

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Rotary International 2023
2. 2023 Red Ribbon Week
3. Recognition of West Portage Little League's Youth Enrichment and Competitive Success

A. Consent Agenda:

1. Approve the City Council Meeting Minutes of the:
 - a. Board & Commission Interviews of October 3, 2023
 - b. Regular Meeting of October 3, 2023
2. Approve the Accounts Payable Register of October 17, 2023 as presented.
3. Set a special meeting on November 16, 2023, at 9:00 a.m. at the Portage Zhang Senior Center, 203 East Centre Avenue, for the annual City Council Goal Setting Session.
4. Support City of Portage participation in the *Intergovernmental Agreement for Early Voting Election Services between Kalamazoo County and Associated Municipalities* and authorize the City Clerk to sign the Agreement on behalf of the city.
5. Authorize the purchase of two Generac MDG175DF4 mobile diesel generators through the Sourcewell purchasing program, at a total cost of \$225,700.00 and authorize the City Manager to execute all documents related to these purchases on behalf of the city.
6. Approve the sale of a 2013 Ford F-250 Super-Duty pickup truck to the Kalamazoo County Medical Control Authority for \$38,000 and authorize the City Manager to execute all necessary documents.
7. Materials Transmitted of October 3, 2023
8. Minutes of Boards & Commissions:
 - a. Human Services Board of September 7, 2023
9. Calendar of Meetings:
 - Senior Citizens Advisory Board: Wednesday, October 18 at 2:30 p.m. at Portage Zhang Senior Center.
 - Planning Commission: Thursday, October 19 at 7:00 p.m. in the Portage City Council Chambers.

B. Petitions and Statements of Citizens:

C. Communications:

D. Public Hearings:

1. Subsequent to the public hearing, adopt Resolution #4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Micro-LAM, Inc. for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62.
2. Subsequent to the public hearing, adopt Resolution #4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Depatie Fluid Power Company (both general and flex

space) for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62.

E. Regular Business Agenda:

F. Unfinished Business:

1. Adopt the proposed amendments to the City of Portage Code of Ordinances, Chapter 78, Section 78-2, "Parking."
2. Adopt the proposed amendments to the City of Portage Code of Ordinances, Chapter 58, Section 58-33, "Residential collection schedule; registration of collectors."

G. Council Committee Reports:

H. New Business:

1. Review of Councilmember applications and proposed appointment of a new City Councilmember with term ending November 13, 2023

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.



CITY OF PORTAGE PROCLAMATION

Rotary International Proclamation

- WHEREAS,** Rotary is a global network of neighbors, friends, leaders, and problem-solvers who unite and take action to create lasting change in communities across the globe; and
- WHEREAS,** the Rotary motto, Service Above Self, inspires members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and
- WHEREAS,** Rotary in 1985 launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF, the Bill & Melinda Gates Foundation, and Gavi, the Vaccine Alliance, to immunize the children of the world against polio; and
- WHEREAS,** polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and
- WHEREAS,** to date, Rotary has contributed more than \$2.4 billion and countless volunteer hours to protecting nearly 3 billion children in 122 countries; and
- WHEREAS,** Rotary is working to raise an additional \$50 million per year, which will be leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation; and
- WHEREAS,** these efforts are providing much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents; and
- WHEREAS,** in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$10 billion to the effort; and
- WHEREAS,** there are over 1.4 million Rotary members in 46,000 clubs throughout the world that sponsor service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment in their local communities and abroad.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, and the City Council of the City of Portage, Michigan do hereby declare October 24, 2023, as World Polio Day in the City of Portage and do further direct that the lights on the Zhang Portage Senior Center be lit up "PURPLE FOR POLIO" from sunset on October 23 through dawn on October 25, 2023 to recognize this important designation.

Signed this 17th day of October 2023.

Patricia M. Randall, Mayor



CITY OF PORTAGE PROCLAMATION

2023 Red Ribbon Week

"Be Kind to Your Mind. Live Drug Free."

- WHEREAS,** alcohol and other drug abuse in this nation has reached epidemic stages; and
- WHEREAS,** it is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and
- WHEREAS,** the National Family Partnership, together with Portage Public Schools are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and
- WHEREAS,** the National Red Ribbon Campaign will be celebrated in every community in America during "Red Ribbon Week", October 23-31; and
- WHEREAS,** businesses, government, parents, law enforcement, media, medical and religious institutions, senior citizens, service organizations, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this weeklong campaign; and
- WHEREAS,** the City of Portage further commits its resources to ensure the success of the Red Ribbon Campaign;

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, do hereby proclaim the week of October 23rd through 31st, 2023, as Red Ribbon Week, and encourage Portage citizens to participate in drug prevention education activities, showing our commitment to a drug-free community.

BE IT FURTHER RESOLVED that the City Council of the City of Portage encourages all citizens to echo the theme of the 2023 campaign: "Be Kind to Your Mind. Live Drug Free."



Signed this 17th day of October, 2023.

Patricia M. Randall, Mayor



CITY OF PORTAGE PROCLAMATION

Recognition of West Portage Little League's Youth Enrichment and Competitive Success

WHEREAS, the citizens of the City of Portage hold a deep appreciation for the role of sports in youth development and community building; and

WHEREAS, West Portage Little League is an exemplary organization, providing a positive environment for over 600 local children to play baseball and softball, fostering friendships, and creating lasting memories for more than 50 years; and

WHEREAS, West Portage Little League has operated as a non-profit 501(c)(3) organization in our community for more than 50 years, relying on the tireless dedication of volunteers, parents, and sponsors who understand the transformative power of youth sports in a child's life; and

WHEREAS, West Portage Little League actively promotes team managers not only as coaches but also leaders who play a vital role in shaping the physical, mental, and emotional development of young athletes; and

WHEREAS, West Portage Little League has recently achieved remarkable milestones by winning multiple district titles in a variety of different age ranges including: the District Championship and State Runner-Up in 8-10 Year Old Softball in 2022, District Championship and State Finalists in 8-10 Year Old Softball in 2023, District Championships in Major League Softball in 2022 and 2023, District Championships in 8-10 Year Old Baseball in 2022 and 2023, and a District Championship in Junior League Softball in 2023, all of which showcases West Portage Little League's commitment to excellence and the development of talented young athletes.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, Mayor of the City of Portage, do hereby congratulate West Portage Little League on tremendous championship seasons in 2022 and 2023 and further direct that this Proclamation be entered into the permanent City record for all to remember a banner year for our premier little league teams.

Signed this 17th day of October 2023.

Patricia M. Randall, Mayor

BOARD & COMMISSION INTERVIEW MINUTES FROM OCTOBER 3, 2023

Mayor Patricia Randall called the Special Meeting to order at 05:32 PM in Conference Room #1 at Portage City Hall.

ROLL CALL: Councilmembers Lori Knapp, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: Councilmembers Chris Burns and Vic Ledbetter.

ALSO PRESENT: City Manager Pat McGinnis, City Clerk Erica Eklov, and Administrative Assistant (Clerk) Aaron Thiel. Citizens Mark McKeon, Nicole Miller, and Brooke Kolodzieczyk were also present.

ENVIRONMENTAL BOARD: From 5:30 p.m. to 5:40 p.m. the City Council conducted interviews for the Environmental Board. Applicants David Moe and Wendy Pennell were present. Mayor Pro Tem Pearson asked them about the environmental issues in which they were interested. Mr. Moe noted atomic fallout concerned him. Ms. Pennell responded that her degree has always had her interested, but she is also concerned about clean groundwater and air. Mayor Pro Tem Pearson then spoke regarding the Environmental Board's purpose in relation to advising the City Council.

HISTORIC DISTRICT COMMISSION: From 5:40 p.m. to 5:50 p.m. the City Council interviewed for the Historic District Commission vacancy. Applicant Steven Rice was present and relayed his background as a former paint store manager inspiring his interest in refreshing historic buildings. He highlighted his ownership of the historic home on the corner of Vanderbilt and Oakland Drive. Mr. Rice then asked about the differences in the various city boards, as well as the short length of his term and the potential for renewing.

HUMAN SERVICES BOARD: From 5:50 p.m. to 6:00 p.m., the Council interviewed for the Human Services Board (HSB). Applicants Julie Pryor, Martha Perry, and Brian Plescher attended and provided summaries of their backgrounds. At the invitation of the Mayor, current HSB Chair Brooke Kolodzieczyk described the current responsibilities and oversight of the Board. She highlighted October's Red Ribbon Week and November's Community Services Open House event.

Councilmember Urban asked the applicants about their potential interest in the other boards on the docket, noting the remaining opening in the Zoning Board of Appeals. Mr. Plescher and Ms. Pryor indicated measured interest, with first preference for the HSB.

LOCAL OFFICERS COMPENSATION COMMISSION: From 6:00 p.m. to 6:10 p.m. the City Council interviewed for the Local Officers Compensation Commission. Julie Pryor remained from the prior session to interview for the vacant position. Mayor Randall noted the infrequency of the Commission's meetings and asked Ms. Pryor if she was comfortable with such a schedule. Ms. Pryor was amenable to the option if she was needed to fill a vacancy.

Councilmember Urban inquired about returning applicant Dr. Toni Woolforke-Barnes and whether she remained interested in the position. Clerk Eklov confirmed that staff had verified Dr. Woolforke-Barnes was still interested in the Commission.

PARK BOARD: From 6:10 p.m. to 6:25 p.m. the Council interviewed for the Park Board. Applicants Tara Barber and Josh Piotter were present. Following a summary of the Board's oversight and meeting schedule by the Clerk, Mayor Randall asked each applicant to relay their favorite park and their specific interest in the Board. Mayor Pro Tem Pearson asked the applicants what aspect they would like to see introduced. Ms. Barber relayed an interest in increasing the sense of community and Mr. Piotter expressed a desire for greater communication from the city regarding park programming and events. Mayor Randall clarified the number of vacancies would capture both applicants. Councilmember Urban asked to verify whether the applicants had an interest in any other

city boards, noting the continued vacancy on the Zoning Board of Appeals. Both applicants indicated interest in remaining with the Park Board option.

SENIOR CITIZENS ADVISORY BOARD: From 6:25 p.m. to 6:35 p.m. City Council interviewed for the Senior Citizens Advisory Board. Current Chair Linda Zoeller and existing member Lawrence Smith attended. Ms. Zoeller provided an update regarding the activities of the Board and upcoming projects. Mr. Smith noted he currently teaches a calligraphy class and enjoys the amenities of the new Senior Center building. There was additional discussion regarding the Memory Cafe service and its increased popularity due to the recent closure of the area's two memory care facilities. Ms. Zoeller asked about the makeup of the current board, noting the term limit of long-standing member Art Roberts. Mayor Randall asked about the demographics of the current Senior Center membership in light of the large increase in new members. She also asked about driver availability for the two new Center buses.

The City Council also interviewed Mr. Vincent Keszei for the Senior Citizens Advisory Board earlier from 5:40 p.m. to 5:47 p.m. Mr. Keszei detailed his background as an ophthalmologist and his desire to provide the senior community with more health-related support options.

ZONING BOARD OF APPEALS: Beginning at 6:35 p.m. the Council reviewed the Zoning Board of Appeals. As there were no applicants present, the Council asked the Clerk regarding the two citizens. Clerk Eklov noted that applicant Justin Gish was a former member of the Park Board and more recently the Environmental Board, and stated she was not familiar with applicant Amy Lipset. Mayor Randall noted Mr. Gish's prior service on the Board of Review as well. There was discussion regarding Mr. Gish's departure from the Environmental Board and his prior interviews before City Council.

BRA/TIFA/EDC: Following the discussion on the Zoning Board of Appeals, City Council then briefly reviewed the BRA/EDC/TIFA. As there were no applicants present, the Council asked the City Clerk to include the vacancy to the January interview session.

BOARD AND COMMISSIONS APPOINTMENTS DISCUSSION: There was additional discussion regarding the Zoning Board of Appeals vacancy. At the inquiry of the Mayor, Human Services Board (HSB) Chair Brooke Kolodzieczyk highlighted two of the three applicants for the Board's vacant positions, noting her preference for Martha and Josh based on their prior experience. The Council recommended the third applicant for the HSB, Julie Pryor, be assigned to the Local Officers Compensation Commission in the interim and asked the Clerk to extend an invitation to Ms. Pryor to continue attending HSB meetings should a future vacancy occur. Clerk Eklov inquired about the potential reappointment of Senior Citizens Advisory Board member, Art Roberts, noting the lack of applicants to fill his position. Councilmember Urban recommended that Mr. Roberts be re-appointed to a single-year term.

STATEMENTS OF CITIZENS: None.

ADJOURNMENT: Mayor Randall adjourned the meeting at 6:48 PM.

Erica L. Eklov, City Clerk

CITY COUNCIL MEETING MINUTES FROM OCTOBER 3, 2023

Mayor Patricia Randall called the Regular Meeting to order at 07:01 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Lori Knapp, Victor Ledbetter, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: Councilmember Chris Burns.

ALSO PRESENT: City Manager Pat McGinnis, Chief Operating Officer Adam Herringa, Assistant City Attorney Josh Thall, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on building a stronger community through the involvement of youth, parents and business leaders for safe after-school programs. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Lights On After School 2023: Brynn Rohde, Systems Coordinator for the Kalamazoo Youth Development Network, read the proclamation. Following the reading of the proclamation, Ms. Rohde relayed the planned activities for the Lights On event for 2023.

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. Councilmember Urban removed Item A.6 (Cable Access A/V System). Motion by Pearson, seconded by Knapp, to approve the Consent Agenda as presented with Item A.6 removed for further discussion. Upon a roll call vote, motion carried 5 to 0.

Approval of Minutes: Motion by Pearson, seconded by Knapp, to approve the City Council Minutes of the Regular Meeting of September 19, 2023. Upon a roll call vote, motion carried 5 to 0.

Accounts Payable Register: Motion by Pearson, seconded by Knapp, to approve the Accounts Payable Register of October 3, 2023 as presented. Upon a roll call vote, motion carried 5 to 0.

Industrial Tax Abatement Application from Micro-LAM Inc. (5870 S. Sprinkle Road) – Industrial Development Districts No. 34 and 62: Motion by Pearson, seconded by Knapp, to accept the application for an industrial tax abatement from Micro-LAM, Inc. for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62, and set a hearing on the Industrial Facilities Exemption Certificate for October 17, 2023. Upon a roll call vote, motion carried 5 to 0.

Industrial Tax Abatement Application from Depatie Fluid Power Company (5870 S. Sprinkle Road) – Industrial Development Districts No. 34 and 62: Motion by Pearson, seconded by Knapp, to accept the applications for an industrial tax abatement from Depatie Fluid Power Company for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62, and set a hearing on the Industrial Facilities Exemption Certificates for October 17, 2023. Upon a roll call vote, motion carried 5 to 0.

Ordinance Amendment Chapter 78, Section 78-2, "Parking": Motion by Pearson, seconded by Knapp, to accept for first reading the proposed amendments to the City of Portage Code of Ordinances, Chapter 78, Section 78-2, "Parking," and schedule final consideration for Tuesday, October 17, 2023. Upon a roll call vote, motion carried 5 to 0.

Replacement of Apparatus Driveways and Parking Lot at Fire Station No. 3: Motion by Pearson, seconded by Knapp, to award a contract to James E. Fulton & Sons of Kalamazoo, Michigan to provide construction services for the replacement of the apparatus driveways and parking lot at Fire Station No. 3 in the amount of \$280,527 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

PPCOA Collective Bargaining Agreement: Motion by Pearson, seconded by Knapp, to approve the Portage Police Command Officers Association Collective Bargaining Agreement for the period of July 1, 2023, to June 30, 2025, and authorize the Mayor and City Clerk to sign the same. Upon a roll call vote, motion carried 5 to 0.

Minutes of Boards & Commissions: Motion by Pearson, seconded by Knapp, to receive the minutes of the Senior Citizens Advisory Board of August 16, 2023. Upon a roll call vote, motion carried 5 to 0.

Calendar of Meetings: Motion by Pearson, seconded by Knapp, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 5 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

1. Taylor Van Winkle spoke on behalf of Kalamazoo County to provide an introduction as the first County Climate Sustainability Coordinator. Taylor provided an update on recent County activities, including a public Climate Action Questionnaire for the County.
2. Mark McKeon (6825 Cromwell Street) relayed citizen concerns regarding speeding on Constitution Boulevard.

PUBLIC HEARINGS:

Rezoning and Tentative Plan Application (#23/24-1): Mayor Randall opened the public hearing at 7:10 p.m. City Manager McGinnis presented on behalf of the Community Development Department and the project proposal. Applicant Mike West, for Green Development Ventures, LLC, and Allen Edwin Homes, began his statements with responses to the citizen concerns posed to both the Planning Commission and the City Council. He noted the plans for the vegetation, as well as a neighboring citizen's driveway. Mr. West then relayed the project's review with the Community Development Department and the Planning Commission.

Mayor Pro Tem Pearson asked about a matching development in Texas Township in comparison to the current proposal for Portage. John Lovely, on behalf of the applicant, spoke regarding the development known as Belle Meade and its creation in Texas Corners. Councilmember Urban asked about a guarantee for tree maintenance, noting a prior Allen Edwin Homes development that removed all site trees. Mr. West responded by noting the Planned Development proposal and contractual agreement with the city to adhere to the plan, as well as supplementing the area with evergreens. Councilmember Urban asked Mr. West to clarify the evergreen placement. Mr. West noted a detailed landscape plan had yet to be provided and explained the developer's plan. Mayor Randall asked Mr. West about the targeted renter profile. Public comments were as follows:

1. Doug Brown (9626 and 9630 Oakland Drive) spoke via phone and noted he owned the five acres behind the proposed development. He disputed the information provided by Mr. West regarding the driveway placement. He stated his land and its access to the west would be negatively affected by the proposal.
2. Marie Mackey (9636 Oakland Drive) echoed Mr. Brown's concerns regarding his driveway access. She expressed additional concern about the further development of open space within the city and the effect on future generations.
3. Arnold Mackey (1606 Schuring Road) also expressed concern about increased development in this area of the city and driveway access to surrounding residents. Councilmember Urban asked Mr.

Mackey the location of his mother's property in conjunction with the proposed development parcel. Mr. Mackey confirmed it was just south.

4. Mark McKeon (6825 Cromwell Street) urged the City Council to preserve the land by maintaining the property in question at its current light industrial zoning, echoing prior speakers, that the property would not likely be developed in that capacity.
5. Susan Versluis (9814, 9818, and 9832 Oakland Drive) noted the time it takes to pull out of her residential driveway for work mid-afternoon and is concerned this development would increase the amount of traffic and speeds in the area. She also expressed concern about the adjacent wetlands. Ms. Versluis stated she had resided at the home for over 45 years.
6. Taylor Brown (9626 Oakland Drive) spoke on behalf of his father, noting the current wooded setting and the use of the current driveway which cannot be shared to access the rear of the property, and is hoping to find a shared solution with the developer and the city to maintain access to their property. Councilmember Urban asked Mr. Brown to clarify the addresses of his family's parcel and the current layout.
7. Kathleen Haight (3020 East Shore Drive) expressed concern about the similarity of the current development and its high-density model like previously proposed developments in the Austin Lake area. She noted the advertised income level was quoted higher than the typical working-class income and encouraged the City Council to deny the proposed development for the city.
8. Susan Versluis (see above) returned to ask about the proposal's effect on her taxes and property value. City Manager McGinnis responded to Ms. Versluis' valuation question. Mayor Randall noted the rate of inflation and recent millage passages have also affected the tax rates. Ms. Versluis then stated that she was concerned about the development and/or residents not paying taxes. Mayor Randall responded and confirmed the property would be income-producing.
9. Rebecca Argue (9708 Oakland Drive) spoke via phone and noted her long tenure at her residence while witnessing increased traffic on Oakland Drive in the last several years due to recent developments in the area. She also expressed concern regarding the increased development of green space, upkeep of the property, possibility of a buffer, and effects on adjacent properties. She expressed concern about the overall increased development of Portage since her move to the city thirty-five years ago.

Seeing no other speakers, motion by Urban, seconded by Knapp, to close the public hearing. Upon a voice vote, motion carried 5 to 0.

Following the public hearing, Mayor Randall asked City Traffic Engineer, Muhammad Arif, to discuss the residents' concerns regarding traffic. Mr. Arif explained that 2022 traffic volume studies for three locations in the area illustrated normal traffic volumes and demonstrated no need for a new traffic signal. He spoke regarding the standard manual of highway capacity and its authoring by the non-governmental National Academy of Sciences, Engineering, and Medicine from extensive research. Mr. Arif then highlighted the city's efforts to improve motorist safety at the intersection of Vanderbilt Avenue and Oakland Drive.

Councilmember Ledbetter asked Mr. Arif to clarify his notation of a left-turn lane. Mayor Randall asked if the roadway remains straight while widening to accommodate a left-turn lane. Mr. Arif confirmed.

At the invitation of the Mayor, Ms. Versluis asked Mr. Arif about the timing of the traffic studies. Mr. Arif responded and provided the data and timings from the studies. Taylor Brown asked Mr. Arif about driveway access. Mr. Arif responded.

Councilmember Urban responded to several citizen comments from the hearing that the City Council had likely made up its mind and noted he had expressed opposition to several past developments. He then responded to citizen complaints that Portage was increasing in development and pace. Councilmember Urban sympathized with the longstanding residents while explaining that

such a trend is inherent to a growing city that is no longer a township. He then responded to comments regarding the current industrial zoning of the property and potential for misuse, and the inability of the city to mandate a private property to remain greenspace unless purchased by the city. He expressed skepticism about prior developments recommended by staff in relation to density while highlighting the current proposal's density matched the requirements for a Planned Development. Councilmember Urban further relayed that the city's need for additional housing was an identified demand. He then spoke regarding the city's inability to prevent clear-cutting of a property in the absence of an ordinance and warned the current developer against such action in the future. Councilmember Urban elaborated on the tax payment structure, noting the property owner would be paying the taxes and would do so at a higher rate due to the rental unit plan.

Motion by Urban, seconded by Knapp, to approve the Rezoning and Tentative Plan Application #23/24-1, from I-1 Light Industrial District to PD Planned Development District for a proposed residential development at 9581 Oakland Drive. Upon a roll call vote, motion carried 5 to 0.

Mayor Randall clarified her support for the development and the choice between increasing development or raising property taxes for current residents. She encouraged the city administration to work with property owners to ensure access to their lots.

REGULAR BUSINESS AGENDA:

Board and Commission Appointments: At the request of the Mayor, Clerk Eklov read the various appointments into the record. Motion by Pearson, seconded by Knapp, to reappoint Deidre Courtney Nieves to a term ending October 1, 2026, and appoint David Moe and Wendy Pennell to terms ending October 1, 2026, to the Environmental Board; appoint Steven Rice to a term ending December 31, 2023, to the Historic District Commission; reappoint Sue Beasley and Chelsea Huber to terms ending October 1, 2026, and appoint Brian Plescher and Martha Perry to terms ending October 1, 2026, to the Human Services Board; appoint Julie Pryor to a term ending October 1, 2030, to the Local Officers Compensation Commission; reappoint Tara Gish and Elanor Riley to terms ending October 1, 2026, appoint Tara Barber to a term ending October 1, 2025, and appoint Josh Piotter to a term ending October 1, 2026, to the Park Board; reappoint Jean Balazs and Lawrence Smith, to terms ending October 1, 2026, reappoint Arthur Roberts to a term ending October 1, 2024, and appoint Vincent Keszei to a term ending October 1, 2024, to the Senior Citizens Advisory Board; and, no appointments at the present time for Zoning Board of Appeals and Economic Development Corporation/Tax Increment Finance Authority and Brownfield Redevelopment Authority. Upon a voice vote, motion carried 5 to 0.

Cable Access A/V and Video Production System Refresh: Councilmember Urban explained that he removed the item from the Consent Agenda since the proposed purchase did not include a bid tabulation. He asked Technology Services Director Devin Mackinder to elaborate on the sole source contract. Councilmember Urban relayed that he had received sufficient clarification from Director Mackinder earlier but desired the information for the public record as well. Director Mackinder stated the proposal entailed the execution of the first amendment of the original contract with AVI Systems previously solicited in 2018. He noted that several firms were reviewed in 2018, ultimately resulting in the current contract with AVI Systems, and the current expenditure is designed as an update to the earlier audio-visual systems installed in the Council Chambers.

Councilmember Urban highlighted that the proposal is a continuation of an existing contract and that he supports the item.

Motion by Urban, seconded by Knapp, to approve the purchase of cable access A/V and video production system hardware/software and installation services from AVI Systems, Incorporated in the amount of \$128,298.80 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 5 to 0.

UNFINISHED BUSINESS:

Amendment to Code of Ordinances – Registration of Collectors: City Manager McGinnis relayed the City Administration's review and revisions since the first introduction at the prior meeting, noting that the ordinance had not been updated since 1990. He relayed the update to implementation dates to allow for a clean start, clarified the notice - not approval - of the vendor's rates, a requirement of complaint log submittals during annual permit renewal, and clarification of waste 'removal'.

Motion by Urban, seconded by Ledbetter, to accept for first reading the proposed amendments to the City of Portage Code of Ordinances, Chapter 58, Section 58-33, "Residential collection schedule; registration of collectors," and schedule final consideration for Tuesday, October 17, 2023.

Councilmember Urban subsequently requested that staff confirm ordinance adoption timelines. Upon a roll call vote, motion carried 5 to 0.

COUNCIL COMMITTEE REPORTS: None.

NEW BUSINESS:

Discussion on Appointment of New Councilmember: Mayor Randall introduced the item and proposed that interested applicants fill out the same application as the boards and commissions applicants, that the city send out a request for applications, and have the Council take action at the next City Council meeting. She reiterated that current candidates for the November 7th election would not be considered.

Councilmember Knapp asked for clarification on whether the process would include interviews and the date of appointment. Mayor Randall clarified that she was not recommending interviews, but proposing the mechanism for applicants and Council appointment.

Motion by Pearson, seconded by Ledbetter, to pursue the process as stated by Mayor Randall to appoint a new City Councilmember. Upon a roll call vote, motion carried 5 to 0.

STATEMENTS OF CITIZENS:

1. Caroline Pesheck (6745 Shoreham Street) noted that October is Fair Housing Month and urged the Council to pass an ordinance prohibiting blanket rejection by rental agencies of a renter based on the source of income, criminal history, foreclosure status, domestic abuse victim status, or bankruptcy history. She also encouraged the Council to work towards re-homing the homeless in Portage and creating housing developments with mixed-income ranges and mixed styles.
2. Mark McKeon (6825 Cromwell Street) spoke regarding the housing development discussed during the public hearing, noting the need for employee housing and the related need for transportation, and their relevancy to the region as a whole. He encouraged consideration toward any environmental impact a development could produce.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban had no comment.

Councilmember Ledbetter asked the public to think about what the upcoming Columbus Day holiday means and why many states have changed the holiday to Indigenous Peoples Day.

Councilmember Knapp had no comment.

City Manager McGinnis spoke regarding the Youth Advisory Committee's October 4th Respect for Law event in conjunction with the Kalamazoo Breakfast Optimists Club. He then relayed that the

County Climate Questionnaire would also be advertised by the city.

Mayor Pro Tem Pearson relayed that he had spoken at the 20th year anniversary of the WMU Medicine Innovation Center along with Lt. Gov. Gilchrist on September 21. He relayed that the celebration honored two graduates of the Innovation Center, including Vestaron and National Biomedical Sciences (NBS), and their move to an individual lab in Portage. Mayor Pro Tem Pearson then spoke regarding the recent ribbon-cutting ceremony of Beyond Financial Consulting on Mall Drive.

Mayor Randall thanked the Council for attending both meetings in light of the good weather. She then highlighted the upcoming inaugural Oktoberfest event hosted by the Portage Parks Foundation. She then presented the award received by the city and AVB for the architectural design of the new Portage Zhang Senior Center. She noted the Center now has over 4500 members and is 80 percent self-funded. She commended the various income avenues supporting more members with fewer taxpayer funds.

