

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Consent Agenda:

1. Approve the City Council Meeting Minutes of the:
 - a. Regular Meeting of February 8, 2022.
2. Approve the Accounts Payable Register of February 22, 2022 as presented.
3. Approve:
 - a. a contract between the Michigan Department of Transportation and the City of Portage for the reconstruction of Lovers Lane from East Milham Avenue to East Kilgore Road, including the adoption of a Resolution authorizing the Acting City Manager to sign all documents related to the MDOT contract on behalf of the city;
 - b. an agreement between the City of Kalamazoo and the City of Portage concerning funding for the replacement of the water main on Lovers Lane from I-94 to East Kilgore Road and

authorize the Acting City Manager to sign all documents related to the project on behalf of the city.
4. Approve Contract #21-5520 between the Michigan Department of Transportation and the City of Portage for microsurfacing of South Westnedge Avenue from Mall Drive to Trade Centre Way and adopt a Resolution authorizing the Acting City Manager to sign all documents related to the MDOT contract on behalf of the city.
5. Receive the report from the City Attorney and Director of Public Safety regarding the recovery of stolen property (funds) and authorize the Director of Finance to:
 - a. return the noted portion of the stolen funds to the identified victim;
 - b. hold the remainder of the funds in escrow for at least 60 days; and,
 - c. deposit the remaining funds into the City's general fund after the 60-day period, as authorized by MCL 434.184.
6. Adopt the Resolution designating the Charles & Lynn Zhang Portage Community Senior Center at 203 East Centre Avenue as a polling location for the City of Portage.
7. Adopt the Notice of Intent Resolution to fund construction of Fiscal Year 2021-2022 capital improvement projects, in an amount not to exceed \$4,000,000.
8. Adopt the revised Industrial Tax Abatement Incentive Policy and Fee Resolution.
9. Approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$530,068 for the period March 1, 2022 to March 1, 2023 and authorize the Authorized Member Representative to execute all documents related to this action on behalf of the city.
10. Set a Special Meeting on Tuesday, May 24, 2022, beginning at 5:30 p.m., to interview Board and Commission applicants.
11. Minutes of Boards & Commissions:

- a. Environmental Board of December 8, 2021.
- b. Zoning Board of Appeals of December 13, 2021.

12. Materials Transmitted.

13. Calendar of Meetings:

- Historic District Commission, March 2, 2022 at 8:30 a.m., City Hall Room #2.
- Parks Board, March 2, 2022 at 6:30 p.m., Grain Elevator.
- Human Services Board, March 3, 2022 at 6:00 p.m., City Hall Room #1.
- Planning Commission, March 3, 2022 at 7:00 p.m., Council Chambers.

NOTE: All above meetings are subject to cancellation or inclusion 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. Major meetings may be viewed live on Charter channel 995 and AT&T channel 99.

B. Petitions and Statements of Citizens:

C. Communications:

- 1. Annual presentation by the Youth Advisory Committee.

D. Public Hearings:

E. Regular Business Agenda:

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 8, 2022

Mayor Patricia Randall called the Regular Meeting to order at 07:02 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Lisa Brayton, Chris Burns, Lori Knapp, Vic Ledbetter, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: None.

ALSO PRESENT: Acting City Manager Adam Herringa, Deputy City Manager Michael Carroll, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

INVOCATION: At the request of Mayor Randall, the audience observed a moment of silence to reflect on the diversity within the Portage community and endeavor to make it equitable and welcome for all

PLEDGE OF ALLEGIANCE: Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS: Councilmember Ledbetter read the Black History Month Proclamation. Councilmember Brayton read the National 211 Day Proclamation. Councilmember Burns read the National Entrepreneurship Week Proclamation.

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. Motion by Ledbetter, seconded by Burns, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

City Council Meeting Minutes: Motion by Ledbetter, seconded by Burns, to approve the City Council Meeting Minutes of the Regular Meeting of January 25, 2022. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Ledbetter, seconded by Burns, to approve the Accounts Payable Register of February 8, 2022, as presented. Upon a roll call vote, motion carried 7 to 0.

Fiscal Year 2022-2023 Proposed Budget Review Schedule: Motion by Ledbetter, seconded by Burns, to establish Tuesday, April 19 from 4:00 to 7:00 p.m. and Tuesday, May 10 from 4:00 to 6:00 p.m. as the dates for City Council review of the proposed Fiscal Year 2022-2023 Budget. Upon a roll call vote, motion carried 7 to 0.

Portage Community Senior Center Motor Coach Services Contract: Motion by Ledbetter, seconded by Burns, to approve a one-year contract for the Portage Community Senior Center Travel program motorcoach services in the amount of \$60,837.37 with Cardinal Buses, with the option for two additional years, 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.

Portage Police Command Officers Association (PPCOA) Contract: Motion by Ledbetter, seconded by Burns, to approve the Portage Police Command Officers Association Collective Bargaining Agreement for the period of July 1, 2021, to June 30, 2023, and authorize the Mayor and City Clerk to sign the same. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards and Commissions: Motion by Ledbetter, seconded by Burns, to receive the minutes of the Senior Citizen Advisory Board of December 14, 2021; Planning Commission of December

16, 2021; Human Services Board of January 20, 2022; and Planning Commission of January 20, 2022. Upon a roll call vote, motion carried 7 to 0.

Materials Transmitted: Motion by Ledbetter, seconded by Burns, to receive the Materials Transmitted of January 20 and January 28, 2022. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: Motion by Ledbetter, seconded by Burns, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Carolyn Pesheck (6745 Shoreham St.) urged the City Council to pass a housing ordinance similar to the City of Kalamazoo, including funding source options for rent. She cited a recent rental issue in Oshtemo Township as an example.

REGULAR BUSINESS AGENDA:

City Assessor Services Contract At the invitation of the Mayor, Acting City Manager Herringa summarized the contract assessing proposal. He stated the department had experienced a turnover of seventeen people since 2015, including the recent departures of the Assessor and Deputy Assessor in the last two months. Mr. Herringa relayed that both the cities of Kalamazoo and Battle Creek utilized the services of WCA Assessing as a contractor with positive results. He further stated the cost to change to a contractual service would be the same, but optimally result in cost-savings. Mr. Herringa closed by noting the City Administration's confidence in the proposal to move to contractual assessing services since both the current staff and the quality of service would be retained. He confirmed former City Assessor Meshia Rose had been contracted to assist the March Board of Review until WCA could start in April.

Aaron Powers, Managing Director of WCA, provided the history of WCA Assessing and its current operations, as well as the firm's current clients. Councilmember Ledbetter confirmed with Mr. Powers that the existing City Assessing staff would be retained. Mayor Randall asked Mr. Powers to explain the state requirements regarding Level 4 assessors and the associated training. Mayor Pro Tem Pearson noted that Portage had explored outsourcing the Assessing Department in prior years, including WCA. Councilmember Burns asked Acting City Manager Herringa to explain how the City Administration selected WCA for the proposal. Mr. Herringa responded that only two other contractual assessing firms existed in Michigan that were either unable to commit to Portage's requirements or too new to fulfill the contract. Councilmember Urban asked Mr. Powers to further explain the nature of contractual assessing. Mr. Powers relayed that outsourcing the field municipally began in Northern Michigan, where it is still widely used and has since spread into southeast and southwest lower Michigan as a more efficient and cost-effective method. He further noted that while pay is marginally better for contracted employees, the growth potential is notably better than in government. Following Councilmember Urban's request, Mr. Powers confirmed he would remain as the main assessor for the City of Portage for the duration of any contract.

Following a notation by Councilmember Burns regarding two corrections to the WCA contract regarding the county name on page one and payment number on page five; motion by Burns, seconded by Pearson, to approve the three-year contract with WCA Assessing with the two noted corrections for City assessing services (in the amount of \$454,030 in Year One, with increases in Years Two and Three as attached), to appoint Aaron Powers as the City Assessor with an effective date of April 1, 2022, and to authorize the Acting City Manager and City Clerk to execute all necessary documents involved. Upon a roll call vote, motion carried 7 to 0.

City Manager Search Firm Selection: Motion by Brayton, seconded by Pearson, to select Walsh Municipal Services, LLC, to conduct the next City Manager search. Mayor Randall then inquired about

any additional discussion.

Councilmember Urban relayed concerns regarding the scope, ability, and resources of Mr. Walsh's firm as compared with the GovHR firm. He expressed a desire to ensure Portage received full-time attention and quality candidates from a wide-reaching search. Mayor Pro Tem Pearson agreed with Councilmember Urban's points but noted the city had used a national search firm for the prior two City Manager position searches with poor results. The Mayor Pro Tem stated he was impressed by Mr. Walsh's firm and noted the city had an Acting City Manager in the interim should Walsh's search end poorly and need to be re-done. Councilmember Burns stated he had tried unsuccessfully to develop a scoring method to ascertain the best firm as he also had doubts about Mr. Walsh's firm. Mr. Burns stated he had ultimately envisioned himself as a potential candidate and decided Mr. Walsh could best argue the case for Portage. Councilmember Brayton agreed with Mayor Pro Tem Pearson and Councilmember Burns, stating she experiences the best service as a small business owner from her smaller vendors. Councilmember Knapp noted her concerns about Mr. Walsh's firm and expressed a preference for GovHR. She argued the employment marketplace is now quite different as compared with the prior two City Manager searches and believes a more national and full-time search firm can better facilitate a search. Councilmember Knapp stated that the recruitment brochure created by the City Council and City Administration ultimately makes the case for the identity and desires of Portage. (Councilmember Brayton briefly exited from 7:59 p.m. to 8:00 p.m.)

Councilmember Urban agreed with Councilmember Knapp's comments and expressed concerns that Portage would be the first large-scale search for Mr. Walsh. Mayor Randall expressed appreciation for Mr. Walsh's preparation, cost, and contract guarantees. She stated she had received several outside recommendations for his firm. Mayor Randall noted that GovHR was performing the searches for both the Kalamazoo and Ottawa County Administrator positions and she expressed concern that GovHR could route the remaining candidates from those searches to Portage's position. She stated her desire to get a candidate specifically excited about Portage.

Upon a roll call vote, motion carried 5 to 2 with Councilmembers Knapp and Urban voting no.

Following an inquiry by Councilmember Urban to the City Attorney, a subsequent motion was made regarding further action. Motion by Urban, seconded by Burns, to authorize the Acting City Manager to execute all documents related to the selection of Walsh and Associates as the City Manager Search Firm on behalf of the city. Upon roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS:

Councilmember Knapp provided a report regarding the Portage Community Center Board of Directors. She relayed an update on the outcome of the Portage Community Center's Holiday Programs, as well as the current positive fundraising efforts. Councilmember Knapp closed with a reminder about the Community Center's May 9th Golf Outing Fundraiser.

Motion by Burns, seconded by Ledbetter, to receive the Council Committee Reports as presented. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Dan Corradini (621 Ludington) spoke as a contracted employee of the city's water and sewer division. He offered support for outsourcing the Assessing Department, noting the outsourcing to Suez Water was a successful arrangement.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER:

Councilmember Urban stated he looks forward to working with Mr. Walsh and expressed a desire to spend due effort on the process.

Councilmember Ledbetter thanked city staff, the community, and Shoshana Johnson for the

overwhelming turnout at the February 5th Black History Month event. He also thanked former Black Councilmembers Dr. Romeo Phillips and Larry DeShazor for serving before him. Councilmember Ledbetter then thanked Dr. Monifa Jumanne for her efforts in starting the original Black History Month event and towards equality. Mr. Ledbetter closed with a recognition of a historical black inventor named Lewis Howard Latimer for creating the current carbon filament used in lightbulbs.

Councilmember Knapp also relayed positive comments regarding the February 5th Black History Month event.

Councilmember Brayton acknowledged February as Black History Month and those local Black figures in the Portage organization, including Sergeant Jermaine Bryant and Councilmember Ledbetter. She closed with a recognition of Valentine's Day.

Councilmember Burns highlighted Item A.5 from the Consent Agenda regarding the Portage Police Command Officers Association agreement. He encouraged the City Administration to research the provision of financial awareness meetings for public safety staff to avoid burnout with extra shifts for additional income.

Acting City Manager Herringa began by recognizing city snowplow drivers for their efforts during the prior week's snowstorm. He then complimented the city on its events on February 5th, including the Youth Advisory Committee's Snow Party and the Black History Month event.

Mayor Pro Tem Pearson thanked fellow Councilmembers for their service and presence at recent City Council meetings and events.

Mayor Randall spoke of the various homeowner grants provided by Consumers Energy for sustainability improvements. She then acknowledged a recent phone call with the Portage's state officials delegation to discuss current legislation concerns. Mayor Randall closed by extending thanks, first to the staff for their efforts with snow plowing and the Black History Month event, as well as the City Council for the evening's input and dialogue.

ADJOURNMENT: Mayor Randall adjourned the meeting at 08:39 PM.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve the Accounts Payable Register of February 22, 2022 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 30, 2022 through February 12, 2022 and notes \$501,513.95 in automated clearing house payments, \$887,661.49 in paper checks, \$108,140.94 in auto-pay payments, \$1,944,335.35 in electronic payments and \$7,094.25 in credit card payments (January) for a grand total of \$3,448,745.98.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of February 22, 2022

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 1 of 9

Check Type: ACH Transactions

Check Date	Check	Vendor Name	Description	Amount
02/04/2022	16562(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES - MULTIPLE LOCATIONS	42,085.60
02/04/2022	16563(A)	AIRGAS USA LLC	RED CUFFED JERSEY GLOVES	371.74
02/04/2022	16564(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,755.33
02/04/2022	16565(A)	AMAZON.COM SALES, INC.	PORTABAND TABLE-FLEET, GABLE BXS-PARKS	211.94
02/04/2022	16566(A)	AMERICAN HYDROGEOLOGY CORP.	S WESTNEDGE PARK - PFAS GROUNDWATER EVAL	3,315.28
02/04/2022	16567(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	8,210.00
02/04/2022	16568(A)	ARMOLD, NICHOLAS	MACP WINTER CONFERENCE REIMB	224.00
02/04/2022	16569(A)	AUMACK, MICHAEL	2021 SEASON UMPIRE INCENTIVE BONUS	200.00
02/04/2022	16570(A)	AUNALYTICS INC	DISASTER RECOVERY SERVICES	2,114.70
02/04/2022	16571(A)	BAUCKHAM, SPARKS, THALL, SEEGER AND	CERTIFIED DRIVING RECORD	12.17
02/04/2022	16572(A)	BEEBE, RONALD E.	2021 SEASON UMPIRE INCENTIVE BONUS	250.00
02/04/2022	16573(A)	BLOCK, MARY BETH	AWARD ENTRY FEES-REIMB	465.00
02/04/2022	16574(A)	BRENNER OIL CO.	BULK DIESEL DELIVERY	18,442.31
02/04/2022	16575(A)	C D W GOVERNMENT, INC.	LENOVO THINKBOOK	994.05
02/04/2022	16576(A)	CARLETON EQUIPMENT CO.	BRAKE REPLACEMENT - WHEEL LOADER	10,620.71
02/04/2022	16577(A)	CARSTAR PORTAGE	POLICE VEHICLE REPAIR & MAINT	1,433.03
02/04/2022	16578(A)	CHARTER COMMUNICATIONS	CABLE TV	302.00
02/04/2022	16579(A)	CIVICPLUS	WEBSITE HOSTING FEES	13,109.41
02/04/2022	16580(A)	COLLIER, MICHAEL	MACP WINTER CONFERENCE - PER DIEM	224.00
02/04/2022	16581(A)	CONTINENTAL LINEN SERVICES	RUG SERVICE	94.11
02/04/2022	16582(A)	DEER CONTRACTING & LANDSCAPE	BLOCK WALL REPAIR	990.00
02/04/2022	16583(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE	19,813.65
02/04/2022	16584(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	300.84
02/04/2022	16585(A)	EARLE, SHELIA L	FITNESS INSTRUCTION	350.00
02/04/2022	16586(A)	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT 220224 GULF COAST	47,259.00
02/04/2022	16587(A)	ENTENMANN-ROVIN CO.	HAT, WALLET, UNIFORM BADGES	1,939.50
02/04/2022	16588(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	FABRICATION SERVICES AND PARTS	2,547.09
02/04/2022	16589(A)	EXTREME POWER EQUIPMENT, INC.	PLOW MAINTENANCE SUPPLIES	37.98
02/04/2022	16590(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,243.76
02/04/2022	16591(A)	FOREMOST SALES COMPANY LLC	PARK FACILITY CLEANING SERVICES	3,740.00
02/04/2022	16592(A)	FORSHEE, MARK	2021 SEASON UMP INCENTIVE BONUS	200.00
02/04/2022	16593(A)	GLOBAL EQUIPMENT CO., INC.	BUILDING REPAIR/MAINT SUPPLIES	716.64

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 2 of 9

Check Date	Check	Vendor Name	Description	Amount
02/04/2022	16594(A)	GORDON WATER SYSTEMS	WATER SERVICE	344.10
02/04/2022	16595(A)	GRAINGER INC	FLEET REPAIRS/MAINTENANCE	44.21
02/04/2022	16596(A)	GREAT LAKES CHLORIDE, INC.	LIQUID DEICER	12,866.99
02/04/2022	16597(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SVCS	165.00
02/04/2022	16598(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	10,190.90
02/04/2022	16599(A)	INDUSCO SUPPLY CO., INC.	MISC PAPER & CLEANING SUPPLIES	482.82
02/04/2022	16600(A)	INFOUSA MARKETING, INC.	2022 POLK CITY DIRECTORY (2)	983.64
02/04/2022	16601(A)	INSIGHT PUBLIC SECTOR, INC.	SENIOR CENTER BUILDING - WIFI EQUIPMENT	1,505.68
02/04/2022	16602(A)	IRISH AYRES ENTERPRISES, LLC	LANDSCAPING/MOWING SERVICES	2,164.75
02/04/2022	16603(A)	J + H OIL CO.	BULK GASOLINE DELIVERY	34,401.56
02/04/2022	16604(A)	JONS TO GO PORTABLE RESTROOM	PORTAGE RESTROOM	27.14
02/04/2022	16605(A)	LAWSON PRODUCTS, INC	REPAIR AND MAINTENANCE SUPPLIES	2,936.07
02/04/2022	16606(A)	LENDING HANDS OF MICHIGAN, INC.	FY 21-22 HUMAN SERVICES BOARD	2,500.00
02/04/2022	16607(A)	LOWE'S HOME CENTER	FIRE FACILITY MAINT SUPPLIES	284.05
02/04/2022	16608(A)	LRE	ENGINEERING SERVICES	3,145.00
02/04/2022	16609(A)	MACQUEEN EQUIPMENT LLC	RENTAL OF STREET SWEEPERS	22,212.34
02/04/2022	16610(A)	MARTIN SPRING & DRIVE, INC.	DRIVESHAFT REBUILD-BLOWER	396.82
02/04/2022	16611(A)	MATERIALS RESOURCES	FIRE CLEANING SUPPLIES	648.20
02/04/2022	16612(A)	MEJEUR ELECTRIC LLC	MISC ELECTRICAL SERVICES	178.00
02/04/2022	16613(A)	MICHIGAN OFFICE ENVIRONMENTS	REMODEL OF POLICE RECORDS ROOM	32,735.98
02/04/2022	16614(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	309.78
02/04/2022	16615(A)	MILLS, DANIEL	MACP WINTER CONFERENCE - PER DIEM	224.00
02/04/2022	16616(A)	NYE UNIFORMS	MISC UNIFORMS	504.52
02/04/2022	16617(A)	ONE WAY PRODUCTS	JANITORIAL SUPPLIES	298.72
02/04/2022	16618(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SVCS	11,494.02
02/04/2022	16619(A)	PECKELS, CHRISTINE	FITNESS INSTRUCTION YOGA	320.00
02/04/2022	16620(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	2,785.72
02/04/2022	16621(A)	PHILLIPS, KIMBERLY	REIMBURSEMENT FOR EXPENSES	101.71
02/04/2022	16622(A)	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MANAGEMENT	230.00
02/04/2022	16623(A)	PRECISION PRINTER SERVICES INC	PRINTER SUPPLIES	325.72
02/04/2022	16624(A)	PREMIER TRUCK SALES & RENTAL, INC.	RENTAL OF PACKER TRUCKS-LEAF PICKUP	14,400.00
02/04/2022	16625(A)	PRO SERVICES, INC.	CDBG FURNACE & WATER HEATER	4,775.00
02/04/2022	16626(A)	R W LAPINE INC.	HVAC MAINTENANCE SERVICES	17,332.75

