. Unfortunately, corrective action for the building has not occurred.

As background, the structure and site have a long history of continued decline and lack of maintenance. Initial unsafe structure proceedings for the building were commenced in May 2013, with a Construction Board of Appeals Show Cause Hearing held in June 2013. At that time, and in an effort to assist property owner Evan Calhoun, the Board did not order the building razed as long as progress on repairing the structure was ongoing. In November 2017 Mr. Calhoun passed away and his sister Lisa Calhoun (co-owner) took full control of the property.

No repairs or further upkeep of the building is believed to have occurred since 2017. Prolonged water/weather intrusion into the building have occurred causing rotted and decaying wood. The ceiling in the front portion of the building has collapsed. Separation of the structural block walls in the rear portion of the building have also occurred thereby causing the structural integrity of the entire building to be questioned. In addition, the utility components for the structure (electrical, plumbing and mechanical systems) do not appear to be operational. The blighted structure serves as an attractive nuisance and detriment to the surrounding area.

It is recommended that the Construction Board order that within 30 days the vacant building located at 8833 Shaver Road be razed and removed from the site along with any debris/rubbish, or be repaired to meet current State of Michigan occupancy requirements, including structural certification from a State of Michigan licensed structural engineer. Should the owner fail to comply with the order, the matter shall be referred to City Council with a recommendation that the city be authorized to raze/remove the buildings and any junk and debris on the site. Any and all costs incurred for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance.

Attachments: Vicinity map of 8833 Shaver Road
Show Cause Hearing notification dated July 21, 2020
Unsafe structure notifications dated June 12, 2020
Photographs of 8833 Shaver Road



June 12, 2020

Sent Certified Mail and Posted on Site

Lisa Calhoun
6322 N. 35th Street
Richland, MI 49083

Dear Ms. Lisa Calhoun:

RE: Unsafe Structure - Notice to Owner/Occupant – 8833 Shaver Road

The City of Portage property maintenance regulations require that properties be maintained/repared in the interests of public health, safety and welfare. Please be advised that the current condition of the building you own at 8833 Shaver Road is unsafe as defined in Section 42-1341 of the City of Portage Code of Ordinances. The deterioration of the building is continuing resulting in the need for prompt action for life-safety purposes. During a recent inspection of the building on June 12, 2020, the following code deficiencies/violations were noted:

1. The roof for the building has failed in several locations and is allowing water/weather to enter. As a result, portions of the ceiling have fallen and the water intrusion has created a dangerous condition. Portions of the roof support structure show signs of rusting from the water that weaken the roof's ability to support standing water or snow loads.
2. Some of the concrete block walls supporting the roof bar joists for the building are showing signs of separation in the joints that may be due to an unstable foundation.
3. Debris and rubbish are scattered around the building and need to be removed.
4. Several of the windows in the building are damaged or missing.
5. Building is open to casual entry.

As you know, the condition of this building has been deteriorating for several years and can no longer continue. The building either needs to be repaired so it meets minimum Property Maintenance and Building Code requirements or razed. Your effort to initiate corrective action to have the above listed items corrected or the building removed within thirty (30) days from the date of receipt of this notice is requested in an effort to avoid enforcement action, including a Show Cause Hearing before the Construction Board of Appeals to have the building razed.

If you have any questions or wish to schedule a meeting to discuss this matter, please contact the Department of Community Development at 269-329-4477.

Sincerely,



Christopher Forth, AICP
Interim Director

cc: Terry A. Novak, Deputy Director of Building and Housing Services
Larry Moore, Assistant Fire Chief

T:\COMMDEV\2019- 2020 Department Files\Address Files\Shaver\2020 06 12 Shaver 8833 (unsafe).docx

July 21, 2020

Sent Certified Mail and Posted on Site

Lisa Calhoun
6322 N. 35th Street
Richland, MI 49083

Dear Ms. Lisa Calhoun:

RE: Notice of Show Cause Hearing – 8833 Shaver Road

The ongoing condition of the vacant building located at 8833 Shaver Road is unsafe/unfit for occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances. The building has not been repaired or removed from the property as required by the June 12, 2020 Unsafe Structure notice.

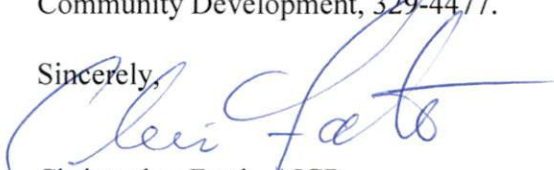
As a result of the continued violations, you are hereby notified that a hearing on the condition of the building at 8833 Shaver Road will be held before the Construction Board of Appeals at 5:00 P.M. on August 13, 2020. The meeting will be held in the Portage City Hall Council Chambers, 7900 South Westnedge Avenue, Portage, Michigan. As the property owner at this hearing, you will have the opportunity to show cause as to why the building should not be razed and removed from the property. You shall also have the right at the hearing to cross-examine witnesses who testify against the owner's and/or occupant's interests and the right to produce witnesses on your own behalf, including the use of pictures, video tapes or other recording devices.

The decision of the Construction Board of Appeals may be appealed to City Council for review within ten (10) days after the decision of the Board and, after review by Council, may be appealed to the Kalamazoo County Circuit Court within twenty (20) days after the decision of the Council.

Also, in light of the current Covid-19 situation, the Kalamazoo County Health and Community Services Department (HCS) has interpreted the Governor's most recent Administrative Order to mean that only ten individuals may gather together for meeting purposes. Please contact Terry Novak in the Department of Community Development at 329-4477 with the number of individuals that will attend the meeting on your behalf to ensure compliance with HCS.

If you have any questions, please contact the Division of Building and Housing Services, Department of Community Development, 329-4477.