ADJOURNMENT: Mayor Randall adjourned the meeting at 9:08 PM.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve the Accounts Payable Register of October 17, 2023 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 September 24, 2023 through October 7, 2023 and notes \$1,479,554.99 in automated clearing house payments, \$450,753.30 in paper checks, \$91,828.95 in auto-pay payments, \$899,126.86 in electronic payments and \$11,975.93 in credit card payments (September) for a grand total of \$2,933,240.03.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of October 17, 2023

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 1 of 10

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
09/29/2023	20143(A)	A NEW LEAF	CITY HALL PLANT CARE	108.50
09/29/2023	20144(A)	AIRGAS USA LLC	WELDING SUPPLIES	104.16
09/29/2023	20145(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,477.27
09/29/2023	20146(A)	AMAZON.COM SALES, INC.	PEDESTALS-PR; EXERCISE BALLS-PZSC, OFC SUP-FD	1,558.06
09/29/2023	20147(A)	VOID		0.00
09/29/2023	20148(A)	AUNALYTICS INC	MONTHLY DISASTER RECOVERY SERVICES	1,572.00
09/29/2023	20149(A)	BAREITHER, CHAD	STRATEGIC PLANNING	3,683.33
09/29/2023	20150(A)	BENNETT, ZACHARY J	PER DIEM-EVIDENCE TECHNICIAN COURSE	324.50
09/29/2023	20151(A)	BLUE CARE NETWORK-GREAT LAKES	HEALTH INSURANCE	167,675.54
09/29/2023	20152(A)	BOGARD, SCOTT T	PER DIEM-PROF CANINE HANDLERS WORKSHOP	88.50
09/29/2023	20153(A)	CARDINAL BUS, INC.	TRIP VENDOR PAYMENT	2,535.00
09/29/2023	20154(A)	CHARTER COMMUNICATIONS	CABLE TV	669.43
09/29/2023	20155(A)	CIVICPLUS	MUNICODE, STATE LAW REF UPDATES	5,400.00
09/29/2023	20156(A)	CLARK, RONALD	REIMB EXP-POLICE SCHOOL OF STAFF & COMMAND	682.80
09/29/2023	20157(A)	CLARK, STEVEN	NIGHT LOCK KEYS	178.74
09/29/2023	20158(A)	COX, ELISA ROSE	ORIENTATION AND SUPERVISE FITNESS	240.00
09/29/2023	20159(A)	CROWN TROPHY	PCAA AWARD TROPHY	133.00
09/29/2023	20160(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING, DNS FAILOVER SERVICE	178.45
09/29/2023	20161(A)	DEER CONTRACTING & LANDSCAPE	LIFT STATION MAINTENANCE	12,740.00
09/29/2023	20162(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE	20,065.81
09/29/2023	20163(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	1,957.42
09/29/2023	20164(A)	EARLE, SHELIA L	FITNESS INSTRUCTION	727.50
09/29/2023	20165(A)	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT 230930	3,274.00
09/29/2023	20166(A)	EKLOV, ERICA	REIMB-REFRESHMENTS FOR CLERK MEETING	28.88
09/29/2023	20167(A)	ENGINEERED PROTECTION SYSTEMS, INC.	QTLY CITYWIDE SVCS, ALARM MONITORING	22,880.40
09/29/2023	20168(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	LEAF CHUTES	296.85
09/29/2023	20169(A)	ETNA SUPPLY, INC.	DRINKING FOUNTAIN FOR SCHRIER PARK	6,388.14
09/29/2023	20170(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,148.28
09/29/2023	20171(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING & REPAIRS	5,080.00
09/29/2023	20172(A)	FISHBECK THOMPSON CARR & HUBER, INC	WELLHEAD PROTECTION PROGRAM UPDATE	24,838.88
09/29/2023	20173(A)	FISHER, LACEY	PER DIEM-EVIDENCE TECHNICIAN COURSE	324.50
09/29/2023	20174(A)	FOREMOST SALES COMPANY LLC	PARK FACILITY CLEANING	5,935.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 2 of 10

Check Date	Check	Vendor Name	Description	Amount
09/29/2023	20175(A)	FULL CIRCLE FARM	FOOD ASSISTANCE REIMBURSEMENT	314.00
09/29/2023	20176(A)	GORDON WATER SYSTEMS	WATER SERVICE	570.76
09/29/2023	20177(A)	GORNO FORD	FORD PICKUP TRUCK	49,222.00
09/29/2023	20178(A)	GREATER KALAMAZOO UNITED WAY	UNITED WAY DONATIONS FOR SEPTEMBER 2023	75.78
09/29/2023	20179(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SERVICES	550.00
09/29/2023	20180(A)	HOUSEAL LAVIGNE ASSOCIATES, LLC	PROFESSIONAL SERVICES - MASTER PLAN	2,765.00
09/29/2023	20181(A)	HURLEY & STEWART, LLC	2018 STORM DRAINAGE IMPROVEMENTS PROJ	3,789.00
09/29/2023	20182(A)	INTERNATIONAL CODE COUNCIL, INC	MI MECH CODE BOOK	92.00
09/29/2023	20183(A)	J & H OIL COMPANY	FUEL PURCHASES	271.80
09/29/2023	20184(A)	J & J LAWN SERVICE, INC.	UTILITY MOWING AND TRIMMING	10,664.40
09/29/2023	20185(A)	JB PRINTING	PORTAGER, PARKS/REC GUIDE, FALL/WINTER BR	15,921.06
09/29/2023	20186(A)	KEHOE, EDWARD J	QIGONG FITNESS INSTRUCTION	375.00
09/29/2023	20187(A)	KURZAVA, MATTHEW STEPHEN	FITNESS INSTRUCTION	300.00
09/29/2023	20188(A)	LAWSON PRODUCTS, INC	REPAIR & MAINTENANCE SUPPLIES	1,547.05
09/29/2023	20189(A)	LRE	ENGINEERING SERVICES-HAMPTON CREEK BOG	1,415.00
09/29/2023	20190(A)	MACQUEEN EQUIPMENT LLC	SWEEPER REPAIRS, TRACKLESS MAINT SUP	3,398.31
09/29/2023	20191(A)	MATTISON, MEGAN	COOKING DEMO	360.00
09/29/2023	20192(A)	MEEKHOF TIRE SALES & SERVICE INC.	NEW TIRES	2,436.00
09/29/2023	20193(A)	MEJEUR ELECTRIC LLC	MISC ELECTRICAL SERVICES	105.00
09/29/2023	20194(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	334.36
09/29/2023	20195(A)	MORRISON INDUSTRIAL EQUIPMENT	FORKLIFT REPAIRS	182.08
09/29/2023	20196(A)	MOTOR PARTS AND EQUIPMENT CORP	EQUIP REPAIR/MAINT SUPPLIES	3,598.15
09/29/2023	20197(A)	NASON, RICHARD	REIMB REG-ENHANCING COMM IN FIRE SVC	20.00
09/29/2023	20198(A)	NORMAN CAMERA CO.	CAMERA EQUIPMENT	1,314.96
09/29/2023	20199(A)	NOTT, SARAH	WATERCOLOR CLASSES	375.00
09/29/2023	20200(A)	NYE UNIFORMS	MISC UNIFORMS	150.07
09/29/2023	20201(A)	OFF THE CUFF CATERING	PROGRAM - SOCIAL GOLF LEAGUE END OF YEAR	566.00
09/29/2023	20202(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERVICES	4,638.53
09/29/2023	20203(A)	PARIS CLEANERS	LAUNDRY SERVICES	919.30
09/29/2023	20204(A)	PECKELS, CHRISTINE	FITNESS INSTRUCTION YOGA	240.00
09/29/2023	20205(A)	PEOPLEFACTS, LLC	SECURITY MONITORING FEE	33.34
09/29/2023	20206(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE SERVICES	3,195.00
09/29/2023	20207(A)	PHILLIPS, KIMBERLY	REIMBURSE FOR EXPENSES	361.69

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 3 of 10

Check Date	Check	Vendor Name	Description	Amount
09/29/2023	20208(A)	PLASKO, PATRICIA MARIE	FITNESS INSTRUCTION	585.00
09/29/2023	20209(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES FOR SEPTEMBER 2023	1,980.00
09/29/2023	20210(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FF UNION DUES FOR SEPTEMBER 2023	20.00
09/29/2023	20211(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA UNION DUES FOR SEPTEMBER 2023	644.00
09/29/2023	20212(A)	PRECISION PRINTER SERVICES INC	PRINTER SUPPORT SERVICES	863.04
09/29/2023	20213(A)	PRINTING SERVICES INC	PRINTING SERVICES	217.19
09/29/2023	20214(A)	QUADIENT LEASING USA, INC	LEASE PAYMENT	732.30
09/29/2023	20215(A)	R W LAPINE INC.	HVAC ON-CALL SVCS & MAINTENANCE	4,084.42
09/29/2023	20216(A)	REYNHOUT, BRENT	PER DIEM-BALLISTIC SHIELD INSTRUCTOR	259.00
09/29/2023	20217(A)	ROBERT LAMSON, LLC	PSYCH POST-COE SCREENING	895.00
09/29/2023	20218(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL MAINTENANCE	4,836.67
09/29/2023	20219(A)	SHINY BRITE WASHING SYSTEMS LLC	CAR WASHES	108.00
09/29/2023	20220(A)	SIMPLIFILE LLC	DOCUMENT RECORDING FEE	232.75
09/29/2023	20221(A)	SMITH DAWSON & ANDREWS, INC.	FEDERAL ADVOCACY SERVICES	5,000.00
09/29/2023	20222(A)	SYNERGISTIC ONLINE SOLUTIONS	HARDWARE MAINTENANCE, DISASTER RECOVERY	3,950.00
09/29/2023	20223(A)	TMK WORLDWIDE, LLC	METER SERVICE	729.59
09/29/2023	20224(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES FOR SEPTEMBER 2023	529.58
09/29/2023	20225(A)	VEOLIA WATER CONTRACT OPERATIONS	UTILITY SYSTEM OPERATION	204,969.84
09/29/2023	20226(A)	VIRIDIS DESIGN GROUP	A&E EAST CENTRAL TRAIL	1,000.00
09/29/2023	20227(A)	WARNER NORCROSS & JUDD LLP	FEES FOR PROFESSIONAL SERVICES	285.00
09/29/2023	20228(A)	WAYNE COUNTY APPRAISAL LLC	ASSESSING SERVICES	39,349.25
09/29/2023	20229(A)	WIGHTMAN	PORTAGE RD RESIDENTIAL PLANNED DEV	2,750.00
09/29/2023	20230(A)	XEROX CORPORATION	XEROX COPIER FEES	181.36
09/29/2023	20231(A)	ZHAO, BIQI	PER DIEM MAPS CONFERENCE	208.00
10/06/2023	20232(A)	COEUR, AARON	PER DIEM - MGFOA FALL CONFERENCE	111.50
10/06/2023	20233(A)	HOFFMAN BROTHERS, INC.	LOCAL STREETS RECONSTRUCTION	800,543.67
10/06/2023	20234(A)	STEELE, DANA	REIMB-FIRE PRINTING	5.00
10/06/2023	20235(A)	WOLFE, MATTHEW	REIMB EXP-MACP CONFERENCE	89.25
Total ACH				1,479,554.99

Check Type: Paper

09/29/2023	325236	10TH DISTRICT COURT	OUT OF COUNTY BOND	500.00
09/29/2023	325237	ABSOLUTE VIDEO PRODUCTIONS	PHOTOGRAPHY SERVICES	3,800.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 4 of 10

Check Date	Check	Vendor Name	Description	Amount
09/29/2023	325238	ACE PARKING LOT STRIPING, INC.	LINE PAINTING HH BASKETBALL COURTS	1,200.00
09/29/2023	325239	ADP SCREENING & SELECTION SERVICES	ADP SCREENING AND SELECTION SERVICES	199.25
09/29/2023	325240	AEG DEVELOPMENT LLC	BD BOND REFUND	16,720.00
09/29/2023	325241	ALBERDING, NINA	REIMBURSEMENT FOR IRRIGATION DAMAGES	183.00
09/29/2023	325242	ALERT-ALL CORP.	FIRE PUBLIC ED SUPPLIES	662.50
09/29/2023	325243	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	892.00
09/29/2023	325244	ALRIG USA DEVELOPMENT LLC	BD BOND REFUND	2,618.00
09/29/2023	325245	ASCENSION BORGESS HOSPITAL	PRE-COE PHYSICAL & DOT PHYSICAL	830.00
09/29/2023	325246	AT&T	ELECTRONIC COMMUNICATIONS	384.14
09/29/2023	325247	ATLAS, GEORGE	DRIVEWAY APPROACH REPAIR	1,700.00
09/29/2023	325248	AVB CONSTRUCTION LLC	BD BOND REFUND	6,423.00
09/29/2023	325249	BAILEY'S MEATS	FOOD ASSISTANCE REIMBURSEMENT	52.00
09/29/2023	325250	BISIG, ANDY	REIMBURSEMENT FOR IRRIGATION DAMAGES	63.95
09/29/2023	325251	BLOOM SLUGGETT, PC	LITIGATION-S WESTNEDGE AVE STORM SEWER PRJ	133.50
09/29/2023	325252	BRINN, CHAUNCEY J.	PORTAGE CULINARY ACADEMY CLASSES	250.00
09/29/2023	325253	BRONSON HEALTHCARE GROUP	LEGAL BLOOD DRAW	100.00
09/29/2023	325254	BROOKS ARCHERY INC/WILLIAM C PILLAR	YOUTH ARCHERY	1,728.00
09/29/2023	325255	BROSNAN, DANIEL & OLMSTEAD KELSEY	BD BOND REFUND	350.00
09/29/2023	325256	BRUSH, BENJAMIN	FOOD ASSISTANCE REIMBURSEMENT	10.00
09/29/2023	325257	BURNS, WILLA	RENTAL SECURITY DEPOSIT RETURN	250.00
09/29/2023	325258	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	115.00
09/29/2023	325259	CAPITOL STRATEGIES, LLC	CONSULTING FEES	6,000.00
09/29/2023	325260	CARLISLE, KAIJA	CENTRAL PARK RENTAL REFUND	100.00
09/29/2023	325261	CEREAL CITY WINDOW CLEANING	WINDOW CLEANING	170.00
09/29/2023	325262	CHICAGO TITLE	REFUND OVERPAID FINAL WATER BILL	127.99
09/29/2023	325263	CHICAGO TITLE OF MICHIGAN	OVERPAYMENT ON SUMMER TAX BILL	67.37
09/29/2023	325264	CHICAGO TITLE OF MICHIGAN, INC.	CDBG TITLE SEARCH	150.00
09/29/2023	325265	CHRIS DERYDER CONSTRUCTION	BD BOND REFUND	200.00
09/29/2023	325266	CINTAS CORPORATION NO. 2	UNIFORM CHARGES	335.06
09/29/2023	325267	CIRQUE ENTERTAINMENT LLC	HYDRANT METER	100.00
09/29/2023	325268	CONSUMERS ENERGY	POLE ATTACHMENT RENTAL FEE	287.98
09/29/2023	325269	COXETER, LOSSING	REIMBURSE FOR IRRIGATION DAMAGES	615.11
09/29/2023	325270	DEWAAL, BECKY	LAKEVIEW VOLLEYBALL RENTAL REFUND	337.50

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 5 of 10

Check Date	Check	Vendor Name	Description	Amount
09/29/2023	325271	DICK, ROBERT	FOOD ASSISTANCE REIMBURSEMENT	29.00
09/29/2023	325272	DIXON ENGINEERING, INC	HAVERHILL WATER TOWER REHAB	2,500.00
09/29/2023	325273	DORRANCE FORD INC	MAINTENANCE REPAIR SUPPLIES	201.19
09/29/2023	325274	ELECTION SOURCE	ELECTION EQUIPMENT, SUPPLIES	1,186.56
09/29/2023	325275	EMERGENCY VEHICLE PRODUCTS	CHANGEOVER CONTRACT FOR VEHICLES	56,845.19
09/29/2023	325276	ENG., INC.	CONSOLIDATED DRAIN REHABILITATION	187.50
09/29/2023	325277	FELDT, ERIC	PER DIEM FOR MAPS CONFERENCE	208.00
09/29/2023	325278	FERGUSON US HOLDINGS, INC	TAPPING ADAPTOR	1,702.03
09/29/2023	325279	FLETCHER ENTERPRISES	PAINTING SERVICES	380.00
09/29/2023	325280	FORESTRY SUPPLIERS, INC.	HARD HATS	271.90
09/29/2023	325281	FORTITUDE GRAPHIC DESIGN & PRINTING	PENS FOR PUBLIC DISTRIBUTION	587.50
09/29/2023	325282	GALLS PARENT HOLDINGS, LLC	RANGER UNIFORMS	57.39
09/29/2023	325283	GATES, VICKI	TRIP REFUND SEPT SURPRISE	90.00
09/29/2023	325284	GORDON FOOD SERVICE	OPERATING & COFFEE SUPPLIES	439.60
09/29/2023	325285	GRAHAM, ADRIENNE	GRAIN ELEVATOR DEPOSIT REFUND	150.00
09/29/2023	325286	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION OF PPOA UNION DUES SEPT 2023	3,075.52
09/29/2023	325287	GREICHUNOS, DAVID	REIMBURSEMENT FOR IRRIGATION DAMAGES	156.13
09/29/2023	325288	GROTHAUSE, DAVID	FOOD ASSISTANCE REIMBURSEMENT	23.00
09/29/2023	325289	HALLAHAN & ASSOCIATES, P.C.	ASSESSING LEGAL SERVICES	109.14
09/29/2023	325290	HARPER, DESTINY	HAYLOFT THEATRE DEPOSIT REFUND	150.00
09/29/2023	325291	HARTMAN, TODD	REIMBURSEMENT FOR IRRIGATION DAMAGES	201.23
09/29/2023	325292	HIDDEN PONDS HORSE RESCUE	HORSE REMOVAL FOR CODE ENFORCEMENT	770.00
09/29/2023	325293	HOLCOMB, JOSHUA	MUSIC INSTRUCTION	900.00
09/29/2023	325294	HOLCOMB, STEPHEN	TRIP REFUND LANCASTER 231127	50.00
09/29/2023	325295	HOME DEPOT	REPAIR & MAINT SUPPLIES	2,458.84
09/29/2023	325296	VOID		0.00
09/29/2023	325297	VOID		0.00
09/29/2023	325298	HORIZON BANK	OVERPAYMENT ON SUMMER TAX BILL	19,365.43
09/29/2023	325299	HUIZENGA, BILL	RENTAL DAMAGE DEPOSIT RETURN	250.00
09/29/2023	325300	JONES, NORMAN ANDRE	FARMERS MARKET MUSICIAN	100.00
09/29/2023	325301	JPMORGAN CHASE BANK	OVERPAYMENT ON SUMMER TAX BILL	2,000.00
09/29/2023	325302	JRA FOOD SERVICE CONSULTANTS, LLC	KITCHEN CONSULTANT SERVICES	980.00
09/29/2023	325303	K2AVL INC	SEPTEMBER SOUND - CONCERT	1,590.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 6 of 10

Check Date	Check	Vendor Name	Description	Amount
09/29/2023	325304	KALAMAZOO AREA TRANSPORTATION STUDY	TRAFFIC TECH SERVICES	1,604.00
09/29/2023	325305	KALAMAZOO CHILDREN'S CHORUS	AMPHITHEATRE DEPOSIT REFUND	150.00
09/29/2023	325306	KALAMAZOO COUNTY HEALTH & COMMUNITY	HOUSEHOLD HAZARDOUS WASTE PROGRAM	2,145.88
09/29/2023	325307	KALAMAZOO COUNTY TREASURER	2ND QTR BILLING FOR SUBPOENA BY MAIL	784.75
09/29/2023	325308	KALAMAZOO LANDSCAPE SUPPLIES	LAWN RESTORATIONS	280.00
09/29/2023	325309	KALAMAZOO PICKLEBALL	SEPT CLINICS	2,150.00
09/29/2023	325310	KELLY, LAWRENCE	REIMBURSEMENT FOR IRRIGATION DAMAGES	199.59
09/29/2023	325311	KLINE, KATHLEEN	BD BOND REFUND	90.00
09/29/2023	325312	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER CONTRACT	364.00
09/29/2023	325313	KZOO TIRE COMPANY	POLICE VEHICLE REPAIR/MAINTENANCE	66.50
09/29/2023	325314	LYSTER EXTERIORS	CDBG-REPLACE ROOFING	7,535.00
09/29/2023	325315	MCCANN INDUSTRIES, INC.	REPAIR AND MAINTENANCE	305.25
09/29/2023	325316	MCDONALD'S TOWING & RESCUE, INC.	POLICE TOWING SERVICES	157.50
09/29/2023	325317	MCKENNA ASSOCIATES INC.	LAKE CENTER DISTRICT REZONING PROJECT	800.00
09/29/2023	325318	MCPHERSON, SAMARA	REIMBURSEMENT FOR INVISIBLE FENCE DAMAGE	126.96
09/29/2023	325319	MENARDS	RADIO HOLDER	16.00
09/29/2023	325320	MI-TOKEN INC.	MI-TOKEN TWO FACTOR AUTHENTICATION	600.00
09/29/2023	325321	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR & MAINT	2,850.53
09/29/2023	325322	MICHAEL BURKE BUILDER	BD BOND REFUND	300.00
09/29/2023	325323	MICHIGAN ASSOCIATION OF FIRE CHIEFS	FIRE MEMBERSHIPS	125.00
09/29/2023	325324	MICHIGAN POWER CLEANING	PRESSURE WASHER REPAIR	1,943.40
09/29/2023	325325	MICHIGAN RECREATION & PARK ASSOC.	TRIP VENDOR PAYMENT GRAND HOTEL 231016	1,190.00
09/29/2023	325326	MIDWEST CUSTOM EMBROIDERY COMPANY	LOGO EMBROIDERY CLOTHES	1,655.00
09/29/2023	325327	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL LEGAL SERVICES	5,874.62
09/29/2023	325328	NATIONAL FIRE PROTECTION ASSOC	FIRE MEMBERSHIP	175.00
09/29/2023	325329	NETBRAIN TECHNOLOGIES, INC.	NETBRAIN RENEWAL	2,212.67
09/29/2023	325330	OFF THE BLOCKS, LLC	KAL CO. - REPLACE FURNACE & AC	9,418.00
09/29/2023	325331	OFFICE DEPOT, INC.	OFFICE SUPPLIES	371.75
09/29/2023	325332	OTTEN, JANE	REFUND OF DAMAGE DEPOSIT	150.00
09/29/2023	325333	PAPPAS, LYNN M	FOOD ASSISTANCE REIMBURSEMENT	59.00
09/29/2023	325334	PEDAL BICYCLES	BIKE SHARE/RANGER BIKE REPAIRS	149.99
09/29/2023	325335	PETERMAN CONCRETE CO.	NEW BASKETBALL HOOP HAVERHILL	169.81
09/29/2023	325336	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	427.43

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 7 of 10

Check Date	Check	Vendor Name	Description	Amount
09/29/2023	325337	PFIZER	BD BOND REFUND	9,600.00
09/29/2023	325338	POLICE EXECUTIVE RESEARCH FORU	PERF MEMBERSHIP	100.00
09/29/2023	325339	PORTAGE PUBLIC SCHOOLS (TRANS)	TRANSPORTATION - FIELD TRIP FISH CAMP	227.33
09/29/2023	325340	PRINTING SYSTEMS, INC.	ELECTION FORMS & SUPPLIES	42.65
09/29/2023	325341	PURITY CYLINDER GASES, INC	WELDING SUPPLIES	243.59
09/29/2023	325342	RATHCO SAFETY SUPPLY, INC.	ROAD SIGNS	498.65
09/29/2023	325343	RENEWED EARTH, INC.	LEAF AND BRUSH DISPOSAL	8,166.66
09/29/2023	325344	REUSSER, FRITZ	REIMBURSEMENT FOR WINCH-OUT SVCS	126.50
09/29/2023	325345	ROSE, SANDRA K.	FITNESS INSTRUCTION CARDIO DRUMMING	200.00
09/29/2023	325346	SCHAU, RANDALL	PRESENTATION-HOW STATES GOT THEIR NAMES	100.00
09/29/2023	325347	SCHLEY NELSON ARCHITECTS, INC.	ARCHITECT CONSULTING	4,235.00
09/29/2023	325348	SEMENCZUK, NAOMI	SCHRIER PARK DEPOSIT REFUND	150.00
09/29/2023	325349	SITEONE LANDSCAPE SUPPLY LLC	SOFTBALL FIELD SUPPLIES	1,653.14
09/29/2023	325350	SLEEP NUMBER CORP	OVERPAYMENT ON SUMMER TAX BILL	45.76
09/29/2023	325351	SMART SOURCE, LLC	PORTABLE BACKDROP KIT	211.50
09/29/2023	325352	SOLITUDE LAKE MANAGEMENT, LLC	AUSTIN LAKE HERBICIDE APPLICATION	8,723.00
09/29/2023	325353	SPARBEL, DEBORAH	TRIP REFUND LANCASTER 231127	50.00
09/29/2023	325354	SPARTAN DISTRIBUTORS INC.	REPAIR AND MAINTENANCE	1,546.64
09/29/2023	325355	SPIRIT SHOPPE, INC.	POLICE PATROL HATS/EMBROIDERY	981.00
09/29/2023	325356	STANTEC CONSULTING SERVICES INC	INVASIVE SPECIES ERADICATION-MULT LOC	6,544.30
09/29/2023	325357	STATE OF MICHIGAN	SOR FEE	30.00
09/29/2023	325358	STATE OF MICHIGAN (DOT)	PORTAGE RD RECONS, S WESTNEDGE IMPROV	194,967.07
09/29/2023	325359	STEENSMA LAWN & POWER EQUIPMENT	EXMARK PUSH MOWER	1,592.56
09/29/2023	325360	T-MOBILE USA INC	MISC CELL PHONE CHARGES	1,156.56
09/29/2023	325361	TALBOT, MICHAEL J.	FARMERS MARKET MUSICIAN	100.00
09/29/2023	325362	TAYLOR, LORI	WESTFIELD PARK RENTAL REFUND	110.00
09/29/2023	325363	TEAM SUPPORT SERVICES, LLC	RECORDS MANAGEMENT	759.65
09/29/2023	325364	TELGENHOFF, MANDY	REIMB SUPPLIES FOR YOUTH ADV EVENT	67.79
09/29/2023	325365	TELOCIN GROUP INC	GENERATOR SERVICE/TEST	1,200.00
09/29/2023	325366	TELUS COMMUNICATIONS (U.S.) INC	GPS MONITORS FOR VEHICLES	1,129.40
09/29/2023	325367	TICHENOR, INC.	EMERG ROOF REPAIRS	1,169.69
09/29/2023	325368	TILLERS INTERNATIONAL	TILLER FALL FESTIVAL DEMO	200.00
09/29/2023	325369	TITLE RESOURCE AGENCY	OVERPAYMENT ON SUMMER TAX BILL	187.86

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 8 of 10

Check Date	Check	Vendor Name	Description	Amount
09/29/2023	325370	TRIFECTA NETWORKS, LLC	REPLACEMENT DESK PHONE	145.00
09/29/2023	325371	UNITED PARCEL SERVICE	UPS WEEKLY	12.00
09/29/2023	325372	US HYD LLC	TINK CYLINDER REPAIR	771.43
09/29/2023	325373	VANDERNOOT, JULIE	TRIP REFUND LANCASTER 231127	100.00
09/29/2023	325374	VANGUARD FIRE & SUPPLY CO., INC.	FIRE EXTINGUISHER INSPECTION & SERVICES	443.18
09/29/2023	325375	W. PENNINGS & SONS	BD BOND REFUND	529.00
09/29/2023	325376	WALKER, JEAN	TRIP REFUND LANCASTER	50.00
09/29/2023	325377	WASHCO, LLC	OAKLAND DRIVE - GRAFFITI REMOVAL	250.00
09/29/2023	325378	WASTE MANAGEMENT	WTP IRON WASTE REMOVAL	1,377.17
09/29/2023	325379	WHITE, DANA	OVERPAYMENT ON SUMMER TAX BILL	80.78
09/29/2023	325380	WILD, JED	REIMB FIRE UNIFORMS	184.44
09/29/2023	325381	WILLIAMS, TRACEY	SCHRIER PARK DEPOSIT REFUND	150.00
10/05/2023	325382	BOWYER, THOMAS DEAN	9246 PORTAGE INDUSTRIAL DR PROP ASSESSMENT	1,200.00
10/06/2023	325383	GOURDNECK LAKE GOV'T LAKE BOARD	WEED CONTROL	3,432.00
10/06/2023	325384	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	398.35
10/06/2023	325385	UMANOS, KRISTA	RENTAL DAMAGE DEPOSIT RETURN	250.00
10/06/2023	325386	VERIZON WIRELESS	CELL PHONE/WIRELESS CARD SVC-AUG/SEPT	6,145.52
Total Paper Checks				450,753.30

Check Type: Auto-Pay Payments

10/02/2023		CITY OF PORTAGE	WATER/SEWER BILLING	12,503.64
10/02/2023		BLUE CROSS/BLUE SHIELD OF MI	HEALTH INSURANCE	10,119.47
10/03/2023		CARD CONNECT	PROCESSING FEES	740.63
10/05/2023		BLUE CROSS/BLUE SHIELD OF MI	HEALTH INSURANCE	455.76
10/05/2023		CONSUMERS AUTOPAY	GAS-ELECTRIC	14,854.32
10/06/2023		MISSIONSQUARE	EMPLOYEE RETIREMENT WITHHOLDINGS	2,851.37
10/06/2023		CONSUMERS AUTOPAY	GAS-ELECTRIC	50,303.76
Total Auto-Pay Payments				91,828.95

Check Type: Electronic Payments

09/29/2023		HUNTINGTON NATIONAL BANK	DEBT SERVICE PAYMENTS	646,269.06
09/29/2023		SBF	POSTAGE - WATER/SEWER BILLS	2,255.48
10/04/2023		ASU GROUP	WORKERS COMP FUNDING	9,944.48

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 9 of 10

Check Date	Check	Vendor Name	Description	Amount
10/06/2023		MULTIPLE	WEEKLY TAX DISBURSEMENT 9/29/23	240,657.84
			Total Electronic Payments	899,126.86
Check Type: Credit card				
09/01/2023		YOURMEMBERSHIP	HUMAN RESOURCES JOB POSTING	349.00
09/01/2023		SOCIETYFORHUMANRESOURCE	ANNUAL MEMBERSHIP	244.00
09/01/2023		STATE MI DLEG LIQUOR LIC	LIQUOR PERMIT FOR PARKS EVENT	50.00
09/04/2023		SAMSClub.COM	SENIOR CENTER GROCERIES	282.64
09/06/2023		GOVERNMENT FINANCE OFFIC	FINANCE TRAINING REGISTRATION	135.00
09/07/2023		EPIC SPORTS	APPAREL-COMMUNITY EVENTS	251.97
09/11/2023		FOOD ATBIGAPPLEBAGELS	FOOD FOR PARKS VOLUNTEERS	103.23
09/11/2023		STATE EGLE EVENTS	CONFERENCE REGISTRATION FEE	250.00
09/11/2023		SHRM CERTIFICATION	HUMAN RESOURCES RECERTIFICATION FEE	150.00
09/12/2023		MICHIGAN MUNICIPAL LEAGUE	CONFERENCE REGISTRATION FEE	595.00
09/13/2023		GRAND TRAV RESORT	CONFERENCE HOTEL DEPOSIT	239.00
09/13/2023		THE WEBSTaurant STORE INC	SENIOR CENTER SUPPLIES	282.52
09/14/2023		DR HOOKS	ITEMS FOR SENIOR CENTER EVENT	144.00
09/14/2023		SAMSClub.COM	SENIOR CENTER GROCERIES-EVENT	223.30
09/15/2023		ISTOCKPHOTO	PUBLIC INFORMATION STOCK PHOTOS	520.00
09/19/2023		STICKER MULE	SUPPLIES FOR PARKS EVENT	692.00
09/20/2023		SP AUTEL ROBOTICS SE	DRONE REPAIR SERVICE	1,067.50
09/21/2023		WEB POSITIVESSL	SSL CERTIFICATE	49.00
09/21/2023		PAYPAL DYNAMICBICY	REPAIR TOOL KIT FOR BIKE SHARE	48.45
09/21/2023		FREE CONFERENCE CALL GLOB	CONFERENCE CALL CHARGES	41.94
09/21/2023		GREAT WOLF LDG TRAVERS	POLICE TRAINING HOTEL STAY	147.12
09/21/2023		GREAT WOLF LDG TRAVERS	POLICE TRAINING HOTEL STAY	278.28
09/22/2023		QDOBA 2045 ONLINE	SENIOR CENTER EVENT CATERING	433.68
09/22/2023		FAIRFIELD INN & SUITES	POLICE TRAINING HOTEL STAY	321.93
09/22/2023		PAYPAL MICHIGANPUB	HUMAN RESOURCES ANNUAL MEMBERSHIP	50.00
09/22/2023		EB 2023 MASC CONFEREN	SENIOR CENTER CONFERENCE REGISTRATION	295.29
09/22/2023		MMTA	TREASURY CONFERENCE REGISTRATION	798.00
09/22/2023		GREAT WOLF LDG TRAVERS	POLICE TRAINING HOTEL ADVANCE DEPOSIT REF	(10.59)
09/25/2023		INTERNATIONAL PUBLIC MAN	HUMAN RESOURCES ANNUAL MEMBERSHIP	790.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/24/2023 to 10/07/2023

Page 10 of 10

Check Date	Check	Vendor Name	Description	Amount
09/25/2023		ASE	HUMAN RESOURCES ANNUAL MEMBERSHIP	1,584.00
09/25/2023		THE MICHIGAN WOMENS FO	CONFERENCE REGISTRATION	80.00
09/26/2023		SQ GLASS ART KALAMAZOO	SENIOR CENTER EVENT REGISTRATION	125.00
09/26/2023		EB SEARCH WARRANTS 10	POLICE TRAINING REGISTRATION	206.98
09/27/2023		KEY INDUSTRIES INC	UNIFORMS FOR UAW STAFF	319.60
09/27/2023		EPIC SPORTS	APPAREL-COMMUNITY EVENTS	27.09
09/28/2023		CRYSTAL MTN LODGING	COM DEV CONFERENCE HOTEL STAY	311.00
09/28/2023		SQ WINE & CANVAS KZ STUD	SENIOR CENTER EVENT REGISTRATION	400.00
09/29/2023		KVCC PAYSTATION	HUMAN RESOURCES CAREER FAIR REGISTRATION	100.00
			Total Credit Card Payments	11,975.93
			Grand Total	2,933,240.03

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: City Council Goal Setting Session

SUPPORTING PERSONNEL: Adam Herringa, Chief Operating Officer
Peter Dame, Chief Development Officer

ACTION RECOMMENDED: Set a special meeting on November 16, 2023, at 9:00 a.m. at the Portage Zhang Senior Center, 203 East Centre Avenue, for the annual City Council Goal Setting Session.