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 3 of 9

Check Date	Check	Vendor Name	Description	Amount
02/04/2022	16627(A)	VOID		0.00
02/04/2022	16628(A)	RHODES, KEVIN	2021 SEASON UMPIRE INCENTIVE BONUS	250.00
02/04/2022	16629(A)	RIDGE AUTO NAPA	EQUIPMENT REPAIR/MAINT SUPPLIES	549.94
02/04/2022	16630(A)	ROBERT LAMSON, LLC	POST OFFER CONDITION PSYCH EVALS	125.00
02/04/2022	16631(A)	S B F ENTERPRISES, INC.	PRINTING SERVICES	138.00
02/04/2022	16632(A)	SEVERANCE ELECTRIC COMPANY, INC	MISC SIGNAL REPAIRS-MULTIPLE LOCATIONS	6,891.66
02/04/2022	16633(A)	SHULTS EQUIPMENT, INC.	UNDERBODY PLOW BLADES	15,840.00
02/04/2022	16634(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	166.25
02/04/2022	16635(A)	SNELL, DEBRA	FITNESS INSTRUCTION BODY REBOUND	240.00
02/04/2022	16636(A)	SUEZ WATER ENVIRONMENTAL SERVICES	MCAP RECONCILIATION, WATER METERS	10,204.68
02/04/2022	16637(A)	TECHNOLOGY SOLUTIONS	COUNCIL TICKETING SYSTEM	2,750.00
02/04/2022	16638(A)	TRUCK & TRAILER SPECIALTIES	REPAIR/MAINTENANCE SUPPLIES	1,714.94
02/04/2022	16639(A)	UNIFIRST CORPORATION	HALLWAY CARPET RENTAL	118.62
02/04/2022	16640(A)	WARNER OIL COMPANY INC	DEF DRUM	118.25
02/04/2022	16641(A)	WIGHTMAN	ENGINEERING SVCS-ROMENCE RD	5,011.25
02/04/2022	16642(A)	WOLFE, MATTHEW	MACP WINTER CONFERENCE - PER DIEM	224.00
02/04/2022	16643(A)	WOLVERINE LAWN SERVICE, INC.	SNOWPLOWING/CROSSWALK SVC	2,480.25
02/11/2022	16644(A)	ADP, INC.	PAYROLL & ETIME SERVICES	4,675.23
02/11/2022	16645(A)	BRENNAN, JOSEPH	TREE TECH TREE WORK	82,595.00
02/11/2022	16646(A)	KUSHNER & COMPANY, INC.	COBRA & FSA ADMINISTRATION	258.85
02/11/2022	16647(A)	MARANA GROUP	METER SERVICE	273.00
Total ACH				501,513.95

Check Type: Paper

02/04/2022	319586	ADRIAN J KOOPSEN BUILDER, INC.	CITY HALL VESTIBULE & CONFERENCE RM REPAIRS	2,881.00
02/04/2022	319587	AGGRESSIVE INDUSTRIES	BISHOPS BOG FLOATING BOARD WALK	50,000.00
02/04/2022	319588	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	93.00
02/04/2022	319589	AMERICAN WATER WORKS ASSOC.	AWWA MEMBERSHIP 2022-2023	238.00
02/04/2022	319590	AR ENGINEERING LLC	ENGINEERING SERVICES	7,391.30
02/04/2022	319591	AVI SYSTEMS, INC.	LEIGHTRONIX RENEWAL	7,785.03
02/04/2022	319592	BLOOM SLUGGETT, PC	LITIGATION-S WESTNEDGE AVE STORM SEWER	700.00
02/04/2022	319593	BLUEBEAM, INC.	BLUEBEAM RENEWAL	4,023.00
02/04/2022	319594	BOUND TREE MEDICAL LLC	FIRE EMS SUPPLIES	859.90

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 4 of 9

Check Date	Check	Vendor Name	Description	Amount
02/04/2022	319595	BRAYSHER, ALAN & EILEEN	TRIP REFUND 220224 GULF COAST	200.00
02/04/2022	319596	BRIGANCE, SUSAN	SKATING LESSONS SESSION 2 REFUND	88.00
02/04/2022	319597	BULLEY, DANIEL	RAMONA SOCCER NORTH FEES REFUND	300.00
02/04/2022	319598	BUMGARDNER, GLENN & DONNA	TRIP REFUND 220224 GULF COAST	200.00
02/04/2022	319599	BUMGARDNER, SHIRLEY	TRIP REFUND 220224 GULF COAST	80.00
02/04/2022	319600	C&C PROFESSIONAL CLEANING SERVICE	JANITORIAL SERVICES	5,204.28
02/04/2022	319601	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	137.66
02/04/2022	319602	CATHOLIC FAMILY SERVICES	FY 21-22 HUMAN SERVICES BOARD	8,500.00
02/04/2022	319603	CEREAL CITY WINDOW CLEANING	WINDOW CLEANING	170.00
02/04/2022	319604	CINTAS CORP.	UNIFORM RENTAL FOR INSPECTORS	1,586.79
02/04/2022	319605	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	432,174.05
02/04/2022	319606	CITY SIGN ERECTORS	BD PAYMENT REFUND	206.00
02/04/2022	319607	CLEAR AIR LLC	FIRE PPE GEAR	3,630.00
02/04/2022	319608	COMMUNITY HEALING CENTERS	FY 21-22 HUMAN SERVICES BOARD	5,000.00
02/04/2022	319609	CONSUMERS ENERGY - CEM	STREETLIGHT INSTALLATIONS	100.00
02/04/2022	319610	CONSUMERS ENERGY - CEM	STREETLIGHT INSTALLATIONS	100.00
02/04/2022	319611	CONSUMERS ENERGY - CEM	STREETLIGHT INSTALLATIONS	100.00
02/04/2022	319612	CRAMER, BETH	SKATING LESSONS SESSION 2 REFUND	22.00
02/04/2022	319613	CTT-MTU	2022 ASPHALT PAVING INSPECTION WORKSHOP	55.00
02/04/2022	319614	CUMMINS INC.	GENERATOR - 12TH STREET BLOCK STATION	26,890.47
02/04/2022	319615	CURIE, KIM	ICE SKATING LESSONS SESSION 1 REFUND	22.00
02/04/2022	319616	CURIE, KIM	SKATING LESSONS SESSION 2 REFUND	22.00
02/04/2022	319617	D L GALLIVAN INC.	COPY MACHINE USAGE CHARGES	92.00
02/04/2022	319618	DAVE'S CONCRETE PRODUCTS, INC.	CEMETERY FOUNDATIONS	691.50
02/04/2022	319619	DEVISSER, AARON	VALENTINES DAY SKATE REFUND	40.00
02/04/2022	319620	DEVISSER, SALLY	SKATING LESSONS SESSION 1 & 2 - REFUND	44.00
02/04/2022	319621	DEVON TITLE AGENCY	TITLE WORK - LOCAL STREETS PROGRAM	400.00
02/04/2022	319622	DICKEY, SHARON	TRIP REFUND 220224 GULF COAST	80.00
02/04/2022	319623	DRIESEN & ASSOCIATES INC	MATERIALS TESTING SVCS-COMMUNITY SR CTR	78.75
02/04/2022	319624	ELECTROTORQUE, INC.	HOMESTEAD - PUMP REPLACEMENT	1,000.00
02/04/2022	319625	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	528.00
02/04/2022	319626	ENVIRONMENTAL RESOURCES GROUP, LLC	STORM WATER MONITORING PROGRAM	26,898.26
02/04/2022	319627	FAWLEY OVERHEAD DOOR, INC.	DOOR REPAIRS AND MAINTENANCE	297.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 5 of 9

Check Date	Check	Vendor Name	Description	Amount
02/04/2022	319628	FOSTER, MARK	RENTAL DEPOSIT REFUND	100.00
02/04/2022	319629	GORDON FOOD SERVICE	SUPPLIES FOR PORTAGE CULINARY ACADEMY	25.97
02/04/2022	319630	GOTTLEIB, M R & A TRUST	AUSTIN LAKE SPECIAL ASSESSMENT REIMBURSE	60.30
02/04/2022	319631	GUNDU, RAKESH	SKATING LESSONS SESSION 2 REFUND	22.00
02/04/2022	319632	HAMBRIGHT, JARED	REIMB REGISTRATION - ICS-300 TRAINING	250.00
02/04/2022	319633	HOME DEPOT	MISC BUILDING SUPPLIES	998.78
02/04/2022	319634	HOUSING RESOURCES, INC.	FY 21-22 HUMAN SERVICES BOARD	14,500.00
02/04/2022	319635	HOVIOUS, JENNIFER	SKATING LESSONS SESSION 2 REFUND	22.00
02/04/2022	319636	HOYT, CHRIS	REIMB REGISTRATION - ICS-400 TRAINING	250.00
02/04/2022	319637	HU, LIN-HUAN	SNOWBOARD LESSONS REFUND	80.00
02/04/2022	319638	I A C P N E T	ANNUAL IACP NET SERVICES	1,225.00
02/04/2022	319639	IMAGETREND, INC.	FIRE SOFTWARE	388.93
02/04/2022	319640	INTEGRA REALTY RESOURCES - GR	APPRAISAL SERVICES FOR MTT 21-000800	8,500.00
02/04/2022	319641	IRISH ROOFING & EXTERIORS	CDBG ROOF REPLACEMENT	10,500.00
02/04/2022	319642	IRTH SOLUTIONS LLC	MISS DIG TICKET MANAGEMENT SUBSC	8,000.00
02/04/2022	319643	KALAMAZOO COUNTY HEALTH & COMMUNITY	HHW PROGRAM FALL 2021	1,816.75
02/04/2022	319644	KALAMAZOO COUNTY TREASURER	JANUARY MOBILE HOME TAXES	317.50
02/04/2022	319645	KALAMAZOO COUNTY TREASURER	FOR TAX YEAR 2020 - MTT DOCKET #20-00381	5,892.82
02/04/2022	319646	KALAMAZOO COUNTY TREASURER	4TH QUARTER 2021 BILLING FOR SUBPOENA	554.75
02/04/2022	319647	KALAMAZOO FLAG COMPANY, LLC	PSC VETERANS GROUP SUPPLIES	1,446.40
02/04/2022	319648	KALAMAZOO OIL COMPANY	FUEL PURCHASES	1,041.94
02/04/2022	319649	KIM, YOON-RIM	SKATING LESSONS SESSIONS 1 & 2 REFUND	44.00
02/04/2022	319650	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER CONTRACT - COMMUNICATION SERVICES	364.00
02/04/2022	319651	KSS ENTERPRISES	NOBLES WIDE AREA VACUUM CLEANER AND BAGS	351.95
02/04/2022	319652	KZOO TIRE COMPANY	POLICE VEHICLE REPAIR/MAINT	18.50
02/04/2022	319653	LAUGHTER, JENNIFER	OVERPAYMENT FINAL WATER BILL	142.16
02/04/2022	319654	LEE, ANNA	SNOWBOARD LESSONS REFUND	80.00
02/04/2022	319655	MACIVER, KIRSTY	SKATING LESSONS SESSION 2 REFUND	33.00
02/04/2022	319656	MAGEE, LAURA & HAROLD	OVERPAYMENT FINAL WATER BILL	85.00
02/04/2022	319657	MAINEHEALTH - MATTER OF BALANCE	MASTER TRAINER SESSION VIRTUAL VIA ZOOM	2,000.00
02/04/2022	319658	MCDONALD'S TOWING & RESCUE, INC.	POLICE TOWING SERVICES	243.00
02/04/2022	319659	MCDUGAL, SARINA	SCHRIER PARK DEPOSIT REFUND	150.00
02/04/2022	319660	METRO BUILDING INSPECTORS ASSOC.	MEMBERSHIP RENEWAL	135.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 6 of 9

Check Date	Check	Vendor Name	Description	Amount
02/04/2022	319661	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR AND MAINT	1,127.06
02/04/2022	319662	MICHIGAN RECREATION & PARK ASSOC.	TRIP VENDOR PAYMENT 221017 GRAND HOTEL	250.00
02/04/2022	319663	MOTION PICTURE LICENSING CORP.	LICENSE TO SHOW MOVIES	233.84
02/04/2022	319664	MURRAY, ALANA	SKATING LESSONS SESSION 1 REFUND	11.00
02/04/2022	319665	NAJAR, NICOLE	MIXOLOGY - CULINARY ACADEMY REFUND	30.00
02/04/2022	319666	O'REILLY AUTO PARTS	FIRE APPARATUS MAINT	165.39
02/04/2022	319667	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,697.07
02/04/2022	319668	VOID		0.00
02/04/2022	319669	PATEL, KANDARP	SKATING LESSONS SESSION 2 REFUND	33.00
02/04/2022	319670	PATRICK, LAURA	SKATING LESSONS SESSION 2 REFUND	22.00
02/04/2022	319671	PHELPS, MIKE	NFA FIRE EMERG SVC TR - REG REIMB, PER DIEM	414.56
02/04/2022	319672	PLAYFORD, LOU	ALT FUEL VEH TR FOR EMERG RESP - REG REIMB	25.95
02/04/2022	319673	PORTAGE GLASS & MIRROR	GARAGE DOOR REPAIR	342.65
02/04/2022	319674	POWERS PROPERTY MANAGMENT LLC	HYDRANT METER DEPOSIT REFUND	100.00
02/04/2022	319675	PRINCIPAL FINANCIAL GROUP	ACTUARIALLY RECOMMENDED CONTRIBUTION	10,253.00
02/04/2022	319676	PURITY CYLINDER GASES, INC	WELDING SUPPLIES	145.86
02/04/2022	319677	PYAKUREL, ANJALA	SKATING LESSONS SESSION 2 REFUND	11.00
02/04/2022	319678	RATHCO SAFETY SUPPLY, INC.	TRAFFIC CONTROL SVCS & SUPPLIES	5,021.60
02/04/2022	319679	RENEWED EARTH, INC.	LEAF & BRUSH DISPOSAL	27,249.99
02/04/2022	319680	ROWERDINK, INC.	MAINTENANCE SUPPLIES	126.34
02/04/2022	319681	SACKETT'S FIREPLACE LLC	SERVICE GAS FIRE PLACE AT MILLENNIUM PARK	272.00
02/04/2022	319682	SAFEBUILT MICHIGAN, LLC	FILL IN INSPECTIONS FOR BUILDING SERVICE	9,480.00
02/04/2022	319683	SCHULTZ, FRED & DOROTHY	TRIP REFUND 220224 GULF COAST	200.00
02/04/2022	319684	SEBENCH ENGINEERING INC.	FIRE PROTECTION REVIEW FOR KENCO DISTRIB	233.40
02/04/2022	319685	SEELYE FORD, INC.	VEHICLE REPAIR/MAINTENANCE	641.36
02/04/2022	319686	SHAW, SANDRA	MIXOLOGY - CULINARY ACADEMY REFUND	30.00
02/04/2022	319687	SHERWIN WILLIAMS	TRASH CAN PAINT	147.96
02/04/2022	319688	SHI INTERNATIONAL CORP.	VMWARE RENEWAL	20,037.08
02/04/2022	319689	SKILLQUEST INTERNATIONAL LLC	PRE-HIRE DRUG SCREENS	2,635.00
02/04/2022	319690	SMART SOURCE, LLC	MISC UNIFORM SHIRTS	560.00
02/04/2022	319691	SMEMSIC	MI EMS INSTRUCTOR COORD CONF-REG 3 EMPL	1,110.00
02/04/2022	319692	SMOLEN-HETZEL, ANN	MIXOLOGY - CULINARY ACADEMY REFUND	30.00
02/04/2022	319693	SMYRNIOS, DANIELLE	SKATING LESSONS SESSION 1 REFUND	44.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 7 of 9

Check Date	Check	Vendor Name	Description	Amount
02/04/2022	319694	SMYRNIOS, DANIELLE	SKATING LESSONS SESSION 2 REFUND	44.00
02/04/2022	319695	STATE OF MICHIGAN (DOT)	EAST MILHAM AVENUE RECONSTRUCTION	9,815.26
02/04/2022	319696	STATE SYSTEMS RADIO, INC	RADIO PREP AND INSTALLS	1,360.00
02/04/2022	319697	STEVENSON, BETHANY	SKATING LESSONS SESSIONS 1 & 2 REFUND	88.00
02/04/2022	319698	TACTRON, INC.	FIRE OPS SUPPLIES	24.46
02/04/2022	319699	TRAYERS, LESLIE	SKATING LESSONS SESSION 2 REFUND	22.00
02/04/2022	319700	TWELVE BASKETS FOOD PANTRY	FY 21-22 HUMAN SERVICES BOARD	5,046.50
02/04/2022	319701	ULINE, INC.	MISC EVIDENCE SUPPLIES	379.38
02/04/2022	319702	UNITED PARCEL SERVICE	UPS WEEKLY	24.00
02/04/2022	319703	USPS	BUS REPLY MAIL PERMIT RENEWAL	265.00
02/04/2022	319704	VANGUARD FIRE & SUPPLY CO., INC.	REPLACE VEHICLE FIRE EXTINGUISHERS	288.00
02/04/2022	319705	VERIZON CONNECT NWF, INC.	FLEET GPS SERVICES	706.78
02/04/2022	319706	WADE TRIM ASSOCIATES, INC.	CDBG-CV3 TECH ASSIST; SUBSTANTIAL PLAN AMEND	817.65
02/04/2022	319707	WASTE MANAGEMENT	WTP IRON WASTE REMOVAL	1,003.85
02/04/2022	319708	WATSON, LORI	SKATING LESSONS SESSION 2 REFUND	22.00
02/04/2022	319709	WEST MICHIGAN POWER CLEANING SYSTEM	VEHICLE MAINTENANCE SUPPLIES	158.00
02/04/2022	319710	WHITMORE, KAYCI	SKATING LESSONS SESSION 2 REFUND	22.00
02/04/2022	319711	YWCA INC	FY 21-22 HUMAN SERVICES BOARD	9,500.00
02/04/2022	319712	KALAMAZOO ELECTRIC MOTORS	LIQUID DEICER PUMP	804.10
02/04/2022	319713	ADVANTAGE TREE CARE, LLC	TREE REMOVAL - ANGLING ROAD	3,800.00
02/11/2022	319714	HENDERSHOT, KEN	SCHRIER RENTAL DEPOSIT REFUND	150.00
02/11/2022	319715	THIRD COAST TECH, LLC	SENIOR CENTER AUDIO/VIDEO SYSTEMS	121,332.54
02/11/2022	319716	VERIZON CONNECT NWF, INC.	FLEET GPS SERVICES	709.98
02/11/2022	319717	VERIZON WIRELESS	WIRELESS SERVICE	48.14
Total Paper Checks				887,661.49