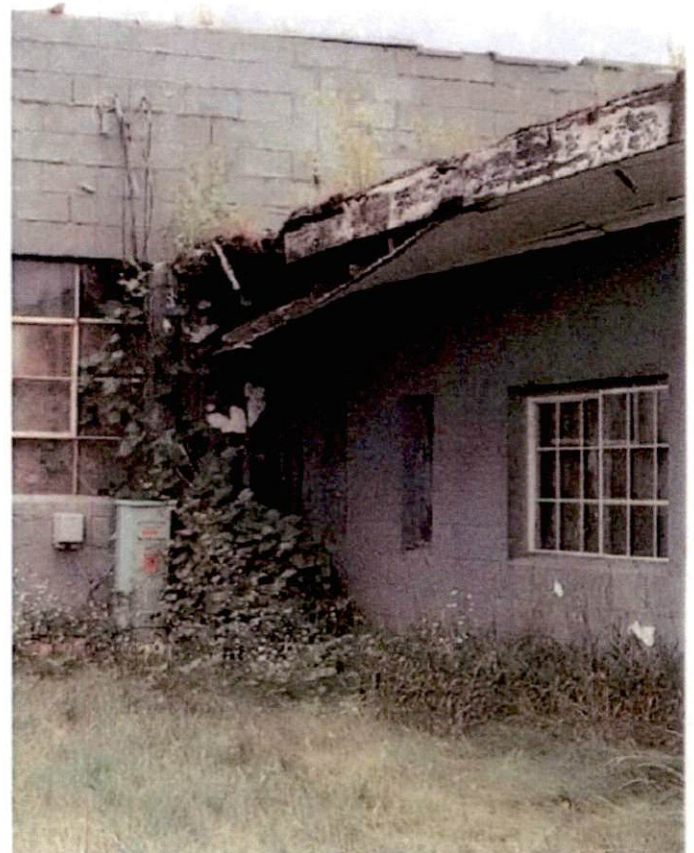
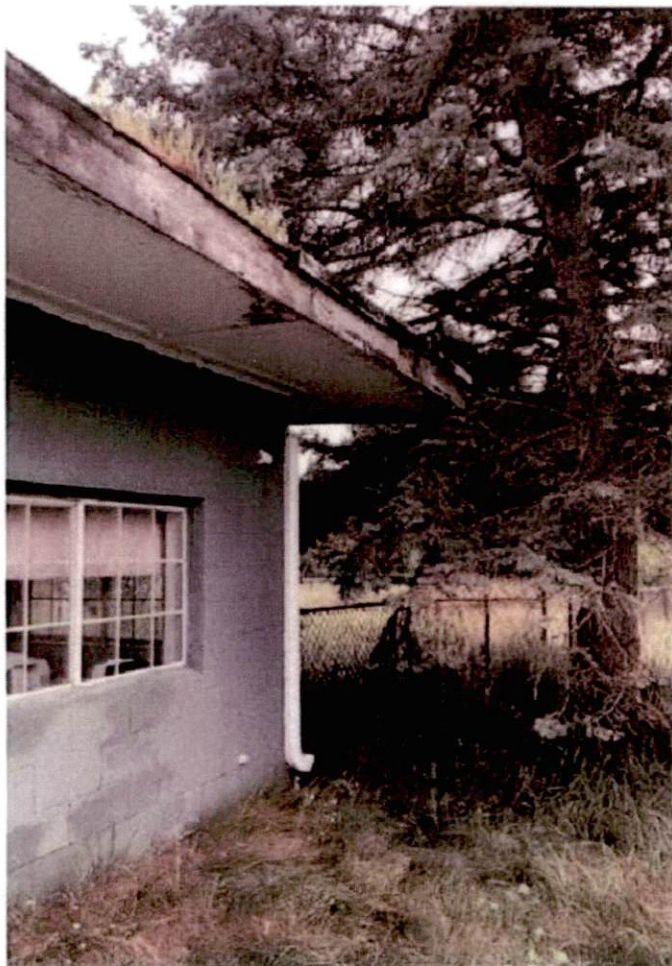
Sincerely,

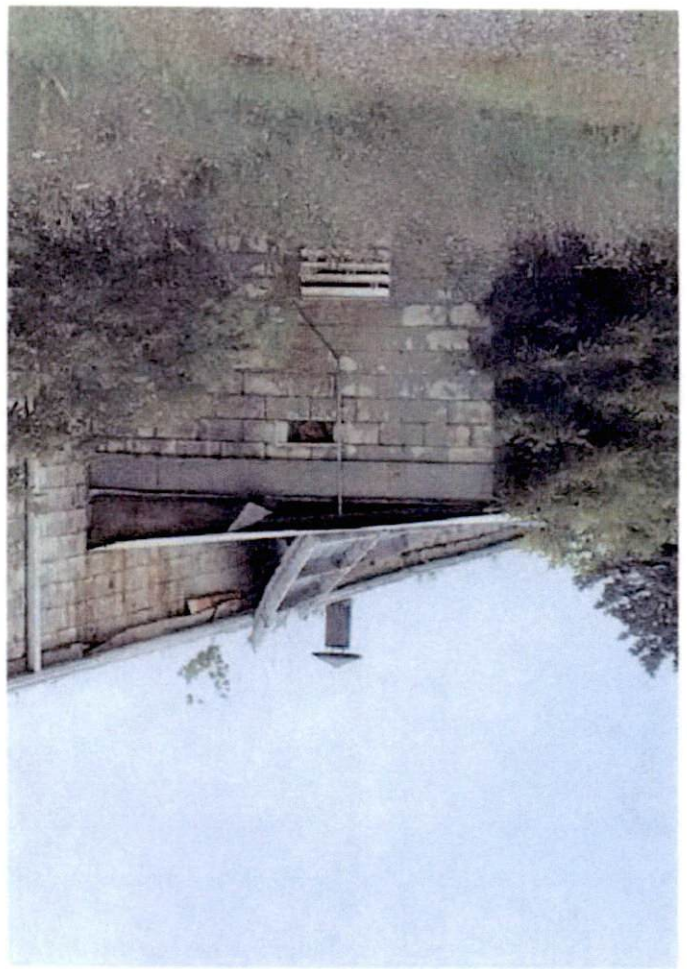


Christopher Forth, AICP
Interim Director

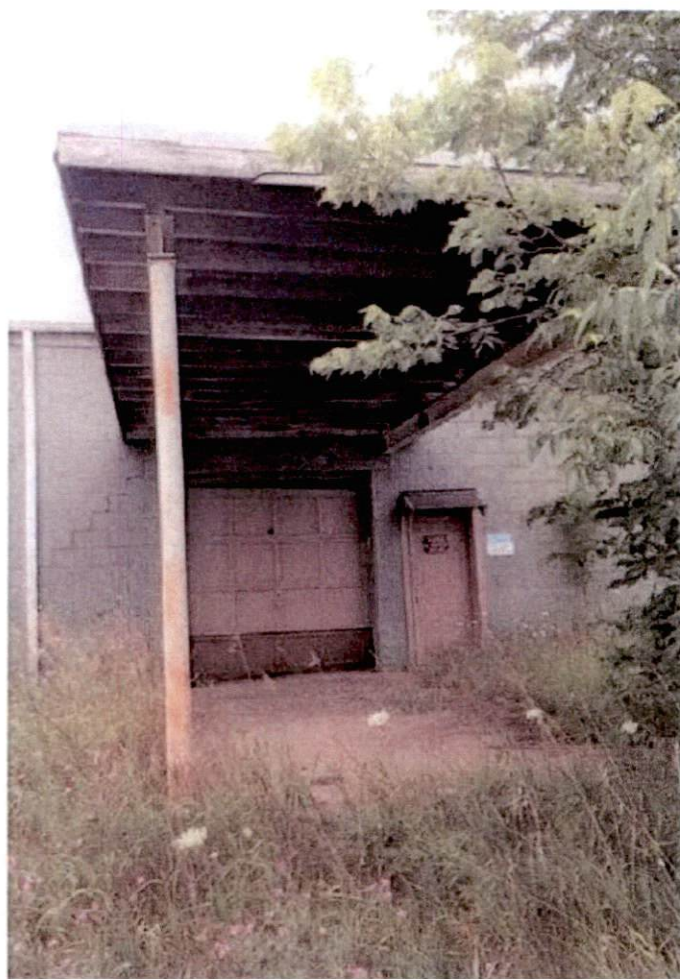
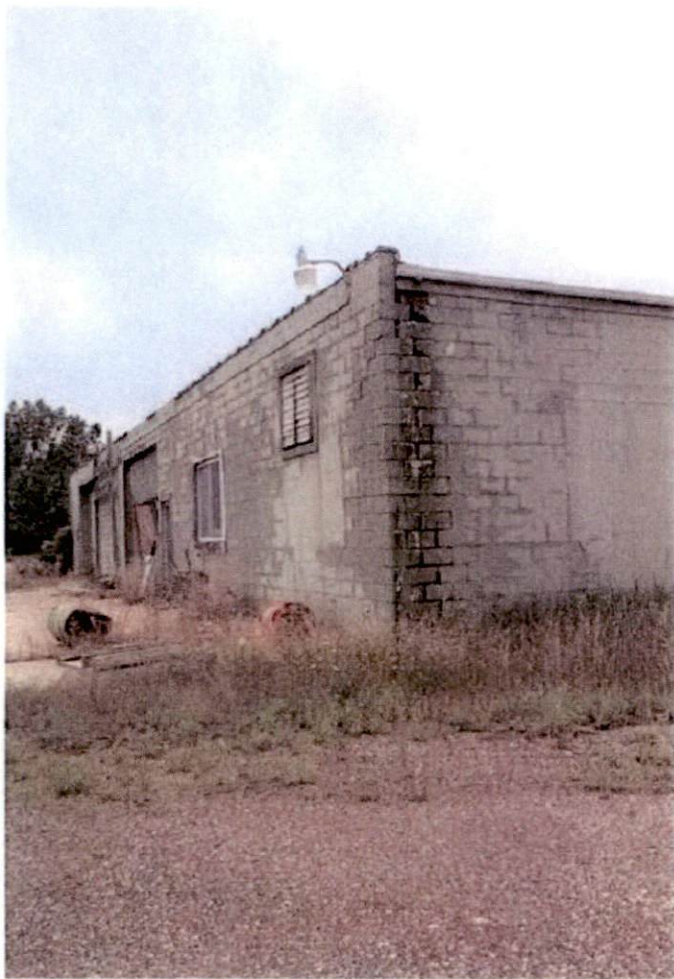
Attachment: Copy of June 12, 2020 Unsafe Structure Notices