It is recommended that City Council set a special meeting on November 16, 2023, at 9:00 a.m. at the Portage Zhang Senior Center, 203 East Centre Avenue, for the purpose of conducting the annual annual City Council Goal Setting Session (Retreat). Further details will be provided to the City Council in the near future.

FUNDING: N/A

Attachments: None

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Kalamazoo County Early Voting Agreement

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Support City of Portage participation in the *Intergovernmental Agreement for Early Voting Election Services between Kalamazoo County and Associated Municipalities* and authorize the City Clerk to sign the Agreement on behalf of the city.

Under the Michigan Constitution, as amended by Proposal 2022-2, all voters have the right to an early voting (EV) site for all federal and state elections. Prop 22-2 passed with 60 percent support statewide in November 2022. Forty-six states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands offer early in-person voting to all voters (this includes states with all-mail elections). Michigan is the only state that offers all three options (absentee/mail voting, early voting, and election day precinct voting).

Early voters have the same rights and are subject to the same requirements as voters at polling places on Election Day. Each early voting site must be open for nine consecutive days prior to an election, beginning on the second Saturday before an election and ending on the Sunday before the election. Sites must be open for at least eight hours for each of these nine days and can be open for additional days and hours. Results cannot be generated or reported from a voting site until after 8:00 p.m. on Election Day. If a municipal clerk does not enter into a municipal or county agreement, then that clerk is responsible for administering early voting and standing up at least one early voting site for each federal and statewide election. Municipal clerks can set additional hours for voting beyond the required days and times, but not less.

Proposal 22-2 is the "biggest change in how we vote in a generation" (Detroit News, June 2023). Traditionally, Michiganders have cast their ballots at polling places on Election Day or used absentee ballots, which weren't tallied by officials until Election Day. Under the new laws, clerks can begin providing early, in-person voting where ballots can be filled out and fed into tabulators before Election Day.

To meet the requirements of this new election provision, the clerks from the various jurisdictions of Kalamazoo County have come together to create a collaborative countywide network consisting of four early voting sites, supported by each clerk's office and sharing costs to lessen the effect on county taxpayers. The proposed agreement includes a two-year period, per state law requirements, to encompass the 2024 and 2025 calendar years. Per Public Act 81 of 2023, municipal/county agreements must be finalized and signed 125 days before the first regularly scheduled statewide or federal election in even-numbered years. At present, this deadline equates to October 25, 2023, in preparation for the tentative February 27, 2024 Presidential Primary Election. As such, Kalamazoo jurisdictions must finalize

agreements this fall to provide early voting next year.

Voter Options

Under the county agreement, all four sites will be open to any Kalamazoo County participating jurisdictions. This offers voters the additional option of going to vote when running errands, going to work, or visiting appointments. Another positive aspect includes consistent messaging to voters countywide – the majority (97.5 percent) of county residents will be served by the same four sites, featuring the same operating hours, and same polling place operations.

Individual vs. Shared Monetary Cost

Per the September 2023 *Early Voting Grant FAQ* document provided by the state, the Bureau of Elections is required to distribute \$30 million in early voting grant funding “to incentivize multijurisdictional coordination that provides for efficient election administration.” To incentivize coordination, multijurisdictional early voting sites will receive grants that cover a higher percentage of costs as compared to single-jurisdiction early voting sites. For multi-jurisdictional sites, the state will fund at least 80 percent of total costs, whereas the state will only fund at least 40 percent of the total costs for single-jurisdiction sites. While the projected City of Portage share for the countywide EV program with four voting sites is around \$46,000, much of that is one-time set-up costs. The state requires the allocation of tabulators, voter assist terminals, and ePollbooks (laptops) to be devoted to the EV site and not permitted for additional use in precincts. Such costs will only be incurred the first year with subsequent years focusing solely on operations.

Individual vs. Shared Staffing Benefits

Clerk Staff – If Early Voting is done individually, the local clerk (or designee) is responsible for performing as Site Supervisor for nine consecutive days (including 2 weekends) preceding Election Day for eight hours each (a total of 72 staff hours), conducting the voting equipment testing, appointing the EV election inspectors at least 21 days before each election (including a chairperson), and the additional Election Day canvass of the EV results. Under the shared, countywide model, the required Site Supervisor role can be spread among the staff of the participating municipalities. This allows local clerks more time to focus on their individual offices, absentee voting operations, and Election Day preparations. Furthermore, the shared model minimizes the amount of overtime a local clerk would accrue.

Election Workers – Per PA 81, an EV location must function the same as an Election Day precinct. This includes appointing “at least three election inspectors” to operate the location. The local clerk cannot operate the EV location under law – only function as the Site Supervisor. Under the individual model, the local clerk would be responsible for coordinating the appointment and scheduling three or more election workers for the nine early voting shifts. Using the countywide model, the participating municipalities can share the burden of securing election workers and schedule coordination with each other, as well as the County Clerk.

Individual vs. Countywide – Board Oversight

PA 81 specifies the various roles of local legislative bodies as well as local and county election commissions for early voting.

<u>Individual</u>	<u>Countywide</u>
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Local board approves EV sites [MCL 168.662(1); MCL 168.720e(2)] Ensure that an EV site is accessible and complies with applicable voting accessibility laws [MCL 168.662(7)]	Local board approves countywide agreement that includes sites. Ensure that an EV site is accessible and complies with applicable voting accessibility laws [MCL 168.662(7)]
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** All other decision-making authority, including the manner in which EV is provided in each municipality, rests with the local and county clerks using instructions issued by the Bureau of Elections.*

No matter the scenario, the new laws require local clerks to notify their county clerks how they plan to conduct Early Voting (solo or joint) and submit a formal EV plan to their county clerk, which the county clerk must then submit their municipalities' early voting plans to the Secretary of State by the mandated deadline.

It is recommended that City Council support the City of Portage's participation in the *Intergovernmental Agreement for Early Voting Election Services between Kalamazoo County and Associated Municipalities* and authorize the City Clerk to sign the Agreement on behalf of the city.

FUNDING: Each participating jurisdiction would be required to reimburse the County for operational costs on a pro-rata method that is determined and agreed upon in the agreement. Funding proportions are calculated by each municipality's registered voter impact. The City of Portage carries 20 percent of Kalamazoo County's registered voters. Pending state grant funding awards for equipment, the City of Portage's portion will be \$46,254 over the two-year agreement period, with \$32,783 of that amount owing to initial start-up costs.

Attachments: 1. Intergovernmental Agreement for Early Voting Election Services between Kalamazoo County and Associated Municipalities

INTERGOVERNMENTAL AGREEMENT FOR EARLY VOTING ELECTION SERVICES
BETWEEN KALAMAZOO COUNTY AND ASSOCIATED MUNICIPALITIES

This county agreement (hereinafter "Agreement"), is made the date the last party signs the Agreement (hereinafter the "Effective Date") pursuant to the authority granted by MCL 168.720g between the County of Kalamazoo, a municipal corporation and political subdivision of the State of Michigan, located at 201 W. Kalamazoo Avenue, Kalamazoo, Michigan 49007 and the following municipalities located in Kalamazoo County: Cities of Galesburg, Kalamazoo, Parchment, Portage; the Charter Townships Comstock, Cooper, Kalamazoo, Oshtemo, Texas; and the Townships of Alamo, Brady, Charleston, Climax, Prairie Ronde, Richland, Ross, Schoolcraft, and Wakeshma (collectively, the "Participating Jurisdictions").

- A. Early voting sites are required by the Michigan Constitution, Article II § 4 (1)(m) and MCL 168.720b(2) to remain open for at least nine (9) consecutive days for in-person voting for each statewide and federal election beginning on the second Saturday before the election and ending on the Sunday before the election, for at least eight (8) hours each day.
- B. Article II § 4 (1)(m) of the Michigan Constitution, provides that a jurisdiction conducting an election may enter into an agreement with the clerk of the county in which it is located, authorizing the county clerk to conduct early voting on behalf of the jurisdiction.
- C. The Participating Jurisdictions identified in this Agreement have requested that the Kalamazoo County Clerk ("County Clerk") conduct early voting (as described and defined in this Agreement) in accordance with MCL 168.720g on their behalf, and have agreed to comply with all terms and conditions of this Agreement, including the obligation to reimburse Kalamazoo County for all Reimbursable Expenses as provided in this Agreement.
- D. Kalamazoo County, acting through the County Clerk, is willing to assist the Participating Jurisdictions conducting elections within Kalamazoo County by providing the requested early voting services under the terms and conditions of this Agreement.

NOW, THEREFORE in consideration of the mutual promises and representations, set forth in this Agreement, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Participating Jurisdictions and Kalamazoo County agree as follows:

1. **DEFINITIONS** The following words and expressions used in this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows:
 - 1.1 **Agreement** means the terms and conditions of this Agreement, or any other mutually agreed upon written and executed modification, amendment, exhibit, and/or attachment to this Agreement in accordance with MCL 168.720a(a).
 - 1.2 **Early Vote Coordinator** means the individual appointed by the County Clerk to provide oversight, to ensure sufficient resources are available and timely dispatched to each early voting site, and to monitor the administrative requirements of early voting for the Participating Jurisdictions within the meaning of MCL 168.720g(2).
 - 1.3 **Early Voting Plan** means the document and any addenda to the document outlining the manner in which early voting will be provided in a county or municipality, as described in

MCL 168.720a *et seq.* The requirements of an early voting plan are described in MCL 168.720h(3).

- 1.4 **Participating Jurisdiction** means one (1) or more municipalities located in Kalamazoo County, created by state or local authority or which are primarily funded by or through state or local authority, including, but not limited to, their council, board, departments, divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors. Clerks in the Participating Jurisdictions are referred to herein as "Participating Jurisdiction Clerks."
- 1.5 **QVF** means the Qualified Voter File as described in MCL 168.509m.
- 1.6 **QVF Controller** means the individual appointed by the County Clerk and identified as the Qualified Voter File (QVF) administrator of early voting information within the QVF.
- 1.7 **Reimbursable Expenses** include but are not limited to all reasonable costs incurred by Kalamazoo County in connection with the facilitation of early in-person voting on behalf of all Participating Jurisdictions to this Agreement and as described in Sections 9.1, 10.3, and 11.2 of this Agreement.
- 1.8 **Site Supervisor** means the Participating Jurisdiction Clerk, their designated representative, or a member of the County Clerk's staff who shall act as Site Supervisor for each site for early voting for each day of early voting. The County Clerk may appoint a different Participating Jurisdiction Clerk, a member of a Participating Jurisdiction Clerk's staff or member of the County Clerk's staff to act as a Site Supervisor for different days of early voting.

2. **PURPOSE OF THE AGREEMENT**

- 2.1 Kalamazoo County, acting through the Kalamazoo County Clerk/Register of Deeds' Office ("County Clerk"), and in consultation with the Participating Jurisdictions, agrees to conduct and administer, in accordance with the constitution and laws of the State of Michigan, no more than four (4) early voting sites, per applicable state or federal election, on behalf of the Participating Jurisdictions. The Early voting sites shall be administered by the County Clerk, or their designated representative, who shall organize, approve, and monitor the administrative requirements of early voting. Kalamazoo County agrees to perform the services and to provide the materials and equipment of this Agreement through its employees, elected officials, and resources, subject to all terms and conditions of this Agreement, including but not limited to the right to Eligible Reimbursement from Participating Jurisdictions.

3. **SCOPE OF THE AGREEMENT**

- 3.1 The Agreement shall begin on the Effective Date and shall include any Participating Jurisdictions' applicable state or federal elections scheduled to occur between November 1, 2023, and December 31, 2025.

4. PARTIES TO THE AGREEMENT.

4.1 The parties to the Agreement include the following Participating Jurisdictions: Alamo Township, Brady Township, Charleston Township, Climax Township, Comstock Charter Township, Cooper Charter Township, City of Galesburg, City of Kalamazoo, Kalamazoo Charter Township, Oshtemo Charter Township, City of Parchment, City of Portage, Prairie Ronde Township, Richland Township, Ross Township, Schoolcraft Township, Texas Charter Township, Wakeshma Township and Kalamazoo County.

4.2 The following table represents the Participating Jurisdictions and the number of precincts, registered electors, and percentage of participating registered voters per Participating Jurisdiction to be used to calculate each Participating Jurisdiction's proportional costs as described in 10.2 of this Agreement and any equitable distribution should the County withdraw from the Agreement (as of 10/2/2023):

Participating Jurisdiction	Address	Number of precincts	Number of registered electors	% of Participating registered voters
Alamo Township	7901 North 6 th Street Kalamazoo, MI 49009	2	3268	1.60%
Brady Township	13123 S. 24 th St., Vicksburg, MI 49097	2	3738	1.83%
Charleston Township	1499 South 38 th Street Galesburg, MI 49053	1	1618	0.79%
Climax Township	110 N. Main St. Climax, MI 49034	1	1932	0.94%
Comstock Charter Township	5858 King Highway, Kalamazoo, MI 49048	7	12712	6.23%
Cooper Charter Township	1590 West D Ave. Kalamazoo, MI 49009	5	8840	4.33%
City of Galesburg	200 East Michigan Ave. Galesburg, MI 49053	1	1556	0.76%
City of Kalamazoo	241 West South Street Kalamazoo, MI 49007	27	55176	27.02%

Kalamazoo Charter Township	1720 Riverview Dr. Kalamazoo, MI 49004	10	18085	8.87%
Oshtemo Charter Township	7275 West Main St Kalamazoo, MI 49009	10	18543	9.08%
City of Parchment	650 S. Riverview Drive Parchment, MI 49004	1	1499	0.74%
City of Portage	7900 S. Westnedge Ave Portage, MI 49002	19	40521	19.83%
Prairie Ronde Township	14050 S 6 th Street, Schoolcraft, MI 49087	1	1995	0.97%
Richland Township	7401 N. 32 nd St Richland, MI 49083	3	7138	3.49%
Ross Township	12086 M-89 Richland, MI 49083	2	4473	2.19%
Schoolcraft Township	50 East VW Avenue Vicksburg, MI 49097	4	7553	3.70%
Texas Charter Township	7110 West Q Avenue Kalamazoo, MI 49009	6	14495	7.10%
Wakeshma Township	13988 South 24th St Fulton, MI 49052	1	1054	0.52%

5. **COORDINATOR**

- 5.1** The County Clerk shall provide an Early Vote Coordinator who shall organize and monitor the administrative requirements including staffing, of early voting for Participating Jurisdictions. The Early Vote Coordinator will be a Kalamazoo County employee, and Kalamazoo County shall pay all wages, salaries, fringe benefits, workers' compensation insurance, unemployment compensation, and tax and social security withholdings, within the guidelines and policies of Kalamazoo County and the County Clerk.

- 5.2 The County Clerk intends to appoint the individual holding the Kalamazoo County staff position of “Elections Coordinator,” as of 10/1/2023 Shardae Chambers, to serve as the Early Vote Coordinator for the purposes of this Agreement.
- 5.3 The Early Vote Coordinator position shall, at all times, be held by an individual who is certified, qualified and trained in accordance with all administrative requirements of early voting, and is deputized as a deputy county clerk.
 - 5.3.1 If the Early Vote Coordinator is unable to personally supervise and staff each early voting site on each day of early voting, the County Clerk may designate early voting site supervisors to assist with the staffing and supervision of early voting.
- 5.4 If the Early Vote Coordinator becomes unavailable for any reason, the County Clerk shall appoint a new Early Vote Coordinator.

6. QVF CONTROLLER

- 6.1 The County’s Elections Coordinator shall also serve as the Qualified Voter File (QVF) Controller of early voting information within the QVF for the purposes of this Agreement. The QVF Controller’s duties will involve setting up the necessary voting regions, user access, and application access needed for the sites designated in the Agreement.
- 6.2 The QVF Controller shall meet the security requirements of a QVF user at all times. If the QVF Coordinator becomes unavailable for any reason, the County Clerk will appoint a new QVF Coordinator.

7. EARLY VOTING SITES

- 7.1 The County Clerk, by way of the Early Vote Coordinator, shall administer no more than four (4) early voting sites for each Participating Jurisdictions’ applicable state or federal elections that fall within the term of this Agreement.
- 7.2 Pursuant to MCL 168.662, the County Clerk, after consulting the Participating Jurisdictional Clerks, shall submit each early voting site location to the Kalamazoo County Board of Election Commissioners for approval. The early voting site locations shall be finalized no later than sixty (60) days before the applicable election day.
- 7.3 There shall be a minimum of two (2) early voting sites located within the legal boundaries of the City of Kalamazoo. The City of Kalamazoo shall pay the full cost of a second early voting site located within the legal boundaries of the City of Kalamazoo, in addition to its proportional share of costs on all other early voting sites pursuant to 4.2.

8. EARLY VOTING HOURS

- 8.1 All early voting sites shall be open for the required nine (9) consecutive days, beginning on the second Saturday before a statewide or federal election and ending on the Sunday before a statewide or federal election, for a minimum of eight (8) hours per day.
- 8.2 To remain clear for the public and to minimize costs to all parties to the Agreement, the County Clerk will not approve any additional days or hours of early voting; however, each Participating Jurisdiction Clerk has the right to offer early voting on additional days and at their own set hours outside what is described in this Agreement.

9. COMMUNICATION STRATEGY

- 9.1** The County Clerk, or their designee shall launch a communication strategy to promote, motivate, encourage, and build confidence with local voters regarding participation in early voting. The detailed provisions of the communication strategy will keep the public informed as to early voting site locations, the hours of early voting, early voting education, and may include publications, press releases, brochures, billboards, radio spots, social media posts and ads, newsletters, and/or mailings. All reasonable costs incurred in connection with the communication strategy for the benefit of all Participating Jurisdictions shall be considered a Reimbursable Expense.
- 9.2** Not less than forty-five (45) days before Election Day, the County Clerk and each Participating Jurisdiction Clerk shall give public notice of the dates and hours for early voting at early voting site or sites by posting notices on Kalamazoo County's and each Participating Jurisdiction's website and/or by any other publication or posting as the County Clerk determines to be necessary.
- 9.3** The County Clerk shall provide notice to each registered elector of the Participating Jurisdictions entitled to vote at early voting sites no later than forty-five (45) days before the first day of early voting for the applicable election. The notice shall include the location and hours of operation of the approved early voting sites for each day early voting is offered and such notice shall be by mail or other method designed to provide actual notice to each registered elector.
- 9.3.1** If there is a change to an early voting site location, the County Clerk shall provide notice of any such change, to each registered elector of the Participating Jurisdictions entitled to vote at the early voting site no later than twenty-one (21) days before the first day of early voting as to the new early voting site. The notice shall include the location of the new early voting site and such notice shall be by mail or other method designed to provide actual notice to the registered elector. The County Clerk, or designated staff, shall also post a sign at the location of the former early voting site that identifies the location of the new early voting site.

10. BUDGET AND COST SHARING

- 10.1 Projected Cost Summary.** The parties to this Agreement developed a projected cost summary for costs associated with performance under this Agreement that is incorporated herein by reference and attached as **Exhibit C**. For the term of this Agreement, Kalamazoo County shall provide annually a revised projected cost summary within the guidelines of Kalamazoo County's total budget. The parties acknowledge that the costs set forth in Kalamazoo County's projected cost summary are only estimates. Kalamazoo County will attempt to keep billings to the Participating Jurisdictions as close to the original projected cost summary as is practicable considering the overall County Clerk's budget, Kalamazoo County's staffing policies and activities, and cost demands for performance under this Agreement. Kalamazoo County reserves the right to modify the projected cost summary if the projected and/or actual costs change for any reason, including, but not limited to, if any of the Participating Jurisdictions withdraws from the Agreement in accordance with Section 18 of this Agreement, subject to the requirement that Kalamazoo County give advance written notice pursuant to the notice requirements of this Agreement.

10.2 Responsibilities of Participating Jurisdictions: Each Participating Jurisdiction shall pay its portion of Kalamazoo County's actual costs for services and equipment estimated in **Exhibit C**, determined on a proportional basis by share of registered voters among Participating Jurisdictions (see 4.2), less costs paid for by available and awarded grant funding. Kalamazoo County shall bill Participating Jurisdiction after each election according to **Exhibit C**, and Participating Jurisdictions shall pay Kalamazoo County within thirty (30) days following receipt of the invoice.

10.2.1 Any disputed charges must be addressed in writing to the County Clerk within this thirty (30) day window.

10.2.2 The City of Kalamazoo shall pay the full cost of a second early voting site located within the legal boundaries of the City of Kalamazoo, in addition to its proportional share of costs on all other early voting sites pursuant to 4.2.

10.3 County Reimbursable Expenses: The Participating Jurisdiction shall pay Kalamazoo County for all Reimbursable Expenses. Reimbursable Expenses will be invoiced to the Participating Jurisdiction in sufficient detail and with supporting documentation, as may be reasonably required by the Participating Jurisdiction. Reimbursable Expenses, include, but are not limited to the Participating Jurisdiction's proportional share of office supplies, printing, publishing, postage, mileage, communication, website posting, and other reasonable costs incurred by Kalamazoo County in performance of this Agreement for the benefit of Participating Jurisdictions.

11. EQUIPMENT AND SUPPLIES

11.1 The County Clerk shall purchase all necessary equipment and supplies to administer early voting per this Agreement and shall maintain and secure the equipment for future use.

11.2 Kalamazoo County shall coordinate all ongoing maintenance costs for the tabulators, voter assist terminals, and print-on-demand devices which shall be charged back to Participating Jurisdictions proportionately as indicated in 10.2 and 4.2 as Reimbursable Expenses.

11.3 If the County withdraws from this Agreement, all assets purchased and billed back to Participating Jurisdictions as Reimbursable Expenses under the Agreement (see 10.3) shall be distributed to remaining Participating Jurisdictions in an equitable and timely manner, as mutually agreed upon by the remaining Participating Jurisdictions. Distribution shall have a rational relationship to each Participating Jurisdiction's contribution. Participating Jurisdictions that withdraw from the Agreement shall not receive a distribution of assets. Assets secured by the County through grants or other funding not billed back to Participating Jurisdictions shall remain assets of the County and are not subject to distribution. However, if the County withdraws from this Agreement, to the extent possible and considering the County's obligation to provide early voting on its own behalf, the County will work with former Participating Jurisdictions to allow for the temporary use of County-owned, grant-funded equipment to facilitate local early voting.

12. TABULATORS, VOTER ASSIST TERMINALS, AND EARLY VOTING POLL BOOK LAPTOPS AT EARLY VOTING SITE(S)

- 12.1** The County Clerk, or designated Participating Jurisdiction Clerk, shall configure all tabulators, voter assist terminals (VAT), and early voting poll book laptops used at each early voting site in one of the ways set forth in MCL 168.720j(5).
- 12.2** The County Clerk, or designated representative, shall program all electronic voting equipment no later than forty-five (45) days before each applicable election day.
- 12.3** The Kalamazoo County Board of Election Commissioners or their authorized designated representative, shall conduct all public logic and accuracy testing of the electronic voting equipment used at early voting sites in Kalamazoo County no later than five (5) days before the start of early voting in accordance with State of Michigan legal and administrative requirements.
- 12.4** The County Clerk or designated Participating Jurisdiction Clerk, shall set up the early voting poll book and early voting poll book laptops throughout the duration of early voting provided under this Agreement.

13. EARLY VOTING STAFFING

- 13.1** The County Clerk, with the assistance of the Participating Jurisdictional Clerks, shall staff each of the early voting sites with trained election inspectors¹. All election inspectors shall be selected and appointed by Kalamazoo County Board of Election Commissioners in accordance with MCL 168.674.
 - 13.1.1** The Kalamazoo County Board of Election Commissioners shall notify appointed election inspectors of their appointment a minimum of thirty-one (31) days, but not more than fifty (50) days, before each applicable statewide and federal election.
- 13.2** The County Board of Election Commissioners shall designate one appointed election inspector from each early voting site as chairperson.
- 13.3** Each Participating Jurisdiction Clerk shall provide the County Clerk with the list of election inspectors recruited by the Participating Jurisdiction Clerk to serve at early voting locations a minimum of ninety (90) days before each applicable statewide and federal election.
- 13.4** All election inspectors appointed for early voting shall be Kalamazoo County appointees. Kalamazoo County shall pay all hourly rates for appointed election inspectors within the guidelines and policies of Kalamazoo County and the County Clerk, in accordance with the rates noted in **Exhibit C**.
- 13.5** The Early Vote Coordinator shall ensure each early voting site is staffed by a minimum of one (1) Participating Jurisdiction Clerk, appointed by the County Clerk in accordance with MCL 168.720g(7) or one (1) individual from the County serving in their place, to act as Site Supervisor for each day of early voting during each applicable state or federal election. Each Participating Jurisdiction Clerk shall submit their availability to act as Site Supervisor for the duration of early voting to the County Clerk upon request. The County Clerk, based on these availabilities, shall appoint one (1) Site Supervisor per early voting site daily to supervise and operate the site in the same manner as the Participating Jurisdiction Clerk

¹ The minimum number of trained election inspectors per site per day is estimated in **Exhibit A** but may be modified and adjusted by the County Clerk based on needs and communicated in advance of any adjustments in a written notice sent to the Participating Jurisdictional Clerks, to be sent via email.

does for an election day polling place. The Participating Jurisdiction Clerks appointed may delegate the responsibilities of Site Supervisor to a member of the Participating Jurisdiction Clerk's staff, subject to advance notification to County Clerk.

- 13.6** Each Participating Jurisdiction shall identify one (1) individual to serve as a Site Supervisor of an early voting site for a minimum of one (1) complete shift per applicable state or federal election. A complete shift for purposes of this Agreement means an eleven hour (11) shift.
- 13.7** If the Participating Jurisdiction Clerk is unable to meet its obligations under 13.6 above, the County Clerk, or designated staff, may act as Site Supervisor. The Participating Jurisdiction Clerk shall be notified of Site Supervisor appointments a minimum of four (4) weeks prior to the second Saturday before the election. All Participating Jurisdiction Clerks shall be considered as acting only in furtherance of their own Participating Jurisdiction's governmental interests and shall not be considered employees of Kalamazoo County for purposes of this Agreement and will not be paid by Kalamazoo County for services rendered under this Agreement.
- 13.8** The Early Vote Coordinator, or their designee shall monitor and help administer early voting by traveling to each early voting site as necessary.
- 13.9** The County agrees to seek funding to support a contract with its identified voting equipment vendor to provide technical support during the early voting period. In the event the County is unable to secure such funding, the County may, but is not required to pursue a contract with its identified voting equipment vendor to provide technical support during the early voting period either through County funds, or as an Eligible Reimbursement cost as mutually agreed upon by the parties to this Agreement.

14. CLOSING PROCEDURES DURING EARLY VOTING AND ON ELECTION DAY

- 14.1** The Early Vote Coordinator shall:
 - (1) be responsible for compliance with the closing procedures required by MCL 168.720j(8) and 720j(9) and any applicable instructions issued by the Secretary of State during early voting;
 - (2) secure specified election materials in compliance with MCL 168.720j(10) and any applicable instructions issued by the Secretary of State; and
 - (3) oversee the conclusion of Election Day, including compliance with the closing procedures at the conclusion of Election Day required by in MCL 168.720j(11) and any applicable instructions issued by the Secretary of State.

15. EARLY VOTING RECEIVING BOARD

- 15.1** The County Clerk, with the assistance of Participating Jurisdiction Clerks, shall submit the names of potential trained election inspectors to the Kalamazoo County Board of Election Commissioners.
- 15.2** The Kalamazoo County Board of Election Commissioners shall appoint an Early Vote Receiving Board.
 - 15.2.1** The Early Vote Receiving Board is required to arrive at a site designated by the County Clerk by 7:15 PM on the applicable Election Day to complete end-of-

election-day procedures in compliance with canvass and reporting requirements at 8:00 PM, as required by MCL 168.720j(11)-(14) and MCL 168.801-810.

15.2.2 The Early Vote Receiving Board shall canvass the early vote returns on Election Day and report early voting results to the County Clerk.

16. PROCESS TO NOTICE SECRETARY OF STATE

16.1 The County Clerk, or designated representative, shall submit the Early Voting Plan, attached as **Exhibit A**, as well as any amendments to that early voting plan as described in one (1) or more amendments to this Agreement, to the Michigan Secretary of State no later than one-hundred twenty (120) days before the first statewide or federal election in an even-numbered year.

16.2 The County Clerk, or designated representative, shall submit to the Michigan Secretary of State any changes made to a previously submitted Early Voting Plan that affect the locations, dates, and hours of operation for each joint early voting site operated by Kalamazoo County and Participating Jurisdictions a minimum of forty-five (45) days before the first early voting day allowed by statute to facilitate the proper posting of information on the Michigan Voter Information Center (MVIC) portion of the Department of State's website.

16.3 The Early Vote Coordinator shall transmit all communications regarding changes to locations, days, and hours of early voting to Participating Jurisdiction Clerks a minimum of forty-eight (48) hours prior to submission to the Michigan Secretary of State.

17. TERM OF AGREEMENT

17.1 The Effective Date of this Agreement shall be the date the last party signs the Agreement and applies to state or federal elections occurring between November 1, 2023 and continuing through December 31, 2025. This Agreement may be renewed thereafter for one (1) additional two (2) year term, by mutual written agreement of the parties, which shall be obtained a minimum of one hundred twenty-five (125) days before the first regularly scheduled statewide or federal election in 2026.

18. NOTICE OR WITHDRAWAL

18.1 Participating Jurisdictions may withdraw from this Agreement by providing a thirty (30) calendar day advance written notice to Kalamazoo County and all other parties in accordance with the terms of this Agreement. A Participating Jurisdiction Notice to Withdraw, or any other notice/communication required, or permitted under this Agreement from a Participating Jurisdiction to Kalamazoo County shall be deemed compliant with the notice requirements of this Agreement if the Participating Jurisdiction sending the notice/communication hand delivers the notice or communication to the County Clerk, or their authorized designee, or if the Participating Jurisdiction sends the notice/communication through First Class United States Postal Service to Kalamazoo County. The parties agree that notices and communications from Participating Jurisdictions to Kalamazoo County shall be sent to the following addresses:

Office of the Kalamazoo County Clerk & Register of Deeds

ATTN: Meredith Place, Kalamazoo County Clerk/Register of Deeds
201 West Kalamazoo Avenue
Kalamazoo, Michigan 49007
Email: elections@kalcounty.com

With a copy to:

Kalamazoo County Office of Corporation Counsel
ATTN: Angelina M. Barnes, Kalamazoo County Corporation Counsel
201 West Kalamazoo Avenue
Kalamazoo, Michigan 49007
Email: ambarn@kalcounty.com

Notices to all other parties shall be directed to the addresses for Participating Jurisdictions as shown in 4.2 of this Agreement.