Check Type: Auto-Pay Payments

02/01/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	135.81
02/02/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	12,097.14
02/04/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	34,593.09
02/07/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	8,234.61
02/08/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	42,883.08
02/09/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	961.76

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 8 of 9

Check Date	Check	Vendor Name	Description	Amount
02/10/2022		CONSUMERS AUTOPAY	GAS-ELECTRIC	1,194.79
02/11/2022		CONSUMERS AUTOPAY	GAS-ELECTRIC	8,040.66
Total Auto-Pay Payments				108,140.94

Check Type: Electronic Payments

01/31/2022		ICMA	DH & NU PENSION PAYMENTS	16,321.21
01/31/2022		CITY OF PORTAGE EMPLOYEE	PAYROLL ADJUSTMENT FILE # 23614	1,115.39
02/01/2022		OLD NATIONAL BANK	HSA FRONT LOAD DEPOSITS	24,832.32
02/02/2022		MULTIPLE	DELIQUENT PERSONAL PROP TAX DISBURSE 1/14/2022	33,307.09
02/04/2022		MULTIPLE	WEEKLY TAX DISBURSEMENT 1/28/22	609,881.21
02/08/2022		SBF	ASSESSMENT NOTICES POSTAGE	7,593.24
02/10/2022		ICMA	RETIREE HEALTH SAVINGS	34,500.00
02/11/2022		MULTIPLE	WEEKLY TAX DISBURSEMENT 2/4/22	1,125,525.31
02/11/2022		ICMA	PENSION WITHHOLDINGS	91,259.58
Total Electronic Payments				1,944,335.35

Check Type: Credit Card

01/03/2022		LOWES #00907	SHELVING AND CHAIR RACK FOR STUART MANOR	200.00
01/04/2022		GOVERNMENT FINANCE OFFICE	PAFR AWARD APPLICATION FEE	250.00
01/05/2022		ICMA ONLINE	DEPUTY CITY MANAGER TRAINING	149.00
01/05/2022		MSU PAYMENTS	PARKS DIRECTOR ONLINE TRAINING	95.00
01/06/2022		LEAGUE OF AMERICAN WHEEL	BIKE FRIENDLY CITY AWARD SIGNS, CERTS, ARTWORK	140.00
01/07/2022		MMTA	STATE TREASURER TO TREASURER MEETING	100.00
01/07/2022		MMTA	STATE TREASURER TO TREASURER MEETING	100.00
01/10/2022		KHRMA PAYMENT	HR MEMBERSHIP	85.00
01/10/2022		WMU CAREER & STUDENT EMPL	JOB FAIR FEES	50.00
01/10/2022		SOCIETYFORHUMANRESOURCE	HR MEMBERSHIP RENEWAL	219.00
01/10/2022		ISSUU	DIGITAL FLIPBOOK PUBLISHING SUBSC RENEWAL	480.00
01/10/2022		MMTA	TREASURER VIRTUAL CONFERENCE/TRAINING	149.00
01/11/2022		WELLBEFORE.COM	KN95 MASKS FOR COM DEV	152.85
01/11/2022		SQ NATIONAL TACTICAL OFF	POLICE MEMBERSHIP RENEWAL	450.00
01/11/2022		IACP	POLICE MEMBERSHIP RENEWAL	190.00
01/12/2022		COURTYARD OKEMOS	POLICE TRAINING HOTEL STAY DEPOSIT	119.78

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/30/22 to 2/12/2022

Page 9 of 9

Check Date	Check	Vendor Name	Description	Amount
01/12/2022		IACP	POLICE MEMBERSHIP RENEWAL	190.00
01/13/2022		LEAGUE OF AMERICAN WHEEL	PARKS DIRECTOR MEMBERSHIP RENEWAL	50.00
01/14/2022		ADOBE INC	CREATIVE CLOUD RENEWAL	635.87
01/17/2022		COURTYARD OKEMOS	POLICE TRAINING HOTEL STAY	479.12
01/20/2022		SECURITY EQUIPMENT - WEB	POLICE TRAINING	180.00
01/21/2022		MMTA	TREASURER CONFERENCE/TRAINING	149.00
01/24/2022		SINCLAIR BROADCAST GROUP	WWMT HOME PG TAKEOVER FOR BLACK HISTORY MO	800.00
01/24/2022		BASS PRO ONLINE U.S.	PARKS EVENT SUPPLIES	158.94
01/25/2022		MICHIGAN ASSOC OF CHIEFS	JOB AD FOR POLICE OFFICER	100.00
01/25/2022		TERRACYCLE US LLC	COFFEE POD RECYCLING	164.00
01/26/2022		CALEA INC.	POLICE NAME TAGS	239.75
01/27/2022		GOVERNMENT FINANCE OFFIC	FINANCE DEPT MEMBERSHIP RENEWAL	305.00
01/27/2022		BASS PRO ONLINE U.S.	PARKS EVENT SUPPLIES	105.96
01/27/2022		BASS PRO ONLINE U.S.	PARKS EVENT SUPPLIES	52.98
01/28/2022		MICROSOFT 365	MONTHLY RENEWAL CHARGE	530.00
01/31/2022		BUZZSPROUT.COM PODCAST	MONTHLY PODCAST SUBSCRIPTION	24.00
			Total Credit Card Payments	7,094.25
			Grand Total	3,448,745.98

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: MDOT Contract #21-5515 (Lovers Lane, East Milham Avenue to East Kilgore Road)

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve:

- a. a contract between the Michigan Department of Transportation and the City of Portage for the reconstruction of Lovers Lane from East Milham Avenue to East Kilgore Road, including the adoption of a Resolution authorizing the Acting City Manager to sign all documents related to the MDOT contract on behalf of the city;
- b. an agreement between the City of Kalamazoo and the City of Portage concerning funding for the replacement of the water main on Lovers Lane from I-94 to East Kilgore Road and

authorize the Acting City Manager to sign all documents related to the project on behalf of the city.

Major street reconstruction projects are selected based on pavement condition, average daily traffic, and federal aid eligibility, as well as potential development activities. The FY 2021-2022 Capital Improvement Program (CIP) budget includes a project for the reconstruction of Lovers Lane from East Milham Avenue to East Kilgore Road, including installation of sanitary sewer to unserved properties, replacement of water main that is at the end of its useful life (funded by the City of Kalamazoo), upgrade of concrete sidewalk ramps to meet the Americans with Disabilities Act, storm sewer replacement, curb and gutter repairs, and hot mix asphalt.

On September 22, 2020, Williams & Works, Incorporated, was awarded an engineering service contract for design and construction engineering for this project. Because the project is partially funded by Federal Surface Transportation funding, the Michigan Department of Transportation (MDOT) is involved as a facilitator. The construction bid opening by MDOT was held on February 4, 2022. MDOT requires that an agreement with the local government agency be executed prior to construction award. The estimated total cost of the project is \$1,336,535 with \$750,000 in Federal Surface Transportation funds and \$190,915 funded by the City of Kalamazoo for water main replacement. The city share includes \$200,000 financed through the Sewer Fund and the remaining \$195,620 will be financed through the Municipal Street Fund. Following the contract award by MDOT, construction will commence in June 2022 with completion in the summer of 2022.

It is recommended that City Council approve Contract #21-5515 between the Michigan Department of Transportation and the City of Portage for the reconstruction of Lovers Lane from East Milham Avenue to East Kilgore Road, including the adoption of a Resolution authorizing the Acting City Manager to sign all documents related to the MDOT contract on behalf of the city; an agreement between the City of Kalamazoo and the City of Portage concerning funding for the replacement of the water main on Lovers Lane from I-94 to East Kilgore Road and authorize the Acting City Manager to sign all documents related to the project on behalf of the city.

FUNDING: FY 2021-2022 Capital Improvement Program Budget

Attachments:

1. MDOT Resolution #21-5515
2. City of Portage/City of Kalamazoo Lovers Lane Water Main Replacement Agreement

CITY OF PORTAGE
RESOLUTION

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2022 at 7:00 p.m., local time.

PRESENT: _____

ABSENT: _____

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

RESOLVED, that the City Council for the City of Portage does hereby authorize the Acting City Manager, Adam Herringa, to sign all documents related to Contract No. 21-5515 between the City of Portage and the Michigan Department of Transportation. This contract is for the construction improvements on Lovers Lane from East Milham Avenue to East Kilgore Road.

ADOPTED: YEAS:

NAYS:

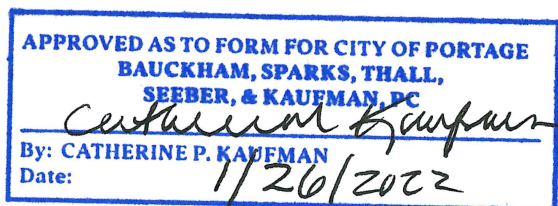
ABSENT:

Erica L. Eklov, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2022 that the foregoing is a true and complete copy of the original on file in my office.

Erica L. Eklov, City Clerk



**City of Portage/City of Kalamazoo
Water Main Replacement Agreement
Lovers Lane Road Reconstruction Project**

This Water Main Replacement Agreement, made and executed as of the _____ day of _____, 2022 (hereinafter referred to as the "Agreement") by and between the City of Portage, a Michigan municipal corporation (hereinafter referred to as "Portage"), of 7900 South Westnedge Avenue, Portage, Michigan 49002, Kalamazoo County, Michigan and the City of Kalamazoo, a Michigan municipal corporation (hereinafter referred to as "Kalamazoo"), 241 West South Street, Kalamazoo, Michigan, 49001, Kalamazoo County, Michigan.

WITNESSETH

Whereas, Portage has jurisdiction of Lovers Lane from East Milham Avenue to East Kilgore Road and Kalamazoo has jurisdiction of the water main in Lovers Lane from I 94 to East Kilgore Road and,

Whereas, Portage has identified, applied and received Michigan Department of Transportation approval for FY 2022 Federal funding for the reconstruction of the Lovers Lane roadway from East Milham Avenue to East Kilgore Road and,

Whereas, Section 18d of Act 51 of the Public Act of 1951, as amended. Provides that: "The State Highway Commissioner, Board of County Road Commissioners, and any incorporated City or village may enter into contracts providing for construction or reconstruction of highways including limited access highways under the jurisdiction of any of the contracting parties to the extent that the parties are otherwise authorized by law to expend monies on such highways, roads or streets, which contract shall provide for allocation of the share of the costs thereof to be borne by each of the governmental units in annual installments for a period not to exceed thirty (30) years."

Now, Therefore, in consideration of the covenants, mutual agreements, undertakings and conditions hereinafter contained, it is hereby agreed by and between the parties hereto as follows:

1. Portage agrees to administer and oversee the construction of this project and shall be responsible for overseeing bidding documents, reports, surveys, construction engineering for the roadway work, as well as any and all other activities necessary to construct the agreed upon improvements.
2. Portage shall administer all aspects of the project management, and construction engineering, and shall invoice Kalamazoo the total cost of the project as noted in Exhibit 1.

3. The revision to any design plans for the project shall be consistent with the Michigan Department of Transportation's most recent Standard Specifications for Construction and any other MDOT Supplemental Specifications, which may pertain to this construction. Each agency is responsible for its own respective staff engineering expense and professional services for Construction Engineering; therefore, there is no staff engineering charge as a part of this agreement.
4. It is agreed that said improvements shall be completed in accordance with the final plans and specifications as prepared by or under the supervision of Portage, or any variances thereof as approved by Portage's Engineer, and Kalamazoo's Engineer, said plans and specifications being made a part of this Agreement by reference as though fully set forth herein. All supervision for said project and final approval thereof shall be under the control of Portage and its Engineer or those parties to whom Portage duly designates such authority. Portage and its Engineer agree to regularly consult with Kalamazoo and its Engineer, or to those parties to whom Kalamazoo duly designates such authority, regarding the progress and status of said project. Kalamazoo is responsible for 100% of the construction costs for the Lovers Lane water main replacement. The estimated project water main replacement cost is noted in Exhibit 1.
5. The currently estimated total cost of the preparation of the construction as well as any and all other activities necessary to finalize plans for, fund and construct the agreed upon improvements, is \$190,915.12. It is understood that this is a preliminary estimate of all costs. Portage will invoice Kalamazoo for Kalamazoo's estimated share of the local construction prior to the start of construction as noted in Exhibit 1. Kalamazoo shall reimburse Portage the amount of such billings within thirty (30) days of the date of receipt by the Kalamazoo of such billing.
6. Upon completion of this project and the final audit of this project, a final accounting of all project costs shall be promptly made to Kalamazoo by Portage, accompanied by a billing of the final amount due from Kalamazoo to Portage. In the event there has been an overpayment made by Kalamazoo, a check from Portage in the amount of the overpayment made by Kalamazoo shall accompany the accounting. The accounts and records for this project shall be maintained by Portage and shall be available to Kalamazoo at all reasonable times for the purpose of review and audit.
7. In the event any disagreement concerning the terms and provisions of the Agreement shall occur, the parties shall, to the extent they are unable to resolve the disagreement between them, submit the dispute for arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association in effect at the time of the submission. The award rendered by the arbitrator shall be final, and judgment may be entered in accordance with applicable law in any court having jurisdiction thereof.
8. Indemnification by Parties. The parties agree to save, defend, indemnify and hold harmless the other, its board, officers, employees (the indemnified parties) from and

against all claims, damages, demands, expenses, liabilities and losses, including, but not limited to fines, costs, fees, and penalties imposed by any court or administrative agency, injury or damage to persons or property, relating to the design of this project. Provided, however, if such injury or damage is caused in whole or in part by the acts or omissions of the indemnified parties, then the indemnification obligation shall be reduced in proportion to the indemnified parties percentage of responsibility for such injury or damage. The indemnification obligations provided above shall include the payment of all reasonable attorney fees and other expenses of defense not covered through insurance relating to any of the above-referenced claims, damages and losses. In providing the indemnification set forth above, the parties are not waiving any defenses otherwise available to them by law. In the following circumstances the division of financial responsibility between Kalamazoo and Portage shall be as follows:

- A. If a court of competent jurisdiction or a jury makes a specific finding apportioning liability.
- B. No party shall be responsible for the indemnification obligations set forth above with respect to any indemnified party to the extent that the indemnified party as failed or refused to defend any claim or lawsuit brought against it, having had notice thereof, or to the extent that the indemnified party has waived a defense that was otherwise available by law.

9. Professional Liability Coverage

- A. During the term of this Agreement, any engineering firm or other professional services firm who contracts with Portage agreeing to provide professional services in regard to this project, shall maintain, in full force and effect, and its sole cost and expense, professional liability coverage (errors and omissions) covering actual or alleged error, statement, act, omission, neglect or breach of official duty, including misfeasance and malfeasance and nonfeasance in the amount of at least Two Million Dollars (\$2,000,000.00) per occurrence.
- B. Certificates of insurance with a policy required to be obtained shall be filed with the Kalamazoo and Portage within ten (10) days after execution of this Agreement and maintained annually during the term of this Agreement.
- C. The insurance policy, pursuant to this Agreement, shall contain in the following endorsement: It is hereby understood and agreed that this insurance policy may not be cancelled by the insurer not the intention not to renew be stated by the insured until thirty (30) days after receipt by Kalamazoo and Portage of a written notice of such intent to cancel or not renew. Said notice shall be sent to Kalamazoo and Portage. All insurance shall be affected under valid and enforceable policies insured by insurers licensed to do business by the State of Michigan.

- D. The professional services firm shall also agree to indemnify and save harmless Portage and Kalamazoo from and against the payment of any deductibles, self-insured retention and from the payment of any premium on any insurance policy required to be furnished by the Agreement.
 - E. Portage and Kalamazoo, their agents, elected officials and employees shall be included as additionally named insureds with respect to the professional liability coverage required above.
10. This agreement shall be binding on the parties hereto and in full force and effect upon the signing thereof by the duly authorized officials of the Kalamazoo and of Portage. This agreement is hereby declared to be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF KALAMAZOO

By:

James Ritsema

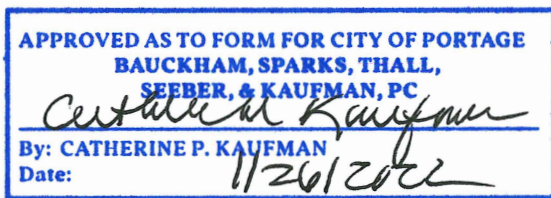
Its: CITY MANAGER

STATE OF MICHIGAN)
)SS.
COUNTY OF KALAMAZOO)

On this ____ day of _____, 2022, before me, a Notary Public, in and for said County and State, personally appeared James Ritsema, to me personally known, who, being by me duly sworn, did say that he is the City Manager of the City of Kalamazoo, Michigan, named in and which executed the within instrument and that said instrument was signed on behalf of said City of Kalamazoo, and said City Manager acknowledged said instrument to be the free act and deed of said Commission.

_____, Notary Public
_____, County, Michigan
My Commission Expires: _____
Acting in _____ County, Michigan

CITY OF PORTAGE



By: _____
Adam Herringa
Its: ACTING CITY MANAGER

STATE OF MICHIGAN)
)SS.
COUNTY OF KALAMAZOO)

On this ____ day of _____, 2022, before me, a Notary Public, in and for said County and State, personally appeared Adam Herringa, to me personally known, who, being by me duly sworn, did say that he is the Acting City Manager of the City of Portage, Michigan, named in and which executed the within instrument and that said instrument was signed on behalf of said City of Portage, and said Acting City Manager acknowledged said instrument to be the free act and deed of said Commission.

_____, Notary Public
_____, County, Michigan
My Commission Expires: _____
Acting in _____ County, Michigan

EXHIBIT 1

Project Number: 206299

Project Engineer: LAPS

Estimate Number: Contractor Pricing

Date Created: 10/22/2021

Date Edited: 2/7/2022

Project Type: Lovers Lane

Fed/State #:

Location: E Milham Avenue to Kilgore Road

Fed Item:

Description: City of Kalamazoo Water Main

Control Section:

Line	Pay Item	Description	Quantity	Units	Unit Price	Total
Category: 0003 Non-Participating (City of Kalamazoo)						
0059	8230040	Fire Hydrant	1.000	Ea	\$7,000.00	\$7,000.00
0060	8230052	Gate Valve and Box, 8 inch	1.000	Ea	\$1,900.00	\$1,900.00
0061	8230091	Hydrant, Rem	1.000	Ea	\$700.00	\$700.00
0064	8237001	_ Water Main, DI 12 inch, TR DET G	737.000	Ft	\$158.00	\$116,446.00
0065	8237001	_ Water Main, DI 6 inch, TR DET G	17.000	Ft	\$88.00	\$1,496.00
0066	8237001	_ Water Main, DI 8 inch, TR DET G	18.000	Ft	\$97.50	\$1,775.00
0067	8237050	_ Butterfly Valve and Box, 12 inch	8.000	Ea	\$4,306.00	\$34,448.00
0068	8237050	_ Connect to Existing Water Main, 10 inch	2.000	Ea	\$2,754.00	\$5,508.00
0069	8237050	_ Connect to Existing Water Main, 12 inch	2.000	Ea	\$3,716.00	\$7,432.00
0070	8237050	_ Connect to Existing Water Main, 8 inch	1.000	Ea	\$2,559.00	\$2,559.00
0071	8237050	_ Gate Valve, Rem	1.000	Ea	\$528.00	\$528.00
0073	8237050	_ Water Main Fittings	2,812.000	Ea	\$0.01	\$28.12
0074	8237050	_ Water Main Line Stop, 10 inch	1.000	Ea	\$6,600.00	\$6,600.00
0075	8237050	_ Water Main, 10 inch, Cut and Plug	2.000	Ea	\$892.00	\$1,784.00
0076	8237050	_ Water Main, 12 inch, Cut and Plug	2.000	Ea	\$962.00	\$1,924.00
0077	8237050	_ Water Main, 8 inch, Cut and Plug	1.000	Ea	\$787.00	\$787.00

Category 0003 Total: \$190,915.12

Estimate Total: \$247,881.92

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: MDOT Contract #21-5520 (South Westnedge Avenue, Mall Drive to Trade Centre Way)

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve Contract #21-5520 between the Michigan Department of Transportation and the City of Portage for microsurfacing of South Westnedge Avenue from Mall Drive to Trade Centre Way and adopt a Resolution authorizing the Acting City Manager to sign all documents related to the MDOT contract on behalf of the city.