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









TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Response to Environmental Board Communication of December 1, 2020

SUPPORTING PERSONNEL: Adam Herringa, Deputy City Manager

ACTION RECOMMENDED: Receive the Response from City Administration to the December 1, 2020, Communication from the Environmental Board as Information-Only.

On December 15, 2020, the City Council referred to the City Administration a communication from the Environmental Board that identified the challenges of climate change and conveyed a draft “Climate Action Plan” that recommends the City of Portage take a variety of steps. While some of the actions requested in the proposed Climate Action Plan may be addressed in the near-term, other proposed actions are more complex or are not under the purview of the city. Furthermore, additional staffing and financial resources would be necessary to address several of the proposed actions. This communication highlights key requests from the Environmental Board and provides an initial response. The responses included in this document are not final and should not be interpreted as such.

The City Administration and city staff recognize the importance of environmental stewardship and agree that climate change is real. That is why several actions and programs have already been undertaken to identify opportunities for energy efficiency, environmental stewardship and sustainability actions. However, it is recognized that increased efforts on the part of the city would be beneficial and are necessary.

The City Administration is not opposed to the creation and adoption of a Climate Action Plan, but given the policy nature of such a document, it should be created and adopted by action of the City Council. Upon the direction of the Council, a plan can be developed and presented for formal adoption at a later date. One key request from the Environmental Board is that the Portage City Council declare a “climate emergency.” The City Administration is not opposed to such a declaration and will continue to engage, promote and enhance efforts related to sustainability regardless of whether such a declaration is issued. Research shows that several other communities in Michigan have declared “climate emergencies.” Notably, the City of Kalamazoo, Kalamazoo County and Kalamazoo Township have declared climate emergencies (see attached). There was little public dissent when these declarations were made.

Regarding the specifics of the Environmental Board’s draft Climate Action Plan, city staff have

reviewed the various proposed action steps. As noted by Councilmember Urban at the City Council meeting of December 15, 2020, certain requested actions would require on-going fiscal commitment.

Below is an initial response to suggestions contained in the Environmental Board's draft Climate Action Plan. The City Administration does not dismiss any of the suggestions, but merely provides an initial response. Suggestions from the Environmental Board's draft Climate Action Plan are in italics, with the City Administration's response following each suggestion.

Homes & Neighborhoods

Allocate funds for incentivization and educational programs and events on renewable energy and energy conservation practices for individual homeowners, rental property owners, and rental tenants.

- The Office of Public Information can facilitate the dissemination of awareness campaigns surrounding the importance and value of raising environmental awareness. The creation of content and of an incentive program would require the allocation of city dollars; a new program with standards, guidelines, applications and staff hours would be necessary. The idea is not without merit but requires further review.

Partner with businesses working to assist lower income households become more energy efficient (among them; Community Homeworks (CHW), Better World Builders LLC (BWB), Habitat for Humanity and Kalamazoo County's Weatherization Program), and businesses looking to assist interested parties transition to renewable energy sources and increased home energy efficiency (such as programs like Property Assessed Clean Energy (PACE) and Michigan Saves).

- Additional information from the Environmental Board regarding this item is necessary to understand what type of assistance is envisioned. The city, through the Community Development Block Grant program, assists low-income homeowners with emergency home improvements.

Parks & Public Spaces / Trees and Gardens

Hire a Sustainability Officer well-versed in sustainable city planning.

- The addition of planning staff in the Department of Community Development is under consideration. While an explicit "Sustainability Officer" is not currently contemplated, tasking a future planner with sustainability efforts as it relates to development projects (both public and private) is planned. Additionally, the Department of Public Works is already tasked with identifying opportunities for environmental enhancements to city facilities and the city vehicle fleet.

Improve pedestrian mobility and accessibility throughout the city of Portage's plazas and shopping centers, and the city at large.

- The Department of Community Development is committed to promoting pedestrian mobility and accessibility and works to incorporate these features in all development projects (both public

and private).

Increase the number and CO2 retention capabilities of green spaces throughout Portage, as well as spaces dominated by sprawling parking lots.

- The Department of Community Development strives to enhance and promote green space whenever possible and works to incorporate these features in all development projects (both public and private).

Assist in the mobilization of community experts who can promote and offer education on sustainable yard culture and practices.

- Additional information is needed from the Environmental Board regarding the type of assistance that is being requested.

Amend and/or pass city ordinances that incentivize private landscaping practices that favor ecological health and water conservation over traditional aesthetics. Consult with Consumer's Energy and other applicable parties on implementing a "Fell a Tree, Plant a Tree" program.

- In 2020, a Tree Preservation and Replacement ordinance was proposed. While this ordinance did not come to fruition, the City Administration is considering alternatives that focus on incentives for preserving trees in the community, particularly in private development projects.

Businesses & Institutions

Hire an emissions assessment company to help the City of Portage create a transition plan to 100% renewable energy for municipality buildings, street lights, and vehicles by 2030.

- The City of Portage is working with Noresco, a sustainability consulting company, to identify opportunities for energy efficiencies throughout all city facilities. In addition to the use of hybrid vehicles in the city vehicle fleet, the Department of Public Works is currently evaluating electric vehicles. Many other sustainability projects have also been implemented in recent years across the city facility network such as lighting in City Hall, LED and motion-activated lighting at DPW, sensors in bathrooms, sensors in conference rooms, etc.

Approach Portage's largest businesses to assess if there are city greening and sustainability projects they would be willing to collaborate on. Including, but not limited to, installation of more electric vehicle charging stations and bike racks, reinventing sprawling parking lots, and extending bike and walking paths.

- The Department of Community Development and the Office of Public Information are collaborating to create a database of Portage businesses, which could be used for such outreach purposes. Two electric vehicle charging stations are planned for the Charles & Lynn Zhang Portage Community Senior Center with the possibility to expand the number in future years. Consideration is being given to adding electric vehicle charging stations to other city facilities.

Conduct energy audits and adjust practices to reduce energy consumption within municipality buildings.

- Please see above regarding Noresco.