- 18.2** This Agreement is an intergovernmental cooperative agreement and not a personal services agreement. If an elected or appointed clerk is no longer serving in his/her capacity, the obligations under this Agreement shall continue unless a notification to withdraw is provided in accordance with Paragraph 18, herein. The County or Participating Jurisdiction that has a new or different person in the Clerk's position identified herein shall provide notification to all other entities hereto within 30 calendar days of such appointment/election and shall verify or provide new contact information within the same timeframe.
- 18.3** Kalamazoo County may withdraw from this Agreement by providing a thirty (30) calendar day advance written notice to all Participating Jurisdictions in accordance with the terms of this Agreement. A Kalamazoo County Notice to Withdraw, or any other notice/communication required, or permitted under this Agreement from Kalamazoo County to a Participating Jurisdiction shall be deemed to satisfy the notice requirements of this Agreement if Kalamazoo County hand delivers the notice or communication to a representative of the Participating Jurisdiction, or their authorized designee, or if Kalamazoo County sends the notice/communication through First Class United States Postal Service to a Participating Jurisdiction. The parties agree that notices and communications from Kalamazoo County to Participating Jurisdictions shall be sent to the addresses shown in 4.2 of this Agreement for each Participating Jurisdiction.
- 18.4** A Participating Jurisdiction Notice to Withdraw, Kalamazoo County Notice to Withdraw, or action in any other notice/communication sent by a party to another party shall be considered received on the actual date received via First Class United States Postal Service, with the exception that notices/communications received on Saturdays, shall be considered received on Monday, to the extent Monday is not a County holiday, whereas notices/communications received on Saturdays, followed by a holiday, shall be considered received on the next County business day ("Receipt Date").
- 18.5** The County Clerk shall send a withdrawing Participating Jurisdiction an approval letter for withdrawal, with a simultaneous copy to all other parties to the Agreement, if the thirty

(30) calendar day advance written notice requirement described in this Agreement was met. The Agreement as to the withdrawing parties shall terminate thirty (30) calendar days from the Receipt Date described 18.3 if all deadlines are satisfied. ("Termination Date").

- 18.6** If the request of a Participating Jurisdiction Notice to Withdraw Receipt Date falls within the one hundred fifty (150) calendar days before the statewide general November election in an even-numbered year and before the completion of the county canvass for that statewide general November election in that even-numbered year, the County Clerk shall send the Participating Jurisdiction a letter rejecting the termination of the Agreement; the Participating Jurisdiction shall continue to perform all responsibilities as outlined in this Agreement as the Participating Jurisdictions and Kalamazoo County agree that they may not withdraw from this Agreement during the period beginning one-hundred fifty (150) calendar days before the first statewide general November election in an even-numbered year and ending on the completion of the county canvass for that statewide general November election in that even-numbered year. A Participating Jurisdiction that withdraws from this Agreement is still obligated to reimburse Kalamazoo County for any proportional share of costs incurred by Kalamazoo County through the Termination Date.
- 18.7** A Participating Jurisdiction that terminates this Agreement acknowledges and agrees that withdrawal from this Agreement shall result in forfeiture of the Participating Jurisdiction's right to recover any costs, including those incurred by a Participating Jurisdiction for supplies and/or equipment, or any other expenditure made in connection with this Agreement, including any distribution contemplated under 11.3 herein.
- 18.8** If Kalamazoo County withdraws from the Agreement for any reason, the Agreement will cease to exist, on the Termination Date, and each Participating Jurisdiction Clerk shall submit a revised early voting plan to the Michigan Secretary of State to outline how they will meet their legal and administrative obligations for early voting.
- 18.9** If a Participating Jurisdiction withdraws from the Agreement for any reason, the Agreement shall terminate on the Termination Date, provided all requirements of the Agreement are satisfied. Upon termination, the withdrawing Participating Party shall submit a revised early voting plan to the Michigan Secretary of State to outline how they will meet their legal and administrative obligations for early voting.
- 18.10** Regardless of whether withdrawal is initiated by Kalamazoo County or a Participating Jurisdiction, both parties acknowledge and agree all legal and administration obligations provided through mutual cooperation of the parties, or by one party on behalf of the other pursuant to this Agreement shall cease with respect to the terminating parties, as of the Termination Date and each party shall assume all of their own legal and administrative responsibilities as if the Agreement had not been executed.
- 18.11** If a party seeks to enter this Agreement after it is already in effect within the limitations of the laws of the State of Michigan, a jurisdiction may enter into this County Agreement under MCL 168.720g for the remaining statewide and federal elections to be held in that year and the following year, and for any other elections included in the County Agreement. The agreement entered into may be a new written agreement, or a written

amendment to this Agreement if all of the parties to the agreement agree to the amendment.

18.12 The County reserves the right to terminate a Participating Jurisdictions participation in this Agreement for any of the following reasons which shall constitute a material breach of this Agreement:

18.12.1 Failure to perform obligations of this Agreement in good faith including but not limited to the requirement to execute the timely obligations of this Agreement, failure to submit required information and documentation to the County, failure to appoint necessary individuals to staff early election sites and to serve as Site Supervisors as required by the terms of this Agreement, and/or failure to adhere to mutually agreed upon communication strategy implemented by the County.

18.12.2 Failure to timely remit payment for Reimbursable Expenses in accordance with the terms and conditions of the Agreement.

19. INDEMNIFICATION AND HOLD HARMLESS

19.1 To the extent permitted by law, and without waiving governmental immunity, each party to this Agreement shall defend, indemnify, and hold the other parties, and their officers, employees, agents, and assigns, harmless from claims and any liability which arise out of and/or are the result of an alleged error, mistake, negligence, or intentional act or omission of the indemnifying party, its officers, employees, agents, and assigns arising out of and occurring with the term of the Agreement.

20. INSURANCE

20.1 The Participating Jurisdictions to the extent possible, shall include Kalamazoo County, the Kalamazoo County Clerk and its officers, employees, agents, and assigns as additional named insureds on a policy of liability insurance. The required insurance policy shall have commercial general liability policy limits of not less than \$1,000,000. Written proof of the existence of such insurances will be supplied by the Participating Jurisdictions and Kalamazoo County to each other as of the effective date of this Agreement, and at such times during the term thereafter, as Kalamazoo County or the Participating Jurisdictions may reasonably require per this Agreement.

To the extent the parties are self-insured the parties agree to seek the equivalent of adding the other party as an additional insured to a certificate of insurance as permitted.

21. MISCELLANEOUS

21.1 Severability. If one (1) or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions of this Agreement. Any such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, which shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

21.2 Entire Agreement and Amendment. In conjunction with matters covered by this Agreement, the Agreement contains the entire understanding and agreement of the

parties. There have been no promises, representations, agreements, warranties, or undertakings by any of the parties, either oral or written, of any character or nature hereafter binding except as set forth in this Agreement. The parties acknowledge that terms within this Agreement may be altered, amended, as allowed by statute, but only by an instrument in writing, executed by the duly authorized representatives of the parties to this Agreement. Each party to this Agreement waives its future right to claim or assert that this Agreement has been modified, canceled, superseded, or changed by any oral agreement, course of conduct, waiver, or estoppel.

The parties recognize and agree that the Early Vote Coordinator, in developing the early voting plan, shall submit addendums to this Agreement, listing any of the above terms that may change due to subsequent legislation, all early voting site locations that are approved by Kalamazoo County Board of Election Commissioners, and any cost adjustments incurred as a result of any additional costs or any Participating Jurisdiction withdrawing from the Agreement.

21.3 Successors and Assigns. All representations, covenants, and warranties set forth in the Agreement, by or on behalf of or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of any or all such parties, and their successors and assigns.

21.4 Terms and Conditions. The terms and conditions used in this Agreement shall be given their common and ordinary definition and will not be construed against any party considered to be the drafter of this Agreement.

21.5 Execution of Counterparts. This Agreement may be executed in any number of counterparts; all such counterparts shall for all purposes be deemed to be an original. All such counterparts, or as many of them as the parties shall preserve undestroyed, shall together constitute one (1) and the same instrument.

In witness whereof the parties have executed this Agreement as of the indicated date(s).

Printed name of County Clerk

Signature of County Clerk

Date

Date: _____

By: _____
Alamo Township
Barbara Venema, Clerk

Date: _____

By: _____
Brady Township
Tim Snow, Deputy Clerk

Date: _____

By: _____

Charleston Township
Linda Kramer, Clerk

Date: _____

By: _____

Climax Township
Marcia Lewis, Clerk

Date: _____

By: _____

Comstock Charter Township
Nicole Beauchamp, Clerk

Date: _____

By: _____

Cooper Charter Township
DeAnna Janssen, Clerk

Date: _____

By: _____

City of Galesburg
Lisa McNees, Clerk

Date: _____

By: _____

City of Kalamazoo
Scott Borling, Clerk

Date: _____

By: _____

Kalamazoo Charter Township
Lisa Mackie, Clerk

Date: _____

By: _____

Oshtemo Charter Township
Dusty Farmer, Clerk

Date: _____

By: _____

City of Parchment
Shannon Stutz, Clerk

Date: _____

By: _____

City of Portage
Erica Eklov, Clerk

Date: _____

By: _____

Prairie Ronde Township
Dale Smith, Clerk

Date: _____

By: _____

Richland Township
Bear Priest, Clerk

Date: _____

By: _____

Ross Township
Mary Stage, Clerk

Date: _____

By: _____

Schoolcraft Township
Virginia Mongreig, Clerk

Date: _____

By: _____

Texas Charter Township
Emily Beutel, Clerk

Date: _____

By: _____

Wakeshma Township
Shawn Fritz, Clerk

Approved as to form on behalf of **KALAMAZOO**

COUNTY GOVERNMENT

CORPORATION COUNSEL

By: Angelina M. Barnes

Date: October 2, 2023

Exhibit A

Kalamazoo County Early Voting Plan 2024-2025

No later than one hundred and twenty (120) days before the first statewide or federal election in each even-numbered year, the Early Vote Coordinator, as defined by the Agreement is responsible for ensuring an Early Voting Plan, covering the parties to the Agreement, is filed with the Kalamazoo County Clerk.

Not less than forty-five (45) days before the first early voting day allowed by statute, the Election Coordinator, as defined by the Agreement shall be responsible for providing the Michigan Secretary of State with any changes made to a previously submitted Early Voting Plan that affect the locations, dates, and hours of operation for each joint early voting site operated by Kalamazoo County and the Participating Jurisdictions to ensure correct information is posted on the Michigan Voter Information Center (MVIC) portion of the Department of State's website.

All information current as of 10/1/2023:

Plan Coverage: County Agreement

Early Vote Coordinator of County Agreement:

Name of Coordinator	Position	Email Address	Phone Number
Shardae Chambers	Elections Coordinator – Kalamazoo County	elections@kalcounty.com	269-384-8080

County:

Name of county	Clerk of County
Kalamazoo	Meredith Place

Municipality 1:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Alamo Township	Barbara Venema	2	3268

Municipality 2:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Brady Township	Tim Snow, Deputy	2	3738

Municipality 3:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Charleston Township	Linda Kramer	1	1618

Municipality 4:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Climax Township	Marcia Lewis	1	1932

Municipality 5:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Comstock Charter Township	Nicole Beauchamp	7	12712

Municipality 6:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Cooper Charter Township	DeAnna Janssen	5	8840

Municipality 7:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
City of Galesburg	Lisa McNees	1	1556

Municipality 8:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality

City of Kalamazoo	Scott Borling	27	55176
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Municipality 9:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Kalamazoo Charter Township	Lisa Mackie	10	18085

Municipality 10:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Oshtemo Charter Township	Dusty Farmer	10	18543

Municipality 11:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
City of Parchment	Shannon Stutz	1	1499

Municipality 12:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
City of Portage	Erica Eklov	19	40521

Municipality 13:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Prairie Ronde Township	Dale Smith	1	1995

Municipality 14:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Richland Township	Bear Priest	3	7138

Municipality 15:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Ross Township	Mary Stage	2	4473

Municipality 16:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Schoolcraft Township	Virginia Mongreig	4	7553

Municipality 17:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Texas Charter Township	Emily Beutel	6	14495

Municipality 18:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Wakeshma Township	Shawn Fritz	1	1054

Early Voting Location Information:

	Early voting site #1	Early voting site #2	Early voting site #3	Early voting site #4
Location of site	<i>Kalamazoo County Expo Center</i>	<i>Portage Parks' & Recreation Building</i>	<i>Fetzer Center at Western Michigan University</i>	<i>Douglass Community Center</i>
Municipalities served at site	18	18	18	18
Number of Election Workers at site	9 + 1 Chair	9 + 1 Chair	9 + 1 Chair	9 + 1 Chair
Is this an EV site for all 9 days of Constitutionally required early voting? (Y/N)	Y	Y	Y	Y
Hours for 9 days of Constitutionally required early voting	9:00AM – 5:00PM	9:00AM – 5:00PM	9:00AM – 5:00PM	9:00AM – 5:00PM

How many (if any) additional days of early voting will be provided at this site?	0	0	0	0
Hours for any additional days of early voting	-	-	-	-
Is this site ADA compliant?	Y	Y	Y	Y
In selecting this site, did you take into account expected turnout, population density, public transportation, accessibility, travel time, travel patterns, and any other relevant considerations?	Yes	Yes	Yes	Yes

Early Voting Equipment Information:

	Early voting site #1	Early voting site #2	Early voting site #3	Early voting site #4
Number of tabulators at site	10	10	10	10
Municipality responsible for providing tabulators	County	County	County	County
Number of early voting poll book laptops	4	4	4	4
Municipality responsible for providing early voting poll book laptops	County	County	County	County
Clerk responsible for taking necessary steps to set up the early voting poll book laptops	TBD	TBD	Scott Borling	Scott Borling

Describe the communication strategy for informing electors of their opportunity for early voting:

Participating Jurisdiction Clerks will mail notices to their voters with updated polling site information to identify opportunities and locations for early voting. Kalamazoo County and Participating Jurisdictions will issue joint news releases. Kalamazoo County will invest in paid digital communication to voters to educate them about early voting under Proposal 2. All communication will include an asterisk to note that any Kalamazoo County voter can vote at any of these sites with the exception of Pavilion Township residents. The Participating Jurisdictions agreed to execute a county agreement with universal voting centers in large part because it facilitates simple communication to voters – if you live in a participating jurisdiction in Kalamazoo County, you can vote at any one of these early voting sites.

No notices, communications (written or verbal), media releases, or social media posts shall be published by the County Clerk without opportunity for prior review by the Participating Jurisdictions to this Agreement.

The Participating Jurisdictions plan to collaborate to create content with a consistent message to be used to disseminate information to educate voters about early voting.

EXHIBIT B: SITE SUPERVISORS

Early Voting Site Supervisors:

The City of Kalamazoo will serve as Site Supervisor for all days at early voting sites located in the City of Kalamazoo. All other Participating Jurisdiction's Clerks are expected to serve at least one (1) day as a Site Supervisor to complete the rest of the available dates for early voting, unless prior agreement is reached in accordance with the provisions of the Agreement for the County Clerk to serve as Site Supervisor.

	Supervisor at Early voting site #1 – Expo Center	Supervisor at Early voting site #2 – Parks and Rec Dept. Portage	Supervisor at Early voting site #3	Supervisor at Early voting site #4
Early Voting Day 1 – Saturday, February 17th	Bear Priest, Richland Twp Clerk	Erica Eklov, City of Portage Clerk	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk
Early Voting Day 2 – Sunday, February 18th	Lisa Mackie, Kalamazoo Twp Clerk	DeAnna Janssen, Cooper Twp Clerk	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk
Early Voting Day 3 – Monday, February 19th	Dusty Farmer, Oshtemo Twp Clerk	Shawn Fritz, Wakeshma Twp Clerk	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk
Early Voting Day 4 – Tuesday, February 20th	Dusty Farmer, Oshtemo Twp Clerk	Bear Priest, Richland Twp Clerk	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk
Early Voting Day 5 – Wednesday, February 21st	Linda Kramer, Charleston Twp Clerk	Virginia Mongreig Schoolcraft Twp Clerk	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk
Early Voting Day 6 – Thursday, February 22nd	Lisa McNees, Galesburg City Clerk	Emily Beutel, Texas Twp	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk
Early Voting Day 7 – Friday, February 23rd	Nicole Beauchamp Comstock Twp Clerk	Emily Beutel, Texas Twp	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk
Early Voting Day 8 – Saturday, February 24th	Shannon Stutz, Parchment City Clerk	Erica Eklov, City of Portage Clerk	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk
Early Voting Day 9 -	DeAnna Janssen, Cooper Twp Clerk	Erica Eklov, City of Portage Clerk	Scott Borling, City of Kalamazoo Clerk	Scott Borling, City of Kalamazoo Clerk

Exhibit C

Kalamazoo County Early Voting Estimate of Costs to Local Parties

All costs represented in this Exhibit C are estimates generated by a series of focus group meetings between local clerks and the Kalamazoo County Clerk's Office. Estimates are broken out into "Startup Costs" to purchase equipment to implement early voting and "Ongoing Costs" for future elections using that equipment. All amounts are estimates only and are based on assumptions about the outcome of state funding to arrive at a realistic cost to be realized by local governments in executing early voting. An application for state grant funding was submitted by Kalamazoo County on 9/8/2023 but it is not known as of 10/02/2023 when, or if, state grant funding will be awarded. The parties to this Agreement acknowledge and accept that grant award amounts and other unforeseen factors could significantly change the real costs to Kalamazoo County and the Participating Jurisdictions to this Agreement.

Implementation Cost - First Election	Expo Center	Portage Parks	Fetzer Center @ W	Douglass	One time - not site specific	2 Year Total
ADMINISTRATION/COORDINATING STAFF						
Postcard notice to voters					\$ 90,000.00	\$ 90,000.00
EQUIPMENT						
Ballot tabulators & ADA Devices	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
VAT	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Ballot Cabinet						Assumption: State Grant
Print on Demand Device	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Electronic Poll Book	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Dual Monitor for EPB	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
External Mice for EPB	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Printer	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
EPB Internet Connectivity Devices	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Optical Scanners	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Ballot instructions/security sleeve	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Voting Booths	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Security/Chain of Custody, Cages, Etc.	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00		\$ 40,000.00
On-site security installation at County Admin Bldg					\$ 3,254.38	\$ 3,254.38
Ballot bags	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Sleeves for daily ballot segmentation	\$ -	\$ -	\$ -	\$ -		Assumption: State Grant
Signage outside Early Voting site	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00		\$ 2,000.00
Rolling storage carts	\$ 180.00	\$ 180.00	\$ 180.00	\$ 180.00		\$ 720.00
Repair/Replacement Contingency for Equipment					\$ 40,000.00	\$ 40,000.00
TOTALS	\$ 10,680.00	\$ 10,680.00	\$ 10,680.00	\$ 10,680.00	\$ 133,254.38	\$ 175,974.38
Jurisdiction	Column1	Column2	Column3	Column4	Column5	Total Startup
ALAMO TOWNSHIP	\$ 170.93	\$ 170.93	\$ 170.93	\$ -	\$ 2,132.70	\$ 2,645.49
BRADY TOWNSHIP	\$ 195.51	\$ 195.51	\$ 195.51	\$ -	\$ 2,439.42	\$ 3,025.96
CHARLESTON TOWNSHIP	\$ 84.63	\$ 84.63	\$ 84.63	\$ -	\$ 1,055.91	\$ 1,309.79
CLIMAX TOWNSHIP	\$ 101.05	\$ 101.05	\$ 101.05	\$ -	\$ 1,260.82	\$ 1,563.98
COMSTOCK TOWNSHIP	\$ 664.89	\$ 664.89	\$ 664.89	\$ -	\$ 8,295.85	\$ 10,290.52
COOPER TOWNSHIP	\$ 462.37	\$ 462.37	\$ 462.37	\$ -	\$ 5,768.98	\$ 7,156.09
GALESBURG CITY	\$ 81.39	\$ 81.39	\$ 81.39	\$ -	\$ 1,015.45	\$ 1,259.60
KALAMAZOO CITY	\$ 2,885.62	\$ 2,885.62	\$ 2,885.62	\$ 10,680.00	\$ 36,003.94	\$ 55,340.81
KALAMAZOO TOWNSHIP	\$ 945.92	\$ 945.92	\$ 945.92	\$ -	\$ 11,802.27	\$ 14,640.04
OSHTIMO TOWNSHIP	\$ 969.88	\$ 969.88	\$ 969.88	\$ -	\$ 12,101.16	\$ 15,010.79
PARCHMENT CITY	\$ 78.40	\$ 78.40	\$ 78.40	\$ -	\$ 978.25	\$ 1,213.46
PAVILION TOWNSHIP	\$ -	\$ -	\$ -		\$ -	\$ -
PORTAGE CITY	\$ 2,119.42	\$ 2,119.42	\$ 2,119.42	\$ -	\$ 26,444.00	\$ 32,802.26
PRAIRIE RONDE TOWNSHIP	\$ 104.35	\$ 104.35	\$ 104.35	\$ -	\$ 1,301.94	\$ 1,614.98
RICHLAND TOWNSHIP	\$ 373.35	\$ 373.35	\$ 373.35	\$ -	\$ 4,658.26	\$ 5,778.30
ROSS TOWNSHIP	\$ 233.96	\$ 233.96	\$ 233.96	\$ -	\$ 2,919.08	\$ 3,620.95

SCHOOLCRAFT TOWNSHIP	\$ 395.05	\$ 395.05	\$ 395.05	\$ -	\$ 4,929.09	\$ 6,114.25
TEXAS TOWNSHIP	\$ 758.15	\$ 758.15	\$ 758.15	\$ -	\$ 9,459.44	\$ 11,733.89
WAKESHMA TOWNSHIP	\$ 55.13	\$ 55.13	\$ 55.13	\$ -	\$ 687.84	\$ 853.23
Total	\$ 10,680.00	\$ 10,680.00	\$ 10,680.00	\$ 10,680.00	\$ 133,254.38	\$ 175,974.38

Ongoing Cost per Election	Expo Center	Portage Parks	Fetzer Center @ W	Douglass	Not Site Specific	Per Election	2 Year Total
POLL WORKERS							
Poll workers	\$ 3,481.63	\$ 3,481.63	\$ 3,481.63	\$ 3,481.63		\$ 13,926.53	\$ 41,779.58
Receiving Board					\$ 1,512.00	\$ 1,512.00	\$ 4,536.00
Training of Poll Workers					\$ 3,333.33	\$ 3,333.33	\$ 10,000.00
ADMINISTRATION/COORDINATING STAFF							
Noticing to Mlive					\$ 2,500.00	\$ 2,500.00	\$ 7,500.00
Administrative Fee					\$ 24,619.33	\$ 24,619.33	\$ 73,858.00
Vendor support						Assumption: State	Assumption: State
Election worker software management					\$ 11,075.00	\$ 11,075.00	\$ 33,225.00
POLLING PLACES							
Polling place rental/cleaning	\$ 4,800.00	\$ 2,310.00	\$ 2,200.00	\$ 5,000.00		\$ 14,310.00	\$ 42,930.00
EQUIPMENT							
Toner for Ballot on Demand	\$ 990.00	\$ 990.00	\$ 990.00	\$ 990.00		\$ 3,960.00	\$ 11,880.00
Programming for Ballot on Demand	\$ 727.00	\$ 727.00	\$ 727.00	\$ 727.00		\$ 2,908.00	\$ 8,724.00
BOD Paper Stock	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00		\$ 480.00	\$ 1,440.00
Batteries for External Mice	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00		\$ 40.00	\$ 120.00
EPB Internet Connectivity Access	\$ 280.00	\$ 280.00	\$ 280.00	\$ 280.00		\$ 1,120.00	\$ 3,360.00
SmartPhones for Facetime capability?	\$ 280.00	\$ 280.00	\$ 280.00	\$ 280.00		\$ 1,120.00	\$ 3,360.00
Toner	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00		\$ 400.00	\$ 400.00
Copy Paper	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00		\$ 140.00	\$ 140.00
Precinct Kits	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00		\$ 1,000.00	\$ 3,000.00
Programming	\$ 89.00	\$ 89.00	\$ 89.00	\$ 89.00		\$ 356.00	\$ 1,068.00
Moving costs	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00		\$ 6,000.00	\$ 18,000.00
I Voted stickers	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00		\$ 400.00	\$ 1,200.00
Other Precinct Supplies (totes, pens, power cords)	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00		\$ 2,000.00	\$ 6,000.00
TOTALS	\$ 13,262.63	\$ 10,772.63	\$ 10,662.63	\$ 13,462.63	\$ 43,039.67	\$ 91,200.19	\$ 272,520.58
Jurisdiction	Column1	Column2	Column3	Column4	Column5	Per Election	2 Year
ALAMO TOWNSHIP	\$ 212.26	\$ 172.41	\$ 170.65	\$ -	\$ 688.84	\$ 1,244.17	\$ 3,732.50
BRADY TOWNSHIP	\$ 242.79	\$ 197.21	\$ 195.20	\$ -	\$ 787.90	\$ 1,423.10	\$ 4,269.30
CHARLESTON TOWNSHIP	\$ 105.09	\$ 85.36	\$ 84.49	\$ -	\$ 341.05	\$ 615.99	\$ 1,847.98
CLIMAX TOWNSHIP	\$ 125.49	\$ 101.93	\$ 100.89	\$ -	\$ 407.23	\$ 735.54	\$ 2,206.61
COMSTOCK TOWNSHIP	\$ 825.67	\$ 670.66	\$ 663.81	\$ -	\$ 2,679.47	\$ 4,839.61	\$ 14,518.83
COOPER TOWNSHIP	\$ 574.18	\$ 466.38	\$ 461.62	\$ -	\$ 1,863.32	\$ 3,365.49	\$ 10,096.48
GALESBURG CITY	\$ 101.07	\$ 82.09	\$ 81.25	\$ -	\$ 327.98	\$ 592.39	\$ 1,777.16
KALAMAZOO CITY	\$ 3,583.42	\$ 2,910.65	\$ 2,880.93	\$ 13,462.63	\$ 11,628.87	\$ 34,466.51	\$ 103,399.52
KALAMAZOO TOWNSHIP	\$ 1,174.66	\$ 954.13	\$ 944.38	\$ -	\$ 3,812.00	\$ 6,885.17	\$ 20,655.52
OSHTIMO TOWNSHIP	\$ 1,204.41	\$ 978.29	\$ 968.30	\$ -	\$ 3,908.54	\$ 7,059.54	\$ 21,178.62
PARCHMENT CITY	\$ 97.36	\$ 79.08	\$ 78.28	\$ -	\$ 315.96	\$ 570.69	\$ 1,712.06

PAVILION TOWNSHIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PORTAGE CITY	\$ 2,631.94	\$ 2,137.80	\$ 2,115.97	\$ -	\$ 8,541.12	\$ 15,426.83	\$ 46,280.48
PRAIRIE RONDE TOWNSHIP	\$ 129.58	\$ 105.25	\$ 104.18	\$ -	\$ 420.51	\$ 759.52	\$ 2,278.56
RICHLAND TOWNSHIP	\$ 463.63	\$ 376.59	\$ 372.74	\$ -	\$ 1,504.57	\$ 2,717.52	\$ 8,152.56
ROSS TOWNSHIP	\$ 290.53	\$ 235.99	\$ 233.58	\$ -	\$ 942.83	\$ 1,702.92	\$ 5,108.77
SCHOOLCRAFT TOWNSHIP	\$ 490.59	\$ 398.48	\$ 394.41	\$ -	\$ 1,592.04	\$ 2,875.52	\$ 8,626.55
TEXAS TOWNSHIP	\$ 941.49	\$ 764.73	\$ 756.92	\$ -	\$ 3,055.29	\$ 5,518.42	\$ 16,555.26
WAKESHMA TOWNSHIP	\$ 68.46	\$ 55.61	\$ 55.04	\$ -	\$ 222.16	\$ 401.27	\$ 1,203.81
Total	\$ 13,262.63	\$ 10,772.63	\$ 10,662.63	\$ 13,462.63	\$ 43,039.67	\$ 91,200.19	\$ 273,600.58

Jurisdiction	Registered Voters as of : %	
ALAMO TOWNSHIP	3268	1.60%
BRADY TOWNSHIP	3738	1.83%
CHARLESTON TOWNSHIP	1618	0.79%
CLIMAX TOWNSHIP	1932	0.95%
COMSTOCK TOWNSHIP	12712	6.23%
COOPER TOWNSHIP	8840	4.33%
GALESBURG CITY	1556	0.76%
KALAMAZOO CITY	55170	27.02%
KALAMAZOO TOWNSHIP	18085	8.86%
OSHTEMO TOWNSHIP	18543	9.08%
PARCHMENT CITY	1499	0.73%
PAVILION TOWNSHIP	0	0.00%
PORTAGE CITY	40521	19.84%
PRAIRIE RONDE TOWNSHIP	1995	0.98%
RICHLAND TOWNSHIP	7138	3.50%
ROSS TOWNSHIP	4473	2.19%
SCHOOLCRAFT TOWNSHIP	7553	3.70%
TEXAS TOWNSHIP	14495	7.10%
WAKESHMA TOWNSHIP	1054	0.52%
Total	204190	As of 10/2/2023

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Purchase of Portable Emergency Generators

SUPPORTING PERSONNEL: Rodney Russell, Director of Public Works

ACTION RECOMMENDED: Authorize the purchase of two Generac MDG175DF4 mobile diesel generators through the Sourcewell purchasing program, at a total cost of \$225,700.00 and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

Mobile diesel driven generators are used during situations when unplanned power outages occur, leaving sanitary sewer lift stations and water well sites off-line. The replacement of two older, outdated mobile diesel generators is needed due to the fact that the current 1981 model generators have reached the end of their serviceable life. Issues such as poor operating performance, parts unavailability and excessive ongoing maintenance costs, have rendered the current units nearly obsolete. Replacement will allow the city to maintain current levels of service in emergency power outage situations and reduce the quantity of diesel fuel consumed, and emissions during outages.

During the most recent ice storm in February, in order to meet the utility needs, it was essential to rent a mobile generator from a vendor in Grand Rapids. It was found that the rental Generac generator fit the necessary requirements, and performed very well. The replacement generators identified can be purchased through the Sourcewell purchasing program from Wolverine Power Systems for a total cost of \$225,700.00. The City of Portage has entered into the Sourcewell program to utilize the extended purchasing agreement service, as there is a significant economic advantage realized by the city when purchasing through these type of cooperative purchasing programs. In an effort to gauge pricing, additional quotes were also requested from two other vendors, with one having a higher overall quote of \$309,940.00 and the other failing to respond to the request for quotes. It is anticipated that the displaced generators will generate an estimated auction value of \$2,000 through Biddergy.com online auctioning service, coordinated by the Purchasing Department.

It is recommended that City Council approve the purchase of equipment as noted above through the Sourcewell cooperative purchasing program in the amount of \$225,700.00 and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

FUNDING: Sufficient funding exists in the FY 2023-2024 Water & Sewer Capital Outlay budget.

Attachments: 1. Generac Generators - Wolverine Quote 9.28.23

QUOTE #: 23-0345-MKMYb

9/28/2023

PROJECT NAME: CITY OF PORTAGE DPW

Wolverine Power Systems is pleased to submit the following proposal for your consideration and approval.