Major street reconstruction projects are selected based on pavement condition, average daily traffic, and federal aid eligibility, as well as potential development activities. The FY 2021-2022 Capital Improvement Program (CIP) budget includes a project for the microsurfacing of South Westnedge Avenue from Mall Drive to Trade Centre Way. Microsurfacing is a tough layer of asphalt emulsion blended with finely crushed stone for traction that forms a protective seal coat that extends the life of the pavement. Microsurfacing is a cost-effective method to renew the road surface and seal minor cracks and other irregularities while prolonging the life of the pavement.

On December 15, 2020, Fleis & Vandenbrink was awarded an engineering service contract for design and construction engineering for this project. Because the project is partially funded by Federal Surface Transportation funding, the Michigan Department of Transportation (MDOT) is involved as a facilitator. The construction bid opening by MDOT was held on February 4, 2022. MDOT requires that an agreement with the local government agency be executed prior to construction award. The estimated total cost of the project is \$300,000 with \$200,000 in Federal Surface Transportation funds. The city share of \$100,000 will be financed through the Municipal Street Fund. Following the contract award by MDOT, construction will be completed in the summer of 2022.

It is recommended that City Council approve Contract #21-5520 between the Michigan Department of Transportation and the City of Portage for microsurfacing of South Westnedge Avenue from Mall Drive to Trade Centre Way and adopt a Resolution authorizing the Acting City Manager to sign all documents related to the MDOT contract on behalf of the city.

FUNDING: 2021-2022 Capital Improvement Program Budget

Attachments: 1. MDOT Resolution # 21-5520

CITY OF PORTAGE
RESOLUTION

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2022 at 7:00 p.m., local time.

PRESENT: _____

ABSENT: _____

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

RESOLVED, that the City Council for the City of Portage does hereby authorize the Acting City Manager, Adam Herringa, to sign all documents related to Contract No. 21-5520 between the City of Portage and the Michigan Department of Transportation. This contract is for the construction improvements on South Westnedge Avenue from Mall Drive to Trade Centre Way.

ADOPTED: YEAS:

NAYS:

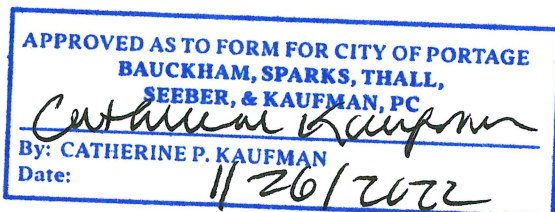
ABSENT:

Erica L. Eklov, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2022 that the foregoing is a true and complete copy of the original on file in my office.

Erica L. Eklov, City Clerk



TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Police Department Money Forfeiture

SUPPORTING PERSONNEL: Nicholas Arnold, Director of Public Safety - Police / Fire Chief
Catherine Kaufman, City Attorney

ACTION RECOMMENDED: Receive the report from the City Attorney and Director of Public Safety regarding the recovery of stolen property (funds) and authorize the Director of Finance to:

- a. return the noted portion of the stolen funds to the identified victim;
- b. hold the remainder of the funds in escrow for at least 60 days; and,
- c. deposit the remaining funds into the City's general fund after the 60-day period, as authorized by MCL 434.184.

The attached communication has been provided by the City Attorney and Director of Public Safety regarding the recovery of stolen property (funds) within the City of Portage. Per MCL 434.184, the City Council must be made aware and provide final direction regarding the disbursement of the property.

FUNDING: Of the \$40,524.99 in recovered stolen funds, approximately \$17,800 will be returned to the victim with the remaining approximately \$22,700 to be deposited in the city's General Fund following a 60-day hold.

Attachments: 1. Memorandum from the City Attorney regarding Police Money Forfeitures dated February 11, 2022

BAUCKHAM, SPARKS, THALL, SEEGER & KAUFMAN, P.C.

ATTORNEYS AT LAW

470 W. CENTRE AVE., SUITE A

PORTAGE, MI 49024-5362

TELEPHONE (269) 382-4500

FAX (269) 382-2040

www.michigantownshiplaw.com

ROBERT E. THALL
ROXANNE C. SEEGER
CATHERINE P. KAUFMAN
RANDALL L. BROWN
T. SETH KOCHES
LORI COATES HAY
JACOB G. ECCLESTON
JOSHUA E. THALL

JOHN H. BAUCKHAM
1923 – 2015

HARRY F. SMITH
1906 – 1972

OF COUNSEL
KENNETH C. SPARKS
MICHAEL D. SCHLACK

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: City Attorney Catherine P. Kaufman
Public Safety Director Nick Arnold

SUBJECT: Police Department Money Forfeiture

DATE: February 7, 2022

INTRODUCTION:

Over the last year and a half, our firm has assisted the Public Safety Department regarding its investigation of a fraud scheme perpetuated through social media. In brief, this matter involved scammers taking control of a City of Portage resident's bank accounts (located in the City of Portage) and transferring money fraudulently obtained from other victims in and out of those bank accounts.

In August 2020, following complaints made to the Department of Public Safety by Lake Michigan Credit Union and a City resident, the City's Department of Public Safety undertook investigation of these activities. The Department of Public Safety, working with Lake Michigan Credit Union, who had intercepted some of the fraudulently transferred funds, and Chase Bank, identified one of the fraud victims – a resident of Franklin County, Tennessee. On September 3, 2020, the Department of Public Safety served a search warrant on Chase Bank, freezing a bank account with \$40,524.99 in the account. Thereafter, the Department of Public Safety received a check for that amount, which has been placed and held in evidence.

As a part of the investigation, the Department of Public Safety identified a victim of the fraud – a resident of Franklin County Tennessee. The Department determined through investigation that this victim had sent \$17,800 to a bank account in the City of Portage. Despite thorough follow up, however, the Department of Public Safety has been unable to identify the perpetrator of the fraudulent activity. The Department has also been unable to identify any additional victims that

had been scammed out of the funds that were frozen in the bank account in the City of Portage and subsequently forwarded to the City as evidence.

The Department of Public Safety is not undertaking further investigation in this matter and needs to dispose of the funds that are currently being held in evidence. Accordingly, and pursuant to statute, a law enforcement agency that recovers stolen property within a city that is unclaimed for six months after recovery shall report the recovery of that property, including money, to the city council and shall request authority to dispose of the property as provided in the statute. MCL 434.181. Thereafter, the city council shall act upon the request of the police department not less than 60 days or more than 6 months after the receipt of the request. MCL 434.182. If approved, the City's police department (here the Department of Public Safety) shall deposit the money with the city treasurer to the credit of the city general fund. MCL 434.184.

Given the above statutory framework, it is our recommendation that the portion of the funds held in evidence that can be directly traced to the only identifiable victim – the Franklin County, Tennessee resident - be returned to this victim. The Department of Public Safety has the identity of this victim and has already been in contact with the Franklin County Sheriff's Department regarding this matter. If appropriate, the City Council can direct the City Treasurer to return these funds to this victim, through the auspices of the Department of Public Safety.

Regarding the remainder of the funds being held in evidence (approximately \$22,700), the City Council may direct that the funds be held by the City Treasurer in escrow for at least 60 days. After 60 days the City Council should direct the City Treasurer to deposit the funds into the City's general fund as authorized by statute.

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: New Polling Location Resolution

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Adopt the Resolution designating the Charles & Lynn Zhang Portage Community Senior Center at 203 East Centre Avenue as a polling location for the City of Portage.

Following the 2020 Census and related federal, state, and county redistricting, the Office of the City Clerk has begun re-evaluating polling locations for the City of Portage. As part of this effort, as well as with the development of the new Charles and Lynn Zhang Portage Community Senior Center, staff has begun the process of relocating three polling locations from the Portage Public Schools Central High Gymnasium, known as "The Stables."

Michigan Election Law (Act 116 of 1954) governs permitted polling location facilities, as well as the number of voters allowed in a precinct. The city's Election Commission met on February 4, 2022, to approve this relocation, but the creation of a new physical polling location must be approved by the local governing body. The addition of the large Portage Community Senior Center to the city building inventory, especially with its proximity to the PCHS Gymnasium, makes it a prime alternative and would eliminate the full-day interruption of Election Day from a Portage Public Schools facility. The proposed relocation would affect Precincts 5, 10, and 12. During Special and City elections, Precincts 5 and 10 are combined, creating only two precinct set-ups in one location. Only during State and Federal Primary and General elections would all three precincts need to operate. Additionally, the significant shift in recent voter behavior of participating in elections by way of absentee ballots versus voting in person should further alleviate potential polling location congestion.

The relocation would move the polling places for these three precincts only 0.6 miles north of the current location and affect approximately 7,000 of the city's 38,000 registered voters. Voter notification is an important step in the process of consolidating election precincts and changing voting locations. To meet State of Michigan requirements for establishing polling locations and informing voters within the affected precinct of the new polling location, the Office of the City Clerk would provide advanced notifications by mail with updated Voter Registration Cards, as well as articles in the Portager newsletter, on social media and with public notices. The notice would include an explanation of the change along with a map directing voters to their new location. This notification system has been successful in the past, with minimal inquiries or concerns received by the Office of the City Clerk.

It should be noted that the Office of the City Clerk and Portage Public Schools have a long history of working together in support of the electoral process. The relocation efforts currently underway have been collaborative with the Portage Public Schools and the Office of the City Clerk working together for the

benefit of residents of the City of Portage, as well as the school district.

It is recommended that City Council adopt the Resolution designating the Portage Community Senior Center at 203 East Centre Avenue as a polling location for the City of Portage.

FUNDING: Funding is included in the FY 2021-22 and FY 2022-23 City Clerk budget for election costs. This relocation is expected to save approximately \$2,800 to \$4,000 a year in removing the need to rent rugs to protect the PPS gym floors, folding chairs, and tables for the polling location.

Attachments: 1. Resolution to Add Precinct Location

**CITY OF PORTAGE, MICHIGAN
RESOLUTION TO ADD A NEW PRECINCT LOCATION**

WHEREAS, the polling location for the City of Portage Precincts 5, 10 and 12 are presently located at the Portage Public Schools Central High School “Stable” Gymnasium; and

WHEREAS, the City of Portage City Clerk has determined that the new Charles & Lynn Zhang Portage Community Senior Center located at 203 East Centre Avenue would be able to host three (3) precincts; and

WHEREAS, the City of Portage City Clerk has determined that the polling location for Precincts 5, 10 and 12 be relocated from the Central High School “Stable” Gymnasium to the new Charles & Lynn Zhang Portage Community Senior Center at 203 East Centre; and

WHEREAS, the City of Portage City Clerk continues efforts begun by the city in 2013 to remove city polling locations from school properties in an effort to maintain student safety and minimize disruption to Portage Public Schools transportation; and

WHEREAS, on February 4, 2022, the City of Portage Election Commission, in accordance with Chapter 12 of the City of Portage Charter, approved city polling locations to include the new Charles & Lynn Zhang Portage Community Senior Center located at 203 East Centre Avenue; and

WHEREAS, per Section 168.662 of PA 116 of 1954 “Michigan Election Law,” the legislative body in each city, village, and township is responsible for determining the location of polling places in the jurisdiction.

NOW THEREFORE, BE IT RESOLVED THAT: the following location is established as a polling place for all future elections in the City of Portage.

- Charles & Lynn Zhang Portage Community Senior Center – 203 East Centre Avenue, Portage, MI 49002

BE IT FURTHER RESOLVED THAT: all resolutions and/or parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

ABSENT: _____

Erica Eklov, City Clerk

CERTIFICATION

STATE OF MICHIGAN)
) ss
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of Michigan, do hereby certify that the foregoing is a true and complete copy a resolution adopted a regular meeting of the City Council of said city, held on the _____ day of _____, 2022, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature this of _____ day of _____, 2022.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Adoption of Bond Resolution

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Adopt the Notice of Intent Resolution to fund construction of Fiscal Year 2021-2022 capital improvement projects, in an amount not to exceed \$4,000,000.

The 2021-2031 Capital Improvement Program (CIP) budget includes proceeds from bonds as part of the total revenue to fund projects each fiscal year. To ensure a solid foundation for the CIP fund, and to take advantage of current low interest rates, bonding for projects approved and appropriated during Fiscal Year 2021-2022 is necessary. CIP projects considered for this issuance of bonds include:

Parks Improvements and Development

- Construction of a pavilion with a restroom, parking lot, lighting, landscaping, and repaving of a walking trail at Lexington Green Park, located at 4750 Pittsford Avenue.
- Construction of Martin Luther King, Jr. Park, including a memorial and a parking lot located at the northeast corner of Constitution Boulevard and Mall Drive.
- Engineering design for removal and remediation of the Elijah Root Mill Dam located on Portage Creek, north of Milham Avenue between Lovers Lane and the Portage Creek Bicentennial Park Trail

Streets and Sidewalks

- Reconstruction and improvements to city streets to improve surfaces on Lovers Lane from East Milham Avenue to East Kilgore Road and South Westnedge Avenue from Mall Drive to Trade Centre Way.
- Design engineering for the reconstruction of Portage Road, East Centre Avenue to Romence Road Parkway, Shaver Road, South City Limits to Vanderbilt Avenue, and South Westnedge Avenue, Melody Avenue to Centre Avenue.
- Traffic signals and roadway improvements at Portage Road and Forest Drive intersection.

The issuance of bonds in an amount up to \$4,000,000 will be the funding mechanism to pay for the above 2021-2022 CIP projects. In Fiscal Year 2021-2022, approximately \$8.6 million in debt principal will be paid and redeemed. With the addition of the new debt, total debt will decrease by \$4.6 million from the prior fiscal year to an overall balance of approximately \$56.6 million.

The attached bond resolution was prepared by the City of Portage Bond Counsel. If approved, the resolution approving the Notice of Intent to issue Capital Improvement bonds will be published. A resolution authorizing the issuance of the Capital Improvement Bonds, Series 2022, and approving the Undertaking to Provide Continuing Disclosure will be presented at the March 22, 2022, City Council meeting. It is recommended that City Council approve the resolution approving the Notice of Intent to Issue Capital Improvement Bonds in an amount not to exceed \$4,000,000.

FUNDING: N/A

Attachments: 1. City of Portage NOI Resolution

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage, Michigan, held on the _____ day of _____, 2022, at __: __ .m., Eastern Standard Time, at the City Hall in Portage, Michigan there were:

PRESENT: _____

ABSENT: _____

The following preambles and resolution were offered by _____ and seconded by _____:

NOTICE OF INTENT RESOLUTION

City of Portage

Capital Improvement Bonds, Series 2022

WHEREAS, there have been prepared and presented to the City Council (the "Council") of the City of Portage, Michigan (the "City"), a description of improvements to the City of Portage (the "Capital Improvement Project"), all as more fully described in EXHIBIT A, pursuant to the terms of Act No. 34, Public Acts of Michigan, 2001 as amended ("Act 34"); and

WHEREAS, it has been estimated that the period of usefulness of the Capital Improvement Project is not less than 20 years and that the total cost of the Capital Improvement Project and issuing the Bonds will not exceed \$4,000,000 to be provided by the proceeds from the sale of bonds by the City pursuant to Act 34; and

WHEREAS, the City proposes to undertake the Capital Improvement Project and to incur taxable or tax-exempt debt (the "Reimbursement Obligations") to finance all or a portion of the costs of the Capital Improvement Project; and

WHEREAS, the City may make certain expenditures for said Capital Improvement Project prior to issuance of the Reimbursement Obligations and may wish to use the proceeds of the Reimbursement Obligations to reimburse all or a portion of said expenditures; and

WHEREAS, it is in the public interest and for the public benefit that the City designate an authorized officer for the purposes of declaring official intent of the City with respect to expenditures; and

WHEREAS, there has been prepared and attached hereto as APPENDIX I a form of notice entitled "NOTICE OF INTENTION OF THE CITY OF PORTAGE TO ISSUE CAPITAL IMPROVEMENT BONDS AND NOTICE OF RIGHT TO PETITION FOR REFERENDUM THEREON" (the "Notice of Intention").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, MICHIGAN, AS FOLLOWS:

1. **Approval of Plans:** The preliminary plans and estimates relating to the Capital Improvement Project and identified in EXHIBIT A hereto are hereby approved and ordered filed with the City Clerk.

2. **Insertion of Notice of Intent:** It is hereby determined that the Notice of Intention provides information sufficient to adequately inform the electors and taxpayers of the City of the nature of the obligations to be undertaken by the City by the issuance of the bonds and of their right under Act 34 to file a petition requesting a referendum election on the issuance of the bonds.

3. **Form of Notice of Intent:** The form and content of the Notice of Intention as set forth in Appendix I, are hereby approved, and the City Clerk is hereby authorized and directed to cause the Notice of Intention to be published once in the *Kalamazoo Gazette*, a newspaper of general circulation within the City which is hereby determined to be the newspaper reaching the largest number of electors and taxpayers of the City. The notice shall be inserted in an advertisement at least one-third of a page in size.

4. **Referendum Period:** The referendum period within which voters and taxpayers shall have the right to circulate petitions is 45 days after publication of the notice of intention authorized in paragraph 2.

5. **Official Intent:** The Finance Director of the City is hereby authorized to declare official intent of the City with respect to reimbursement.

6. **Individual Declarations of Intent:** Each declaration of official intent shall be substantially in the form set forth in APPENDIX II attached hereto and by this reference incorporated herein, and said form may be modified from time to time on the advice of bond counsel to the City and as necessary to conform to requirements of the reimbursement regulations as the same may be adopted by the Internal Revenue Service or amended from time to time, or with the requirements of applicable rulings or regulations relating to tax-exempt borrowings.

7. **Filing Official Intent:** The Finance Director of the City is hereby directed to file each declaration of official intent in the office of the Clerk of the City of Portage, which location constitutes the customary location of the records of the City which are available to the general public.

8. **Declarations of Intent Available:** The City Clerk is further directed to assure that each declaration of intent is continuously available during normal business hours of the City on every business day of the period beginning the earlier of 10 days after the date of execution of said declaration of intent and ending on the date of issuance of the Reimbursement Bonds.

9. **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.

10. **Retention of Financial Consultants.** 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.

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

12. **Effective Date.** This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the City 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.

STATE OF MICHIGAN)

)ss.

CITY OF PORTAGE)

The undersigned, being the duly qualified and acting Clerk of the City of Portage, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the City of Portage City Council at its Virtual meeting held on the 22nd day of February, 2022, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that minutes of such meeting were kept and will be or have been made available as required thereby.