Use the new Senior Center to host climate conscious conferences for representatives from local organizations and schools to discuss potential partnerships and programming to help those they serve, employ, and educate act in more environmentally conscious ways.

- The new Charles & Lynn Zhang Portage Community Senior Center will be available for rental by interested organizations to host conferences.

Transportation

Expand public transportation availability to the top employers in Portage, with a particular eye to shaping new developments and business districts with low emission accessibility as a top priority.

- The Central County Transportation Authority (CCTA) manages and operates the services of Metro within the City of Portage. The City Council has representation on the authority and can influence sustainability efforts by Metro at the direction of the Council.

Improve and increase access to public transportation options. Continue expanding the presence of bike lanes.

- The City of Portage has a “Complete Streets” policy in place and has committed to expanding and implementing bike lanes whenever possible.

Work with local businesses, residents, and schools to improve mass transit options, carpool organization resources, bike accessibility and docking, and walkability between neighborhoods, and these public and commercial spaces.

- The City of Portage does not currently have staffing to support this endeavor. However, city staff look to promote neighborhood connectivity and walkability in every public and private development.

Public Health

Outreach to Portage’s underserved communities to better understand their needs when it comes to all of the above sections.

- Additional information regarding the type and range of outreach envisioned by the Environmental Board would be necessary.

Utilize space in the new Senior Center to invite local climate activists and lobby groups to give presentations to citizens on the dangers and reality of climate change and the actions they can take in response.

- The new Charles & Lynn Zhang Portage Community Senior Center will be available for rental by interested organizations to host such presentations.

Conduct a risk assessment and create applicable plans to mitigate the impact of the most likely challenges Portage will face due to climate change. Among these; identify areas already prone to flooding and prolonged above average water levels, a regular test of warning systems in place in the event of citywide health risks, and a plan of action in the event of extensive flood damage to private and public property and spaces.

- City staff are aware of and monitor flood prone areas within the city limits.
- The city includes funds annually in the Capital Improvement Program and the Operating Budget to address localized flooding issues. In addition to an existing effort to mitigate flooding of the Hampton Creek Watershed, staff is still negotiating an easement with Portage Crossing to install a storm sewer pipe from South Westnedge Avenue to the enlarged retention pond behind Home Depot. This would alleviate flooding on South Westnedge Avenue in area of J L Hudson Drive.
- In 2017, the city contracted with Hurley & Stewart to complete an inventory and condition assessment of the city's 73 infiltration basins and retention ponds and prepare an asset management plan for the infiltration basin and retention ponds. The city on average rehabilitates one retention basin a year to make necessary improvement (enlarge, remove accumulated sediment, clear debris, etc.).
- The city has hired Fishbeck to conduct a risk and resilience assessment of the water system. This assessment evaluates all potential threats, whether man made (tampering, contamination, cyber attack, etc.) or environmental (flooding, tornado, freezing, etc.). The assessment should be completed by June 2021.
- The City of Portage conducts annual emergency management drills with designated emergency personnel and the Kalamazoo County Office of Emergency Management. City staff also frequently use social media and the Portage Alert system to notify the community of hazards.

Solid Waste

Reach out to cities who have implemented citywide composting programs to assess the feasibility of implementation in Portage.

- Municipal composting programs are intriguing and do merit further investigation as to feasibility. The City of Portage does compost leaf pickup at the Oakland Drive Compost Facility.

Provide educational programs and incentivize a reduce/reuse/compost action plan for solid waste produced by Portage citizens, businesses, and institutions.

- The Office of Public information is currently developing a video and informational campaign to promote curbside recycling. Additional educational information regarding composting, recycling, etc. can be developed and shared through the city's various communication platforms. Incentive programs, especially those that are monetary in nature, would have budgetary implications and require further study.

Increase access and the amount of plastic bottle and bag recycling receptacles.

- Plastic bottle recycling opportunities exist at every Portage park and facility. However, an evaluation can be conducted to see if more are needed and where. Plastic bag recycling opportunities are available at local grocery stores. Municipal recycling programs do not accept plastic bags largely because of the issues they cause by tangling up and damaging sorting machinery.

FUNDING: Not Applicable.

Attachments:

1. KalamazooCity-Climate-Emergency-Declaration-1
2. Kalamzoo Township Climate Resolution
3. December 1 Communication and Drafts Received from Environmental Board
4. December 15 Response re Portage Sustainability Efforts - Env Board 2020
5. Climate Action E-mail of 1.22.21

TO: MAYOR HOPEWELL, VICE MAYOR KNOTT AND KALAMAZOO CITY
COMMISSIONERS
FROM: ENVIRONMENTAL CONCERNS COMMITTEE
DATE: SEPTEMBER 18, 2019
RE: RESOLUTION TO DECLARE A CLIMATE EMERGENCY

WHEREAS, the consensus conclusion of scientific and policy assessments from the Intergovernmental Panel on Climate Change (IPCC) calls for urgent and decisive actions by governments around the world to make "rapid, far-reaching and unprecedented changes in all aspects of society" in order to limit global warming to 1.5 degrees Celsius to avoid the most disastrous impacts;¹

WHEREAS, the U.S. Fourth National Climate Assessment detailed the massive threat that climate change poses to the American economy and underscored the need for emergency climate action at all levels of government;²

WHEREAS, the 2019 Assessment of the Impacts of Climate Change on the Great Lakes highlights the significant impacts in our unique backyard.³ Here in Kalamazoo - and all over southwestern Michigan - we are increasingly experiencing the predicted impacts of climate change including flooding of streets and homes, power outages, and heat waves. Farmers cannot plant or delay planting due to flooded fields. Record low temperatures with snow and ice close schools and businesses. Moreover, these economic and environmental hardships disproportionately affect the most vulnerable citizens of Kalamazoo;

WHEREAS, over 1,000 local governments in 18 countries have already signed emergency declarations;⁴

WHEREAS, Mayor Hopewell attended the most recent meeting of the U.S Conference of Mayors where this organization representing more than 1,400 cities issued a resolution declaring a climate emergency.⁵ This resolution calls for de-carbonization in time to keep the global rise in temperatures to a 1.5 degree Celsius level and emphasizes that such efforts must involve local governments and their jurisdictions;

WHEREAS, Mayor Hopewell is one of hundreds of American mayors who signed a pledge⁶ to adopt and uphold the 2016 Paris climate agreement goals in an open letter from the Mayors National Climate Action Agenda. Goals of the pledge include: to reduce greenhouse gas emissions, increase investments in renewable energy and energy efficiency, create a clean energy economy, and build relationships to address climate change;

¹ <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>

² <https://www.globalchange.gov/nca4>

³ <http://elpc.org/glclimatechange/>

⁴ <https://climateemergencydeclaration.org/climate-emergency-declarations-cover-15-million-citizens/>

⁵ <https://www.usmayors.org/the-conference/resolutions/?category=a0D4N00000FDCIGUAXa&meeting=87th%20Annual%20Meeting>

⁶ <https://medium.com/@ClimateMayors/climate-mayors-commit-to-adopt-honor-and-uphold-paris-climate-agreement-goals-ba566e260097>

WHEREAS, the global, national, and local effects of climate change threaten all 10 of the City of Kalamazoo's goals for the future as laid out in the Strategic Vision of the Imagine Kalamazoo 2025 Master Plan;

WHEREAS, the City has moved forward with initiatives to ensure a sustainable future such as the Complete Streets policy and the Natural Features Protection ordinance, and Imagine Kalamazoo 2025 explicitly recognizes the serious threat of climate change by calling for the development of a City of Kalamazoo Climate Action Plan;

WHEREAS, upon request from the Director of the Department of Community Planning and Development, a Western Michigan University graduate seminar developed a draft Kalamazoo Climate Action Plan⁷ and current efforts by City staff are underway to develop and integrate a Final Climate Action Plan into existing city goals and planning processes;

WHEREAS, leadership and recognition of the climate crisis from the City of Kalamazoo, as the most populous entity and urban core of the region, promotes both local solutions and regional cooperation;

WHEREAS, a formal Declaration of a Climate Emergency by the City of Kalamazoo is the critical and courageous first step in laying the foundation to address the climate crisis. A formal declaration will provide the catalyst to mobilize residents, businesses, institutions, faith and community organizations to work together to prioritize the immediate reduction of CO² emissions and support the City in current efforts to plan for community resilience and adaptation while keeping the concerns of vulnerable populations central to a just transition.