BILL OF MATERIALS:**Quantity 1 - Generac Mobile diesel engine-driven generator set MDG175DF4**

- Trailered Unit
- **175KVA Rating, 60Hz**
- **4-Position Voltage Selector Switch**
 - 277/480VAC Three Phase
 - 120/208VAC Three Phase
 - 120/240VAC Three Phase
 - 120/240VAC Single Phase
- Prime Duty Rating
- CSA
- Variable Speed Cooling Fan
- 24 Hr Double Wall Tank
- Tandem Axle
- Surge Brakes
- 3 in. Pintle Ring Adjustable
- Trailer Adapter, Flat 4 to Round 7 Spade
- Rear Stabilizer Jack
- Spare Tire
- **4-Position Phase Selector Switch**
- **MDG175DF4**

Quantity 2 - 50' Multi Conductor Cables and Two 200 Amp Plugs**SCOPE OF WORK:**

1. Freight charges. Unit will be shipped to Wolverine Power Systems and then delivered to customer site.
2. Start-up / testing of equipment and training by a Factory Trained & Certified Technician during normal business hours.
 - a. **Normal business hours are M-F 8:00AM to 4:30PM.** After hours Startups are available an additional charge may apply.
 - b. Training session will be provided upon day of start up by Wolverine Power Systems Technician. If training cannot be completed on day of startup an additional charge may apply.

Wolverine Power Systems is an industrial power equipment distributor serving the entire state of Michigan and would therefore meet any sustainability requirements regarding local procurement of goods for this project.

Generac Power Systems, Inc. generator sets and transfer switches are manufactured in Wisconsin for domestic consumption, meet the ARRA "**Buy American**" requirements and are eligible for use on ARRA-funded projects.

This quotation and supporting materials contain confidential and proprietary business information of Wolverine Power Systems and Generac Power Systems. These materials may be printed or photocopied for use in evaluating the proposed project but are not to be shared with other parties outside of your organization.



GENERATORS & MOBILE POWER PRODUCTS
SALES · RENTALS · SERVICE & PARTS

24/7
EMERGENCY
SERVICE

1.800.485.8068
WOLVERINEPOWER.COM

QUOTE #: 23-0345-MKMYb

9/28/2023

DELIVERY:

Contact Wolverine Power Systems for current estimated lead times. Due to current world events, lead times are subject to change at any time, with or without notice and cannot be guaranteed. As such, Wolverine Power Systems is not responsible for any costs that may be incurred due to a delivery delay (i.e., temporary mobile generator, cables, installation labor, etc.)

NOTES:

1. Sizing specified by others
2. Start-up paperwork will be supplied when units are delivered and must be completed and submitted when start-up is requested. We make every effort to accommodate requested start-up dates but please allow to 2-3 weeks when scheduling start-up service.
3. Fuel tanks meet state and local code requirements (if applicable).
4. All engines meet EPA emission standards (as required).
5. If end user/customer requires generator to connect to a BAS/BMS network, end user/customer to provide an IT representative at time of startup.
6. NETA or other special testing (if required) is not included in this quote unless stated above.

VALIDITY:

This quote is valid for twenty-five (25) days from date of this quotation. Please consult us beyond this date.

Net Price (TAXES ARE NOT INCLUDED)

Source Well Contract number: 092222-GNR

Base Bid \$ 105,850.00

50' Multi Conductor Cables and Two 200 Amp Plugs \$ 7,000.00

Terms: Net 30 with Approved Credit

ACCEPTANCE:

Authorized Buyers Signature / Printed Name

Date of Signature

Requested Delivery Date

By signing, you agree to compliance with all aforementioned terms and conditions and that this document serves as your purchase order.

We look forward to working with you.

Sincerely,

Mike Kalota | Sales Engineer
(616) 215-2251

Mark Yatcko | Inside Sales

Wolverine Power Systems
3229 80th Ave., Zeeland, MI 49464

This quotation and supporting materials contain confidential and proprietary business information of Wolverine Power Systems and Generac Power Systems. These materials may be printed or photocopied for use in evaluating the proposed project but are not to be shared with other parties outside of your organization.

CONDITIONS OF SALE AND LIMITATIONS OF LIABILITY

1. **TERMS:** Payment terms are subject to credit approval and may be changed at the discretion of the credit department.
2. **PAYMENT: With approved credit,** Net 30 days from date of invoice. Payment structure shall be as follows, unless otherwise approved by Wolverine Power Systems: Invoicing will occur at the time of equipment release from the factory for 100% of the quote. 100% of the quote must be received by Wolverine Power Systems prior to start up and commissioning. Should a retainer be required per the project specifications, progressive billing will occur with the predetermined retainer being withheld until after start up and commissioning. Any amount other than the retainer of the quote must be received by Wolverine Power Systems prior to startup and commissioning. Retainer payment terms are Net 30 days from date of significant startup and commissioning completion.
Without approved credit, Payment structure shall be as follows, unless otherwise approved by Wolverine Power Systems: 100% at time of order.
Buyer shall make payments as specified herein and Wolverine Power Systems may suspend orders, shipment or delivery until such payments are made. Wolverine Power Systems may charge a service charge of 1.5% per month, but not in excess of any lawful rate, if Buyer is delinquent in payment of invoices. Wolverine Power Systems may at any time decline to make any shipment or delivery or perform any work except upon Buyer's payment of past invoices and/or prepayment of this order or upon such other terms and conditions as are acceptable to Wolverine Power System's credit department. If Wolverine Power Systems deems it necessary to cancel any outstanding order due to Buyer's financial condition, Buyer agrees to reimburse Wolverine Power Systems for reasonable cancellation charges. Wolverine Power Systems may apply any payments received to Buyer's oldest outstanding invoices regardless of any instructions to the contrary from the Buyer. Payment for shipments delayed at Buyer's request shall become due on the date that Wolverine Power Systems is prepared to make shipment thereof, and Wolverine Power Systems may impose reasonable storage and handling charges for such delayed shipments.
"Pay When Paid" contract clauses will not be considered by Wolverine Power Systems. Acceptable methods of payment are wire transfer, certified check, company check and cash. No other forms of payment will be accepted unless approved by Wolverine Power Systems.
3. **TAXES:** Buyer shall pay all federal, state and local sales, use or other excise taxes, charges and duties arising by reason of this order and all other taxes, charges and duties of whatever nature assessed upon the goods described in the quote.
4. **COST OF COLLECTION:** Buyer shall pay all costs and expenses (including legal fees) incurred by Wolverine Power Systems to collect any past due amount for goods/services sold, whether or not litigation is commenced.
5. **SECURITY INTEREST:** Buyer hereby grants Wolverine Power Systems a security interest in all goods sold until the full amount of the purchase price has been paid by Buyer.
6. **APPLICABLE LAW:** This sale, and all claims arising therefrom, shall be governed by the laws of the State of Michigan.
7. **CANCELLATION:** Buyer may terminate this order only upon payment of all of Wolverine Power Systems costs incurred for the work performed before termination. All applicable cancellation fees shall apply.
8. **RETURN OF PRODUCTS:** No products may be returned to Wolverine Power Systems without Wolverine Power Systems written consent.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Disposition of Fire Vehicles

SUPPORTING PERSONNEL: Nicholas Arnold, Director of Public Safety - Police / Fire Chief

ACTION RECOMMENDED: Approve the sale of a 2013 Ford F-250 Super-Duty pickup truck to the Kalamazoo County Medical Control Authority for \$38,000 and authorize the City Manager to execute all necessary documents.

The Public Department of Public Safety has the need to dispose of surplus vehicles this fall, which typically are sent to a local auction for sale to satisfy the requirements of the sale of surplus property ordinance (Sec. 2-175. Sale of personal property). However, Dr. William Fales of the Kalamazoo County Medical Control Authority has requested that the city sell a 2013 Ford F-250 Super-Duty pickup truck to the authority for continued emergency response use.

The current market value for the 2013 Ford F-250 is \$35,000 to \$40,000. The sale of the vehicle to the Kalamazoo County Medical Authority serves a legitimate public purpose, delivers the same (or better) financial benefit to the city were it to be sent to an auction, and supports continued premium emergency service response in the city. It is recommended that City Council waive the bidding requirement, approve the sale of a 2013 Ford F-250 Super-Duty pickup truck to the Kalamazoo County Medical Control Authority for \$38,000, and authorize the City Manager to execute all necessary documents.

FUNDING: N/A

Attachments: 1. Disposal of City Property Memo - 2023 Ford F-250 Super-duty vehicle to KCMCA

TO: Patrick McGinnis, City Manager**DATE:** October 10, 2023**FROM:** Nicholas J. Arnold, Public Safety Director**SUBJECT:** Disposal of City Property – Fire Division Vehicles

The Portage Department of Public Safety – Fire Division is replacing its current front line battalion chief vehicle as outlined in the Strategic Apparatus and Fire Vehicle Replacement Plan, and the approved Capital Improvement Project (CIP) budget. The replacement of this vehicle will put the current battalion chief vehicle in reserve status and result in the need to dispose of the current reserve truck which is now over 10 years old.

Additionally, the Fire Division is putting a rescue vehicle into service at Fire Station No. 3. This will result in the need to dispose of the old rescue vehicle, a 2014 Ford Expedition with over 80,000 miles on it.

The normal course of disposition would be to send both vehicles to the local auction to obtain whatever money we can get for them, however, the Kalamazoo County Medical Control Authority (KCMCA) by way of Dr. Fales, has expressed a desire to purchase our old battalion chief vehicle for their use. The current market value for this vehicle is approximately \$35,000 to \$40,000, KCMCA wishes to purchase our vehicle for approximately \$38,000. We would likely not get this amount by sending this vehicle to auction. This vehicle, through its utilization by KCMCA, would continue to serve the Portage community at various incidents.

Therefore, we request permission by the City Manager to sell the 2013 Ford F-250 Super-duty (reserve battalion chief vehicle) to KCMCA, and the 2014 Ford Expedition from Fire Station No. 3 be sent to auction for disposition.

C: Jeff VanderWiere, Deputy Director – Public Safety
Jed Wild, Assistant Fire Chief

Recommended:

Victoria Barboza, Purchasing Manager**Approved:**

Patrick McGinnis, City Manager

MATERIALS TRANSMITTED

Tuesday, October 3, 2023

1. Communication from the City Manager regarding a letter received from Best Way Disposal regarding the proposed solid waste disposal ordinance amendment – Information Only.
 - a. Letter received this afternoon, Tuesday, October 3, 2023, from Republic Services.
2. Communication from the City Manager regarding the Bi-Monthly Financial Report for June 2023 – Information Only.
3. Communication from the City Manager regarding the Bi-Monthly Financial Reports for July and August 2023 – Information Only.



Pat McGinnis, City Manager

cc Adam Herringa, Chief Operating Officer
Peter Dame, Chief Development Officer

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Communication from Best Way Disposal regarding ordinance amendment

The attached communication was delivered in person at approximately 3:30 p.m. on Monday, October 2, 2023, by a representative of Best Way Disposal. Best Way was provided with an advanced draft of the revised ordinance for comment on July 28, 2023.

In response to the concerns raised, I highlight the following:

1. The revised language only requires collectors to submit their fee schedule 30 days before it is made effective. This gives customers time to react to changes and gives our Clerk time to publish the proposed rate hikes.
2. The Michigan Home Rule City Act requires cities to have provisions to protect public health, permits Charter provisions to provide for the enforcement of sanitary ordinances and your City Charter specifically allows for laws to provide for the enforcement of ordinances regarding the collection and disposal of garbage and rubbish. You are also required to provide for the maintenance and use of a street system, and the garbage collection uses public streets to collect garbage. Garbage collection is very different from other businesses that you do not regulate.
3. Many municipalities publish schedules and provide clear and easy-to-understand rate structures. It is not impossible.
4. The internal consistency is incorrect – the proposed revised ordinance does not have the City approving rate adjustments, simply reporting them. A 30-day advance notice is required to give the Clerk time to publish and give customers time to react.



📍 **ADMINISTRATIVE OFFICE**
5300 MILLER ROAD
KALAMAZOO, MI 49048
📞 O | 269.226.9200
📠 F | 269. 226. 0285
🌐 **BESTWAY-DISPOSAL.COM**

October 2, 2023

Pat McGinnis, City Manager
City of Portage
7900 S Westnedge Avenue
Portage, MI 49002

RE: Amendment to Code of Ordinances – Registration of Collectors

Dear Mr. McGinnis:

I represent Best Way Disposal, and am writing to express our opposition to the City's proposed ordinance requiring registration by residential waste collectors. We oppose this ordinance for the reasons set forth below.

First, the City's description of the proposed ordinance is misleading. This ordinance does much more than require registration by collectors. Rather, it requires waste collection businesses to submit their fee schedule for publication by the City clerk, and does not allow them to deviate from that fee schedule for an entire year, unless granted approval to do so by the City. I would like to inquire as to whether the City imposes such a requirement on other businesses within its boundaries and, if not, why should businesses that provide solid waste and recycling services be singled out in this fashion?

In any case, we believe that the City lacks the authority under either the Michigan Constitution or any legislative delegation to impose such a restrictions on the fees imposed within a private contract for services. Article 7, § 22 of the Michigan Constitution provides that the City "shall have power to adopt resolutions and ordinances ***relating to its municipal concerns, property and government, subject to the constitution and law.***" While this is a broad grant of authority, Michigan courts recognize that a municipality is not a sovereign entity, and its powers to enact ordinances are limited to the rights specifically conferred under the constitution, i.e., ordinances ***relating to its municipal concerns***. We believe that there is no legitimate "municipal concern" with respect to the price terms imposed under a private contract to which the City is not party, regardless of whether that contract concerns solid waste disposal or any other service provided within the City's borders. Further, there is no legislative grant of authority to the City that would authorize such an ordinance, including the so-called "Michigan Dog Pound Act" (1947 PA 179).

Therefore, we believe that a judge would strike down these provisions if and when challenged in court.

Second, the requirement that we submit a one-size-fits-all uniform fee schedule is neither reasonable, nor is it even possible. Charges to residential customers vary based on a number of factors that differ between individual customers. By way of example:

- **Introductory pricing.** Like many industries that provide services on a subscription basis, we offer lower introductory pricing to attract new customers. Everyone is familiar with this approach, often used by cable and cell service providers.
- **Annual increases.** Once an introductory rate expires, residential customers typically receive an annual increase. The increase varies depending on the length of time the customer has been with Best Way. For example, a newer customer's fee increase may be different than a long-term customer's increase in order to incentivize customer loyalty.
- **Cart size.** Best Way offers a variety of cart sizes to best meet each customer's needs. The pricing varies depending on the cart size chosen by the customer.
- **Cart quantity.** Many customers choose to have multiple carts, this impacts the price they are charged.
- **Cart types.** Customers may have carts for solid waste, yard waste, and/or recycling. These are priced differently.
- **Monthly fuel surcharge.** We add a fuel surcharge to our invoices, which is based off of a published index. When the price of fuel goes up or down, the fuel surcharge adjusts with it.
- **Billing frequency.** Customer have the option to pay quarterly or annually. Because annual billing reduces costs for Best Way, the customer is offered a savings if they choose this option.

With all of the above factors to consider, a uniform fee schedule is not workable for our business. If forced to set one, it would only be detrimental to customer choice and savings.

Third, the proposed ordinance is internally inconsistent with respect to our ability to make mid-year price adjustments. Your enhanced recommendation to the City Council states that "rather than put the Clerk or City Council in the position of rate control, the revised ordinance only requires change to be submitted 30 days prior to implementation." While we object to this requirement as well, the proposed ordinance does not actually align with your narrative in the enhanced recommendation. Section D.5. says that changes that result in an increase may only

be implemented in July, or *require advance approval by the city clerk*. For some reason, you wish to selectively target the waste industry with City-imposed price controls.

Fourth, we believe that the ordinance will not advance any of the goals of the ordinance as set forth in Section b, i.e., “promoting transparency, consistency, and equity in fees”. Indeed, Best Way’s operations are already transparent, consistent and equitable, as demonstrated by our customers’ satisfaction with our services.

Transparency. Best Way does not hide its prices. Anyone can reach out to Best Way for a price quote, which will be provided. They can also reach out to Republic for a price quote, which will be provided. They can then opt for the provider that they feel best suits their needs. If they are unhappy with the service or pricing they are receiving, they can leave one provider and go to the other. This is the customer’s right when dealing with any type of service provider in the City.

Consistency. As noted above, pricing may vary for any number of valid reasons: the cost of fuel, landfill disposal rates, inflation, state mandated fees, Material Recovery Facility (MRF) processing fees, changes to county Material Management Planning (MMP), or the customer’s unique disposal needs. Other private businesses can and do vary their prices over the course of a year, for their own reasons. Maybe they will have a sale on a certain item, because they have an excess of it in their inventory. Maybe their costs have gone up, and they need to raise their prices to cover those increases. They have the right to do that, and the waste industry does too. We need to be able to adjust to external circumstances beyond our control. If forced to lock in prices for a year, most businesses would err on the high side to make sure they can absorb any increased costs that come along. That actually hurts the customer, who would otherwise get a lower rate. To target one specific industry with price controls does not serve the residents, and it is not within the City’s authority.

Equity. Equity is defined as freedom from bias or favoritism. The City seems to believe that forcing one particular industry publish a rate schedule and to lock in those rates for a year at time, and to have to ask permission to change them, promotes equity in pricing. As explained in the prior paragraph, there are many reasons for variance in prices, and for changes throughout the year. Best Way would like to know where our equitable treatment from the City is? Why does the City believe it has the authority to target us and no one else with price controls? Is this how the City treats private businesses operating within its boundaries?



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If the City decides to adopt your recommendations, we believe that the immediate result will be less competition for residential waste services, fewer options for City residents, and ultimately higher prices.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Batts", is written over a light blue horizontal line.

Daniel J. Batts
Manager



Sustainability in Action

October 3, 2023

Mr. Patrick McGinnis, City Manager
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002
mcginnip@portagemi.gov

Re: Strong Opposition to Proposed Amendment to Code of Ordinances

Dear Mr. McGinnis:

I am the Division Sales Manager to Republic Services, Inc. including its subsidiary City-Star Services, Inc. ("Republic") and write to convey Republic's strong opposition to the proposed amendment to Code of Ordinances, Chapter 58, Section 58-33, impacting residential collectors doing business in the City of Portage. Republic has long been a trusted provider of waste collection services to Portage residents and has welcomed the opportunity to service tens of thousands of residents in your beautiful community over the years.

Unfortunately, the proposed amendment to the ordinance at issue will severely impact Republic's business in an open market like Portage. Forcing private operators such as Republic to publicly post rates, or be limited in their ability to change rates, cuts against the free-market characteristics that are the core tenets of the American economy. In the current economic environment, Republic must adapt its pricing to meet rising costs. Stymieing Republic's ability to adjust pricing by requiring a 30-day waiting period is untenable from an operational standpoint and intrudes on Republic's direct relationship with its customers. Surely the City does not plan to similarly regulate *all* private businesses providing services to City residents.

Republic intends to have its local representatives attend the Council meeting tonight and would welcome the opportunity to meet with you to discuss our company's concerns prior to the October 17, 2023 meeting when a vote is scheduled to occur. We would also appreciate the opportunity to explain the many ways in which Republic is presently promoting transparency in its pricing and providing excellent customer service to the City's residents, both clear goals of the proposed amendment. Involving stakeholders from Republic, Best Way, and the Michigan Waste & Recycling Association and engaging in a productive dialogue about the challenges this amendment will present will ensure the best possible outcome for the City's residents.



Sustainability in Action

Thank you in advance for considering Republic's position and our local team looks forward to meeting with you as soon as possible.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gina Verdera".

GINA VERDERA
DIVISION SALES MANAGER

3432 Gembrit Circle
Kalamazoo, MI 49001
e Gverdera@republicservices.com
o 269-391-4293
w RepublicServices.com



Sustainability in Action

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Monthly Financial Report

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

Prudent practices require that the governing body be periodically apprised of the ongoing financial status of city operations. Attached is a report of revenue and expenditure levels as compared to budget through June 30th, 2023 (unaudited).

Attachments: Monthly Financial Report - June 2023

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 06/30/2023***

Fund	DESCRIPTION	2022-23 ORIGINAL BUDGET	2022-23 AMENDED BUDGET	2022-23 ACTIVITY	100% Percent of Amended Collected/Used
REVENUES					
000.00		27,938,386	27,939,440	29,933,821	107%
172.00	- City Manager	500	500	1,000	200%
215.00	- City Clerk	505,035	507,949	86,514	17%
219.00	- Public Information	213,500	213,500	208,032	97%
228.00	- Technology Services	3,500	3,500	0	0%
253.00	- Finance Treasury	750	750	557	74%
262.00	- City Clerk Elections	0	0	0	0%
265.06	- Police Facility Management	70,000	70,000	70,000	100%
273.00	- Comm Dev Building Services	830,050	830,050	828,873	100%
305.00	- Police Administration	110,950	119,350	205,196	172%
311.00	- Police Patrol	1,500	1,500	3,700	247%
320.01	- Police Training-Grant Funded	7,000	7,000	12,003	171%
325.00	- Police Public Safety Dispatch/ts	20,000	20,000	21,062	105%
329.00	- Police Drug Law Enforcement	10,000	10,000	28,351	284%
336.00	- Fire Operations	0	0	2,468	0%
337.00	- Fire Admin	100	100	2,094	2094%
341.00	- Fire Prevention	950	950	825	87%
567.00	- Cemeteries	55,000	55,000	73,968	134%
672.00	- Senior Center	300,900	387,462	460,540	119%
672.01	- Senior Center Trips	200,000	626,000	655,687	105%
672.02	- Senior Center Activities	20,000	40,000	70,000	175%
701.00	- Comm Dev Planning & Development	40,050	40,050	74,032	185%
702.00	- Comm Dev Neighborhood Services	217,000	217,000	265,826	123%
751.00	- Parks & Rec - Parks	72,800	77,571	94,191	121%
751.01	- Parks & Rec - Kalamazoo In Bloom	0	0	0	0%
751.03	- Parks & Rec - Farmers Market	15,000	15,000	12,406	83%
751.04	- Parks & Rec - Team Sports	84,880	84,880	71,194	84%
751.06	- Parks & Rec - Programs	12,500	12,500	16,130	129%
751.07	- Parks & Rec - Ramona Park	78,550	78,550	79,811	102%
751.08	- Parks & Rec - Special Events	5,000	30,000	50,874	170%
751.09	- Parks & Rec - Millennium Park	48,300	48,300	0	0%
770.00	- Parks Maintenance	30,862,201	31,436,902	33,329,154	106%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 06/30/2023***

Fund	DESCRIPTION	2022-23 ORIGINAL BUDGET	2022-23 AMENDED BUDGET	2022-23 ACTIVITY	100% Percent of Amended Collected/Used
EXPENDITURES					
101.00 - City Council		96,230	96,230	79,187	82%
101.01 - City Council-Human Services		181,597	181,597	181,579	100%
172.00 - City Manager		903,615	915,047	877,479	96%
191.00 - Finance Accounting		336,725	336,725	301,706	90%
212.00 - Finance & Budget		373,114	367,714	345,096	94%
215.00 - City Clerk		177,522	184,652	185,136	100%
216.00 - City Clerk Records Management		79,109	82,708	82,088	99%
219.00 - Public Information		452,661	452,661	448,722	99%
228.00 - Technology Services		1,133,862	1,133,862	1,027,058	91%
233.00 - Purchasing		89,722	89,722	73,265	82%
240.00 - Purchasing Risk Management		25,966	25,966	21,790	84%
247.00 - Assessor Board Of Review		15,400	15,400	4,092	27%
253.00 - Finance Treasury		185,072	191,887	182,439	95%
257.00 - Assessor		544,798	544,798	500,393	92%
262.00 - City Clerk Elections		334,631	327,416	310,977	95%
265.00 - City Hall Building Maintenance		304,434	306,013	271,652	89%
265.06 - Police Facility Management		361,221	415,262	207,979	50%
265.08 - Fire Facility Management		250,300	271,040	198,355	73%
266.00 - Attorney		235,723	235,723	235,356	100%
270.00 - Human Resources		749,857	749,857	657,356	88%
272.00 - City-wide Services		750,636	750,636	724,976	97%
273.00 - Comm Dev Building Services		703,655	742,655	670,845	90%
305.00 - Police Administration		1,122,133	1,181,633	956,716	81%
305.03 - Police Emergency Sirens		18,676	18,676	0	0%
306.00 - Police Youth Services		554,860	554,860	442,649	80%
310.00 - Police Investigation		767,112	775,512	778,072	100%
311.00 - Police Patrol		6,816,729	6,071,997	5,623,091	93%
312.00 - Police Records & PST		0	761,274	540,146	71%
320.00 - Police Training		354,940	354,940	309,812	87%
320.01 - Police Training-Grant Funded		7,000	7,000	2,249	32%
325.00 - Police Public Safety Dispatch/ts		61,594	61,594	45,809	74%
329.00 - Police Drug Law Enforcement		369,949	369,949	343,360	93%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 06/30/2023***

Fund	DESCRIPTION	2022-23 ORIGINAL BUDGET	2022-23 AMENDED BUDGET	2022-23 ACTIVITY	100%
					Percent of Amended Collected/Used
336.00 - Fire Operations		4,192,044	4,197,912	3,874,227	92%
336.02 - Fire - Aerial Truck Replacement		212,547	212,547	212,547	100%
337.00 - Fire Admin		801,678	801,678	687,299	86%
337.01 - Fire On Call Firefighters		89,654	90,819	51,816	57%
339.00 - Fire Emergency Operations		4,950	4,950	1,550	31%
341.00 - Fire Prevention		168,422	168,422	153,762	91%
342.00 - Fire Training		215,245	215,245	176,957	82%
567.00 - Cemeteries		81,792	81,792	66,283	81%
605.00 - Contagious Diseases		0	1,054	1,054	100%
672.00 - Senior Center		832,765	938,327	854,956	91%
672.01 - Senior Center Trips		224,691	651,691	644,962	99%
701.00 - Comm Dev Planning & Development		533,710	498,680	420,853	84%
702.00 - Comm Dev Neighborhood Services		570,910	570,910	460,277	81%
751.00 - Parks & Rec - Parks		854,740	952,116	873,711	92%
751.01 - Parks & Rec - Kalamazoo In Bloom		17,000	17,000	17,000	100%
751.02 - Parks & Rec - Rec Admin		276,082	276,082	265,851	96%
751.03 - Parks & Rec - Farmers Market		35,248	38,748	23,652	61%
751.04 - Parks & Rec - Team Sports		61,720	35,195	32,578	93%
751.06 - Parks & Rec - Programs		37,000	61,000	56,773	93%
751.07 - Parks & Rec - Ramona Park		189,077	189,077	129,100	68%
751.08 - Parks & Rec - Special Events		130,800	128,300	124,691	97%
751.09 - Parks & Rec - Millennium Park		115,323	111,020	29,289	26%
770.00 - Parks Maintenance		1,646,227	1,641,530	1,407,035	86%
966.00 - Transfers Out		1,212,733	1,207,733	1,150,305	95%
TOTAL EXPENDITURES - GENERAL FUND		30,863,201	31,666,834	28,345,959	90%
202	Major Street Fund- Revenues	5,730,715	5,730,715	5,540,642	97%
	Major Street Fund- Expenditures	5,730,715	6,426,737	4,830,529	75%
203	Local Street Fund- Revenues	2,031,906	2,031,906	2,416,052	119%
	Local Street Fund- Expenditures	2,029,228	2,603,426	1,725,315	66%
204	Municipal Street Fund- Revenues	1,463,407	1,463,407	1,638,307	112%
	Municipal Street Fund- Expenditures	1,463,407	1,463,407	1,463,407	100%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 06/30/2023***

Fund	DESCRIPTION	2022-23 ORIGINAL BUDGET	2022-23 AMENDED BUDGET	2022-23 ACTIVITY	100% Percent of Amended Collected/Used
223	Curbside Recycling- Revenues	822,961	909,590	918,001	101%
	Curbside Recycling- Expenditures	806,147	892,776	863,861	97%
236	Leaf Pickup/Spring Cleanup- Revenues	938,879	938,879	1,053,509	112%
	Leaf Pickup/Spring Cleanup- Expenditures	874,080	874,080	776,819	89%
230	CDBG Program Income Fund- Revenues	135,000	135,000	83,353	62%
	CDBG Program Income Fund- Expenditures	135,000	135,000	83,557	62%
252	West Lake Weed Mgmt- Revenues	35,630	35,630	35,591	100%
	West Lake Weed Mgmt- Expenditures	32,500	32,500	31,671	97%
296	Community Development Block Grant- Rev	218,925	632,871	623,289	98%
	Community Development Block Grant- Exp	218,925	632,871	623,289	98%
298	Cable Television Fund- Revenues	779,673	779,673	724,238	93%
	Cable Television Fund- Expenditures	779,673	779,673	478,242	61%
401	Capital Improvement General- Revenues*	23,210,099	24,048,266	15,243,781	63%
	Capital Improvement General- Expenditures*	23,210,099	48,400,717	14,175,331	29%
460	Capital Improvement Sewer- Revenues*	2,400,000	4,595,000	66,337	1%
	Capital Improvement Sewer- Expenditures*	2,400,000	5,888,125	1,566,029	27%
461	Capital Improvement Water- Revenues*	2,675,000	10,412,860	1,361,103	13%
	Capital Improvement Water- Expenditures*	2,675,000	13,765,097	2,967,636	22%
590	Sewer Fund- Revenue	9,719,780	9,719,780	10,195,260	105%
	Sewer Fund- Expenditures	9,717,054	9,827,366	9,953,985	101%
591	Water Fund- Revenues	7,358,042	7,358,042	7,266,228	99%
	Water Fund- Expenditures	7,097,297	7,252,401	6,347,217	88%
TOTAL REVENUES - ALL FUNDS**		88,382,218	100,228,522	80,494,847	
TOTAL EXPENDITURE - ALL FUNDS**		88,032,326	130,641,011	74,232,848	

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

**Debt Service and Internal Service Funds not included.

***These numbers will not be finalized until after the audit.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Monthly Financial Reports

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

Prudent practices require that the governing body be periodically apprised of the ongoing financial status of city operations. Attached is a report of revenue and expenditure levels as compared to budget through July 31 and August 31, 2023.