Clerk, City of Portage

DATED: _____, 2022

Approved as to Form

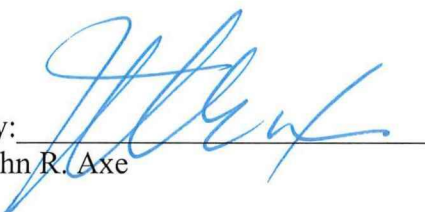
By: 
John R. Axe

EXHIBIT A

Capital Improvement Bonds, Series 2022

Project Descriptions

Park Improvements and Development – Construction of pavilion with a restroom, parking lot, lighting, landscaping and repaving of a walking trail at Lexington Green Park, located at 4750 Pittsford Avenue. Construction of Martin Luther King, Jr. Park located at the northeast corner of Constitution Boulevard and Mall Drive, including a memorial and a parking lot. Engineering design for removal and remediation of the Elijah Root Mill Dam located on Portage Creek, north of Milham Avenue between Lovers Lane and the Portage Creek Bicentennial Park Trail.

Streets and Sidewalks - Reconstruction and improvements to city streets to improve surfaces on Lovers Lane from East Milham Avenue to East Kilgore Road and South Westnedge Avenue from Mall Drive to Trade Centre Way. Design engineering for reconstruction of Portage Road, East Centre Avenue to Romence Road Parkway, Shaver Road, South City Limits to Vanderbilt Avenue, and South Westnedge Avenue, Melody Avenue to Centre Avenue. Traffic signal and roadway improvements at Portage Road and Forest Drive intersection.

TOTAL COST ESTIMATES

Construction Costs, Acquisition Costs,
Architects, Engineering Costs
Furnishing and Equipment Costs,
Financing Costs, & Contingency

\$4,000,000

Total For Project:

\$4,000,000

APPENDIX I

NOTICE OF INTENTION OF THE CITY OF PORTAGE TO ISSUE NOT TO EXCEED \$4,000,000 IN CAPITAL IMPROVEMENT BONDS AND NOTICE OF RIGHT TO PETITION FOR REFERENDUM THEREON

TO ALL ELECTORS AND TAXPAYERS OF
THE CITY OF PORTAGE:

NOTICE IS HEREBY GIVEN that the City Council of the City of Portage, Michigan (the "City"), has authorized the issuance of not to exceed \$4,000,000 in Capital Improvement Bonds to provide for the acquisition and construction of improvements to the City of Portage located in the City described in Exhibit A attached hereto (the "Capital Improvement Project"). The Bond Resolution will provide further that the City will finance all or a portion of the total cost of the Capital Improvement Project by the issuance of one or more series of capital improvement bonds (the "Bonds") pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"). The maximum amount of Bonds to be issued in one or more series shall not exceed \$4,000,000, the term of the Bonds shall not exceed 25 years and the Bonds shall bear interest at a rate or rates that will result in a net interest cost of not more than 5% per annum. The maximum Capital Improvement Project cost is estimated at not to exceed \$4,000,000.

FULL FAITH AND CREDIT AND TAXING POWER OF THE CITY OF PORTAGE WILL BE PLEDGED

NOTICE IS FURTHER GIVEN that in the Bond Resolution the City will obligate itself to make payments to the Bond Holder in amounts sufficient to pay the principal of and interest on the Bonds. The limited tax full faith and credit of the City will be pledged for the making of such bond payments. Pursuant to such pledge of its full faith and credit, the City will be obligated to levy such ad valorem taxes upon all taxable property in the City as shall be necessary to make bond payments, which taxes, however, will be subject to applicable statutory and constitutional limitations on the taxing power of the City. In addition to its obligation to make payments on the Bonds, the City will agree in the Bond Resolution to pay all costs and expenses of operation and maintenance of the Capital Improvement Project and all expenses of the City incidental to the issuance and payment of the Bonds, to the extent such expenses are not payable from the proceeds of the Bonds.

RIGHT TO PETITION FOR REFERENDUM

NOTICE IS FURTHER GIVEN to the electors and taxpayers of the City to inform them of the right to petition for a referendum on the question of issuing the Bonds. The City intends to issue the Bonds without a vote of the electors thereon. If, within 45-days after publication of this notice, a petition for referendum requesting an election on the Bonds, signed by not less than 10% or 15,000 of the registered electors of the City, whichever is less, has been filed with the City Clerk, the Bonds shall not be issued unless and until approved by a majority of the electors of the City voting thereon at a general or special election.

This notice is given by order of the City Council pursuant to Act 34. Further information may be obtained at the office of the City of Portage City Clerk, 7900 S. Westnedge Avenue, Portage, Michigan 49002.

EXHIBIT A

Capital Improvement Bonds, Series 2022

Project Descriptions

Park Improvements and Development – Construction of pavilion with a restroom, parking lot, lighting, landscaping and repaving of a walking trail at Lexington Green Park, located at 4750 Pittsford Avenue. Construction of Martin Luther King, Jr. Park located at the northeast corner of Constitution Boulevard and Mall Drive, including a memorial and a parking lot. Engineering design for removal and remediation of the Elijah Root Mill Dam located on Portage Creek, north of Milham Avenue between Lovers Lane and the Portage Creek Bicentennial Park Trail.

Streets and Sidewalks - Reconstruction and improvements to city streets to improve surfaces on Lovers Lane from East Milham Avenue to East Kilgore Road and South Westnedge Avenue from Mall Drive to Trade Centre Way. Design engineering for reconstruction of Portage Road, East Centre Avenue to Romence Road Parkway, Shaver Road, South City Limits to Vanderbilt Avenue, and South Westnedge Avenue, Melody Avenue to Centre Avenue. Traffic signal and roadway improvements at Portage Road and Forest Drive intersection.

TOTAL COST ESTIMATES

Construction Costs, Acquisition Costs,
Architects, Engineering Costs
Furnishing and Equipment Costs,
Financing Costs, & Contingency

\$4,000,000

Total For Project:

\$4,000,000

Erica Eklov
City Clerk

DATED: [Date of Publication]

APPENDIX II

FORM OF DECLARATION OF OFFICIAL INTENT

I, the undersigned _____ of the City of Portage, Michigan, do hereby certify as follows:

1. I am an officer of the City authorized to declare official intent of the City to reimburse expenditures made, prior to the issuance of debt, from the proceeds of said debt.

2. This Declaration relates to the following expenditures (the "Expenditures"):

Amount

General Purpose

3. The Expenditures are with respect to property (the "Property") having:

(A) the following general character, type or purpose:

_____;

(B) the following size, quantity or cost: _____; and

(C) a reasonably expected economic life at least one (1) year.

4. I understand that a substantial deviation between the above description of the Property for which the Expenditures are being made and the actual Property which is acquired or constructed will invalidate this declaration of official intent with the result that any proceeds of tax-exempt debt which are used to reimburse for the Expenditures will not be deemed to have been expended upon such reimbursement.

5. The City intends to reimburse the Expenditures by incurring taxable or tax-exempt debt (the "Reimbursement Obligations").

6. The expected source of funds that will be used to pay the Expenditures is as follows: _____.

7. The expected source of funds to be used to pay debt service on the Reimbursement Obligation is as follows: _____.

8. This declaration of intent is consistent with the budgetary and financial circumstances of the City as of the date hereof in that there are no funds which are now or are reasonably expected to be, (A) allocated on a long-term basis, (B) reserved, or (C) otherwise available pursuant to the City's budget, to pay the Expenditure.

9. The City does not have a pattern of failure to reimburse expenditures for which official intent has been declared in that at least seventy-five percent (75%) of all expenditures made after _____, for which the City has declared an intent to reimburse from the proceeds of taxable or tax-exempt debt have been, or are expected to be, so reimbursed.

10. I acknowledge that in the event that the City fails to use the proceeds of Reimbursement Obligations issued within three (3) years of the date hereof to reimburse expenditures the same may adversely affect the ability of the City to use the proceeds of tax-exempt obligations in the future to reimburse for expenditures made prior to the issuance of such obligations.

11. I further acknowledge that unless the Expenditures constitute preliminary expenditures (in the nature of architect services and soil testing but excluding land acquisition) for the Property not in excess of ten percent (10%) of the expected cost of the Capital Improvement Project of which the Property constitutes a part, the Expenditures will be paid within not in excess of two (2) years following the date hereof or, as an alternative, this declaration of intent will be renewed.

12. I further acknowledge that it is expected that the proceeds of Reimbursement Obligations will be used for reimbursement of each Expenditure not later than (A) the date that is one (1) year after the date on which such Expenditure is paid, or (B) the date that is one (1) year after the date on which the Property is placed in service.

13. I further acknowledge that I will assure that the allocation referenced in item 12 (A) will be evidenced by an entry on the records of the City maintained with respect to the Reimbursement Obligations, (B) will specifically identify the Expenditure being reimbursed, and (C) on the advice of the appropriate counsel will be sufficient to relieve the allocated proceeds of the Reimbursement Obligations covered by such entry from any restrictions under the relevant legal documents and applicable state law that apply only to unspent proceeds of Reimbursement Obligations.

14. I further acknowledge that I will assure that except as referenced in item 15 the proceeds of the Reimbursement Obligations that are used to reimburse the Expenditures will not be used, directly or indirectly, (A) to pay debt service on an issue of tax-exempt obligations, (B) to create or increase the balance in a sinking fund established for the payment of debt service on the Reimbursement Obligations or another issue of tax-exempt obligations of the City or to replace funds that have been, are being, or will be so used for reserve or replacement fund purpose, or (C) to reimburse any expenditures or any payment with respect to financing of an expenditure that was originally paid with proceeds of any tax-exempt obligations of the City to any person or entity other than the City.

15. I understand that item 14 does not prohibit the use of those proceeds of the Reimbursement Obligations that are used to reimburse the Expenditures for (A) deposit in a bona fide debt service fund (that is, a fund established to pay debt service on any tax-exempt obligation of the City, other than the Reimbursement Obligation, which is depleted annually except for a reasonable carry over amount not in excess of one (1) year's interest earnings on said fund or one-twelfth (1/12th) of annual debt service), (B) to pay current debt service coming due within the next succeeding one-year period on any tax-exempt obligation of the City, other than the Reimbursement Obligations, or (C) to reimburse for expenditures originally made from the proceeds of a tax-exempt obligation of the City which were not reasonably expected by the City, on the date of issue of such obligation, to be used for such expenditure.

IN WITNESS WHEREOF, the undersigned has executed this declaration of official intent this _____ day of _____, ____.

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Revised Industrial Tax Abatement Incentive Policy

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development
Erica Eklov, City Clerk
Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Adopt the revised Industrial Tax Abatement Incentive Policy and Fee Resolution.

The Plant Rehabilitation and Industrial Development Districts Act, (known as the Industrial Facilities Exemption) PA 198 of 1974, as amended, provides a tax incentive to manufacturers to enable renovation and expansion of aging facilities, assist in the building of new facilities, and to promote the establishment of high tech facilities. An Industrial Development District (IDD) must be created prior to initiating a project. An Industrial Facilities Exemption (IFE) certificate entitles the facility to exemption from ad valorem real and/or personal property taxes for a term of 1 to 12 years as determined by the local unit of government. Applications are filed, reviewed and approved by the local unit of government, but the State Tax Commission (STC) is ultimately responsible for final approval and issuance of certificates. Exemptions are not effective until approved by the STC.

Over the course of the last year, staff have worked to streamline the existing City Council Industrial Tax Abatement Incentive Policy and associated documents, in order to make the process more efficient for both staff and applicants. The policy was last updated in March 2015. Since that time, the City Administration has taken on a new legal firm, as well as new staff in the Finance Department, both of which have brought a fresh perspective and insight toward improving the city's current policy and procedures. Furthermore, the city has received more applications to modify existing districts due to the manner in which the current policy structures a district's boundaries. This has resulted in unnecessary complications for both staff and applicants.

The proposed revisions to the Industrial Tax Abatement Incentive Policy are as follows:

- Update the district boundary stipulations to capture the parcel boundaries instead of a building footprint. (This will negate applicants needing to apply for a district amendment each time a building expansion is desired.)
- Eliminate the need for four resolutions and accomplish the needed tasks in two resolutions. Currently, Resolution #1 sets the first public hearing, while Resolution #2 approves establishment of a district, Resolution #3 sets a separate public hearing for the proposed tax abatement, and Resolution #4 approves the tax abatement. Going forward, the City Administration will simply add a communication to a Regular Meeting agenda introducing the matter and request City Council to set the date for the first public hearing. The first resolution will

encompass establishment of the district and set the public hearing for the proposed tax abatement. The second resolution, under the proposed revision, would accomplish approval of the tax abatement. This will also allow the Industrial Tax Abatement Incentive application review process to be accomplished in three Regular Meetings of Council instead of four.

- Update the City Administration reports to City Council to reflect current industry standards.
- Firm the procedure for approved applicants to submit an annual status report to the City Assessor. In turn, the consequence of failing to report to the city in a timely manner and fulfill the promised improvements for the certificate holder would be to receive a non-compliant status, detailed on the annual list of certificate holders presented to City Council each August. The certificate holder's non-compliance status would also affect whether any future applications or modifications are granted or denied by the City Council.
- Increase the required application review fee from \$1,855 to \$2,000. MCL 207.555(3) limits the amount of an exemption certificate application fee that may be charged by a unit of local government to the lesser of the actual cost of processing the application or 2% of total property taxes abated during the term that the exemption certificate is in effect. The last time the City of Portage Industrial Facility Tax Abatement application fee was updated was 2016 from \$1,800 to the current \$1,855. The Finance Department conducted a review of staff time associated with Tax Abatement application review to ensure consistency and associated staff review costs have increased since 2016. A history of the fees is as follows:

YEAR	FEE
1993	\$850
2001	\$1300
2003	\$1800
2006	\$1800 (or 2% whichever is less)
2016	\$1855 (or 2% whichever is less)

In light of the above information, it is recommended that City Council adopt the revised Industrial Tax Abatement Incentive Policy and Fee Resolution. Red-line/Strikeout versions of the associated documents are attached for reference.

FUNDING: The policy revisions will not cause additional expenditures to the General Fund. Alternatively, the application fee will be updated from \$1,855 to \$2,000 to better reflect the staff time incurred and total capturable amount as authorized by the State of Michigan.

Attachments:

1. INDUSTRIAL TAX ABATEMENT POLICY (mark up)
2. INDUSTRIAL TAX ABATEMENT POLICY (clean)
3. Fee Resolution

CITY OF PORTAGE INDUSTRIAL TAX ABATEMENT INCENTIVE POLICY

The City of Portage encourages the growth and development of the local industry and business tax base, the creation of additional job opportunities for community residents, and desires to continue to provide incentives for industry and business expansion. The City Council also recognizes the essential responsibility to the community to maintain the array of public services necessary to ensure the high quality of life that exists in Portage. To facilitate tax base expansion and to fulfill these responsibilities, the City Council hereby establishes this City of Portage Industrial Tax Abatement Incentive Policy.

The City of Portage is *A Natural Place to Move*. To continue to be a community in which growth and development can prosper, the following attributes important to all industries and businesses will be maintained:

- **Low Tax Rate.** The maintenance of the lowest feasible tax rate compared to other full-service cities is essential to economic development and will facilitate expansion and job creation: A very competitive City of Portage tax rate will be continued.
- **Utility Service Rates.** The maintenance of competitive utility rates is also important to provide opportunities for continued growth and development: ~~Cost~~Cost-effective rates and the efficient delivery of utility services by the City of Portage will be continued.
- **Capital Improvements.** Investments in the existing public street, water, and sewer infrastructure and the expansion of these public systems are necessary and will encourage additional private sector investment: The annual 10-year Capital Improvement Program budget will continue to reflect essential public improvements within the community.
- **Quality of Life Investments.** To provide opportunities for industry and business expansion and to ensure high quality of life standards, public safety, business and neighborhood services, cultural and recreational programming and related community attributes must be maintained: Quality of life investments will be continued by the City of Portage to foster a safe, *Living, Working and Learning* community.

In addition to these important locally-determined economic development and growth factors, the City Council will offer eligible industries and businesses the opportunity to apply for property tax abatements under Michigan sStatute in order to induce further private sector investment in the community.

Inquiries concerning this policy can be directed to the Department of Community Development (269.329.4477), in Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002.

DATE OF ADOPTION BY CITY COUNCIL: ~~March 10, 2015~~ February, 2022

PA 198 Plant Rehabilitation and Industrial Development District Policy Review Criteria

The City Council will consider economic inducements in the context of tax abatement applications received under Michigan statute based on the following general policy criteria and more specific tax abatement provisions. These standards will be equally applied during the review of abatement applications from eligible local and out-of-town industries and businesses.

- *The project will promote diversification of the City of Portage economy and tax base;*
- *The project will promote the revitalization of aging and/or obsolete buildings and facilities;*
- *The project for which the tax abatement is requested will provide a diverse employment base for the workforce;*
- *The development or redevelopment of a proposed industrial facility or the revitalization of an existing business facility will be consistent with community land use objectives and environmental objectives.*
- *The expanded or new industrial facility or the revitalized commercial facility can be accommodated by present and/or future requirements for city services including roads, public utilities, and public safety;*
- *The applicant meets current financial obligations to the city and ~~is in compliance~~ complies with all applicable statutes and city ordinances;*
- *The applicant has no pending or current litigation against the city (including appeals to the Michigan Tax Tribunal);*
- *A public purpose would be served (i.e. to expand the tax base, promote income growth and capital investment in the community, to develop/expand technology, advance manufacturing, life science, and other targeted business with ~~an~~ anticipated future growth, create new/retain existing jobs, as well as any applicable multiplier effects of additional employment associated with a project);*
- *City Council finds that the project impacts, including benefits, costs, and environmental impacts of the proposed industrial facility, will benefit the community and will not result in the impairment of the operation, or the financial soundness, of any taxing jurisdiction.*

The above-mentioned criteria are not intended to be exhaustive and the Portage City Council reserves the right to consider such additional criteria, which are intended under these goals and objectives that promote the general health, safety, and welfare principles of the City of Portage. ~~Periodic~~ A periodic review of this policy will be necessary to ensure consistency with the community objectives and needs.

Industrial Tax Abatement Application Information

The following sections reference the framework for processing and considering industrial tax abatement applications as provided under Public Act 198 of 1974, Plant Rehabilitation and Industrial Development Districts Act, as amended. This policy, these procedures, and related provisions will assist the industrial community in the continuing effort to contribute to the health and vibrancy of the City of Portage. The following sections address:—

1. Process for Consideration of an Industrial Development or Plant Rehabilitation District Application
2. Process for Consideration of an Industrial Facilities Exemption Certificate Application
3. Industrial Tax Abatement Incentive Provisions
4. Industrial Project Reporting/Monitoring
5. Transfer of an Industrial Facilities Exemption Certificate and Certificate Revocation
6. Final Project Cost Differences
7. Time Extensions for Facility Completion
8. Dissolving an Industrial Development or a Plant Rehabilitation District

1. Process for Consideration of an Industrial Development District or Plant Rehabilitation District Application

Applicants requesting the establishment of an industrial development district or plant rehabilitation district must file with the City Clerk a:—

- Letter of request and ~~four~~two copies of the current Michigan Department of Treasury Form 1012 (attached).
- Legal description, site plan, and survey of the proposed district (on 8-1/2 inch by 11-inch paper), which will conform to the ~~outer perimeter of the building foundation~~ legal description boundary and site improvements necessary for the operation of the facility (including access drives, off-street parking and loading areas, water, sanitary sewer, and storm-water facilities).
- Construction schedule for real property improvements.
- ~~For personal property, a complete listing of personal property~~ assets to be included in the total project investment ~~provided, s is to be provided.~~
- If applicable, provide a copy of the real property/facility and or personal property/equipment lease(s). The term of any lease must be at least as long as the tax abatement period requested.
- Complete listing of Annual salaries of the jobs(s) expected to be created and retained within two years of project completion.
- Notarized statement that the company ~~is in compliance~~complies with applicable environmental requirements and whether ~~or not~~ the company is under enforcement action by the Michigan ~~DEQ~~EGLE Department or US EPA.
- The filing fee is ~~\$1,800~~\$2,000, or two percent of the total property taxes abated under the act for the term that the industrial facilities exemption certificate is in effect, whichever is less, as specified by statute. (The fee covers, in part, costs of processing the application, including legal costs, publication expenses, document retention, and associated costs.)