NOW BE IT THEREFORE RESOLVED, the City of Kalamazoo declares that a climate emergency threatens our citizens, city, region, state, and the natural world;

BE IT FURTHER RESOLVED, the intent of this declaration is to both affirm existing commitments and further support City staff in their current efforts to develop a climate action plan that recognizes the climate emergency and set aggressive measurable goals and effective implementation;

BE IT FURTHER RESOLVED, the City of Kalamazoo accepts a role of regional leadership, and as such will seek partnerships with other regional governments, businesses, community groups, educational and other anchor institutions to best utilize regional expertise and resources to meet shared goals;

BE IT FURTHER RESOLVED, the City of Kalamazoo will aggressively seek any available state, federal, and private funding for this effort and form alliances with other Michigan cities that have declared a climate emergency or have a written climate action plan to lobby for such funding;

BE IT FURTHER RESOLVED, the City of Kalamazoo underscores the need for full community participation, inclusion, and support for the climate mobilization effort;

BE IT FURTHER RESOLVED, the City of Kalamazoo commits to keeping the concerns of vulnerable communities central to a just transition and climate mobilization effort planning processes and to inviting and encouraging such communities to actively participate in order to advocate directly for their needs.

⁷ <http://www.kalamazoocity.org/kcap/file>

**CHARTER TOWNSHIP OF KALAMAZOO
KALAMAZAOO COUNTY, MICHIGAN**

**RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND
REQUESTING REGIONAL COLLABORATION ON AN IMMEDIATE JUST TRANSITION
AND MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE**

WHEREAS, in April 2016 world leaders from 175 countries recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement, agreeing to keep warming “well below 2°C above pre-industrial levels” and to “pursue efforts to limit the temperature increase to 1.5°C”;

WHEREAS, the destruction already wrought by global warming of approximately 1°C demonstrate that the Earth is already too hot for safety and justice as attested by increased and intensifying wildfires, floods, rising seas, diseases, droughts and extreme weather;

WHEREAS, climate change and the global economy’s overshoot of ecological limits are driving the sixth mass extinction of species, as referenced in the UN’s Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services;

WHEREAS, the United States of America has disproportionately contributed to the climate and ecological crises;

WHEREAS, restoring a safe and stable climate requires an emergency mobilization on a scale not seen since World War II, to reach zero greenhouse gas emissions across all sectors and to rapidly and safely drawdown or remove all the excess carbon from the atmosphere;

WHEREAS, the term “Just Transition” is a framework for a fair shift to an economy that is ecologically sustainable, equitable and just for all its members;

NOW BE IT THEREFORE RESOLVED, the Charter Township of Kalamazoo declares that a climate emergency threatens our township, region, state, and the natural world;

BE IT FURTHER RESOLVED, the Charter Township of Kalamazoo commits to a just transition and climate mobilization effort to reverse global warming, which, with appropriate financial and regulatory assistance from the County of Kalamazoo and State and Federal authorities, ends local greenhouse gas emissions as quickly as possible preferably no later than 2030;

BE IT FURTHER RESOLVED, the Charter Township of Kalamazoo commits to educating our residents about the climate emergency and working to catalyze a just transition and climate mobilization effort at the local, state, national, and global levels to provide maximum protection for our residents as well as all the people and species of the world;

BE IT FURTHER RESOLVED, the Charter Township of Kalamazoo underscores the need for full community participation, inclusion, and support;

BE IT FURTHER RESOLVED, the Charter Township of Kalamazoo commits to keeping the concerns of vulnerable communities central to all just transition and climate mobilization effort planning processes and to inviting and encouraging such communities to actively participate in order to advocate directly for their needs;

BE IT FURTHER RESOLVED, the Charter Township of Kalamazoo joins a national call for a regional just transition and climate mobilization collaborative effort focused on transforming our region and rapidly catalyzing a mobilization at all levels of government to restore a safe climate; and

BE IT FURTHER RESOLVED, the Charter Township of Kalamazoo calls on the State of Michigan, the United States of America, and all governments and peoples worldwide to initiate a just transition and climate mobilization effort to reverse global warming to restore near pre-industrial global average temperatures and greenhouse gas concentrations by halting the development of all new fossil fuel infrastructure and by rapidly phasing out all fossil fuels and the technologies which rely upon them; while encouraging efforts to safely draw down carbon from the atmosphere, and creating high-quality, good-paying jobs with comprehensive benefits for those who will be impacted by this transition.

Motion was made by Trustee Leigh, seconded by Clerk Miller, to adopt the foregoing resolution.

Upon roll call vote the following voted "Aye": Supervisor Donald D. Martin, Clerk Mark E. Miller, Treasurer Sherine M. Miller, Trustees Jeremy L. Hathcock, Nicolette Leigh, Steven C. Leuty, Jennifer A. Strebs

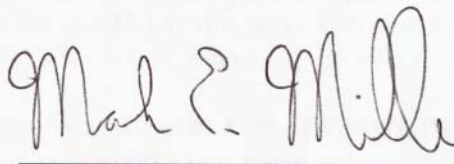
The following voted "Nay": None

The following were absent: None

The Supervisor declared the motion carried and the Resolution duly adopted, this date June 10, 2019.

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Kalamazoo Charter Township Board held on June 10, 2019; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

A handwritten signature in dark ink, appearing to read "Mark E. Miller", is written over a horizontal line.

Mark E. Miller, Clerk

Charter Township of Kalamazoo

Kalamazoo County, Michigan

Signed this 12th day of June, 2019

TO: MAYOR RANDALL & CITY MANAGER JOSEPH La MARGO AND PORTAGE CITY COUNCIL MEMBERS
FROM: CITY OF PORTAGE ENVIRONMENTAL BOARD
DATE: DECEMBER 1, 2020
RE: REQUEST TO PASS A CLIMATE RESOLUTION

Climate change affects every part of society and most areas of human endeavor. The consensus conclusion of scientific and policy assessments is that the **"climate math is brutally clear."**¹ In order to cut emissions of greenhouse gases (principally carbon dioxide) in half by 2030 and reach 'net zero' by 2050, **we must begin to take decisive actions by the end of next year (2021).** This recognition has led to an **urgent call-to-action for governments around the world to make "rapid, far-reaching and unprecedented changes in all aspects of society" to avoid disastrous levels of global warming.**²

Evidence of the global climate and ecological emergency is all around us. A recent (2019) Assessment of the Impacts of Climate Change on the Great Lakes highlights the significant impacts in our unique backyard.³ **Here in Portage** - and all over southwestern Michigan - we are increasingly experiencing the predicted impacts of climate change including;

- Flooding of streets and homes
- Power outages
- Heat waves
- Farmers who cannot plant or have to delay planting due to flooded fields
- Record low temperatures with snow and ice close schools and businesses
- threats to our natural spaces and parks where we see increased levels of invasive species (such as Garlic Mustard, Glossy Buckthorn, Japanese Knotweed, Oriental Bittersweet
- Fungal tree disease becoming more common among blue spruce trees and forested lands across West Michigan
- A surge in non-reusable to-go containers and packaging usage due to changes in dining and shopping habits brought on by the ongoing pandemic which increases our landfill load and exacerbates other problems
- Even more diseases jumping from animals and insects to residents due to the changing climates.
- As mentioned above, continued displacement and disruption of animal and insect ecosystems and food chains as unprotected spaces are irresponsibly developed or drained which leads to increased management of these populations through more irresponsible and destructive remedial actions - including decreased protections from PFAS and other pollutants in our water and soil.