Attachments: Monthly Financial Report - July 2023
Monthly Financial Report - August 2023

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 07/31/2023

Calculations as of 07/31/2023		2023-24	2023-24	2023-24	8%
Fund	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	ACTIVITY	Percent of Amended Collected/Used
REVENUES					
000.00		28,260,918	28,260,918	1,527,739	5%
172.00 - City Manager		500	500	0	0%
215.00 - City Clerk		154,814	154,814	5,225	3%
219.00 - Public Information		202,825	202,825	0	0%
228.00 - Technology Services		4,000	4,000	0	0%
253.00 - Finance Treasury		500	500	31	6%
262.00 - City Clerk Elections		0	0	0	0%
265.06 - Police Facility Management		0	0	0	0%
273.00 - Comm Dev Building Services		871,600	871,600	87,825	10%
305.00 - Police Administration		111,033	111,033	3,842	3%
311.00 - Police Patrol		1,500	1,500	40	3%
320.01 - Police Training-Grant Funded		7,000	7,000	0	0%
325.00 - Police Public Safety Dispatch/ts		0	0	0	0%
329.00 - Police Drug Law Enforcement		5,000	5,000	0	0%
336.00 - Fire Operations		0	0	0	0%
337.00 - Fire Admin		100	100	0	0%
341.00 - Fire Prevention		950	950	50	5%
567.00 - Cemeteries		64,500	64,500	4,093	6%
672.00 - Senior Center		487,900	487,900	9,532	2%
672.01 - Senior Center Trips		225,000	225,000	0	0%
672.02 - Senior Center Activities		40,000	40,000	0	0%
701.00 - Comm Dev Planning & Development		60,050	60,050	2,671	4%
702.00 - Comm Dev Neighborhood Services		257,000	257,000	112,514	44%
751.00 - Parks & Rec - Parks		89,000	90,008	16,595	18%
751.01 - Parks & Rec - Kalamazoo In Bloom		0	0	0	0%
751.03 - Parks & Rec - Farmers Market		14,370	14,370	960	7%
751.04 - Parks & Rec - Team Sports		42,200	42,200	10,447	25%
751.06 - Parks & Rec - Programs		14,050	14,050	1,615	11%
751.07 - Parks & Rec - Ramona Park		83,550	83,550	32,886	39%
751.08 - Parks & Rec - Special Events		5,000	5,000	20,050	401%
751.09 - Parks & Rec - Millennium Park		50,100	50,100	0	0%
770.00 - Parks Maintenance		31,053,460	31,054,468	1,836,115	6%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 07/31/2023

Calculations as of 07/31/2023		2023-24	2023-24	2023-24	8%
Fund	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	ACTIVITY	Percent of Amended Collected/Used
EXPENDITURES					
101.00 - City Council		109,193	109,193	5,054	5%
101.01 - City Council-Human Services		205,400	205,400	0	0%
172.00 - City Manager		823,630	823,630	47,940	6%
191.00 - Finance Accounting		347,426	347,426	16,567	5%
212.00 - Finance & Budget		379,467	379,467	14,315	4%
215.00 - City Clerk		201,096	201,096	11,780	6%
216.00 - City Clerk Records Management		84,167	84,167	5,786	7%
219.00 - Public Information		542,703	542,703	70,224	13%
228.00 - Technology Services		1,209,130	1,209,130	123,389	10%
233.00 - Purchasing		93,392	93,392	6,989	7%
240.00 - Purchasing Risk Management		26,778	26,778	934	3%
247.00 - Assessor Board Of Review		7,135	7,135	323	5%
253.00 - Finance Treasury		206,529	206,529	19,460	9%
257.00 - Assessor		568,414	568,414	78,720	14%
262.00 - City Clerk Elections		586,919	586,919	19,826	3%
265.00 - City Hall Building Maintenance		292,878	292,878	9,558	3%
265.06 - Police Facility Management		295,703	295,703	3,584	1%
265.08 - Fire Facility Management		250,300	250,300	5,378	2%
266.00 - Attorney		237,604	237,604	19,750	8%
270.00 - Human Resources		802,209	802,209	31,875	4%
272.00 - City-wide Services		770,600	770,600	11,787	2%
273.00 - Comm Dev Building Services		619,203	619,203	29,525	5%
305.00 - Police Administration		954,028	954,028	85,371	9%
305.03 - Police Emergency Sirens		10,000	10,000	0	0%
306.00 - Police Youth Services		488,706	488,706	19,255	4%
310.00 - Police Investigation		845,498	845,498	54,216	6%
311.00 - Police Patrol		6,549,005	6,549,005	306,834	5%
312.00 - Police Records & PST		647,425	647,425	24,755	4%
320.00 - Police Training		361,886	361,886	13,736	4%
320.01 - Police Training-Grant Funded		7,000	7,000	0	0%
325.00 - Police Public Safety Dispatch/ts		25,425	25,425	0	0%
329.00 - Police Drug Law Enforcement		372,421	372,421	23,940	6%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 07/31/2023

Fund	DESCRIPTION	2023-24	2023-24	2023-24	8%
		ORIGINAL BUDGET	AMENDED BUDGET	ACTIVITY	Percent of Amended Collected/Used
336.00 - Fire Operations		4,150,690	4,150,690	208,487	5%
336.02 - Fire - Aerial Truck Replacement		212,547	212,547	212,547	100%
337.00 - Fire Admin		807,976	807,976	25,426	3%
337.01 - Fire On Call Firefighters		48,463	48,463	2,180	4%
339.00 - Fire Emergency Operations		4,950	4,950	0	0%
341.00 - Fire Prevention		186,626	186,626	11,452	6%
342.00 - Fire Training		224,317	224,317	15,403	7%
567.00 - Cemeteries		86,540	86,540	2,060	2%
605.00 - Contagious Diseases		0	0	0	0%
672.00 - Senior Center		1,159,717	1,159,717	45,307	4%
672.01 - Senior Center Trips		254,163	254,163	1,828	1%
701.00 - Comm Dev Planning & Development		633,341	633,341	16,481	3%
702.00 - Comm Dev Neighborhood Services		499,022	499,022	25,335	5%
751.00 - Parks & Rec - Parks		949,154	950,162	34,875	4%
751.01 - Parks & Rec - Kalamazoo In Bloom		17,000	17,000	0	0%
751.02 - Parks & Rec - Rec Admin		258,869	258,869	10,277	4%
751.03 - Parks & Rec - Farmers Market		37,223	37,223	2,154	6%
751.04 - Parks & Rec - Team Sports		25,150	25,150	0	0%
751.06 - Parks & Rec - Programs		42,225	42,225	444	1%
751.07 - Parks & Rec - Ramona Park		202,819	202,819	26,389	13%
751.08 - Parks & Rec - Special Events		146,750	146,750	20,019	14%
751.09 - Parks & Rec - Millennium Park		116,593	116,593	1,541	1%
770.00 - Parks Maintenance		1,648,819	1,648,819	65,151	4%
966.00 - Transfers Out		219,708	219,708	0	0%
TOTAL EXPENDITURES - GENERAL FUND		30,853,932	30,854,940	1,788,226	6%
202	Major Street Fund- Revenues	6,245,911	6,245,911	0	0%
	Major Street Fund- Expenditures	6,245,911	6,245,911	88,178	1%
203	Local Street Fund- Revenues	2,297,388	2,297,388	0	0%
	Local Street Fund- Expenditures	2,297,388	2,297,388	45,026	2%
204	Municipal Street Fund- Revenues	1,789,055	1,789,055	136,799	8%
	Municipal Street Fund- Expenditures	1,789,055	1,789,055	0	0%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 07/31/2023

Fund	DESCRIPTION	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	2023-24 ACTIVITY	8% Percent of Amended Collected/Used
223	Curbside Recycling- Revenues	1,051,250	1,051,250	80,751	8%
	Curbside Recycling- Expenditures	881,357	881,357	1,743	0%
236	Leaf Pickup/Spring Cleanup- Revenues	1,049,568	1,049,568	77,821	7%
	Leaf Pickup/Spring Cleanup- Expenditures	1,049,568	1,049,568	7,991	1%
230	CDBG Program Income Fund- Revenues	50,000	50,000	7,102	14%
	CDBG Program Income Fund- Expenditures	50,000	50,000	0	0%
252	West Lake Weed Mgmt- Revenues	32,500	32,500	0	0%
	West Lake Weed Mgmt- Expenditures	32,500	32,500	12,000	37%
296	Community Development Block Grant- Rev	209,795	209,795	0	0%
	Community Development Block Grant- Exp	209,795	209,795	150	0%
298	Cable Television Fund- Revenues	898,083	898,083	18,438	2%
	Cable Television Fund- Expenditures	898,083	898,083	57,661	6%
401	Capital Improvement General- Revenues*	19,532,500	30,742,854	401,795	1%
	Capital Improvement General- Expenditures*	19,532,500	39,376,157	29,226	0%
460	Capital Improvement Sewer- Revenues*	2,550,000	7,145,000	0	0%
	Capital Improvement Sewer- Expenditures*	2,550,000	6,775,600	0	0%
461	Capital Improvement Water- Revenues*	1,930,000	11,669,032	0	0%
	Capital Improvement Water- Expenditures*	1,930,000	12,189,310	0	0%
590	Sewer Fund- Revenue	11,539,442	11,539,442	879,112	8%
	Sewer Fund- Expenditures	11,535,553	11,535,553	121,925	1%
591	Water Fund- Revenues	8,006,861	8,006,861	849,284	11%
	Water Fund- Expenditures	7,502,367	7,502,367	292,269	4%
TOTAL REVENUES - ALL FUNDS**		88,235,813	113,781,207	4,287,216	
TOTAL EXPENDITURE - ALL FUNDS**		87,358,009	121,687,584	2,444,397	

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

**Debt Service and Internal Service Funds not included.

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 08/31/2023

Calculations as of 08/31/2023		2023-24	2023-24	2023-24	17%
Fund	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	ACTIVITY	Percent of Amended Collected/Used
REVENUES					
000.00		28,260,918	28,260,918	4,794,194	17%
172.00 - City Manager		500	500	0	0%
215.00 - City Clerk		154,814	154,814	10,481	7%
219.00 - Public Information		202,825	202,825	0	0%
228.00 - Technology Services		4,000	4,000	0	0%
253.00 - Finance Treasury		500	500	79	16%
262.00 - City Clerk Elections		0	0	42,034	0%
265.06 - Police Facility Management		0	0	0	0%
273.00 - Comm Dev Building Services		871,600	871,600	161,134	18%
305.00 - Police Administration		111,033	111,033	37,874	34%
311.00 - Police Patrol		1,500	1,500	60	4%
320.01 - Police Training-Grant Funded		7,000	7,000	0	0%
325.00 - Police Public Safety Dispatch/ts		0	0	0	0%
329.00 - Police Drug Law Enforcement		5,000	5,000	13,686	274%
336.00 - Fire Operations		0	0	0	0%
337.00 - Fire Admin		100	100	0	0%
341.00 - Fire Prevention		950	950	95	10%
567.00 - Cemeteries		64,500	64,500	20,302	31%
672.00 - Senior Center		487,900	487,900	15,137	3%
672.01 - Senior Center Trips		225,000	225,000	0	0%
672.02 - Senior Center Activities		40,000	40,000	0	0%
701.00 - Comm Dev Planning & Development		60,050	60,050	4,722	8%
702.00 - Comm Dev Neighborhood Services		257,000	257,000	144,255	56%
751.00 - Parks & Rec - Parks		89,000	90,008	1,223	1%
751.01 - Parks & Rec - Kalamazoo In Bloom		0	0	0	0%
751.03 - Parks & Rec - Farmers Market		14,370	14,370	0	0%
751.04 - Parks & Rec - Team Sports		42,200	42,200	0	0%
751.06 - Parks & Rec - Programs		14,050	14,050	0	0%
751.07 - Parks & Rec - Ramona Park		83,550	83,550	0	0%
751.08 - Parks & Rec - Special Events		5,000	5,000	20,050	401%
751.09 - Parks & Rec - Millennium Park		50,100	50,100	0	0%
770.00 - Parks Maintenance		31,053,460	31,054,468	5,265,327	17%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 08/31/2023

Calculations as of 08/31/2023		2023-24	2023-24	2023-24	17%
Fund	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	ACTIVITY	Percent of Amended Collected/Used
EXPENDITURES					
101.00 - City Council		109,193	109,193	20,054	18%
101.01 - City Council-Human Services		205,400	205,400	0	0%
172.00 - City Manager		823,630	823,630	97,471	12%
191.00 - Finance Accounting		347,426	347,426	37,403	11%
212.00 - Finance & Budget		379,467	379,467	33,024	9%
215.00 - City Clerk		201,096	201,096	22,535	11%
216.00 - City Clerk Records Management		84,167	84,167	12,143	14%
219.00 - Public Information		542,703	542,703	95,125	18%
228.00 - Technology Services		1,209,130	1,209,130	186,017	15%
233.00 - Purchasing		93,392	93,392	12,441	13%
240.00 - Purchasing Risk Management		26,778	26,778	2,216	8%
247.00 - Assessor Board Of Review		7,135	7,135	323	5%
253.00 - Finance Treasury		206,529	206,529	32,578	16%
257.00 - Assessor		568,414	568,414	119,484	21%
262.00 - City Clerk Elections		586,919	586,919	27,138	5%
265.00 - City Hall Building Maintenance		292,878	292,878	20,614	7%
265.06 - Police Facility Management		295,703	295,703	10,280	3%
265.08 - Fire Facility Management		250,300	250,300	13,352	5%
266.00 - Attorney		237,604	237,604	59,308	25%
270.00 - Human Resources		802,209	802,209	87,924	11%
272.00 - City-wide Services		770,600	770,600	82,921	11%
273.00 - Comm Dev Building Services		619,203	619,203	65,569	11%
305.00 - Police Administration		954,028	954,028	147,246	15%
305.03 - Police Emergency Sirens		10,000	10,000	0	0%
306.00 - Police Youth Services		488,706	488,706	42,211	9%
310.00 - Police Investigation		845,498	845,498	103,613	12%
311.00 - Police Patrol		6,549,005	6,549,005	659,911	10%
312.00 - Police Records & PST		647,425	647,425	57,825	9%
320.00 - Police Training		361,886	361,886	35,786	10%
320.01 - Police Training-Grant Funded		7,000	7,000	150	2%
325.00 - Police Public Safety Dispatch/ts		25,425	25,425	0	0%
329.00 - Police Drug Law Enforcement		372,421	372,421	50,117	13%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 08/31/2023

Fund	DESCRIPTION	17%			Percent of Amended Collected/Used
		2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	2023-24 ACTIVITY	
336.00 - Fire Operations		4,150,690	4,150,690	438,297	11%
336.02 - Fire - Aerial Truck Replacement		212,547	212,547	212,547	100%
337.00 - Fire Admin		807,976	807,976	56,000	7%
337.01 - Fire On Call Firefighters		48,463	48,463	4,064	8%
339.00 - Fire Emergency Operations		4,950	4,950	0	0%
341.00 - Fire Prevention		186,626	186,626	22,564	12%
342.00 - Fire Training		224,317	224,317	38,385	17%
567.00 - Cemeteries		86,540	86,540	5,038	6%
605.00 - Contagious Diseases		0	0	0	0%
672.00 - Senior Center		1,159,717	1,159,717	133,456	12%
672.01 - Senior Center Trips		254,163	254,163	4,377	2%
701.00 - Comm Dev Planning & Development		633,341	633,341	39,841	6%
702.00 - Comm Dev Neighborhood Services		499,022	499,022	59,231	12%
751.00 - Parks & Rec - Parks		949,154	950,162	85,938	9%
751.01 - Parks & Rec - Kalamazoo In Bloom		17,000	17,000	0	0%
751.02 - Parks & Rec - Rec Admin		258,869	258,869	24,585	9%
751.03 - Parks & Rec - Farmers Market		37,223	37,223	5,362	14%
751.04 - Parks & Rec - Team Sports		25,150	25,150	2,902	12%
751.06 - Parks & Rec - Programs		42,225	42,225	3,034	7%
751.07 - Parks & Rec - Ramona Park		202,819	202,819	53,570	26%
751.08 - Parks & Rec - Special Events		146,750	146,750	28,253	19%
751.09 - Parks & Rec - Millennium Park		116,593	116,593	3,082	3%
770.00 - Parks Maintenance		1,648,819	1,648,819	176,162	11%
966.00 - Transfers Out		219,708	219,708	0	0%
TOTAL EXPENDITURES - GENERAL FUND		30,853,932	30,854,940	3,531,465	11%
202	Major Street Fund- Revenues	6,245,911	6,245,911	0	0%
	Major Street Fund- Expenditures	6,245,911	6,245,911	229,044	4%
203	Local Street Fund- Revenues	2,297,388	2,297,388	0	0%
	Local Street Fund- Expenditures	2,297,388	2,297,388	99,606	4%
204	Municipal Street Fund- Revenues	1,789,055	1,789,055	329,876	18%
	Municipal Street Fund- Expenditures	1,789,055	1,789,055	0	0%

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 08/31/2023

Fund	DESCRIPTION	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	2023-24 ACTIVITY	17% Percent of Amended Collected/Used
223	Curbside Recycling- Revenues	1,051,250	1,051,250	194,721	19%
	Curbside Recycling- Expenditures	881,357	881,357	68,479	8%
236	Leaf Pickup/Spring Cleanup- Revenues	1,049,568	1,049,568	187,662	18%
	Leaf Pickup/Spring Cleanup- Expenditures	1,049,568	1,049,568	43,292	4%
230	CDBG Program Income Fund- Revenues	50,000	50,000	17,900	36%
	CDBG Program Income Fund- Expenditures	50,000	50,000	0	0%
252	West Lake Weed Mgmt- Revenues	32,500	32,500	0	0%
	West Lake Weed Mgmt- Expenditures	32,500	32,500	12,000	37%
296	Community Development Block Grant- Rev	209,795	209,795	0	0%
	Community Development Block Grant- Exp	209,795	209,795	59,527	28%
298	Cable Television Fund- Revenues	898,083	898,083	166,652	19%
	Cable Television Fund- Expenditures	898,083	898,083	80,109	9%
401	Capital Improvement General- Revenues*	19,532,500	30,742,854	972,812	3%
	Capital Improvement General- Expenditures*	19,532,500	39,376,157	1,050,488	3%
460	Capital Improvement Sewer- Revenues*	2,550,000	7,145,000	0	0%
	Capital Improvement Sewer- Expenditures*	2,550,000	6,775,600	43,281	1%
461	Capital Improvement Water- Revenues*	1,930,000	11,669,032	0	0%
	Capital Improvement Water- Expenditures*	1,930,000	12,189,310	12,188	0%
590	Sewer Fund- Revenue	11,539,442	11,539,442	907,284	8%
	Sewer Fund- Expenditures	11,535,553	11,535,553	552,816	5%
591	Water Fund- Revenues	8,006,861	8,006,861	895,032	11%
	Water Fund- Expenditures	7,502,367	7,502,367	719,820	10%
TOTAL REVENUES - ALL FUNDS**		88,235,813	113,781,207	8,937,267	
TOTAL EXPENDITURE - ALL FUNDS**		87,358,009	121,687,584	6,502,115	

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

**Debt Service and Internal Service Funds not included.

Minutes of Boards & Commissions

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of the Meeting – September 7, 2023

5:30 p.m. Conference Room 1

CALL TO ORDER: The City of Portage Human Services Board meeting of September 7, 2023, was called to order by Vice Chairperson Jihan Young, at 5:35 p.m. in Conference Room 2, Portage City Hall, 7900 S. Westnedge Avenue, Portage MI.

MEMBERS PRESENT: Vice Chair Jihan Young, Chair Brooke Kolodzieczyk, Chelsea Huber, Sue Beasley, Monica Lloyd, Justin Phan, John Dillworth, Effie Kokkinos.

MEMBERS ABSENT: Bridget Lane

STAFF PRESENT: Tina Perry

OTHERS PRESENT: Chris Buckley, Portage Community Center

APPROVAL OF MINUTES: The Minutes of May 4, 2023, were approved by a motion made by Chelsea Huber and supported by Justin Phan. The motion was unanimously approved, 8-0.

NEW BUSINESS: Consolidated Annual Performance Evaluation Report (CAPER) Public Hearing. Perry explained the CAPER shows off what a community accomplishes each year, and the progress towards its 5-year Consolidated Plan goals. Perry explained the goal was 12 CDBG Housing rehab projects; the accomplishment was 24 homes that included 64 purchase orders for work. In addition, 10 more Kalamazoo County projects were accomplished through the first housing millage grant received, including 27 purchase orders for work. One Down payment assistance project was completed. The 5-year goal for CDBG HRP is 60 homes. This report covers the 2nd year, totaling 36; leaving 24 homes over the next 3 years of the 5-year plan. Code Enforcement had a 1-year goal of 400 properties assisted in low-moderate census areas. They assisted 387 properties. The 5-year goal is 1,750, with 787 homes assisted after the 2-years (45%). Portage Community Center has a 5-year goal of serving 20,000 persons. Due to COVID and many program changes, 15% of that has been accomplished. This past FY goal was 1,850, and 1,166 (63%) was accomplished. In the COVID part of the report. Of the \$367,515 award, \$282,375 has been expended, leaving \$85,140.42. \$50,000 is planned for Lexington Green and HRI has upwards of \$6,000 to spend. This tells us we have approximately \$27,000 to reprogram. That is 7% of the overall grant, which means a Substantial Consolidated Plan Amendment will not be necessary to finish up the CV funding. Jihan Young made a motion to open the Public Meeting for public comments, supported by Chelsea Huber. Motion passed 8-0. No written comments were received to date per the publication. No additional public comments were received at the meeting. Monica Lloyd made a motion to close the public hearing, supported by Effie Kokkinos. Motion passed 8-0.

CDBG Loan Repayment Extension: Annually, all the outstanding loans from 1984 are reviewed. Four to five loans were found to not meet the criteria, of owning and occupying the property as their primary residence. Perry sent letters to owners asking for repayment. One repaid and the others are at some other stage, which may include court action. Of the outstanding loans, the family of the owners is requesting an extension of the repayment due to special circumstances at the property. HSB reviewed staff report and letter from the siblings explaining the hardship situation and plan for repayment. John Dillworth made a motion to approve the request for extension, waiving of the 1% penalty fee, supported by Justin Phan. it unanimously passed 8-0.

OTHER BUSINESS: Perry explained any edits to the Human Services 2024 – 25 Funding application need to be finalized at October meeting. Chairperson Brook Kolodzieczyk led the discussion. She and Sue Beasley did an extensive review and discussion in May, recapping multiple questions. Dialogue continued with review of the questions. Perry will share the results of the discussion with the HSB and the October meeting will be dedicated to wrapping it up.

Twelve Baskets sent thank you correspondence to the HSB for continued support through the FY23-24 General Fund grant award. They operate the food pantry and free store.

Red Ribbon week is coming up and Jihan Young indicated she has already been asked to discuss it with area school 5th grade classes. Awareness has grown over the past few years. The proclamation will be read at the October 17, 2023 City Council meeting by area student volunteers.

Monica Lloyd and Justin Phan were thanked by the HSB and staff for their contributions during their terms on the HSB. Brook Kolodzieczyk asked the HSB to suggest new candidates. She will be attending the interviews.

NEW BUSINESS: Jihan Young announced she is running for a City Council position, which would mean her resignation from the HSB if she is chosen at the November 7 election. Brooke Kolodzieczyk is her campaign manager. They have an operational website and yard signs will soon be available to assist in the support of the campaign.

ADJOURN: Motion to adjourn was made @ 6:38 p.m. by Sue Beasley, supported by Justin Phan and unanimously supported. 8-0.

Respectfully Submitted,

Tina Perry 
Neighborhood and Housing Specialist Community Development, City of Portage

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TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Industrial Tax Abatement from Micro-LAM, Inc. (5870 S. Sprinkle Road) Industrial Development District No. 34 and 62

SUPPORTING PERSONNEL: Jonathon Hallberg, Deputy Director of Economic Development
Aaron Powers, City Assessor
Erica Eklov, City Clerk

ACTION RECOMMENDED: Subsequent to the public hearing, adopt Resolution #4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Micro-LAM, Inc. for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62.

Attached is a request from Micro-LAM Inc. to resume Industrial Development Districts (IDD) No. 34 and 62, which overlap 5870 S. Sprinkle Road, and an associated PA 198 tax abatement application for a 12-year real property tax abatement. Micro-LAM Inc. was founded in 2015 as a high-tech, comprehensive machine shop that offers: process development for complex parts, cutting tool performance evaluation and selection, ultra-precision metrology, material characterization, system customization, 5-axis diamond turning, optics manufacturability support, as well as tool repair and relap. The company serves various industries, including defense and aerospace, electro-optics, automotive, consumer products, medical, and security.

The proposed Micro-LAM project includes the following components:

1. Occupancy of +/- 25,056 square feet of a new +/- 63,000-square-foot facility, valued at approximately \$6,46 million. This building will be subdivided into three units via a condominium plat.
2. Purchase of new equipment, fixtures, furniture, and other personal property valued at \$1,500,000. However, these improvements are considered Eligible Manufacturing Personal Property (EMPP) and are exempt from local taxation.
3. Creation of 13 full-time jobs with an average annual salary of \$65,000. With these new jobs, there will be the addition of 37 positions in the next two years.
4. The total level of investment in Real Property is \$3.23 million.

Construction commenced on May 1, 2023 and is expected to be completed by June 1, 2024.

The adopted City of Portage Industrial Tax Abatement Incentive Policy states the term for an Industrial Facilities Exemption Certificate involving real property is up to six years. Council may grant one additional three-year period if the applicant meets one of several criteria. One of the criteria involves the

creation of at least 25 new jobs all of which will have an annual salary above 80% of the Kalamazoo County Area Median Income for a one-person household, which is \$44,296. Information provided by the applicant indicates that 13 new jobs will be created at the start with 37 new jobs expected in the next two years and will have an average annual salary of \$65,000. As a result, Micro-LAM is eligible for an additional three-year abatement period for a total of nine years. Additionally, PA 198 allows for up to two additional years during the construction period. Micro-LAM will be allowed an additional year while under construction.

Notices to the applicable taxing jurisdictions were mailed on October 5, 2023. As such, it is recommended that City Council, subsequent to the public hearing, adopt Resolution #4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Micro-LAM, Inc. for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62.

FUNDING: Not applicable

Attachments:

1. IDD Application (MicroLAM)
2. IDD Resolution and Legal - Dist 34, Nov 9, 1982
3. IDD Resolution and Legal - Dist 62, May 15 1990
4. Final Project Costs
5. 2023 09-28 AP-PD -- Financial Review
6. Districts Map
7. Sketch of Units
8. Tax Abatement Agreement MICROLAM
9. Affidavit of Fees MICROLAM
10. Resolution #4

Application for Industrial Facilities Tax Exemption Certificate

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

INSTRUCTIONS: File the completed application and the required attachments with the clerk of the local government unit. If you have any questions regarding the completion of this form, call 517-335-7491.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Erica J. Ekbo</i>	► Date Received by Local Unit 9/11/2023
STC Use Only	
► Application Number	► Date Received by STC

APPLICANT INFORMATION

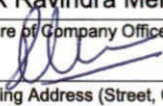
All boxes must be completed.

► 1a. Company Name (Applicant must be the occupant/operator of the facility) Micro-LAM, Inc		► 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 333314	
► 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 5870 S Sprinkle Rd		► 1d. City/Township/Village (indicate which) Portage	► 1e. County Kalamazoo
► 2. Type of Approval Requested ☒ New (Sec. 2(5)) ☐ Transfer ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(6)) ☐ Research and Development (Sec. 2(10)) ☐ Increase/Amendment		► 3a. School District where facility is located Portage Community Schools ► 3b. School Code 39140	
		4. Amount of years requested for exemption (1-12 Years) 12 years +1 for construction	
5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed. Facility will be a condo & mezzanine within a newly constructed building, along with new machinery for manufacturing activities. Micro-LAM will engage in manufacturing activities such as: traditional cnc machining, laser cutting, polishing and grinding of optical lenses, and manufacturing of diamond cutting tools. Please see narrative and corresponding sheets for more details.			
6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.		► 3,230,000 Real Property Costs	
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total		► 0 Personal Property Costs	
6c. Total Project Costs * Round Costs to Nearest Dollar		► 3,230,000 Total of Real & Personal Costs	
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.			
		Begin Date (M/D/Y)	End Date (M/D/Y)
Real Property Improvements	► 05/01/2023	06/01/2024	► ☐ Owned ☒ Leased
Personal Property Improvements	► 04/01/2024	08/01/2024	► ☒ Owned ☐ Leased
► 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No			
► 9. No. of existing jobs at this facility that will be retained as a result of this project. 24		► 10. No. of new jobs at this facility expected to create within 2 years of completion. 10	
11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation. a. TV of Real Property (excluding land) b. TV of Personal Property (excluding inventory) c. Total TV			
► 12a. Check the type of District the facility is located in: ☒ Industrial Development District ☐ Plant Rehabilitation District			
► 12b. Date district was established by local government unit (contact local unit) Dist. 34 11/9/1982; Dist. 62 5/15/1990		► 12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No	

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name Tony Platsis	13b. Telephone Number (269) 288-4100	13c. Fax Number	13d. E-mail Address tony.platsis@micro-lam.com
14a. Name of Contact Person Tony Platsis	14b. Telephone Number (269) 288-4100	14c. Fax Number	14d. E-mail Address tony.platsis@micro-lam.com
▶ 15a. Name of Company Officer (No Authorized Agents) Deepak Ravindra Menon			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number	15d. Date 06/02/2023
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 5960 S Sprinkle Rd		15f. Telephone Number (269) 288-4100	15g. E-mail Address Deepak.Menon@micro-lam.

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

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

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

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

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

For faster service, email the completed application and additional required documentation to PTE@michigan.gov.

An additional submission option is to mail the completed application and required documents to:

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

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

CITY OF PORTAGE

RESOLUTION NO. 2

DESIGNATING PORTAGE INDUSTRIAL DEVELOPMENT DISTRICT NO. 34

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on November 9, 1982, at 7:30 p.m. local time at the Library Building in the City of Portage, Michigan.

PRESENT: Corstange, Bieberle, Hinga, Marschke, Overlander, Stern, Wartner

ABSENT: None

The following resolution was offered by Councilmember Overlander and supported by Councilmember Bieberle.

WHEREAS, the City Council has met in public hearing as heretofore resolved and noticed for the purpose of reviewing the request of North American Color, Inc. that a certain described area owned by North American Color, Inc. be established as an Industrial Development District, pursuant to 1974 PA 198, MCLA Sec. 207.551, et seq.;

WHEREAS, such application and designation meet all of the prerequisites of the cited Act;

NOW, THEREFORE, BE IT RESOLVED that the following described property be designated Portage Industrial Development District No. 34:

A parcel of land in the southwest quarter of Section 1, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

Beginning at the South quarter corner of Section 1, T. 3 S., R. 11 W.; thence West 360 feet along the South line of the Southwest quarter; thence North 600 feet parallel with the North and South quarter line of said section; thence East 360 feet parallel with said South line to said North and South quarter line; thence South 600 feet along said quarter line to the P.O.B. containing 4.958 acres of land. Parcel being subject to all easements, conditions and restrictions of record.

AYES: Corstange, Bieberle, Hinga, Overlander, Stern, Wartner

NAYS: Marschke

RESOLUTION ADOPTED.

Lois B. Johnson
Lois B. Johnson, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the 9th day of November, 1982, the original of which is in the official proceedings of the City Council.

Lois B. Johnson
Lois B. Johnson, City Clerk

CITY OF PORTAGE

RESOLUTION NO. 2

DESIGNATING PORTAGE INDUSTRIAL DEVELOPMENT

DISTRICT NO. 62

NORTH AMERICA COLOR, INC.

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on May 15, 1990, at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan. >

PRESENT: Overlander, Bashaw, Jean, Schreur, Shugars, Sutter, Zull

ABSENT: None.

The following resolution was offered by Councilmember Jean and supported by Councilmember Schreur.