Consistent with statutory provisions, applications for the establishment of an industrial development or plant rehabilitation district shall be filed and can only be approved ~~prior to~~before the commencement of construction, alteration, or installation of, or of an acquisition related to, the proposed replacement facility or a new facility. Also, all additional statutory requirements of PA 198 of 1974, as amended, applicable to the establishment of an industrial development or plant rehabilitation district must be fulfilled.

A public hearing will be scheduled by City Council to consider the application. The applicant will be notified of the date of the hearing and proper legal notices will be prepared, mailed, and published by the City Clerk. The applicant must attend the public hearing for the establishment of the district.

Final approval on the establishment of the district will be decided by City Council. The application will be reviewed by the Portage City Administration and a report will be prepared for City Council.

The report will specifically review the impacts, benefits and costs of the proposed project on the community, which will include a:—

- ~~Project impact analysis, which will examine of the proposed facility;~~
- Preliminary environmental assessment, which will examine the availability of utilities, relevant environmental conditions, land and water resources that may be affected including impacts on adjacent properties; and
- Property tax analysis, which will estimate taxes received by affected taxing units with and without the abatement and the total abatement valuation percentage approved in the city.

2. Process for Consideration of an Industrial Facilities Exemption Certificate Application

For applicants that have ~~filed an application~~applied to create a new district, and the establishment of the new district is approved, the application will immediately proceed to consideration of the industrial facilities exemption certificate, or within not more than ~~90~~60 days after the establishment of a new district.

For applicants wishing to ~~file an application~~apply for an additional industrial facilities exemption certificate within an existing district, the applicant must file a:—

- Letter of request and ~~four~~two copies of the applicable Michigan Department of Treasury Form 1012 (attached) to the Office of the City Clerk.
- ~~Legal description, site plan, and survey of the proposed district (on 8-1/2 inch by 11-inch paper), which will conform to the outer perimeter of the building foundation~~legal description boundary and site improvements necessary for the operation of the facility (including access drives, off-street parking and loading areas, water, sanitary sewer, and storm-water facilities).
- Construction schedule for real property improvements.
- ~~For personal property, a complete listing of personal property~~ assets to be included in the total project investment provided~~s is to be provided.~~
- If applicable, provide a copy of the real property/facility and or personal property/equipment lease(s). The term of any lease must be at least as long as the tax abatement period requested.
- Complete listing of Annual salaries of the job~~s~~(s) expected to be created and retained within two years of project completion.
- Notarized statement that the company ~~is in compliance~~complies with applicable environmental requirements and whether or not the company is under enforcement action by the Michigan ~~DEQ~~EGLE Department or US EPA.
- Copy of the Portage resolution establishing the industrial development or plant rehabilitation district.
- The filing fee is ~~\$1,800~~\$2,000, or two percent of the total property taxes abated under the act for the term that the industrial facilities exemption certificate is in effect, whichever is less, as specified by statute. (The fee covers, in part, costs of processing the application, including legal costs, publication expenses, document retention, and associated costs.)

Consistent with statutory provisions, applications for the consideration of an industrial facilities exemption certificate shall be filed within six months after the commencement of the restoration, replacement, or construction of the facility. Also, all additional statutory requirements of PA 198 of 1974, as amended, applicable to the approval and granting of an industrial facilities exemption certificate must be fulfilled.

~~Prior to~~Before consideration of a certificate application by the City Council, the statute requires the applicant to enter into a written tax abatement agreement with the City of Portage that includes conditions to be fulfilled during the period of the tax abatement. The applicant is also required to sign

an affidavit with regard to fees concerning any payments made to the city. The agreement and affidavit will be provided by the city.

A public hearing will be scheduled by City Council to consider the application. The applicant will be notified of the date of the hearing and proper legal notices will be prepared, mailed, and published by the City Clerk. The applicant must attend the public hearing for the industrial facilities exemption certificate.

Final approval of the certificate will be decided by City Council not more than 60 days after receipt of the application by the City Clerk. For applicants filing an application for a certificate within an existing district, the application will be reviewed by the Portage City Administration and a report prepared for City Council. The report will specifically review the impacts, benefits and costs of the proposed project on the community, which will include a:—

- ~~Project impact analysis, which will examine benefits and costs of the proposed facility;~~
- Preliminary environmental assessment, which will examine the availability of utilities, relevant environmental conditions or land and water resources that may be affected including impacts on adjacent properties; and
- Property tax analysis, which will estimate taxes received by affected taxing units with and without the abatement and the total abatement valuation percentage approved in the city.

To expedite the review process noted in steps 1 and 2 above, the public hearing to review and consider the creation of a new or expanded district; and the public hearing to review and consider an application for an exemption certificate may be scheduled at the same City Council meeting.

3. Industrial Tax Abatement Incentive Provisions

The following incentives are considered inducements to encourage eligible industrial investment in the community:—

1. An industrial development district or plant rehabilitation district may be established and an industrial facilities exemption certificate may be recommended for approval only when the new or replacement facility is located:—
 - a. within the general industrial areas identified in the Portage Comprehensive Plan, Future Land Use Plan map; and
 - b. where municipal water and sewer utility services are available, or the utilities will be extended to the proposed industrial facility, and the proposed industrial facility will be, upon completion, connected to municipal services.
2. The term of an Industrial Facility Exemption Certificate for a project involving real property improvements within new or replacement facilities will be **up to six years**, except as may be increased by City Council consistent with the following numbers 4 and 5 below.
3. The term of an Industrial Facility Exemption Certificate for a project involving personal property improvements within new or replacement facilities will be up to three years, except as may be increased by City Council consistent with the following numbers 4 and 5 below. As a result of Eligible Manufacturing Personal Property exemptions under MCL 211.9m and 211.9n, personal property improvements will not be approved for any term of an Industrial Facility Exemption Certificate.
4. City Council may grant one additional **up to three year time period** to an applicant that proposes:

- To locate in an underutilized industrial facility that has been vacant for more than one year. (This additional period of time ~~is not applicable~~ **does not apply** to an existing industry that relocates from an existing industrial facility in Portage to the underutilized facility, except that an expansion into an underutilized facility may qualify for the additional three year period.); or
- To complete an investment in real and ~~or~~ personal property that exceeds \$10 million; or
- To create 50 or more new jobs with the *median annual salary* above 80% of the Kalamazoo County Area Median Income for a one-person household; or
- To create a minimum of 25 new jobs, *all* of which have an annual salary above 80% of the Kalamazoo County Area Median Income for a one-person household.

5. City Council may grant one additional, **up to ~~six~~ six-year time period**, to an applicant that proposes:

- To complete an investment in real and ~~or~~ personal property that exceeds \$20 million; or
- To create 100 or more new jobs with the *median annual salary* above 80% of the Kalamazoo County Area Median Income for a one-person household; or
- To create a minimum of 50 new jobs, *all* of which have an annual salary above 80% of the Kalamazoo County Area Median Income for a one-person household.

~~6. There will be no tax abatement incentives provided for office equipment. The City Assessor will determine which equipment will be considered office equipment.~~

~~7.6.~~ Industrial Development Districts will not be established for speculative buildings.

~~8.7.~~ Consistent with statutory provisions that allow additional abatement periods, but limits the total abatement periods to 12 years, the owner, or lessee of the new or replacement facility may, within the final year in which the certificate is effective, apply for one additional certificate, the ~~time~~ period of which will not exceed three additional years. In considering the request, the City Council may approve the additional period if the applicant has fulfilled all of the terms of the original tax abatement agreement and exceeds either of --

- a. The number of new jobs promised or the number of jobs retained, or
- ~~b.~~ b. The estimated project cost (investment) as indicated in the initial industrial facilities exemption certificate application, and
- ~~b.~~ c. The additional abatement period does not impair the operation, or the financial soundness, of any local taxing jurisdiction.

4. Industrial Project Reporting/Monitoring

Consistent with the terms of the tax abatement agreement, an industrial facilities exemption certificate holder must submit an annual project performance report to the City Clerk ~~and City Assessor~~—on or before July 1 of each year for the term of the agreement. The City Assessor will prepare a summary of all active tax abatement certificates for information, follow-up, and monitoring.

City Council will receive the official report from each certificate holder that sets forth the progress in attaining and maintaining the requirements of the tax abatement agreement and the provisions of the certificate application.

~~In the event that~~ the annual project performance report is not received by the City Clerk and/or the City Council finds that the certificate holder is not in compliance with the commitments made in the tax abatement agreement, City Council may take action to request revocation of the certificate from the State Tax Commission in a manner consistent with PA 198 of 1974, as amended.

All annual reports from certificate holders will be available for public inspection at the Office of the City Clerk. A ~~Master List of all current tax abatement holders and a~~ map of existing Industrial Development Districts will also be available via the City of Portage website at www.portagemi.gov.

Consistent with statutory provisions, if the taxes applicable to real property are not timely paid, and after notice and service upon the owner of a certificate of nonpayment, the industrial facilities exemption certificate will be automatically terminated as provided in PA 198 of 1974, as amended.

5. Transfer of an Industrial Facilities Exemption Certificate and Certificate Revocation

The transfer of an existing industrial facilities exemption certificate by the holder of a certificate to a new owner or lessee requires the filing of an application for an industrial facilities certificate, payment of the established filing fee, public hearing, approval by City Council, and approval by the State Tax Commission. The application will be processed in the same manner as an industrial facilities exemption certificate application as provided in PA 198 of 1974, as amended.

The revocation of an existing industrial facilities exemption certificate will be considered by the City Council and a resolution requesting that the State Tax Commission revoke the certificate if:

- a. The proposed industrial facility has not been completed within two years after the effective date of the industrial facilities exemption certificate; or
- b. The purpose for which the certificate was issued is not being fulfilled as a result of a failure of the certificate holder to proceed in good faith with the replacement, restoration, construction, or operation of the facility.

6. Final Project Cost Differences

Consistent with the Administrative Rules of the State Tax Commission, if the final project cost will be greater by more than 10 percent of the total estimated amount specified in the industrial facilities exemption certificate application as originally approved, the applicant must file a letter of request with the City Clerk requesting approval of the revised amount. The letter must indicate the original costs, the revised costs and provide an explanation. This procedure cannot be used to expand the scope of the project as originally approved. City Council will review the request and if a resolution is adopted that approves the revised costs, the certificate holder can request that the State Tax Commission issue a revised certificate.

7. Time Extensions for Facility Completion

Consistent with the Administrative Rules of the State Tax Commission, if the certificate holder finds that the project will not be finished by the time originally indicated on the approved application, the applicant must file a letter of request with the City Clerk requesting approval of the extension. The letter must state the original completion date, the revised completion date and provide an explanation. City Council may approve, disapprove, or may approve a revised certificate ending date. It is the City Council policy to approve a time extension with no change in the ending date to the original certificate, unless there are extenuating circumstances presented by the applicant that are acceptable. City Council

will review the request and if a resolution is adopted that approves the time extension request, the certificate holder can request that the State Tax Commission grant an extension.

8. Dissolving an Industrial Development District or Plant Rehabilitation District

City Council may, upon its own initiative, abolish a district if the Industrial Facilities Exemption Certificate application is not filed within two years of the date that City Council established the district, or if the applicable certificate is no longer in effect, or if the applicable certificate has been revoked by the State Tax Commission. ~~Prior to~~Before the dissolution of the district, a public hearing will be held by City Council. The City Clerk will provide written notice of the public hearing, by certified mail, to the owner of record of the property within the district, to the applicant who originally submitted the industrial development district or plant rehabilitation district application, and to the affected taxing jurisdictions. If City Council adopts a resolution that dissolves the district, the City Clerk will forward the resolution to the State Tax Commission.

| Attachment: Michigan Department of Treasury form 1012

T:\COMMDEV\2014-2015 Department Files\PA 198 Applications\INDUSTRIAL TAX ABATEMENT POLICY - 3.10.2015.docx

CITY OF PORTAGE INDUSTRIAL TAX ABATEMENT INCENTIVE POLICY

The City of Portage encourages the growth and development of the local industry and business tax base, the creation of additional job opportunities for community residents, and desires to continue to provide incentives for industry and business expansion. The City Council also recognizes the essential responsibility to the community to maintain the array of public services necessary to ensure the high quality of life that exists in Portage. To facilitate tax base expansion and to fulfill these responsibilities, the City Council hereby establishes this City of Portage Industrial Tax Abatement Incentive Policy.

The City of Portage is *A Natural Place to Move*. To continue to be a community in which growth and development can prosper, the following attributes important to all industries and businesses will be maintained:

- **Low Tax Rate.** The maintenance of the lowest feasible tax rate compared to other full-service cities is essential to economic development and will facilitate expansion and job creation: A very competitive City of Portage tax rate will be continued.
- **Utility Service Rates.** The maintenance of competitive utility rates is also important to provide opportunities for continued growth and development: Cost-effective rates and the efficient delivery of utility services by the City of Portage will be continued.
- **Capital Improvements.** Investments in the existing public street, water, and sewer infrastructure and the expansion of these public systems are necessary and will encourage additional private sector investment: The annual 10-year Capital Improvement Program budget will continue to reflect essential public improvements within the community.
- **Quality of Life Investments.** To provide opportunities for industry and business expansion and to ensure high quality of life standards, public safety, business and neighborhood services, cultural and recreational programming and related community attributes must be maintained: Quality of life investments will be continued by the City of Portage to foster a safe, *Living, Working and Learning* community.

In addition to these important locally determined economic development and growth factors, the City Council will offer eligible industries and businesses the opportunity to apply for property tax abatements under Michigan statute in order to induce further private sector investment in the community.

Inquiries concerning this policy can be directed to the Department of Community Development (269.329.4477), in Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002.

DATE OF ADOPTION BY CITY COUNCIL: February __, 2022

PA 198 Plant Rehabilitation and Industrial Development District Policy Review Criteria

The City Council will consider economic inducements in the context of tax abatement applications received under Michigan statute based on the following general policy criteria and more specific tax abatement provisions. These standards will be equally applied during the review of abatement applications from eligible local and out-of-town industries and businesses.

- *The project will promote diversification of the City of Portage economy and tax base;*
- *The project will promote the revitalization of aging and/or obsolete buildings and facilities;*
- *The project for which the tax abatement is requested will provide a diverse employment base for the workforce;*
- *The development or redevelopment of a proposed industrial facility or the revitalization of an existing business facility will be consistent with community land use objectives and environmental objectives.*
- *The expanded or new industrial facility or the revitalized commercial facility can be accommodated by present and/or future requirements for city services including roads, public utilities, and public safety;*
- *The applicant meets current financial obligations to the city and complies with all applicable statutes and city ordinances;*
- *The applicant has no pending or current litigation against the city (including appeals to the Michigan Tax Tribunal);*
- *A public purpose would be served (i.e. to expand the tax base, promote income growth and capital investment in the community, to develop/expand technology, advance manufacturing, life science, and other targeted business with anticipated future growth, create new/retain existing jobs, as well as any applicable multiplier effects of additional employment associated with a project);*
- *City Council finds that the project impacts, including benefits, costs, and environmental impacts of the proposed industrial facility, will benefit the community and will not result in the impairment of the operation or the financial soundness of any taxing jurisdiction.*

The above-mentioned criteria are not intended to be exhaustive and the Portage City Council reserves the right to consider such additional criteria, which are intended under these goals and objectives that promote the general health, safety, and welfare principles of the City of Portage. A periodic review of this policy will be necessary to ensure consistency with the community objectives and needs.

Industrial Tax Abatement Application Information

The following sections reference the framework for processing and considering industrial tax abatement applications as provided under Public Act 198 of 1974, Plant Rehabilitation and Industrial Development Districts Act, as amended. This policy, these procedures, and related provisions will assist the industrial community in the continuing effort to contribute to the health and vibrancy of the City of Portage. The following sections address:

1. Process for Consideration of an Industrial Development or Plant Rehabilitation District Application
2. Process for Consideration of an Industrial Facilities Exemption Certificate Application
3. Industrial Tax Abatement Incentive Provisions
4. Industrial Project Reporting/Monitoring
5. Transfer of an Industrial Facilities Exemption Certificate and Certificate Revocation
6. Final Project Cost Differences
7. Time Extensions for Facility Completion
8. Dissolving an Industrial Development or a Plant Rehabilitation District

1. Process for Consideration of an Industrial Development District or Plant Rehabilitation District Application

Applicants requesting the establishment of an industrial development district or plant rehabilitation district must file with the City Clerk a:

- Letter of request and two copies of the current Michigan Department of Treasury Form 1012 (attached).
- Legal description, site plan, and survey of the proposed district (on 8-1/2 inch by 11-inch paper), which will conform to the legal description boundary and site improvements necessary for the operation of the facility (including access drives, off-street parking and loading areas, water, sanitary sewer, and stormwater facilities).
- Construction schedule for real property improvements.
- Listing of personal property assets to be included in the total project investment provided.
- If applicable, provide a copy of the real property/facility and or personal property/equipment lease(s). The term of any lease must be at least as long as the tax abatement period requested.
- Complete listing of annual salaries of the jobs expected to be created and retained within two years of project completion.
- Notarized statement that the company complies with applicable environmental requirements and whether the company is under enforcement action by the Michigan EGLE Department or US EPA.
- The filing fee is \$2,000, or two percent of the total property taxes abated under the act for the term that the industrial facilities exemption certificate is in effect, whichever is less, as specified by statute. (The fee covers, in part, costs of processing the application, including legal costs, publication expenses, document retention, and associated costs.)

Consistent with statutory provisions, applications for the establishment of an industrial development or plant rehabilitation district shall be filed and can only be approved before the commencement of construction, alteration, or installation of, or of an acquisition related to, the proposed replacement facility or a new facility. Also, all additional statutory requirements of PA 198 of 1974, as amended, applicable to the establishment of an industrial development or plant rehabilitation district must be fulfilled.

A public hearing will be scheduled by City Council to consider the application. The applicant will be notified of the date of the hearing and proper legal notices will be prepared, mailed, and published by the City Clerk. The applicant must attend the public hearing for the establishment of the district.

Final approval on the establishment of the district will be decided by City Council. The application will be reviewed by the Portage City Administration and a report will be prepared for City Council.

The report will specifically review the impacts, benefits and costs of the proposed project on the community, which will include a:

- Preliminary environmental assessment, which will examine the availability of utilities, relevant environmental conditions, land and water resources that may be affected including impacts on adjacent properties; and
- Property tax analysis, which will estimate taxes received by affected taxing units with and without the abatement and the total abatement valuation percentage approved in the city.

2. Process for Consideration of an Industrial Facilities Exemption Certificate Application

For applicants that have applied to create a new district, and the establishment of the new district is approved, the application will immediately proceed to consideration of the industrial facilities exemption certificate, or within not more than 60 days after the establishment of a new district.