We are sure the council is aware that these consequences are not simply about aesthetics and human health - with particular hard impacts on families struggling with economic insecurity (an estimated 1 in 11 individuals in our city⁴ -- But that they are also incredibly costly to the city and its businesses. Many models predict these costs over the long term will quickly outweigh the short term costs of making more

¹ <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>

² <https://www.globalchange.gov/nca4>

³ <http://elpc.org/gclimatechange/>

⁴ <https://www.welfareinfo.org/poverty-rate/michigan/portage>

sustainable and renewable changes⁵. We appreciate deeply the work the council has already taken in the mitigation and awareness efforts.

We submit that a formal Resolution (or Proclamation) recognizing climate change as a serious issue by the City of Portage is the critical and courageous first step in laying the foundation to continue to address the climate crisis. A formal resolution will provide the catalyst to mobilize residents, businesses, faith and community organizations to work together to prioritize the immediate reduction of CO2 emissions and plan for community resilience and adaptation while keeping the concerns of vulnerable populations as central to a just transition while the *city continues to rally and organize its current action efforts as outlined in the City of Portage Fiscal Year 2019-2020 Annual Report: [City of Portage 2019-2020 Annual Report by MiPortage - issuu](#); https://issuu.com/miportage/docs/2019-2020_annual_report/16.*

As a board we are obviously passionate about this issue. **We ask that the city also works with us to find ways to work collaboratively and use us as the go between to Portage residents and city leadership.** We are all called to pay deep attention to this crisis. We are called to act. We have a moral obligation to our children, our children's children, and all life that remains on Earth to join nearly 900 local governments in 18 countries that have signed emergency declarations.⁶

We ask that Portage take this opportunity for local leadership and immediately adopt an emergency response to climate change and the broader ecological crisis. Gov. Whitmer has signed Executive Directive 2020 - 10 "Building a Carbon-Neutral Michigan", which states:

"Michigan will aim to achieve economy-wide carbon neutrality no later than 2050, and to maintain net negative greenhouse gas emissions thereafter. To ensure steady progress toward this ultimate statewide goal, and to prevent irreparable harm to our ecosystem, residents, and businesses in the interim, the state will aim to achieve a 28% reduction below 1999 levels in greenhouse gas emissions by 2025."

Gov. Whitmer also signed Executive Order 2020-182, which creates a "Council on Climate Solutions" and directs them to advise the Dep. of Environment, Great Lakes, and Energy in formulating and overseeing the implementation of the MI Healthy Climate Plan, which will serve as the action plan for this state to reduce greenhouse gas emissions and transition toward economy wide carbon neutrality.

These actions follow up on her previous Executive Directive 2019 - 12 "Responding to Climate Change", which committed the State of Michigan to:

"Implement policies that advance the goals of the Paris Agreement, aiming to reduce greenhouse gas emission by at least 26-28 percent below 2005 levels by 2025."⁷

Sincerely, City of Portage Environmental Board

cc: Adam Herringa, Deputy City Manager, City of Portage; Jamie Harmon, Liaison- EB, City of Portage

⁵ <https://insights.som.yale.edu/insights/can-we-afford-sustainability>

⁶ <https://climateemergencydeclaration.org/climate-emergency-declarations-cover-15-million-citizens/>

⁷ <https://climateemergencydeclaration.org/climate-emergency-declarations-cover-15-million-citizens/>

****Draft of a Possible Climate Change Emergency Resolution (Proclamation/Declaration)
City of Portage, Michigan**

Whereas, in May 2009 the Portage Mayor and City Council were among a group of signatories to the Southwest Michigan Regional Sustainability Covenant, designed to provide an improved quality of life for future generations;

Whereas, in April 2016 world leaders from 175 countries recognized the threat of climate change to current and future generations and the urgent need to combat it by signing the Paris Agreement, agreeing to keep warming “well below 2°C above pre-industrial levels” and to “pursue efforts to limit the temperate increase to 15°C”;

Whereas, in October 2018, the Intergovernmental Panel on Climate Change (IPCC) made clear that climate change will wreak havoc across the United States, and the current pace and scale of national climate action is not sufficient to avert substantial damage to the economy, environment, and human health over the coming decades;

Whereas, the death and destruction already wrought by global warming of approximately 1°C demonstrate that the Earth is already too hot for safety and justice as attested by increased and intensifying wildfires, floods, rising seas, diseases, droughts, and extreme weather;

Whereas, the City of Portage and neighboring communities have already begun to see the migration of vector-borne diseases and the impacts of extreme weather events on the safety and security of its citizens, businesses, and investments;

Whereas, the United States of America and the communities within it have disproportionately contributed to the climate and ecological crises by having contributed more greenhouse gas emissions throughout history and thus bears a responsibility to rapidly solve these crises;

Whereas, restoring a safe and stable climate requires an emergency mobilization on a scale not seen since World War II to reach zero greenhouse gas emissions across all sectors at wartime speed, to rapidly and safely drawdown or remove all the excess carbon from the atmosphere, and to implement measures to protect all people and species from the consequences of abrupt climate change;

Whereas, the term “Just Transition” is a framework for a fair shift to an economy that is ecologically sustainable, equitable, and just for all its members;

Whereas, just transition initiatives shift the economy from dirty energy to energy democracy, from funding highways to expanding public transit, from incinerators and landfills to zero waste, from industrial food systems to food sovereignty, from car-dependent sprawl and unbridled growth to smart urban development without displacement, and from rampant, destructive over-development to habitat and ecosystem restoration;

Whereas, justice requires that frontline communities, which have historically borne the brunt of the extractive fossil-fuel economy, participate actively in the planning and implementation of the mobilization effort at all levels of government and that they benefit first from the transition to a renewable energy economy; and

Whereas, by joining with other communities in Southwest Michigan who are engaging in the development of Climate Action Plans, the City of Portage can act as a leader in catalyzing regional climate emergency mobilization efforts,

NOW BE IT THEREFORE RESOLVED that the Portage City Council hereby recognizes that a climate emergency threatens our city, region, state, and the natural world;

BE IT FURTHER RESOLVED, the City of Portage commits to a just transition and climate mobilization effort to reverse global warming, which, with appropriate financial and regulatory assistance for the County of Kalamazoo along with State and Federal authorities, ends local greenhouse gas emissions as quickly as possible and preferably no later than 2030;

BE IT FURTHER RESOLVED, the City of Portage commits to educating our residents about the climate emergency and working to catalyze a just transition and climate mobilization effort at the local, state, regional, and global levels to provide maximum protection for our residents as well as all the people and species of the world;

BE IT FURTHER RESOLVED, the City of Portage underscores the need for full community participation, inclusion, and support;

BE IT FURTHER RESOLVED, the City of Portage commits to keeping the concerns of vulnerable communities central to all just transition and climate mobilization effort planning processes and to inviting and encouraging such communities to actively participate in order to advocate directly for their needs;

BE IT FURTHER RESOLVED, the City of Portage commits to developing a Climate Action Plan and to engage in the processes necessary for its development and implementation;

BE IT FURTHER RESOLVED, the City of Portage joins with other governmental units to work toward restoring a safe climate for all who live and work within the region; and

BE IT FURTHER RESOLVED, the City of Portage calls on the State of Michigan, the United States of America, and all governments and peoples worldwide to initiate a just global emergency mobilization effort to reverse global warming, to end global greenhouse gas emissions as quickly as possible, and to immediately initiate an effort to safely draw down carbon from the atmosphere.