WHEREAS, the City Council has met in public hearing as heretofore resolved and noticed for the purpose of determining whether a certain described area located at 5960 Sprinkle Road, Portage, Michigan, may be established as an Industrial Development District, pursuant to 1974 PA 198, MCLA 207.551, et seq.; and

WHEREAS, such application and designation meet all of the prerequisites of the cited Act;

NOW, THEREFORE, BE IT RESOLVED that the following described property be designated Portage Industrial Development District No. 62:

A parcel of land situated in the Southwest quarter of Section 1, T. 3 S., R. 11 W.; City of Portage, Kalamazoo County, Michigan and being more particularly described as follows:

Commencing at the South Quarter corner of Section 1, T. 3 S., R. 11 W., thence West 360.00 feet along the South line of said Section to the place of Beginning; thence continuing West 320.00 feet along said South line; thence N. 0 degrees -41'-30"E. 458.00 feet parallel with the North and South quarter line of said Section; thence East 91.96 feet parallel with said South line; thence N. 0 degrees - 41'30"E. 382.10 feet parallel with said quarter line; thence S. 89 degrees -18'-30"W. 588.00 feet to said quarter line; thence S. 0 degrees 41'- 30"W. 233.00 feet along said quarter line; thence West 360.00 feet parallel with said South line; thence S. 0 degrees -41'-30"W 600.00 feet parallel with said quarter line to the Place of Beginning, containing 7.30 acres of land. The Westerly 20 feet being subject to an easement for sewer, water and other utilities.

AYES: Councilmembers Overlander, Bashaw, Jean, Schreur, Sutter, Zull

NAYS: None

ABSTAIN: Shugars

ABSENT: None

RESOLUTION DECLARED ADOPTED:

~~LOIS B. JOHNSON~~ - City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of Resolution #2 adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the 15th day of May, 1990, the original of which is in the official proceedings of the City Council.


LOIS B. JOHNSON, City Clerk

0020c

Project cost	Total	Micro Lam	Depatie	Total for Depatie	Depatie Flex
Site work, including crub, parking, and roads	\$1,141,630	\$458,269	\$530,654		\$152,708
Building including Mezzianes	\$3,979,196	\$2,144,344	\$1,525,570		\$309,282
Electrical	\$537,179	\$304,163	\$180,945		\$52,071
Utilities hook up fees	\$105,116	\$42,195	\$48,860		\$14,061
Soft cost, Site plans, and interest	\$323,980	\$130,051	\$150,593		\$43,336
Landscaping	\$100,000	\$40,142	\$46,482		\$13,376
Contingency	\$272,899	\$110,837	\$126,849		\$35,213
Total	\$6,460,000	\$3,230,000	\$2,609,953		\$620,047
				\$3,230,000	

CITY OF PORTAGE

COMMUNICATION

TO: Peter Dame, Chief Development Officer

DATE: September 28, 2023

FROM: Aaron Powers, Director of Assessing

SUBJECT: Micro-LAM, Inc. Tax Abatement Request

A completed PA-198 application was received from Micro-LAM, Inc. for real property improvements and costs to incur at 5870 S Sprinkle Rd Unit 3.

Amount Requested: Real Property Only: \$3,230,000

Location: IDD 34 & IDD 62

Real Property Improvements: Building, Unit 3 of building.

Personal Property Improvements: \$0 (exempt under EMPP)

Estimated First Year TV: \$807,500 (partial construction - first year)
\$1,631,150 (year fully complete – second year)

**Estimated Percent of Tax Base
Containing IFT Abated:** 5.95% before approval; 6.08% after approval

Annual Job Reports: Not currently required to report

Tax Appeals: No current MTT appeals

Maximum Allowable Fee (Statue): \$9,551

Application Fee per City Policy: \$2,000

Abatement Period Allowed: 9 Years + 1 year for construction

Estimated Financial Impact: -\$477,525 (All taxing units); -\$91,838 (City)

Based on the investment reported, the estimated potential tax revenue generated by all taxing units over the 10-year period is \$1,055,363 without the abatement and \$577,838 with the abatement. An estimate of property taxes for each year is summarized in the attached schedules. Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Attachments

c: Lauren VanderVeen, Director of Finance
Erica Eklov, City Clerk

Micro-LAM, Inc.
5870 S Sprinkle Rd - Unit 3

Summary of Total Taxes Abated and Maximum Application Fee Calculation

Real & Personal Property

Total Real Property Taxes Abated (9 Years + 1 Year for construction):	\$477,525
Total Personal Property Taxes Abated:	EMPP Exempt
Total Taxes Abated:	\$477,525
2% Application Fee Calculation:	2%
Maximum Allowable Fee Under Statute:	\$9,551
Application Fee per City Policy:	\$2,000

* The Taxation of all New Eligible Manufacturing Personal Property is Exempt per MCL 211.9m

NOTE: The total financial impact to all taxing units as well as the financial impact to the City (including admin fees) are summarized below.

	Accumulative TV	Est. Tax Rate	All Taxing Units	City of Portage <i>(includes admin fee)</i>
Total Non-Abated Tax	16,718,762	63.1245	\$1,055,363	\$183,676
Total Abated Tax	16,718,762	34.5622	\$577,838	\$91,838
<u>Total Taxes Abated</u>			<u>\$477,525</u>	<u>\$91,838</u>

Report Created by City Assessor's Office 09-28-2023

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Micro-LAM, Inc.
5870 S Sprinkle Rd - Unit 3
Real Property Investment: 3,230,000
9 Years + 1 Year for construction - No Abatement

Estimated Real Property Non-Abated Tax Liability						
	Year 1 2024	Year 2 2025	Year 3 2026	Year 4 2027	Year 5 2028	
Initial Cost						
Year 1 - assuming 50% complete						
Year 2 - fully complete	\$1,615,000	\$3,262,300				
Estimated TV	807,500	1,631,150	1,663,773	1,697,048	1,730,989	
Estimated Tax Rate	0.0631245	0.0631245	0.0631245	0.0631245	0.0631245	
Taxes Abated	\$50,973	\$102,966	\$105,025	\$107,125	\$109,268	
	Year 6 2029	Year 7 2030	Year 8 2031	Year 9 2032	Year 10 2033	Totals Over 10 - Year Abatement Period
Estimated TV	1,765,609	1,800,921	1,836,940	1,873,679	1,911,152	
Estimated Tax Rate	0.0631245	0.0631245	0.0631245	0.0631245	0.0631245	
Estimated Taxes	\$111,453	\$113,682	\$115,956	\$118,275	\$120,641	\$1,055,363

Estimated Real Property Non-Abated Tax Breakdown			
Taxing Jurisdiction Name Tax Levy Description	Regular 100% Rate Tax Rate	10-Year Combined TV	Total 10-Year Taxes
CITY OF PORTAGE	10.6400	16,718,762	\$177,888
SCHOOL OPERATING	17.5695	16,718,762	\$293,740
SCHOOL BUILDING/DEBT	6.8500	16,718,762	\$114,524
SCHOOL SITE SF	0.4988	16,718,762	\$8,339
STATE EDUCATION	6.0000	16,718,762	\$100,313
KVCC	2.7802	16,718,762	\$46,482
KRESA	6.9935	16,718,762	\$116,923
KALAMAZOO COUNTY	4.6318	16,718,762	\$77,438
KCTA TRANSPORTATION	0.3110	16,718,762	\$5,200
CCTA TRANSPORTATION	0.8935	16,718,762	\$14,938
PORTAGE DIST LIBRARY	1.4959	16,718,762	\$25,010
LIBRARY EXTRA	0.4986	16,718,762	\$8,336
CNTY JUVENILE	0.1613	16,718,762	\$2,697
CNTY HOUSING FND	0.7453	16,718,762	\$12,460
CNTY SENIOR	0.3462	16,718,762	\$5,788
CNTY PUBLIC SAFETY	1.4380	16,718,762	\$24,042
CNTY 911	0.6459	16,718,762	\$10,799
City of Portage 1% Tax Administration Fee	0.6250	16,718,762	\$10,449
Total - All Taxing Entities	63.1245		\$1,055,363

Report Created by City Assessor's Office 09-28-2023

Estimated annual growth in taxable value 2%

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Micro-LAM, Inc.
5870 S Sprinkle Rd - Unit 3
Real Property Investment: 3,230,000
9 Year Abatement + 1 Year for construction

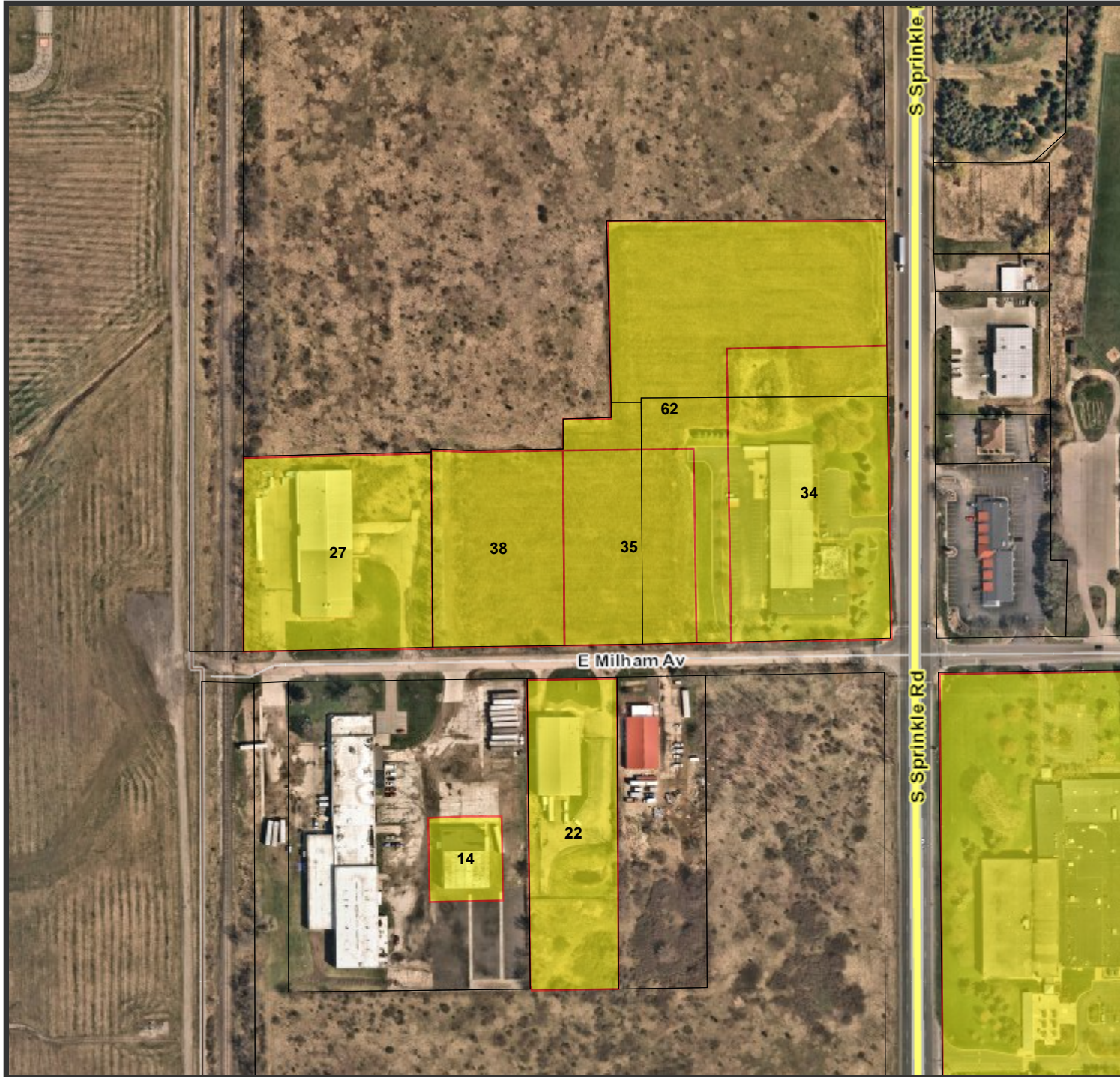
Estimated Real Property Abated Tax Liability						
	Year 1 2024	Year 2 2025	Year 3 2026	Year 4 2027	Year 5 2028	
Initial Cost						
Year 1 - assuming 50% complete						
Year 2 - fully complete	\$1,615,000	\$3,262,300				
Estimated TV	807,500	1,631,150	1,663,773	1,697,048	1,730,989	
Estimated Abated Tax Rate	0.0346	0.0346	0.0346	0.0346	0.0346	
Taxes Abated	\$27,909	\$56,376	\$57,504	\$58,654	\$59,827	
	Year 6 2029	Year 7 2030	Year 8 2031	Year 9 2032	Year 10 2033	Totals Over 10 - Year Abatement Period
Estimated TV	1,765,609	1,800,921	1,836,940	1,873,679	1,911,152	
Estimated Abated Tax Rate	0.0346	0.0346	0.0346	0.0346	0.0346	
Taxes Abated	\$61,023	\$62,244	\$63,489	\$64,759	\$66,054	\$577,838

Estimated Real Property Abated Tax Breakdown			
Taxing Jurisdiction Name Tax Levy Description	PA-198 Est. Tax Rate	10-Year Combined TV	Total 10-Year Abated Tax
CITY OF PORTAGE	5.32000	16,718,762	\$88,944
SCHOOL OPERATING	8.78475	16,718,762	\$146,870
SCHOOL BUILDING/DEBT	3.42500	16,718,762	\$57,262
SCHOOL SITE SF	0.24940	16,718,762	\$4,170
STATE EDUCATION <i>not abated</i>	6.00000	16,718,762	\$100,313
KVCC	1.39010	16,718,762	\$23,241
KRESA	3.49675	16,718,762	\$58,461
KALAMAZOO COUNTY	2.31590	16,718,762	\$38,719
KCTA TRANSPORTATION	0.15550	16,718,762	\$2,600
CCTA TRANSPORTATION	0.44675	16,718,762	\$7,469
PORTAGE DIST LIBRARY	0.74795	16,718,762	\$12,505
LIBRARY EXTRA	0.24930	16,718,762	\$4,168
CNTY JUVENILE	0.08065	16,718,762	\$1,348
CNTY HOUSING FND	0.37265	16,718,762	\$6,230
CNTY SENIOR	0.17310	16,718,762	\$2,894
CNTY PUBLIC SAFETY	0.71900	16,718,762	\$12,021
CNTY 911	0.32295	16,718,762	\$5,399
City of Portage 1% Tax Administration Fee	0.31250	16,718,762	\$5,225
Total - All Taxing Entities	34.56225		\$577,838

Report Created by City Assessor's Office 09-28-2023

Estimated annual growth in taxable value 2%

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.



Former North American Color

IDD Districts (varied)

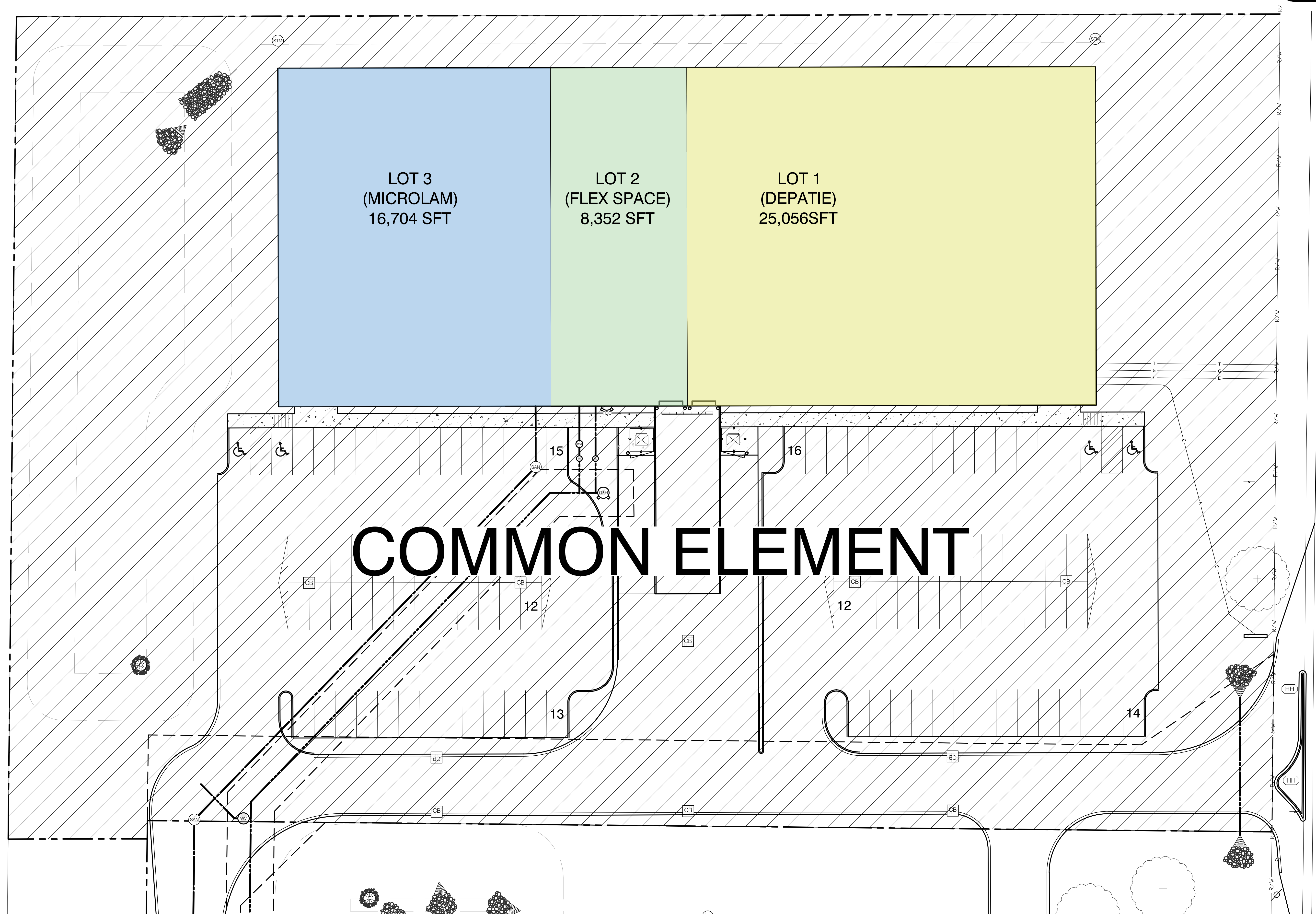


Map Publication:
04/11/2023 12:16 PM



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FetchGIS

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. City of Portage expresses no warranty for the information displayed on this map document.



TAX ABATEMENT AGREEMENT

This Agreement is made between THE CITY OF PORTAGE, a Michigan Municipal Corporation, of 7900 South Westnedge Avenue, Portage, Michigan 49002, hereinafter referred to as "CITY", and Micro-LAM, Inc., a Michigan corporation, of 5960 S. Sprinkle Road, Portage, Michigan 49002, hereinafter referred to as "APPLICANT."

THE PARTIES AGREE AS FOLLOWS:

1. The CITY has established Industrial Development Districts #34 and #62 in which the APPLICANT proposes to locate a facility in the City of Portage, County of Kalamazoo, State of Michigan and which is described as follows:

See attached.

2. The APPLICANT has filed an application (which is incorporated herein by reference) with the CITY requesting an industrial facilities exemption certificate ("certificate") for real property and building improvements ("facility") located at 5870 S. Sprinkle Road, Portage, Michigan, within Industrial Development Districts #34 and #62.

3. The APPLICANT has represented that the application relates to a new or replacement facility within the meaning of Public Act 198 of 1974, MCLA 207.551, et seq.

4. The term of the certificate granted by the CITY shall be nine (9) years after completion of the facility (building). This agreement shall remain in force as to each certificate granted for the term of said certificate.

5. The APPLICANT has represented to the CITY that granting of the certificate will enable the facility to be completed, which will have the reasonable likelihood to create employment, retain employment, and prevent a loss of employment within the CITY.

6. The APPLICANT agrees to maintain at least **24** existing employees. Failure to maintain these positions shall be considered a material breach of this Agreement unless APPLICANT can show by clear and convincing evidence that the breach was caused by unfavorable economic business conditions, loss of business, or some other reason beyond the control of APPLICANT.

7. The APPLICANT agrees to maintain the facility for the entire period of the Certificate within the CITY and not to move or relocate the facility, business, or any material portion of either outside the CITY without replacing the relocated portion with real property improvements of equal or greater value, and without first obtaining the permission of the CITY. If the APPLICANT relocates the facility, business, or any material portion of either without this replacement and without the CITY's consent outside of the CITY during the period in which the industrial facilities exemption certificate is in effect, the APPLICANT is liable to the CITY for an amount equal to the difference between the industrial facilities tax to be paid by the owner or lessee of that relocated facility for the tax years remaining under the industrial facilities exemption certificate that is in effect and the general ad valorem property tax that the Applicant would have paid if the Applicant did not have an industrial facilities exemption certificate in effect for those years. The CITY will not impose this liability without first giving the APPLICANT an opportunity to meet with CITY representatives. The payment provided in this section shall be distributed in the same manner as the industrial facilities tax is distributed.

8. The APPLICANT agrees that during the term of the certificate, all CITY taxes shall be timely paid. Further, APPLICANT agrees that by accepting the benefits of the tax abatement, it waives appeal of personal and/or real property tax assessments concerning property which is the subject of the certificate. Appeal of the personal and/or real property taxes which is the subject of the certificate during the term of the certificate shall result in revocation of the certificate and/or termination of the district and APPLICANT

shall repay to the CITY and all taxing authorities the amount of taxes that were abated by reason of the certificate. This waiver does not apply to the first annual assessment after completion of construction.

9. The APPLICANT further agrees that during the term of the certificate, the APPLICANT shall be in full compliance with all applicable CITY codes.

10. The APPLICANT further agrees that during the term of the certificate, the APPLICANT shall not discriminate against any person on the basis of race, creed, color, sex, religious orientation, or other criteria not reasonably related to the job.

11. The APPLICANT further agrees to submit an annual project performance report to the CITY, addressed to the City Council, provided under oath, setting forth the progress in attaining and maintaining the requirements of this Agreement and the provisions of the certificate application. Such reports shall be furnished in duplicate on or before July 1 of each year and shall contain if applicable, at minimum, the following:

- (a) The number of new jobs promised in the certificate and the actual number of new jobs created.
- (b) The number of employees at the time of the application and the current number of employees.
- (c) If projection for creation or retention of jobs was not reached, give explanation.
- (d) The estimated project cost given in the application and the actual project cost.
- (e) If actual project costs differ substantially from projected cost, give explanation.

12. The APPLICANT agrees that if employment has not been retained or reached as represented, the construction and/or expansion project has not been completed or expenditures made as described in the Application, or if APPLICANT fails to fulfill any other provision of this Agreement as well as the provisions of Act 198 of 1974, the CITY shall have the right (after giving APPLICANT an opportunity to meet with CITY representatives) to reduce the term or revoke the certificate and APPLICANT shall repay to the CITY and all taxing authorities the amount of taxes that were abated by reason of the certificate plus all accrued interest, penalties and administrative fees applicable to said tax exemptions in the amount as would be collected if the same were considered delinquent. Any payments due under this paragraph may be collected by either court proceedings or by adding to the next taxes due against the APPLICANT'S property on the next tax roll of the CITY. This section does not apply to the extent that the APPLICANT demonstrates to the CITY by clear and convincing evidence that the failure was caused by unfavorable economic business conditions, loss of business, or some other reason beyond the control of APPLICANT.

13. After the certificate is issued, the CITY agrees to maintain the same in full force and effect during the term of the certificate, subject to any regulations and requirements of state law, and subject to any breach of the provisions of this agreement by APPLICANT.

14. The parties agree that the CITY, in approving the tax abatement, has relied on the actions, representations and promises (including the Application) of the APPLICANT. Default of any of the provisions of this Agreement may be enforced in law or equity. The parties agree that exclusive jurisdiction to resolve any disputes on this contract shall be Kalamazoo County, Michigan.

15. If the various sections and provisions of this Agreement shall be deemed to be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the Agreement as a whole or any section or provision hereof other than the section or provision so declared to be unconstitutional or invalid.

16. The benefits herein shall accrue to and the obligations hereof shall bind the successors, assignees, and transferees of the APPLICANT.

17. The APPLICANT further agrees that should ownership of the business and/or facility for which the Public Act 198 exemption certificate is issued be changed in the future, thereby requiring a hearing in front of the City of Portage Council under state law, that the transferee or new owner shall abide by all the terms and conditions of this Agreement, and that APPLICANT will communicate all terms and conditions of this Agreement to the transferee or new owner and assist the CITY in obtaining the signature of the authorized agent of the transferee or new owner on this Agreement or an identically worded Agreement.

By signatures of representatives of both the APPLICANT and the CITY below, it is understood that both the APPLICANT's investment in the project and the CITY's investment through the granting of a certificate is to encourage economic growth. It is also acknowledged that certain economic conditions can, at times, prohibit the maintenance of the APPLICANT's targeted status. It is understood that if such conditions exist at the time of the designated APPLICANT reports, the governing body of the CITY will carefully evaluate the APPLICANT's situation, and will inform the APPLICANT if any action is considered in order to give the APPLICANT an opportunity for correction.

Dated: _____, 2023

Micro-LAM, Inc.

By: _____

Its

WITNESSED:

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

On this ____ day of _____, 2023 before me personally came the above named _____ on behalf of Micro-LAM, Inc. who acknowledges that he has read the foregoing Tax Abatement Agreement by him subscribed and knows the contents thereof, and that he has the authority of said corporation to execute this Agreement, and acknowledges that he executed the same as his free act and deed.

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

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

CITY OF PORTAGE, a Michigan Municipal Corporation

By: _____
Patricia M. Randall
Its: Mayor

By: _____
Erica Eklov
Its: Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

On this _____ day of _____, 2023 before me personally came the above named Patricia M. Randall and Erica Eklov, to me personally known, who being duly sworn, did and each for themselves say that they are respectively the Mayor and Clerk of the municipal corporation named in and who executed the within instrument and that said instrument was signed on behalf of said corporation by authority of its City Council; and said Patricia M. Randall and Erica Eklov acknowledge said instrument to be the free act and deed of said municipal corporation.

_____, Notary Public
Kalamazoo County, Michigan
My Commission Expires: _____

Prepared by:
Catherine P. Kaufman (P65412)
Portage City Attorney
470 W. Centre Ave, Suite A
Portage, Michigan 49024

Approved as to Form:
Date: 10-11-2023
By: Catherine P. Kaufman
City Attorney

**AFFIDAVIT WITH REGARD TO FEES
PA 198 of 1974
APPLICATION FOR MICRO-LAM, INC.**

STATE OF MICHIGAN)
)ss.
COUNTY OF KALAMAZOO)

NOW COME Affiants, Erica Eklov and _____, and state as follows:

1. Erica Eklov is the City Clerk and an official for the City of Portage.
2. Deepak Ravindra Menon is the Executive Officer of the applicant, Micro-LAM, Inc., who is an applicant for an industrial facilities exemption certificate.

3. Affiants are aware of the following provision, being Section 5(3) of Act No. 198 of the Public Acts of 1974, as amended:

The local government unit may charge the applicant an application fee to process an application for an industrial facilities exemption certificate. The application fee shall not exceed the actual cost incurred by the local government or unit in processing the application or 2% of the total property taxes stated under this Act for the term that the industrial facilities exemption certificate is in effect, whichever is less. A local government unit shall not charge an applicant any other fee under this Act.

4. Affiants state that no payment of any kind in excess of the fee allowed by the above provision of Act 198 as amended has been made or promised in exchange for favorable consideration of an exemption certificate application.

5. Affiants realize that any fee, payment in lieu of taxes, donations, or any other such payments as a condition precedent to approving industrial facilities exemption certificates would be contrary to the legislative intent of Act 198.

6. Each affiant has the authority to make this affidavit on behalf of the entity he or she represents.

CITY OF PORTAGE, a Michigan Municipal
Corporation

Date: _____, 2023

By: _____
ERICA EKLOV
Its: City Clerk

Subscribed and sworn to before me this _____ day of _____, 2023.

Notary Public

County, Michigan
My commission expires: _____
Acting in Kalamazoo County, Michigan

MICRO-LAM, INC.
A _____ Corporation

Date: _____, 2023

By: _____
Its:

Subscribed and sworn to before me this _____ day of _____, 2023.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo County, Michigan

APPROVED AS TO FORM:

DATE 10-11-2023

Catherine P. Kaufman
CITY ATTORNEY

Prepared by:
Catherine P. Kaufman (P654120)
Bauckham Sparks
470 W. Centre Ave., Suite A
Portage, MI 49024

**CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. 4 ____**

**APPROVING THE APPLICATION OF
MICRO-LAM INC.
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR THE FACILITY IN PORTAGE INDUSTRIAL DEVELOPMENT
DISTRICT NO. 34 and 62**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on the 17th day of October, 2023 at 7:00 p.m., local time at the City Hall in the City of Portage.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____, and supported by
Councilmember _____.

WHEREAS, pursuant to 1974 PA 198, MCL Sec. 207.551 et seq., after a duly noticed public hearing, the City Council, by resolution, established Portage Industrial Development Districts No. 34 and 62; and;

WHEREAS, by resolution adopted September 19, 2023 the City Council accepted the application of Micro-LAM Inc. for an Industrial Facilities Exception Certificate for a new facility in Portage Industrial Development Districts No. 34 and 62, and directed the City Clerk to notify the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes on the property located within Industrial Development Districts No. 34 and 62, that the application for the Facilities Exemption Certificate would be considered at a meeting of the City Council on October 17, 2023, and that an opportunity to be heard would be provided to the Assessor and to a representative of each of the bodies so notified; and

WHEREAS, during a regular meeting of the City Council held October 17, 2023 the applicant, the Assessor and representative of the affected taxing units were afforded an opportunity to be heard:

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That this City Council finds:

- (a) That the construction of the facility had not begun earlier than six (6) months before October 17, 2023, the date of acceptance of the application for the Industrial Facilities Exemption Certificate;
- (b) That the application relates to a program which when completed will constitute a new facility within the meaning of 1974 PA 198 and will be situated in Portage Industrial Development Districts No. 34 and 62 established in Portage on 11/9/1982 and 5/15/1990 by resolution of the City Council;
- (c) That completion of facility is calculated to, and will at the time of issuance of the certificates, have the reasonable likelihood to create employment, retain employment, or prevent a loss of employment in the City of Portage;
- (d) That the application applies to a new facility;
- (e) That the aggregate SEV of real and personal property exempt from ad valorem taxes under 1974 PA 198, as amended, within the City of Portage, including the requested exemption, exceeds 5% of the sum of the SEV of the City; however, the City Council specifically finds that the granting of the exemption applied for will not substantially impede the operation of, or impair the financial soundness of any unit of local government or affected taxing unit.

That the application of Micro-LAM Inc. for the Industrial Facilities Exemption Certificate with regard to the construction of a new facility located in Portage Industrial Development Districts No. 34 and 62 (Micro-LAM Inc) be and is hereby approved for a period of 9 years plus one for construction for the building (real property) with an ending date of December 31, 2033, and is conditioned upon execution of an agreement between Micro-LAM Inc and the City. Micro-LAM Inc. may, within the final year in which the certificate is effective, apply for another certificate. If the City disapproves of said application, there is no right of appeal of that decision.

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

ADOPTED: AYES: COUNCILMEMBER _____

NAYS: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

Erica Eklov, City Clerk

Certificate

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the _____ day

of _____, 2023, the original of which is in the official proceedings of the City Council.