For applicants wishing to apply for an additional industrial facilities exemption certificate within an existing district, the applicant must file a:

- Letter of request and two copies of the applicable Michigan Department of Treasury Form 1012 (attached) to the Office of the City Clerk.
- Legal description, site plan, and survey of the proposed district (on 8-1/2 inch by 11-inch paper), which will conform to the legal description boundary and site improvements necessary for the operation of the facility (including access drives, off-street parking and loading areas, water, sanitary sewer, and stormwater facilities).
- Construction schedule for real property improvements.
- Listing of personal property assets to be included in the total project investment provided.
- If applicable, provide a copy of the real property/facility and or personal property/equipment lease(s). The term of any lease must be at least as long as the tax abatement period requested.
- Complete listing of annual salaries of the jobs expected to be created and retained within two years of project completion.
- Notarized statement that the company complies with applicable environmental requirements and whether or not the company is under enforcement action by the Michigan EGLE Department or US EPA.
- Copy of the Portage resolution establishing the industrial development or plant rehabilitation district.
- The filing fee is \$2,000, or two percent of the total property taxes abated under the act for the term that the industrial facilities exemption certificate is in effect, whichever is less, as specified by statute. (The fee covers, in part, costs of processing the application, including legal costs, publication expenses, document retention, and associated costs.)

Consistent with statutory provisions, applications for the consideration of an industrial facilities exemption certificate shall be filed within six months after the commencement of the restoration, replacement, or construction of the facility. Also, all additional statutory requirements of PA 198 of 1974, as amended, applicable to the approval and granting of an industrial facilities exemption certificate must be fulfilled.

Before consideration of a certificate application by the City Council, the statute requires the applicant to enter into a written tax abatement agreement with the City of Portage that includes conditions to be fulfilled during the period of the tax abatement. The applicant is also required to sign an affidavit with regard to fees concerning any payments made to the city. The agreement and affidavit will be provided by the city.

A public hearing will be scheduled by City Council to consider the application. The applicant will be notified of the date of the hearing and proper legal notices will be prepared, mailed, and published by the City Clerk. The applicant must attend the public hearing for the industrial facilities exemption certificate.

Final approval of the certificate will be decided by City Council not more than 60 days after receipt of the application by the City Clerk. For applicants filing an application for a certificate within an existing district, the application will be reviewed by the Portage City Administration and a report prepared for City Council. The report will specifically review the impacts, benefits and costs of the proposed project on the community, which will include a:

- Preliminary environmental assessment, which will examine the availability of utilities, relevant environmental conditions or land and water resources that may be affected including impacts on adjacent properties; and
- Property tax analysis, which will estimate taxes received by affected taxing units with and without the abatement and the total abatement valuation percentage approved in the city.

To expedite the review process noted in steps 1 and 2 above, the public hearing to review and consider the creation of a new or expanded district; and the public hearing to review and consider an application for an exemption certificate may be scheduled at the same City Council meeting.

3. Industrial Tax Abatement Incentive Provisions

The following incentives are considered inducements to encourage eligible industrial investment in the community:

1. An industrial development district or plant rehabilitation district may be established and an industrial facilities exemption certificate may be recommended for approval only when the new or replacement facility is located:
 - a. within the general industrial areas identified in the Portage Comprehensive Plan, Future Land Use Plan map; and
 - b. where municipal water and sewer utility services are available, or the utilities will be extended to the proposed industrial facility, and the proposed industrial facility will be, upon completion, connected to municipal services.
2. The term of an Industrial Facility Exemption Certificate for a project involving real property improvements within new or replacement facilities will be **up to six years**, except as may be increased by City Council consistent with the following numbers 4 and 5 below.
3. As a result of Eligible Manufacturing Personal Property exemptions under MCL 211.9m and 211.9n, personal property improvements will not be approved for any term of an Industrial Facility Exemption Certificate.
4. City Council may grant one additional **up to three year time period** to an applicant that proposes:
 - To locate in an underutilized industrial facility that has been vacant for more than one year. (This additional period of time does not apply to an existing industry that relocates from an existing industrial facility in Portage to the underutilized facility, except that an expansion into an underutilized facility may qualify for the additional three-year period.); or
 - To complete an investment in real and personal property that exceeds \$10 million; or

- To create 50 or more new jobs with the *median annual salary* above 80% of the Kalamazoo County Area Median Income for a one-person household; or
 - To create a minimum of 25 new jobs, *all* of which have an annual salary above 80% of the Kalamazoo County Area Median Income for a one-person household.
5. City Council may grant one additional, **up to six-year time period**, to an applicant that proposes:
- To complete an investment in real and personal property that exceeds \$20 million; or
 - To create 100 or more new jobs with the *median annual salary* above 80% of the Kalamazoo County Area Median Income for a one-person household; or
 - To create a minimum of 50 new jobs, *all* of which have an annual salary above 80% of the Kalamazoo County Area Median Income for a one-person household.
6. Industrial Development Districts will not be established for speculative buildings.
7. Consistent with statutory provisions that allow additional abatement periods, but limits the total abatement periods to 12 years, the owner or lessee of the new or replacement facility may, within the final year in which the certificate is effective, apply for one additional certificate, the period of which will not exceed three additional years. In considering the request, the City Council may approve the additional period if the applicant has fulfilled all of the terms of the original tax abatement agreement and exceeds either of --
- a. The number of new jobs promised or the number of jobs retained, or
 - b. The estimated project cost (investment) as indicated in the initial industrial facilities exemption certificate application, and
 - c. The additional abatement period does not impair the operation, or the financial soundness, of any local taxing jurisdiction.

4. Industrial Project Reporting/Monitoring

Consistent with the terms of the tax abatement agreement, an industrial facilities exemption certificate holder must submit an annual project performance report to the City Clerk and City Assessor on or before July 1 of each year for the term of the agreement. The City Assessor will prepare a summary of all active tax abatement certificates for information, follow-up, and monitoring.

City Council will receive the official report from each certificate holder that sets forth the progress in attaining and maintaining the requirements of the tax abatement agreement and the provisions of the certificate application.

If the annual project performance report is not received by the City Clerk and/or the City Council finds that the certificate holder is not in compliance with the commitments made in the tax abatement agreement, City Council may take action to request revocation of the certificate from the State Tax Commission in a manner consistent with PA 198 of 1974, as amended.

All annual reports from certificate holders will be available for public inspection at the Office of the City Clerk. A map of existing Industrial Development Districts will also be available via the City of Portage website at www.portagemi.gov.

Consistent with statutory provisions, if the taxes applicable to real property are not timely paid, and after notice and service upon the owner of a certificate of nonpayment, the industrial facilities exemption certificate will be automatically terminated as provided in PA198 of 1974, as amended.

5. Transfer of an Industrial Facilities Exemption Certificate and Certificate Revocation

The transfer of an existing industrial facilities exemption certificate by the holder of a certificate to a new owner or lessee requires the filing of an application for an industrial facilities certificate, payment of the established filing fee, public hearing, approval by City Council, and approval by the State Tax Commission. The application will be processed in the same manner as an industrial facilities exemption certificate application as provided in PA 198 of 1974, as amended.

The revocation of an existing industrial facilities exemption certificate will be considered by the City Council and a resolution requesting that the State Tax Commission revoke the certificate if:

- a. The proposed industrial facility has not been completed within two years after the effective date of the industrial facilities exemption certificate; or
- b. The purpose for which the certificate was issued is not being fulfilled as a result of a failure of the certificate holder to proceed in good faith with the replacement, restoration, construction, or operation of the facility.

6. Final Project Cost Differences

Consistent with the Administrative Rules of the State Tax Commission, if the final project cost will be greater by more than 10 percent of the total estimated amount specified in the industrial facilities exemption certificate application as originally approved, the applicant must file a letter of request with the City Clerk requesting approval of the revised amount. The letter must indicate the original costs, the revised costs and provide an explanation. This procedure cannot be used to expand the scope of the project as originally approved. City Council will review the request and if a resolution is adopted that approves the revised costs, the certificate holder can request that the State Tax Commission issue a revised certificate.

7. Time Extensions for Facility Completion

Consistent with the Administrative Rules of the State Tax Commission, if the certificate holder finds that the project will not be finished by the time originally indicated on the approved application, the applicant must file a letter of request with the City Clerk requesting approval of the extension. The letter must state the original completion date, the revised completion date and provide an explanation. City Council may approve, disapprove, or may approve a revised certificate ending date. It is the City Council policy to approve a time extension with no change in the ending date to the original certificate unless there are extenuating circumstances presented by the applicant that are acceptable. City Council will review the request and if a resolution is adopted that approves the time extension request, the certificate holder can request that the State Tax Commission grant an extension.

8. Dissolving an Industrial Development District or Plant Rehabilitation District

City Council may, upon its own initiative, abolish a district if the Industrial Facilities Exemption Certificate application is not filed within two years of the date that City Council established the district, or if the applicable certificate is no longer in effect, or if the applicable certificate has been revoked by the State Tax Commission. Before the dissolution of the district, a public hearing will be held by City Council. The City Clerk will provide written notice of the public hearing, by certified mail, to the

owner of record of the property within the district, to the applicant who originally submitted the industrial development district or plant rehabilitation district application, and to the affected taxing jurisdictions. If City Council adopts a resolution that dissolves the district, the City Clerk will forward the resolution to the State Tax Commission.

Attachment: Michigan Department of Treasury form 1012

**CITY OF PORTAGE
INDUSTRIAL FACILITIES TAX ABATEMENT APPLICATION FEE
RESOLUTION**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2022 at 7:00 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, per Section 5 of PA 198 of 1974 (as amended), a local unit of government is authorized to charge an application fee to process an application for an industrial facilities exemption certificate; and

WHEREAS, such application fee shall not exceed the actual cost incurred by the local governmental unit in processing the application or two percent (2%) of the total property taxes abated under this act for the term that the industrial facilities exemption certificate is in effect, whichever is less; and

WHEREAS, no payment of any kind in excess of the fee allowed by PA 198 of 1974, as amended, may be made or promised in exchange for favorable consideration of an exemption certification application; and

WHEREAS, the local governmental unit shall not charge an applicant any other fee under this act; and

WHEREAS, the Council-adopted City of Portage Industrial Tax Abatement Incentive Policy will be revised to reflect said changes to the application fee structure as provided by law.

NOW, THEREFORE BE IT RESOLVED THAT: the City of Portage adopt an updated application fee of \$2,000 (or 2 percent, whichever is less) per application to better reflect staff time incurred and total capturable amount as authorized by the State of Michigan; and

BE IT FURTHER RESOLVED THAT: all resolutions and/or parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED:

YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

Erica Eklov, City Clerk

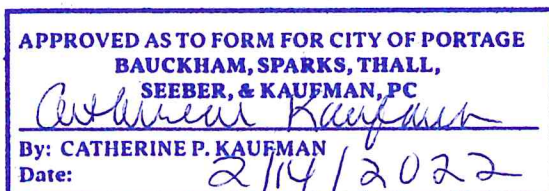
CERTIFICATION

STATE OF MICHIGAN)
) ss
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of Michigan, do hereby certify that the foregoing is a true and complete copy a resolution adopted a regular meeting of the City Council of said city, held on the _____ day of _____, 2022, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature this of _____ day of _____, 2022.

Erica L. Eklov, City Clerk



TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Comprehensive Liability, Property and Auto Fleet Insurance

SUPPORTING PERSONNEL: Michael Carroll, Deputy City Manager

ACTION RECOMMENDED: Approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$530,068 for the period March 1, 2022 to March 1, 2023 and authorize the Authorized Member Representative to execute all documents related to this action on behalf of the city.

The City of Portage has been insured by the Michigan Municipal Risk Management Authority (MMRMA) for comprehensive liability, property, and auto fleet insurance since 1984. The MMRMA has quoted a one-year renewal rate for the period March 1, 2022, to March 1, 2023, in the amount of \$530,068, which includes \$15 million of liability coverage and \$75,000 of self-insurance retention coverage (the dollar amount that must be paid by the city before the insurance policy will respond to a liability loss). The renewal rate represents an increase of 5.11% from the premium cost paid for the period March 1, 2021, to March 1, 2022, in the amount of \$504,273. The increase reflects the addition of the new Portage Community Senior Center as well as an elevated loss ratio on property losses.

Distribution of assets is expected from MMRMA in the next four to five months, which will be based on favorable claim experience by the city and investment income earned by MMRMA on its assets. The exact amount is not yet known; however, the distribution received over the past seven years averaged nearly \$225,392.43 per year. A summary of MMRMA insurance premiums and distribution of assets for the past seven years is shown below.

Year	Premium	Distribution of Assets	Total Premium After Distribution
2015	\$446,134	\$502,123	(\$55,989)
2016	\$484,971	\$363,159	\$121,812
2017	\$495,476	\$283,096	\$212,380
2018	\$509,112	\$206,700	\$302,412
2019	\$497,195	\$196,971	\$300,224
2020	\$499,352	\$206,976	\$292,376
2021	\$504,273	\$99,741	\$404,532

It is recommended that City Council approve a one-year agreement for comprehensive liability, property, and auto fleet insurance through the MMRMA at a total cost not to exceed \$530,068 for the period March 1, 2022, to March 1, 2023, and authorize the Authorized Member Representative to execute all documents related to this action on behalf of the city.

FUNDING: Funds have been programmed for insurance costs in the FY 2021-2022 budget, with the balance to be included in the FY 2022-2023 budget.

Attachments: 1. MMRMA Coverage Proposal

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY COVERAGE PROPOSAL

Member:	City of Portage	Proposal No: Q000013391
Date of Original Membership:	March 10, 1986	
Proposal Effective Dates:	March 01, 2022 To March 01, 2023	
Member Representative:	Michael Carroll	Telephone #: (269) 329-4403
Regional Risk Manager:	Ibex Insurance Agency	Telephone #: (248) 538-0470

A. Introduction

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

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

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

B. Member Obligation - Deductibles and Self Insured Retentions

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

Table I
Member Deductibles and Self Insured Retentions

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

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

Member's Motor Vehicle Physical Damage deductible applies, unless the amount of the loss exceeds the deductible. If the amount of loss exceeds the deductible, the loss including deductible amount, will be paid by MMRMA, subject to the Member's SIR.

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

1. Specialized Emergency Response Expense Recovery Coverage
- 2.
- 3.
- 4.

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

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

C. MMRMA Obligations - Payments and Limits of Coverage

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

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

Table II
Limits of Coverage

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

Property and Crime	Limits of Coverage Per Occurrence		Annual Aggregate	
	Member	All Members	Member	All Members
1 Buildings and Personal Property	70,901,523	350,000,000	N/A	N/A
2 Personal Property in Transit	2,000,000	N/A	N/A	N/A
3 Unreported Property	5,000,000	N/A	N/A	N/A
4 Member's Newly Acquired or Constructed Property	10,000,000	N/A	N/A	N/A
5 Fine Arts	2,000,000	N/A	N/A	N/A
6 Debris Removal (25% of Insured direct loss plus)	25,000	N/A	N/A	N/A
7 Money and Securities	1,000,000	N/A	N/A	N/A
8 Accounts Receivable	2,000,000	N/A	N/A	N/A
9 Fire Protection Vehicles, Emergency Vehicles, and Mobile Equipment (Per Unit)	5,000,000	10,000,000	N/A	N/A
10 Fire and Emergency Vehicle Rental (12 week limit)	1,000 per week	N/A	N/A	N/A
11 Structures Other Than a Building	19,072,060	N/A	N/A	N/A
12 Dam/Dam Structures/Lake Level Controls	0	N/A	N/A	N/A
13 Transformers	0	N/A	N/A	N/A
14 Storm or Sanitary Sewer Back-Up	1,000,000	N/A	N/A	N/A
15 Marine Property	1,000,000	N/A	N/A	N/A
16 Other Covered Property	10,000	N/A	N/A	N/A
17 Income and Extra Expense	5,000,000	N/A	N/A	N/A
18 Blanket Employee Fidelity	1,000,000	N/A	N/A	N/A
19 Faithful Performance	Per Statute	N/A	N/A	N/A
20 Earthquake	5,000,000	N/A	5,000,000	100,000,000
21 Flood	5,000,000	N/A	5,000,000	100,000,000
22 Terrorism	50,000,000	50,000,000	N/A	N/A

Table III

Network and Information Security Liability, Media Injury Liability, Network Security Loss, Breach Mitigation Expense, PCI Assessments, Social Engineering Loss, Reward Coverage, Telecommunications Fraud Reimbursement.			
	Limits of Coverage Per Occurrence/Claim	Deductible Per Occurrence/Claim	Retroactive Date
	\$5,000,000		
Coverage A Network and Information Security Liability: Regulatory Fines:	Each Claim Included in limit above Each Claim Included in limit above	\$25,000 Each Claim	7/1/2013
Coverage B Media Injury Liability	Each Claim Included in limit above	\$25,000 Each Claim	7/1/2013
Coverage C Network Security Loss Network Security Business Interruption Loss:	Each Unauthorized Access Included in limit above Each Business Interruption Loss Included in limit above	\$25,000 Each Unauthorized Access Retention Period of 72 hours of Business Interruption Loss	Occurrence
Coverage D Breach Mitigation Expense:	Each Unintentional Data Compromise Included in limit above	\$25,000 Each Unintentional Data Compromise	Occurrence
Coverage E PCI Assessments:	Each Payment Card Breach \$1,000,000 Occ./\$1,000,000 Agg. Included in limit above	\$25,000 Each Payment Card Breach	Occurrence
Coverage F Social Engineering Loss:	Each Social Engineering Incident \$100,000 Occ./\$100,000 Agg. Included in limit above	\$25,000 Each Social Engineering Incident	Occurrence
Coverage G Reward Coverage	Maximum of 50% of the Covered Claim or Loss; up to \$25,000 Included in Limit above	Not Applicable	Occurrence
Coverage H Telecommunications Fraud Reimbursement	\$25,000 Included in limit above	Not Applicable	Occurrence

Annual Aggregate Limit of Liability

Member Aggregate	All Members Aggregate
\$5,000,000	\$25,000,000

The total liability of MMRMA shall not exceed \$5,000,000 per Member Aggregate Limit of Liability for coverages A, B, C, D, E, F, G, and H, in any Coverage Period.

The total Liability of MMRMA and MCCRMA shall not exceed \$25,000,000 for All Members Combined Aggregate Limit of Liability for coverages A, B, C, D, E, F, G, and H, in any Coverage Period.

It is the intent of MMRMA that the coverage afforded under the Subjects of Coverage be mutually exclusive. If however, it is determined that more than one Subject of Coverage applies to one coverage event ensuing from a common nexus of fact, circumstance, situation, event, transaction, or cause, then the largest of the applicable Deductibles for the Subjects of Coverage will apply.