CITY OF PORTAGE

****DRAFT PROPOSED CLIMATE ACTION PLAN**

EXECUTIVE SUMMARY



City of Portage Climate Action Plan

City of Portage Environmental Board

Executive Summary

Climate change is not a future problem, it is happening now. Evidence of the global climate and ecological emergency is all around us. A recent (2019) *Assessment of the Impacts of Climate Change on the Great Lakes* highlights the significant impacts in our unique backyard. Here in Portage and across southwestern Michigan we are increasingly experiencing the predicted impacts of climate change; increased torrential spring and early autumn rainfall causing the flooding of streets and homes, and power outages; heat waves and longer summers resulting in worsening air quality, increases in the spread of pest borne disease, and drought stress on our trees and lakes. Farmers cannot plant or must delay planting due to flooded fields, may have a longer growing season, but then cannot harvest as floods return. Record low temperatures with snow and ice due to increased lake effect close schools and businesses, sometimes for days at a time.

These changes may seem manageable to us, but we are falling behind our neighbors and the world in taking these threats seriously. Kalamazoo County recently declared a climate emergency, and the city of Kalamazoo is in the process of implementing their own climate action plan. It is imperative that Portage joins in and takes action. The primary threats listed above may seem fairly minor to our city specifically, because they fail to convey the ripple effect these changes have as they impact the parts of Michigan, and the world, that produce the bulk of our food; individuals already living in harsh conditions and their need to immigrate in mass numbers; and the cost of property damage due to flood, fire, and other disasters. These things, among others, will bring changes to Portage over the next three decades. The board insists that the city of Portage has a responsibility to its citizens to do all in our power to unite with surrounding communities, states, and the world in taking action to mitigate our contribution to climate change in the form of a Climate Action Plan. In doing so we join other cities in Michigan; Kalamazoo, Ann Arbor, St. Joseph, Holland, Monroe, and Traverse City, 50 of our nation's largest cities and countless smaller ones (482 in CA alone) and, at least 200 nations worldwide, in developing and implementing Climate Action Plans.

Plan Outline

The City of Portage has a rich history of being environmentally conscious. Its care and preservation of natural spaces, and system of trails and parks is unique and well-loved. Portage also has its 2025 Visioning Project, a plan created through collaboration between community members and leaders to “develop revised visions, top goals and strategies for achieving the contemplated future of Portage in 2025.” The goals shaped in the resulting document, [The Portage 2025 Renewal Event Final Report](#) feature a number of environmentally conscious actions and can serve to assist in the early stages of Portage's Climate Action Plan creation. The sections found in the above referenced document served to inspire the areas of action listed in this document.

The recommendations in this paper draw on the knowledge of local stakeholders and of groups around the country that are taking action to reduce CO2 emissions. It uses numbers from estimates from the University of Berkeley CoolClimate.org website which states that Portage emits around 58 metric tons of CO2 per year. As stated, this summary is merely a starting place with a call for actions that are first steps towards creating a comprehensive Climate Action Plan for reducing emissions to targets equal to, and ideally more ambitious than our former national commitments (e.g. 2016 Paris Agreement in which developed nations, including our own, agreed to do all they could within their country to keep the human caused global temperature increase to under 3.6 °F). These goals are also in line with where the Intergovernmental Panel on Climate Change's (IPCC) 2018 report indicates we need to be to mitigate future devastation.

The actions proposed in this plan are starting points. They are not enough to reach the target reduction levels. Collectively, local actions and greater commitment to renewable energy will be needed to achieve target levels. Many of the needed actions involve changes in behavior by Portage residents and many will only succeed with widespread community participation and support. The creation of a more accurate and comprehensive plan is deemed to be beyond the scope of this board. What we have been able to accomplish through extensive work and research is identify the following 6 key areas where action needs to be taken, and what types of action has been taken in other places implementing Climate Action Plans.

2020 -2021 Current City of Portage Environmental / Climate Action Projects to Reduce Carbon Emissions (https://issuu.com/miportage/docs/2019-2020_annual_report/16)

- Energy Operations Audit 2020-2021
- A Robust Forward-Thinking Park System
- PFAS Mitigation
- Fuel Efficient City Fleet
- Invasive Species Management Plan
- An Engaged, Knowledgeable Environmental Board
- Youth Advisory Committee (YAC)
- Green-a-Thon

Homes & Neighborhoods

- Allocate funds for incentivization and educational programs and events on renewable energy and energy conservation practices for individual homeowners, rental property owners, and rental tenants.
- Partner with businesses working to assist lower income households become more energy efficient (among them; Community Homeworks (CHW), Better World Builders LLC (BWB), Habitat for Humanity and Kalamazoo County's Weatherization Program), and businesses looking to assist interested parties transition to renewable energy sources and increased home energy efficiency (such as programs like Property Assessed Clean Energy (PACE) and Michigan Saves).

Parks & Public Spaces / Trees and Gardens

- Hire a Sustainability Officer well-versed in sustainable city planning.
- Improve pedestrian mobility and accessibility throughout the city of Portage's plazas and shopping centers, and the city at large.
- Increase the number and CO2 retention capabilities of green spaces throughout Portage, as well as spaces dominated by sprawling parking lots.
- Assist in the mobilization of community experts who can promote and offer education on sustainable yard culture and practices.
- Amend and/or pass city ordinances that incentivize private landscaping practices that favor ecological health and water conservation over traditional aesthetics. Consult with Consumer's Energy and other applicable parties on implementing a "Fell a Tree, Plant a Tree" program.

Businesses & Institutions

- Hire an emissions assessment company to help the City of Portage create a transition plan to 100% renewable energy for municipality buildings, street lights, and vehicles by 2030.
- Approach Portage's largest businesses to assess if there are city greening and sustainability projects they would be willing to collaborate on. Including, but not limited to, installation of more electric vehicle charging stations and bike racks, reinventing sprawling parking lots, and extending bike and walking paths.
- Conduct energy audits and adjust practices to reduce energy consumption within municipality buildings.
- Use the new Senior Center to host climate conscious conferences for representatives from local organizations and schools to discuss potential partnerships and programming to help those they serve, employ, and educate act in more environmentally conscious ways.

Transportation

- Expand public transportation availability to the top employers in Portage, with a particular eye to shaping new developments and business districts with low emission accessibility as a top priority.
- Improve and increase access to public transportation options. Continue expanding the presence of bike lanes.
- Work with local businesses, residents, and schools to improve mass transit options, carpool organization resources, bike accessibility and docking, and walkability between neighborhoods, and these public and commercial spaces.

Public Health

- Outreach to Portage's underserved communities to better understand their needs when it comes to all of the above sections.
- Utilize space in the new Senior Center to invite local climate activists and lobby groups to give presentations to citizens on the dangers and reality of climate change and the actions they can take in response.
- Conduct a risk assessment and create applicable plans to mitigate the impact of the most likely challenges Portage will face due to climate change. Among these; identify areas already prone to flooding and prolonged above average water levels, a regular test of

warning systems in place in the event of citywide health risks, and a plan of action in the event of extensive flood damage to private and public property and spaces.

Solid Waste

- Reach out to cities who have implemented city-wide composting programs to assess the feasibility of implementation in Portage.
- Provide educational programs and incentivize a reduce/reuse/compost action plan for solid waste produced by Portage citizens, businesses, and institutions.
- Increase access and the amount of plastic bottle and bag recycling receptacles.

Conclusion

The Environmental Advisory Board calls upon city council to move forward in the creation and implementation of a Climate Action Plan. In this document we have outlined broad areas of action as well as suggested actionable ideas. We stress that this is a starting point in line with the climate emergency declaration made by Kalamazoo County in 2019. The threats to Michigan, and Portage, are real and already being felt. The international scientific community has identified 3.6 °F of warming as the point after which further warming would be devastating to life as we know it. Without cutting emissions of greenhouse gases (principally carbon dioxide) in half by 2030 and reaching 'net zero' by 2050 we will not reach the above goal. We will not make the 2030 goal unless we take decisive actions by the end of this year (2020). By taking action now the City of Portage joins cities, states, and countries around the world working on rapid, far-reaching and unprecedented changes in all aspects of society; to avoid disastrous levels of global warming. Climate action is in the best interests of Portage's citizens, businesses, natural spaces, and future. We present this summary and starting point collection of targeted actions in an effort to spur the city to act. In our role as an advisory board we extend an urgent call and present these researched initial courses of action for your review with the expectation that you build on the momentum we have established here.

****References Available Upon Request***

City of Portage Sustainability Efforts

Portage believes in a brighter and healthier tomorrow for its citizens. That's why the steps the city takes today mark a commitment to achieve intentional and impactful sustainability action. Portage's eyes continuously scan the horizon to find meaningful ways to adapt to the changing world. Portage's park system currently enjoys broad community support. These facilities provide a strategic launchpad for environmental-awareness programs and initiatives.

Policy and Advisory Actions

City Council and advisory bodies have voiced a strong desire to support climate action.

1. City of Portage Environmental Board
 - Volunteer advisory body made up of Portage residents
 - Advises City Council and City Administration on a wide breath of environmental initiatives and concerns
2. Sustainability Officer
 - Recommendation from the Environmental Board
 - Housed within the Department of Community Development

City Administration Actions

City Administration initiated a number of projects aimed at cultivating a culture that embraces sustainability and reducing the city's impact on the local environment.

1. City of Portage parks
 - 1, 000 acres total
 - Three land reserves dedicated to preserving natural ecosystem functioning and health
 - Green corridor for flora and fauna and recreationists
 - Portage South-Central Greenway
2. Collaboration with NORESO — ongoing project
 - Energy service company
 - Upgrading city buildings to maximize their energy efficiency
 - lights, water, restrooms, heating/cooling systems, etc.
 - Cutting the operations cost to taxpayers
3. City car fleet
 - Replace city car fleet with hybrid models — ongoing project
 - 5 year replacement cycle to ensure all vehicles meet the most up-to-date emissions standards and fuel efficiency ratings
 - Department of Public Works instituted a “no idling” policy to ensure vehicles don't waste fuel
 - Looking ahead to replace all vehicles with electric vehicles (EV)
 - Place EV charging stations across the city

4. Engaged Portage citizens
 - Youth Advisory Committee
 - Hosts annual Green-A-Thon to raise awareness of environmental issues
 - Environmental Board
 - Advises City Council and City Administration
 - Park Board
 - Coordinates garlic mustard (*Alliaria petiolate*) pulls across Portage's parks
5. *Move Portage* bike program
 - Bicycle Advisory Committee formed
 - Cultivate a bike-riding culture in the City of Portage
 - Increase the number of safe bike lanes and trails
 - Increase the connectivity between commercial hubs and neighborhoods
 - Provide cycling amenities (water fountains, bike racks, tire pumps, etc.) at businesses to facilitate worry-free cycling throughout the city
6. New water bottle facilities in city buildings
 - Encourages the use of refillable water bottles
 - Diverts water bottle waste from landfills
7. Lake Center District Redevelopment
 - Opportunity to begin redevelopment with sustainability in mind
8. Portage Community Senior Center
 - Opportunity for environmentally-friendly landscaping and other environmental initiatives

From: [Rick Freiman](#)
To: [Patricia Randall](#); [Claudette Reid](#); [Lori Knapp](#); [Terry Urban](#); [Chris Burns](#); [Victor Ledbetter](#); [Jim Pearson](#); [Joseph La Margo](#); [Adam Herringa](#); [Jamie Harmon](#)
Subject: Climate Action
Date: Friday, January 22, 2021 10:42:55 AM

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

To: Portage City Council and Administration

Thank you for taking up the climate issue at the December 15 Council meeting. I hope it stimulates a closer look at what actions our city can take to do its part in the global effort to protect our life support system, the Earth.

There is so much information scattered everywhere on the climate problem, I want to share a source of information I often refer to that may answer questions you have had, and will have, on the climate topic.

Katharine Hayhoe is a climate scientist and researcher who has contributed to the Intergovernmental Panel on Climate Change and who has also produced short climate videos that answer many questions that people have on the subject. She is very good at explaining a complicated subject in simple terms.

Her video series she calls Global Weirding can be found here https://www.youtube.com/c/GlobalWeirdingwithKatharineHayhoe/videos?disable_polymer=true&itct=CBMQ8JMBGAEiEwiM8Nnmy63uAhV_xxYJHcKMBa0%3D

If you are interested in one of these videos that deals with popular consensus you can see it here (2016 - 6 minutes) <https://youtu.be/m50bYJX2i6I>

Education is probably our best defense against misinformation, and also a way to build consensus.

Public statements, like encouraging kindness, are also important to move the needle in the right direction.

I believe our policy making and decisions should be informed by science and expert opinion. I am happy to see Portage routinely seek expert advice and pursue best practices. I am confident the Council and administration will continue to do their best.

An article you might find interesting is the 2018 Special Report on Global Warming issued by the IPCC (Intergovernmental Panel on Climate Change) https://www.ipcc.ch/site/assets/uploads/2018/11/pr_181008_P48_spm_en.pdf

Climate action plans are gaining traction in larger cities in Michigan and elsewhere, so others are paving the way for us.

Climate Emergencies have been declared by our Kalamazoo County Commission, the Governor of Michigan, our new President of the United States, and the Pope. They have cleared the way. We just need to move forward.

Whatever we do in Portage, we will not fix the problem. But whatever we do will help. It's no one person's responsibility and it's everyone's responsibility. And like a leaky roof, it's a matter of how bad we want it to get before we deal with it.

I have been a volunteer for Citizens Climate Lobby CitizensClimateLobby.Org advocating for a "Carbon Fee & Dividend" approach to climate action at the federal level for several years. There are many solutions out there, and we need them all ... and more. None of them alone will fix the problem but all of them will help.

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