Table IV**Specialized Emergency Response Expense Recovery Coverage****Limits of Coverage**

Specialized Emergency Response Expense Recovery	Limits of Coverage per Occurrence		Annual Aggregate	
	Member	All Members	Member	All Members
	N/A	N/A	N/A	N/A

Table V**Specialized Emergency Response Expense Recovery Coverage****Deductibles**

Specialized Emergency Response Expense Recovery	Deductible per Occurrence
	Member
	N/A

D. Contribution for MMRMA Participation

City of Portage

Period: March 01, 2022 To March 01, 2023

Coverages per Member Coverage Overview:	\$530,068
Stop Loss Coverage:	\$0
Member Loss Fund Deposit:	\$0
TOTAL ANNUAL CONTRIBUTIONS:	\$530,068

E. List of Addenda

1. Limited Liability Coverage For Use or Operations of Unmanned Aircraft

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

Accepted By:

City of Portage

Proposal No:

Q000013391

MMRMA



Member Representative

MMRMA Representative

Date

2-17-2022

Date

ADDENDUM

LIMITED LIABILITY COVERAGE FOR USE OR OPERATIONS OF UNMANNED AIRCRAFT (Optional)

This addendum modifies the Liability and Motor Vehicle Physical Damage Coverage Document

A. LIMITATIONS OF COVERAGE, PROCEDURES, EXCLUSIONS, DEFINITIONS.

1. MMRMA will pay for any loss as defined in Sections 1 and 2 of the Liability and Motor Vehicle Physical Damage Coverage Document, caused by the use or operation of an Unmanned Aircraft, the actual loss up to a \$1,000,000 limit per occurrence and subject to a \$2,000,000 annual member aggregate.
2. The Member Duties, Responsibilities, Other Conditions stated in Section 7 of the Liability and Motor Vehicle Physical Damage Coverage Document shall apply to Limited Liability Coverage for use or operations of Unmanned Aircraft.
3. As respects this Limited Liability Coverage for Use or Operations of Unmanned Aircraft Addendum, Section 7; Member Duties, Responsibilities, Other Conditions, of the Liability and Motor Vehicle Physical Damage Coverage Document is amended to include the following:

P. FAA COMPLIANCE

The terms of this Addendum apply only if the Member is in compliance with all FAA rules and regulations governing the use or operation of an unmanned aircraft, at time of occurrence.

4. The Liability and Motor Vehicle Physical Damage Coverage Document Section 4, Definitions, shall apply to this Limited Liability Coverage For Use Or Operation Of An Unmanned Aircraft Addendum.
5. As respects this Limited Liability Coverage For Use Or Operations Of Unmanned Aircraft Addendum, Section 2; Exclusion C, of the Liability and Motor Vehicle Physical Damage Coverage Document is deleted in its entirety and replaced by the following:

EXCLUSIONS

- C. Ownership, maintenance, loading or unloading, use or operation of any aircraft (other than unmanned aircraft), airfields, or runways; watercraft over 75 feet in length;

Period: 03/01/2022 to 03/01/2023

LIMITED LIABILITY COVERAGE FOR USE OR OPERATIONS OF UNMANNED AIRCRAFT
(Optional)

Accepted By:
City of Portage

Member ID:
1049

MMRMA

Member Representative

Date



MMRMA Representative

2-17-2022

Date

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Special Meeting for Board and Commission Applicants

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Set a Special Meeting on Tuesday, May 24, 2022, beginning at 5:30 p.m., to interview Board and Commission applicants.

The City of Portage relies on citizen participation on many Boards and Commissions that help to serve the community. The advice received from these groups assists the City Council and City Administration in making Portage *A Natural Place to Move!* The citizens provide the talent and experience needed to meet the diverse challenges facing the community. Interviews of Board and Commission applicants are performed each year in January, May, and October.

As reflected in the attached Board and Commission Vacancy Summaries and per the Policy for Appointments to Citizen Advisory Boards, Council will interview applicants to fill vacancies on the following Boards and Commissions:

Youth Advisory Committee	13 expiring terms, 17 vacancies
Construction Board of Appeals	3 expiring terms
Planning Commission	3 expiring terms
Local Development Finance Authority	2 vacancies; 5 expiring terms

It is recommended that City Council set a Special Meeting on Tuesday, May 24, 2022, beginning at 5:30 p.m., to interview Board and Commission applicants.

FUNDING: N/A

Attachments: 1. Vacancy Summary

May 24, 2022 Board & Commission Interviews

	Interviews		5:45 PM	6:00 PM	6:15 PM	6:30 PM	Appointed:	End of Term:
Able to Attend?			YAC	Construction Board of Appeals	Planning Commission	Local Development Finance Authority		
	Applicants:			3 expiring terms	3 expiring terms	2 vacancies 5 expiring terms		
	Barney	Martlew		Member			5/14/2013	6/1/2022
	Bill	Koopsen		Member			5/21/2019	6/1/2022
	George	Theodoru		Member			5/11/2010	6/1/2022
	Becky Sue	Baldwin			Member		5/8/2018	5/31/2022
	Sarah	Joshi, V. Chr.			Member		5/10/2016	5/31/2022
	Spencer	O'Dell			Member		10/5/2021	5/31/2022
	Madison	Bronkan - 1			Applicant			
	Laura	Combs - 2			Applicant			
	Bruce	Jennings - 1			Applicant			
	Shelby	Robinson- 1			Applicant			
	Robert	Seely				Member	3/31/1997	3/31/2021
	Ron	Herron				Member	7/12/2019	3/31/2021
	Rick	DeKam				Member	5/26/1999	3/31/2022
	Tim	Wenzel, Chr				Member	2/26/1997	3/31/2022
	Michael	Quinn				Member	2/8/2019	3/31/2022
	Madison	Bronkan - 2				Applicant		

Key: 1, 2, 3 = ranked board choice

Youth Advisory Committee Vacancy Summary

For May 24, 2022 Special Meeting

5:45 P.M.

Residents

First Name	Last Name	Status
Grace	Decker	Member
Alex	Durian	Member
Aanya	Goel	Member
Madeline	Herringa	Member
Una	Metzger	Member
Anna	Rachowicz	Member
Hannah	Srackangast	Member
Conor	Sullivan	Member
Riley	Thomas	Member
Natalia	Verdin	Member

Non-Portage Members / Participants

Deshana	Betala	Member
Fayyaz	Razi	Member
Noura	Warsi	Member

Minutes of Boards & Commissions

12-8-21 Portage Environmental Board Minutes

Call to Order:

- Meeting called to order at 7:00 p.m.
- Members present: Thomas Shaffer, Justin Gish, Jerry Kroehn, Joe Chamberlain, Dierdre Nieves, Nicole Reid, Chad Oberdoerster, Grace Freed (youth advisory), Jamie Harmon (ex officio)
- Prior meeting minutes approved

Question & Answer Session w/ City Manager Adam Herringa: Began at 7:05 p.m.

- Open Meetings Act: board members can no longer attend virtually according to Michigan law.
- Chad Oberdoerster asked if Portage was a member of ICLEI. City manager will check on this.
- Board discussed procedure for meeting agendas moving forward. 1) Agenda items from board members will be communicated to the chair. 2) Agendas should consist of Old Business, New Business, and Opportunity for Public Comment 3) Agenda items to chair one week prior to Jamie posting on the Friday before the board meeting 4) Chair sets the agenda and sends to Jamie by the Wednesday before the meeting 5) Jamie posts the agenda the Friday before the meeting

Urban Bird Treaty Designation: Began at 7:29 p.m.

- Deidre explained that the US Fish & Wildlife Service grants designations to areas as flyover areas for birds. She has talked with the Portage Parks & Recreation leader who was approached by the Kalamazoo Nature Center and others from the Kalamazoo/Portage area about achieving such a designation.
- this designation can provide grant funding to city, parks & rec, the environmental board, etc. for the purpose of creating and maintaining a flyway
- thus far 16 groups and partners have signed on for the designation
- 7:43 p.m. a motion to support pursuit of the Urban Bird Treaty Grant was passed unanimously by the Environmental Board

Future Meetings Protocol: Began at 7:44 p.m.

- the board discussed what to do when discussions become heated or contentious
- the board wants to be able to discuss difficult issues that may have opposing views

-However, board members agreed that when discussions become too heated or seem to involve just two parties, any board member is encouraged to call this to their attention. When this occurs, it is expected that members respect the need to get back on track and table the issue to a future time or include all board members in the discussion.

-All board members agreed to abide by this protocol

Webpage Discussion: Began at 7:50 p.m.

-the board and Mr. Herringa agreed that the website needs to tell the story of what the city is doing to improve environmental outcomes (i.e. reducing electrical usage by 25% by 2025). The website must tell the story better.

-the environmental board should pass any requests for website updates to city staff. City staff is aiming for a consistent look and feel for the entire website.

-EB discussed if it may be better to post it events on the city calendar. It was decided that any activity that was supported directly by a vote of the EB would be sent to Jamie to pass along and be posted on the city calendar.

-It was suggested that an Environmental and Sustainability Dashboard be built. This would include a Green Initiatives page and a buildout of the Environmental Board page. The creation of visuals and dashboard indicators that can be filled in or otherwise updated is highly desirable.

Future Meetings/Next Steps: Began at 8:05 p.m.

-EB needs to discuss and present 2022 goals and objectives to city council

-Future Meeting Topics and possible Committee Work include:

- 1) Watershed Protection
- 2) Climate Action Plan and Vulnerability Assessment (Chad)
- 3) Sustainability/Resiliency Coordinator as a city level position
- 4) Educational Events and Engagement (Joe) – use social science ideas and learnings to be more inclusive and engage a diversity of community members
- 5) Help with awareness of events (Justin)
- 6) Seeking to understand Portage's environmental challenges by asking better questions and listening more

Garlic Mustard Pulls and Plantings: Began at 8:40 p.m.

-Board approved motion for the following dates: May 1, 7, 15, 21

- reach out to more groups such as The Wild Ones, Scouts, Honor Societies, Friends of Parks, etc.
- when pulling the garlic mustard, it was suggested to also spread native seeds at the same time. Look into getting donations from local nurseries, greenhouses, businesses, etc.
- look at the invasive management plan
- look at more ideas to promote the events

Motion to Adjourn:

- meeting ended at 8:56 p.m.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 13, 2021

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Eichstaedt at 7:00 p.m. four people were in the audience.

MEMBERS PRESENT: Jay Eichstaedt, Linda Fry, Alexander Philipp, Lynn Haddow, Don Platt, Winifred Kurtz, Linda Finch

MEMBERS EXCUSED: Lena Jomaa

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator; Seth Koches, Assistant City Attorney; Daniel Harrington, City Planner.

APPROVAL OF THE MINUTES: Eichstaedt motioned and Fry seconded a motion to approve the November 11, 2021 minutes. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #21-09; 2310 Oakland Farms Trail: Mais explained the request to construct a 12-foot by 16-foot three-season porch which will be located 36 feet from the (north) rear property line where a minimum 40-foot rear yard setback is required. Staff noted neither staff nor the applicant have identified any characteristic associated with the property that precludes construction of a conforming structure.

Nick Legg, 2475 Cedar Creek Lane Akron, Ohio, spoke on behalf the applicant. He stated that the applicant wanted a larger area to host large groups. Eichstaedt asked Legg to clarify the parties involved. Legg clarified that June Johanson is the property owner and client while Kelly Neff is a coworker of Legg who submitted the variance. Fry asked on behalf of Platt what the setbacks were for the three properties to the west of the applicant. Mais responded all three are 40 or more feet from the rear property line. Finch asked if the structure will have walls. Legg stated that there will be a roof and walls. Haddow asked if the deck could be rotated to meet the size requirements. Legg stated that it would not line up with existing roof line. Eichstaedt asked if other variances have been issued for properties in the vicinity. Mais replied none related to setbacks. Philipp asked if the existing bump-out could be adjusted to the east. Legg stated that it is up to the preference of the homeowner but that might be a possible alternative. Eichstaedt asked if the plan is to build on existing decking. Legg answered that the decking will be removed and rebuilt.

A public hearing was opened. Fry read an email from Starr Rife in opposition to the variance. The public hearing was closed.

Finch moved, and Philipp seconded a motion to deny the request to construct a 12-foot by 16-foot three-season porch which will be located 36 feet from the (north) rear property line where a minimum 40-foot rear yard setback is required, for one or more of the following reasons: There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district; The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as reducing the size of the three-season porch or rotating it; The immediate practical difficulty causing the need for the variance request was created by the applicant; The variance would be detrimental to adjacent property and the surrounding neighborhood, and; The variance would materially impair the intent and purpose of the zoning ordinance. Philipp supported the motion. Upon roll call vote: Eichstaedt-Yes, Fry-Yes, Philipp-Yes, Haddow-Yes, Platt-Yes, Kurtz-Yes, Finch-Yes.

ZBA #21-10; 4207 Long Lake Drive: Mais explained the request for a variance to construct a 35-foot by 24-foot garage/mudroom addition that will extend to within 9 feet of the (south) front property line where a minimum 27-foot front setback is required. Cameron Fox, 7130 Crown Point

Circle, was present to answer questions on behalf of the applicant. Eichstaedt asked for clarification about the plan. Mr. Fox stated the existing garage does not have access to the home and is too small for a standard vehicle. He stated the additional attached garage will be beneficial to the homeowners who have mobility limitations and can access the garage in the winter months without going outside. Finch asked how the addition attached to the house. Mr. Fox stated that it will connect to the kitchen. Eichstaedt asked Mais if the house is encroaching in the right-of-way. Mais stated that it did when it was constructed in 1935. Kurtz asked if there will be flood plain issues. Mr. Fox stated he does not anticipate flood issues. Finch clarified that the current garage is encroaching and asked if square footage will still conform. Mais stated that it will still meet lot coverage requirements. Eichstaedt asked if the old garage will be used as living space. Box stated it will not.

Eichstaedt opened a public hearing. Fry read an email from Anthony and Linda Dylan at 9017 Nougles in support of the variance. Platt asked for clarification on the staff recommended condition. Mais explained that the condition is that the eastern gravel driveway approach be removed and replaced with grass. Eichstaedt asked the applicant if the condition is acceptable. The applicant said yes.

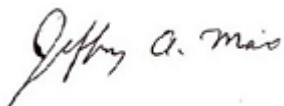
Kurtz moved, and Finch seconded, a motion to grant variance to construct a 35-foot by 24-foot garage/mudroom addition that will extend to within 9 feet of the (south) front property line where a minimum 27-foot front setback is required, with the condition the east driveway approach be removed and re-seeded with grass, for all of the following reasons: There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the irregular shape of the parcel and the proximity to the canal on Long Lake; The variance is necessary for the preservation and enjoyment of a substantial property right, the right to expand the use of the garage which is similar to that possessed by other properties in the same zoning district and in the vicinity; The immediate practical difficulty causing the need for the variance request was not created by the applicant; The variance will not be detrimental to adjacent property and the surrounding neighborhood, and; The variance will not materially impair the intent and purpose of the zoning ordinance. Finch supported the motion. Upon roll call vote: Eichstaedt-Yes, Fry-Yes, Philipp-Yes, Haddow-Yes, Platt-Yes, Kurtz-Yes, Finch-Yes.

OTHER BUSINESS: Platt stated that this would be his last meeting. Eichstaedt thanked Platt for his service on the board.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: Fry motioned to close the meeting. Finch supported the motion. Motion passes unanimously. Eichstaedt closed the meeting at 7:36pm.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator

TO: Honorable Mayor and City Council

DATE: February 22, 2022

FROM: Genevieve Kim, Youth Advisory Committee Chairperson

SUBJECT: 2021-2022 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 2021. There was a single virtual YAC meeting in September but YAC have been meeting monthly in-person since that time.
 - b. Youth members on other boards and commissions continue to 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 2021-22.
 - c. Tours of DPW, Fire Station #1 and City Hall have occurred so far. Additional tours of city buildings will occur throughout the year.
- 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. Collaborated with the Portage Senior Center for a YAC-senior citizen pen pal activity.
 - c. Assisted with Parks Department's Kids Night Out Party on Wednesday, December 22 helping children ages 5-12 create holiday decorations, cookie decorating, and play games, and snacks.
 - d. Plan to assist Environmental Board with Garlic Mustard Pull event in the spring of 2022.
 - e. Plan to increase and promote community youth involvement in volunteering as opportunities present, with COVID parameters permitting.
- 3.) Promote environmental awareness in the community.
 - a. The 2021 Green-A-Thon with the first-ever "soft-opening" Portage Farmers Market joint event occurred Sunday, April 25, 2021, and was met with success. Over 650 people attended. The YAC offered rock painting as an activity and handed out 250 tree seedlings.
 - b. The 2022 Green-A-Thon will pick up where 2021 left off and is scheduled for late April/early May in front of City Hall. Planning is currently underway.

- c. The YAC are also focusing on climate change focus and continued the sub-committee created in 2020 to better act on the topic.
 - d. Assembled a Resolution Calling for Action on Climate Change for the YAC with active 2021 and 2022 members signing. The Resolution is provided with this report.
- 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 occurred on February 6th with temps at 13 degrees and COVID alterations. Only 75 attended.
 - b. The 2022 Snow Party occurred February 5th with great success. Following a winter storm with 12 inches of snow and cancelled school two days during the preceding week, 250 people attended with great weather.
 - c. Plan to collaborate with the Breakfast Optimist Club and the Department of Public Safety to host a summer evening event in August with a law enforcement education opportunity.
- 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 2022.
- 6.) Maintain an active social media presence via Instagram and providing updates/articles to city Facebook page. Utilize the Remind app to connect with members. Review possibilities to start a new YAC Twitter account.

Sincerely,

Genevieve Kim, Chairperson
Youth Advisory Committee

Portage Youth Advisory Committee

Resolution Calling for Action on Climate Change

WHEREAS, there is consensus among an overwhelming majority of scientists that global warming is anthropogenic and that activities which create greenhouse gas emissions are the dominant cause of climate change; and,

WHEREAS, climate change is a racial justice, social justice, and equity issue. While climate change impacts all people, it disproportionately affects people of color and people in poverty, thereby exacerbating existing inequities and limiting equality of opportunity which is a foundational aspiration for modern America; and,

WHEREAS, youth represent a particularly vulnerable group because greenhouse gases emitted into the atmosphere will continue to accumulate over the coming decades and will profoundly impact our current students throughout their lives, as well as the lives of future generations; and,

WHEREAS, we agree with the Portage City Council, who declared on January 26, 2021, that a climate crisis threatens our citizens, city region, state and the natural world, and,

WHEREAS, climate change is posing an immediate threat to our community with the rising floods, droughts, extreme temperatures, spread of invasive species and disease, and lack of regionally grown foods; and,

WHEREAS, in our pursuit of a sustainable future, the Youth Advisory Committee of Portage seeks constant improvement by the sharing of knowledge, linking long-term sustainable considerations with ethical responsibility, and reestablishing the integral relationship between natural processes and human activity; and

WHEREAS, we commit to work for community-wide sustainability practices and principles; and,

WHEREAS, the global impact, the urgency, and the magnitude of climate change calls for leadership, action, and accountability in all sectors of society, all institutions, and all elected leaders; and,

NOW THEREFORE LET IT BE RESOLVED THAT: Portage Youth Advisory Committee calls on the City of Portage to commit themselves to furthering the Green-A-Thon and local food market, to encourage environmentally friendly actions and sustainable methods to keep nature afloat in our lives, along with the commitment to trees to sustain the title of Tree City USA; and,

BE IT FURTHER RESOLVED THAT we call on the Portage Public School District to reduce their carbon footprint and plastic usage by supporting the recycling program, transferring disposable items to more eco-friendly material, and educating the youth to inspire them to act alongside nature, instead of against; and,

BE IT FURTHER RESOLVED THAT we call on the Youth Advisory Committee members to look for new ways and ideas to reduce their carbon footprint, through carpooling to meetings, and participating in eco-friendly manners, along with reducing plastic and paper usage during meetings, and the recycling of any disposal; and,

BE IT FURTHER RESOLVED THAT, we call on the communities of Kalamazoo County to underscore the need for full community participation, inclusion, and support for the climate mobilization effort.

Signed:

amiti

Leanne Bozzi

Genevieve Kim

Momir Zulfan

Ameli Little

Anna Rachowicz

Ura Metzger

ALEX Dorian

Grace Freed

JOSEPH ZOY

Anna Sondag

Natalia Verdin