Erica Eklov, City Clerk

Prepared by:
Catherine P. Kaufman (P65412)
Portage City Attorney
Bauckham, Thall
470 W. Centre Ave., Ste. A
Portage, MI 49024

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Industrial Tax Abatement from Depatie Fluid Power Company (5870 S. Sprinkle Road)
Industrial Development Districts No. 34 and 62

SUPPORTING PERSONNEL: Jonathon Hallberg, Deputy Director of Economic Development
Aaron Powers, City Assessor
Erica Eklov, City Clerk

ACTION RECOMMENDED: Subsequent to the public hearing, adopt Resolution #4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Depatie Fluid Power Company (both general and flex space) for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62.

Attached is a request from Depatie Fluid Power Company to resume Industrial Development District (IDD) No. 34 and No. 62 at 5870 S. Sprinkle Road and an associated PA 198 tax abatement application for a 12-year real property tax abatement. Depatie Fluid Power Company was founded in 1956 to address fluid power automation, serving the hydraulic, pneumatic power, and fluid connector needs of its customers across Western Michigan and Northern Indiana. Depatie is headquartered in Portage, but its operations are currently spread amongst three different buildings. The current development proposal has Depatie consolidating its operations into one location with the occupancy of 37,368 square feet of a new +/- 63,000-square-foot building that will be subdivided into three suites via a condominium plat. The project is a joint venture with future facility neighbor, Micro-LAM, Inc. The building will be three units occupied by the two companies, essentially a speculative building with known tenants, where the developer does not qualify for the tax abatement but the two tenants do. The State Tax Commission has confirmed that each unit is required to submit an application for an abatement.

The proposed Depatie project includes the following components:

1. Occupancy of 37,368 square feet of a new +/- 63,000-square-foot building valued at approximately \$3.23 million. (Of that space \$2.61 million will be part of the Depatie Fluid work space, while \$620,000 will be part of a "flex" space for Depatie's operations.)
2. Purchase of new equipment, fixtures, furniture and other personal property valued at \$3.2 million. However, these improvements are considered Eligible Manufacturing Personal Property (EMPP) and are exempt from local taxation.
3. Creation of 48 new full-time jobs with an average annual salary of \$50,980. With these new jobs, the number of full and part-time positions will increase from 86 to 134.
4. The total level of investment in real property improvements in the portion to be occupied is approximately \$3.23 million.

Construction commenced on May 1, 2023 and is expected to be completed June 1, 2024.

The adopted City of Portage Industrial Tax Abatement Incentive Policy states the term for an Industrial Facilities Exemption Certificate involving real property is up to six years. Council may grant one additional three-year period if the applicant meets one of several criteria. One of the criteria involves the creation of at least 25 new jobs all of which will have an annual salary above 80% of the Kalamazoo County Area Median Income for a one-person household, which is \$44,296. Information provided by the applicant indicates that 48 new jobs will be created and will have an average annual salary of \$50,980. As a result, Depatie Fluid Power Company is eligible for an additional three-year abatement period for a total of nine years. Additionally, PA 198 allows for up to two additional years during the construction period. Depatie Fluid Power Company will be allowed an additional year while under construction.

The notices to the applicable taxing jurisdictions were mailed October 5, 2023. As such, it is recommended that City Council, subsequent to the public hearing, adopt Resolution #4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Depatie Fluid Power Company (both general and flex space) for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62.

FUNDING: Not applicable

- Attachments:**
1. IDD Application (Depatie Fluid) 9.27.23
 2. IDD Application (Depatie FLEX) 9.27.23
 3. IDD Resolution and Legal - Dist 34, Nov 9, 1982
 4. IDD Resolution and Legal - Dist 62, May 15 1990
 5. Project Costs
 6. 2023 09-28 AF-PD -- Financial Review
 7. 2023 09-28 AF-PD -- Financial Review (flex)
 8. Districts Map
 9. Sketch of Units
 10. Tax Abatement Agreement DEPATIE
 11. Affidavit of Fees DEPATIE
 12. Resolution #4 (general)
 13. Resolution #4 (Flex)



Depatie Fluid Power
6256 American Avenue
Portage, MI 49002
depatie.com

Portage City Council
7900 South Westnedge Ave
Portage, MI 49002

Dear Portage City Council

Depatie Fluid Power Group has been in business for over sixty years serving the hydraulic and pneumatic power needs of thousands of customers across Western Michigan and Northern Indiana. As a certified Parker Tri-Technology distributor across Hydraulics, Pneumatics, and Fluid Connectors, Depatie has the product and expertise to serve their customers. Depatie has expanded manufacturing capabilities to include fabrication equipment and skillsets for welding, metalworking, tube bending, painting, and a wide range of custom hose crimping to support new product development along with production of uniquely designed fluid power systems and subsystems.

Depatie Headquarters footprint in Portage is currently spread across three different buildings. As part of their growth plans the company would like to consolidate their operations into one building to allow for more efficiencies and grow their business through increased custom full solution services. Currently the company is planning to construct a 30,000 square foot of a new 63,000 square foot facility on recently acquired land located at 5870 S. Sprinkle Road. The new construction represents approximately \$3.23 million in real property investment and will lead to the creation of approximately 48 new jobs and the retention of 86 with an average salary of \$50,980.

Depatie Fluid Power Group requests that the City consider approving the attached Industrial Facilities Exemption Application be approved for construction of a new facility on land in Industrial Development District 34 and 62. Depatie appreciates the support and consideration of the City of Portage and looks forward to further growth within the community.

Depatie Fluid Power Company is compliant with applicable environmental requirements and is not under any enforcement action by the Michigan EGLE or US EPA.

Signed by:

Ryan Thomas, President
Depatie Fluid Power Company

Date:

9/11/2023

Application for Industrial Facilities Tax Exemption Certificate

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

INSTRUCTIONS: File the completed application and the required attachments with the clerk of the local government unit. If you have any questions regarding the completion of this form, call 517-335-7491.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date Received by Local Unit
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

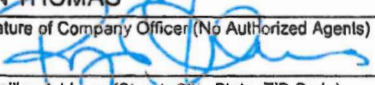
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) DEPATIE FLUID POWER COMPANY		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3499													
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 5870 S. SPRINKLE ROAD, PORTAGE, MI 49002		1d. City/Township/Village (indicate which) PORTAGE	1e. County KALAMAZOO												
2. Type of Approval Requested ☒ New (Sec. 2(5)) ☐ Transfer ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(6)) ☐ Research and Development (Sec. 2(10)) ☐ Increase/Amendment		3a. School District where facility is located PORTAGE PUBLIC SCHOOLS 3b. School Code 39140													
		4. Amount of years requested for exemption (1-12 Years) 12+1 YEAR CONSTRUCTION													
5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed. 30,000 SQ FT FACILITY. SPECIALITY FABRICATION, ASSEMBLY, AND TESTING. SPECIALITY EQUIPMENT: WELDING, METAL WORKING, TUBE BENDING, HOSE CRIMPING, AND CNC HOSE CUTTING.															
6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.		▶ 2,609,953 Real Property Costs													
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total		▶ Personal Property Costs													
6c. Total Project Costs * Round Costs to Nearest Dollar		▶ 2,609,953 Total of Real & Personal Costs													
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC. <table border="0" style="width:100%"><tr><td style="width:30%;"></td><td style="width:20%; text-align:center"><u>Begin Date (M/D/Y)</u></td><td style="width:20%; text-align:center"><u>End Date (M/D/Y)</u></td><td style="width:30%;"></td></tr><tr><td>Real Property Improvements ▶</td><td><u>05/01/2023</u></td><td><u>06/01/2024</u></td><td>▶ ☐ Owned ☒ Leased</td></tr><tr><td>Personal Property Improvements ▶</td><td>_____</td><td>_____</td><td>▶ ☐ Owned ☐ Leased</td></tr></table>					<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>		Real Property Improvements ▶	<u>05/01/2023</u>	<u>06/01/2024</u>	▶ ☐ Owned ☒ Leased	Personal Property Improvements ▶	_____	_____	▶ ☐ Owned ☐ Leased
	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>													
Real Property Improvements ▶	<u>05/01/2023</u>	<u>06/01/2024</u>	▶ ☐ Owned ☒ Leased												
Personal Property Improvements ▶	_____	_____	▶ ☐ Owned ☐ Leased												
8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No															
9. No. of existing jobs at this facility that will be retained as a result of this project. 86		10. No. of new jobs at this facility expected to create within 2 years of completion. 48													
11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation. a. TV of Real Property (excluding land) b. TV of Personal Property (excluding inventory) c. Total TV															
12a. Check the type of District the facility is located in: ☒ Industrial Development District ☐ Plant Rehabilitation District															
12b. Date district was established by local government unit (contact local unit) Dist 34 11/9/1982 ; Dist 62 5/15/1990		12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☐ No													

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name RYAN MINGER	13b. Telephone Number (269) 324-2850	13c. Fax Number	13d. E-mail Address ryan.minger@depatie.com
14a. Name of Contact Person DAVE SCOTT	14b. Telephone Number (269) 207-4352	14c. Fax Number	14d. E-mail Address dscott@plazacorp.net
▶ 15a. Name of Company Officer (No Authorized Agents) RYAN THOMAS			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number	15d. Date 5/23/23
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 6256 AMERICAN AVE, PORTAGE, MI 49002		15f. Telephone Number (269) 324-2850	15g. E-mail Address ryan.thomas@depatie.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

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

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

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

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

For faster service, email the completed application and additional required documentation to PTE@michigan.gov.

An additional submission option is to mail the completed application and required documents to:

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

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



Depatie Fluid Power
6256 American Avenue
Portage, MI 49002
depatie.com

Portage City Council
7900 South Westnedge Ave
Portage, MI 49002

Dear Portage City Council

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Depatie Fluid Power Company is compliant with applicable environmental requirements and is not under any enforcement action by the Michigan EGLE or US EPA.

Signed by:

Ryan Thomas, President
Depatie Fluid Power Company

Date:

9/11/2023

Application for Industrial Facilities Tax Exemption Certificate

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INSTRUCTIONS: File the completed application and the required attachments with the clerk of the local government unit. If you have any questions regarding the completion of this form, call 517-335-7491.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date Received by Local Unit
STC Use Only	
▶ Application Number	▶ Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) DEPATIE FLUID POWER COMPANY		▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3499	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 5870 S. SPRINKLE ROAD, PORTAGE, MI 49002		▶ 1d. City/Township/Village (indicate which) PORTAGE	▶ 1e. County KALAMAZOO
▶ 2. Type of Approval Requested ☒ New (Sec. 2(5)) ☐ Transfer ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(6)) ☐ Research and Development (Sec. 2(10)) ☐ Increase/Amendment		▶ 3a. School District where facility is located PORTAGE PUBLIC SCHOOLS ▶ 3b. School Code 39140	
		4. Amount of years requested for exemption (1-12 Years) 12+1 YEAR CONSTRUCTION	

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

30,000 SQ FT FACILITY. SPECIALITY FABRICATION, ASSEMBLY, AND TESTING. SPECIALITY EQUIPMENT: WELDING, METAL WORKING, TUBE BENDING, HOSE CRIMPING, AND CNC HOSE CUTTING.

6a. Cost of land and building improvements (excluding cost of land)	▶ <u>620,047</u>
* Attach list of improvements and associated costs.	Real Property Costs
* Also attach a copy of building permit if project has already begun.	
6b. Cost of machinery, equipment, furniture and fixtures	▶ _____
* Attach itemized listing with month, day and year of beginning of installation, plus total	Personal Property Costs
6c. Total Project Costs	▶ <u>620,047</u>
* Round Costs to Nearest Dollar	Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements ▶	<u>05/01/2023</u>	<u>06/01/2024</u>	▶ ☐ Owned ☒ Leased
Personal Property Improvements ▶	_____	_____	▶ ☐ Owned ☐ Leased

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

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 86	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 48
--	--

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	_____
b. TV of Personal Property (excluding inventory)	_____
c. Total TV	_____

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

☒ Industrial Development District ☐ Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit) Dist 34 11/9/1982; Dist 62 5/15/1990	▶ 12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☐ No
---	--

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name RYAN MINGER	13b. Telephone Number (269) 324-2850	13c. Fax Number	13d. E-mail Address ryan.minger@depatie.com
14a. Name of Contact Person DAVE SCOTT	14b. Telephone Number (269) 207-4352	14c. Fax Number	14d. E-mail Address dscott@plazacorp.net
▶ 15a. Name of Company Officer (No Authorized Agents) RYAN THOMAS			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number	15d. Date 5/23/23
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 6256 AMERICAN AVE, PORTAGE, MI 49002		15f. Telephone Number (269) 324-2850	15g. E-mail Address ryan.thomas@depatie.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

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

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

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

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

For faster service, email the completed application and additional required documentation to PTE@michigan.gov.

An additional submission option is to mail the completed application and required documents to:

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

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

CITY OF PORTAGE

RESOLUTION NO. 2

DESIGNATING PORTAGE INDUSTRIAL DEVELOPMENT DISTRICT NO. 34

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on November 9, 1982, at 7:30 p.m. local time at the Library Building in the City of Portage, Michigan.

PRESENT: Corstange, Bieberle, Hinga, Marschke, Overlander, Stern, Wartner

ABSENT: None

The following resolution was offered by Councilmember Overlander and supported by Councilmember Bieberle.

WHEREAS, the City Council has met in public hearing as heretofore resolved and noticed for the purpose of reviewing the request of North American Color, Inc. that a certain described area owned by North American Color, Inc. be established as an Industrial Development District, pursuant to 1974 PA 198, MCLA Sec. 207.551, et seq.;

WHEREAS, such application and designation meet all of the prerequisites of the cited Act;

NOW, THEREFORE, BE IT RESOLVED that the following described property be designated Portage Industrial Development District No. 34:

A parcel of land in the southwest quarter of Section 1, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

Beginning at the South quarter corner of Section 1, T. 3 S., R. 11 W.; thence West 360 feet along the South line of the Southwest quarter; thence North 600 feet parallel with the North and South quarter line of said section; thence East 360 feet parallel with said South line to said North and South quarter line; thence South 600 feet along said quarter line to the P.O.B. containing 4.958 acres of land. Parcel being subject to all easements, conditions and restrictions of record.

AYES: Corstange, Bieberle, Hinga, Overlander, Stern, Wartner

NAYS: Marschke

RESOLUTION ADOPTED.

Lois B. Johnson
Lois B. Johnson, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the 9th day of November, 1982, the original of which is in the official proceedings of the City Council.

Lois B. Johnson
Lois B. Johnson, City Clerk

CITY OF PORTAGE

RESOLUTION NO. 2

DESIGNATING PORTAGE INDUSTRIAL DEVELOPMENT

DISTRICT NO. 62

NORTH AMERICA COLOR, INC.

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on May 15, 1990, at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan. >

PRESENT: Overlander, Bashaw, Jean, Schreur, Shugars, Sutter, Zull

ABSENT: None.

The following resolution was offered by Councilmember Jean and supported by Councilmember Schreur.

WHEREAS, the City Council has met in public hearing as heretofore resolved and noticed for the purpose of determining whether a certain described area located at 5960 Sprinkle Road, Portage, Michigan, may be established as an Industrial Development District, pursuant to 1974 PA 198, MCLA 207.551, et seq.; and

WHEREAS, such application and designation meet all of the prerequisites of the cited Act;

NOW, THEREFORE, BE IT RESOLVED that the following described property be designated Portage Industrial Development District No. 62:

A parcel of land situated in the Southwest quarter of Section 1, T. 3 S., R. 11 W.; City of Portage, Kalamazoo County, Michigan and being more particularly described as follows:

Commencing at the South Quarter corner of Section 1, T. 3 S., R. 11 W., thence West 360.00 feet along the South line of said Section to the place of Beginning; thence continuing West 320.00 feet along said South line; thence N. 0 degrees -41'-30"E. 458.00 feet parallel with the North and South quarter line of said Section; thence East 91.96 feet parallel with said South line; thence N. 0 degrees - 41'30"E. 382.10 feet parallel with said quarter line; thence S. 89 degrees -18'-30"W. 588.00 feet to said quarter line; thence S. 0 degrees 41'- 30"W. 233.00 feet along said quarter line; thence West 360.00 feet parallel with said South line; thence S. 0 degrees -41'-30"W 600.00 feet parallel with said quarter line to the Place of Beginning, containing 7.30 acres of land. The Westerly 20 feet being subject to an easement for sewer, water and other utilities.

AYES: Councilmembers Overlander, Bashaw, Jean, Schreur, Sutter, Zull

NAYS: None

ABSTAIN: Shugars

ABSENT: None

RESOLUTION DECLARED ADOPTED:

~~LOIS B. JOHNSON~~ - City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of Resolution #2 adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the 15th day of May, 1990, the original of which is in the official proceedings of the City Council.


LOIS B. JOHNSON, City Clerk

0020c

Project cost	Total	Micro Lam	Depatie	Total for Depatie	Depatie Flex
Site work, including crub, parking, and roads	\$1,141,630	\$458,269	\$530,654		\$152,708
Building including Mezzianes	\$3,979,196	\$2,144,344	\$1,525,570		\$309,282
Electrical	\$537,179	\$304,163	\$180,945		\$52,071
Utilities hook up fees	\$105,116	\$42,195	\$48,860		\$14,061
Soft cost, Site plans, and interest	\$323,980	\$130,051	\$150,593		\$43,336
Landscaping	\$100,000	\$40,142	\$46,482		\$13,376
Contingency	\$272,899	\$110,837	\$126,849		\$35,213
Total	\$6,460,000	\$3,230,000	\$2,609,953		\$620,047
				\$3,230,000	

CITY OF PORTAGE

COMMUNICATION

TO: Peter Dame, Chief Development Officer

DATE: September 28, 2023

FROM: Aaron Powers, Director of Assessing

SUBJECT: Depatie Fluid Power Company Tax Abatement Request

A completed PA-198 application was received from Depatie Fluid Power Company for real property improvements and costs to incur at 5870 S Sprinkle Rd Unit 1.

Amount Requested: Real Property Only: \$2,609,953

Location: IDD 34 & IDD 62

Real Property Improvements: Building, Unit 1 of building.

Personal Property Improvements: \$0 (exempt under EMPP)

Estimated First Year TV: \$652,488 (partial construction - first year)
\$1,318,026 (year fully complete – second year)

**Estimated Percent of Tax Base
Containing IFT Abated:** 5.95% before approval; 6.08% after approval

Annual Job Reports: Not currently required to report

Tax Appeals: No current MTT appeals

Maximum Allowable Fee (Statue): \$7,717

Application Fee per City Policy: \$2,000

Note: the company has two applications for the site due to the number of units in the building. One fee of \$2,000 is applicable for both applications.

Abatement Period Allowed: 9 Years + 1 year for construction

Estimated Financial Impact: -\$385,857 (All taxing units); -\$74,208 (City)

Based on the investment reported, the estimated potential tax revenue generated by all taxing units over the 10-year period is \$852,771 without the abatement and \$466,913 with the abatement. An estimate of property taxes for each year is summarized in the attached schedules. Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Attachments

c: Lauren VanderVeen, Director of Finance
Erica Eklov, City Clerk

Depatie Fluid Power Company
5870 S Sprinkle Rd - Unit 1

Summary of Total Taxes Abated and Maximum Application Fee Calculation

Real & Personal Property

Total Real Property Taxes Abated (9 Years + 1 Year for construction):	\$385,857
Total Personal Property Taxes Abated:	EMPP Exempt
Total Taxes Abated:	\$385,857
2% Application Fee Calculation:	2%
Maximum Allowable Fee Under Statute:	\$7,717
Application Fee per City Policy:	\$2,000

* The Taxation of all New Eligible Manufacturing Personal Property is Exempt per MCL 211.9m

Note: the company has two applications for the site due to the number of units in the building. One fee of \$2,000 is applicable for both applications.

NOTE: The total financial impact to all taxing units as well as the financial impact to the City (including admin fees) are summarized below.

	Accumulative TV	Est. Tax Rate	All Taxing Units	City of Portage (includes admin fee)
Total Non-Abated Tax	13,509,345	63.1245	\$852,771	\$148,416
Total Abated Tax	13,509,345	34.5622	\$466,913	\$74,208
<u>Total Taxes Abated</u>			<u>\$385,857</u>	<u>\$74,208</u>

Report Created by City Assessor's Office 09-28-2023

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Depatie Fluid Power Company

5870 S Sprinkle Rd - Unit 1

Real Property Investment: 2,609,953

9 Years + 1 Year for construction - No Abatement

Estimated Real Property Non-Abated Tax Liability						
	Year 1 2024	Year 2 2025	Year 3 2026	Year 4 2027	Year 5 2028	
Initial Cost						
Year 1 - assuming 50% complete						
Year 2 - fully complete	\$1,304,977	\$2,636,053				
Estimated TV	652,488	1,318,026	1,344,387	1,371,275	1,398,700	
Estimated Tax Rate	0.0631245	0.0631245	0.0631245	0.0631245	0.0631245	
Taxes Abated	\$41,188	\$83,200	\$84,864	\$86,561	\$88,292	
	Year 6 2029	Year 7 2030	Year 8 2031	Year 9 2032	Year 10 2033	Totals Over 10 - Year Abatement Period
Estimated TV	1,426,674	1,455,207	1,484,312	1,513,998	1,544,278	
Estimated Tax Rate	0.0631245	0.0631245	0.0631245	0.0631245	0.0631245	
Estimated Taxes	\$90,058	\$91,859	\$93,696	\$95,570	\$97,482	\$852,771

Esitmated Real Property Non-Abated Tax Breakdown			
Taxing Jurisdiction Name Tax Levy Description	Regular 100% Rate Tax Rate	10-Year Combined TV	Total 10-Year Taxes
CITY OF PORTAGE	10.6400	13,509,345	\$143,739
SCHOOL OPERATING	17.5695	13,509,345	\$237,352
SCHOOL BUILDING/DEBT	6.8500	13,509,345	\$92,539
SCHOOL SITE SF	0.4988	13,509,345	\$6,738
STATE EDUCATION	6.0000	13,509,345	\$81,056
KVCC	2.7802	13,509,345	\$37,559
KRESA	6.9935	13,509,345	\$94,478
KALAMAZOO COUNTY	4.6318	13,509,345	\$62,573
KCTA TRANSPORTATION	0.3110	13,509,345	\$4,201
CCTA TRANSPORTATION	0.8935	13,509,345	\$12,071
PORTAGE DIST LIBRARY	1.4959	13,509,345	\$20,209
LIBRARY EXTRA	0.4986	13,509,345	\$6,736
CNTY JUVENILE	0.1613	13,509,345	\$2,179
CNTY HOUSING FND	0.7453	13,509,345	\$10,069
CNTY SENIOR	0.3462	13,509,345	\$4,677
CNTY PUBLIC SAFETY	1.4380	13,509,345	\$19,426
CNTY 911	0.6459	13,509,345	\$8,726
City of Portage 1% Tax Administration Fee	0.6250	13,509,345	\$8,443
Total - All Taxing Entities	63.1245		\$852,771

Report Created by City Assessor's Office 09-28-2023

Estimated annual growth in taxable value 2%

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Depatie Fluid Power Company

5870 S Sprinkle Rd - Unit 1

Real Property Investment: 2,609,953

9 Year Abatement + 1 Year for construction

Estimated Real Property Abated Tax Liability						
	Year 1 2024	Year 2 2025	Year 3 2026	Year 4 2027	Year 5 2028	
Initial Cost						
Year 1 - assuming 50% complete						
Year 2 - fully complete	\$1,304,977	\$2,636,053				
Estimated TV	652,488	1,318,026	1,344,387	1,371,275	1,398,700	
Estimated Abated Tax Rate	0.0346	0.0346	0.0346	0.0346	0.0346	
Taxes Abated	\$22,551	\$45,554	\$46,465	\$47,394	\$48,342	
	Year 6 2029	Year 7 2030	Year 8 2031	Year 9 2032	Year 10 2033	Totals Over 10 - Year Abatement Period
Estimated TV	1,426,674	1,455,207	1,484,312	1,513,998	1,544,278	
Estimated Abated Tax Rate	0.0346	0.0346	0.0346	0.0346	0.0346	
Taxes Abated	\$49,309	\$50,295	\$51,301	\$52,327	\$53,374	\$466,913

Estimated Real Property Abated Tax Breakdown			
Taxing Jurisdiction Name Tax Levy Description	PA-198 Est. Tax Rate	10-Year Combined TV	Total 10-Year Abated Tax
CITY OF PORTAGE	5.32000	13,509,345	\$71,870
SCHOOL OPERATING	8.78475	13,509,345	\$118,676
SCHOOL BUILDING/DEBT	3.42500	13,509,345	\$46,270
SCHOOL SITE SF	0.24940	13,509,345	\$3,369
STATE EDUCATION <i>not abated</i>	6.00000	13,509,345	\$81,056
KVCC	1.39010	13,509,345	\$18,779
KRESA	3.49675	13,509,345	\$47,239
KALAMAZOO COUNTY	2.31590	13,509,345	\$31,286
KCTA TRANSPORTATION	0.15550	13,509,345	\$2,101
CCTA TRANSPORTATION	0.44675	13,509,345	\$6,035
PORTAGE DIST LIBRARY	0.74795	13,509,345	\$10,104
LIBRARY EXTRA	0.24930	13,509,345	\$3,368
CNTY JUVENILE	0.08065	13,509,345	\$1,090
CNTY HOUSING FND	0.37265	13,509,345	\$5,034
CNTY SENIOR	0.17310	13,509,345	\$2,338
CNTY PUBLIC SAFETY	0.71900	13,509,345	\$9,713
CNTY 911	0.32295	13,509,345	\$4,363
City of Portage 1% Tax Administration Fee	0.31250	13,509,345	\$4,222
Total - All Taxing Entities	34.56225		\$466,913

Report Created by City Assessor's Office 09-28-2023

Estimated annual growth in taxable value

2%

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

CITY OF PORTAGE**COMMUNICATION****TO:** Peter Dame, Chief Development Officer**DATE:** September 28, 2023**FROM:** Aaron Powers, Director of Assessing**SUBJECT:** Depatie Fluid Power Company Tax Abatement Request

A completed PA-198 application was received from Depatie Fluid Power Company for real property improvements and costs to incur at 5870 S Sprinkle Rd Unit 2 (Flex area).

Amount Requested: Real Property Only: \$620,047**Location:** IDD 34 & IDD 62**Real Property Improvements:** Building, Unit 2 of building.**Personal Property Improvements:** \$0 (exempt under EMPP)**Estimated First Year TV:** \$155,012 (partial construction - first year)
\$313,124 (year fully complete – second year)**Estimated Percent of Tax Base
Containing IFT Abated:** 5.95% before approval; 6.08% after approval**Annual Job Reports:** Not currently required to report**Tax Appeals:** No current MTT appeals**Maximum Allowable Fee (Statue):** \$1,833**Application Fee per City Policy:** \$2,000

Note: the company has two applications for the site due to the number of units in the building. One fee of \$2,000 is applicable for both applications.

Abatement Period Allowed: 9 Years + 1 year for construction**Estimated Financial Impact:** -\$91,668 (All taxing units); -\$17,630 (City)

Based on the investment reported, the estimated potential tax revenue generated by all taxing units over the 10-year period is \$202,593 without the abatement and \$110,925 with the abatement. An estimate of property taxes for each year is summarized in the attached schedules. Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Attachments

c: Lauren VanderVeen, Director of Finance
Erica Eklov, City Clerk

Depatie Fluid Power Company
5870 S Sprinkle Rd - Unit 2 (Flex area)

Summary of Total Taxes Abated and Maximum Application Fee Calculation

Real & Personal Property

Total Real Property Taxes Abated (9 Years + 1 Year for construction):	\$91,668
Total Personal Property Taxes Abated:	EMPP Exempt
Total Taxes Abated:	\$91,668
2% Application Fee Calculation:	2%
Maximum Allowable Fee Under Statute:	\$1,833
Application Fee per City Policy:	\$1,833

* The Taxation of all New Eligible Manufacturing Personal Property is Exempt per MCL 211.9m

Note: the company has two applications for the site due to the number of units in the building. One fee of \$2,000 is applicable for both applications.

NOTE: The total financial impact to all taxing units as well as the financial impact to the City (including admin fees) are summarized below.

	Accumulative TV	Est. Tax Rate	All Taxing Units	City of Portage (includes admin fee)
Total Non-Abated Tax	3,209,417	63.1245	\$202,593	\$35,259
Total Abated Tax	3,209,417	34.5622	\$110,925	\$17,630
<u>Total Taxes Abated</u>			<u>\$91,668</u>	<u>\$17,630</u>

Report Created by City Assessor's Office 09-28-2023

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Depatie Fluid Power Company
5870 S Sprinkle Rd - Unit 2 (Flex area)
Real Property Investment: 620,047
9 Years + 1 Year for construction - No Abatement

Estimated Real Property Non-Abated Tax Liability						
	Year 1 2024	Year 2 2025	Year 3 2026	Year 4 2027	Year 5 2028	
Initial Cost						
Year 1 - assuming 50% complete						
Year 2 - fully complete	\$310,024	\$626,247				
Estimated TV	155,012	313,124	319,386	325,774	332,289	
Estimated Tax Rate	0.0631245	0.0631245	0.0631245	0.0631245	0.0631245	
Taxes Abated	\$9,785	\$19,766	\$20,161	\$20,564	\$20,976	
	Year 6 2029	Year 7 2030	Year 8 2031	Year 9 2032	Year 10 2033	Totals Over 10 - Year Abatement Period
Estimated TV	338,935	345,714	352,628	359,681	366,874	
Estimated Tax Rate	0.0631245	0.0631245	0.0631245	0.0631245	0.0631245	
Estimated Taxes	\$21,395	\$21,823	\$22,259	\$22,705	\$23,159	\$202,593

Esitmated Real Property Non-Abated Tax Breakdown			
Taxing Jurisdiction Name Tax Levy Description	Regular 100% Rate Tax Rate	10-Year Combined TV	Total 10-Year Taxes
CITY OF PORTAGE	10.6400	3,209,417	\$34,148
SCHOOL OPERATING	17.5695	3,209,417	\$56,388
SCHOOL BUILDING/DEBT	6.8500	3,209,417	\$21,985
SCHOOL SITE SF	0.4988	3,209,417	\$1,601
STATE EDUCATION	6.0000	3,209,417	\$19,257
KVCC	2.7802	3,209,417	\$8,923
KRESA	6.9935	3,209,417	\$22,445
KALAMAZOO COUNTY	4.6318	3,209,417	\$14,865
KCTA TRANSPORTATION	0.3110	3,209,417	\$998
CCTA TRANSPORTATION	0.8935	3,209,417	\$2,868
PORTAGE DIST LIBRARY	1.4959	3,209,417	\$4,801
LIBRARY EXTRA	0.4986	3,209,417	\$1,600
CNTY JUVENILE	0.1613	3,209,417	\$518
CNTY HOUSING FND	0.7453	3,209,417	\$2,392
CNTY SENIOR	0.3462	3,209,417	\$1,111
CNTY PUBLIC SAFETY	1.4380	3,209,417	\$4,615
CNTY 911	0.6459	3,209,417	\$2,073
City of Portage 1% Tax Administration Fee	0.6250	3,209,417	\$2,006
Total - All Taxing Entities	63.1245		\$202,593

Report Created by City Assessor's Office 09-28-2023

Estimated annual growth in taxable value 2%

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.

Depatie Fluid Power Company
5870 S Sprinkle Rd - Unit 2 (Flex area)
Real Property Investment: 620,047
9 Year Abatement + 1 Year for construction

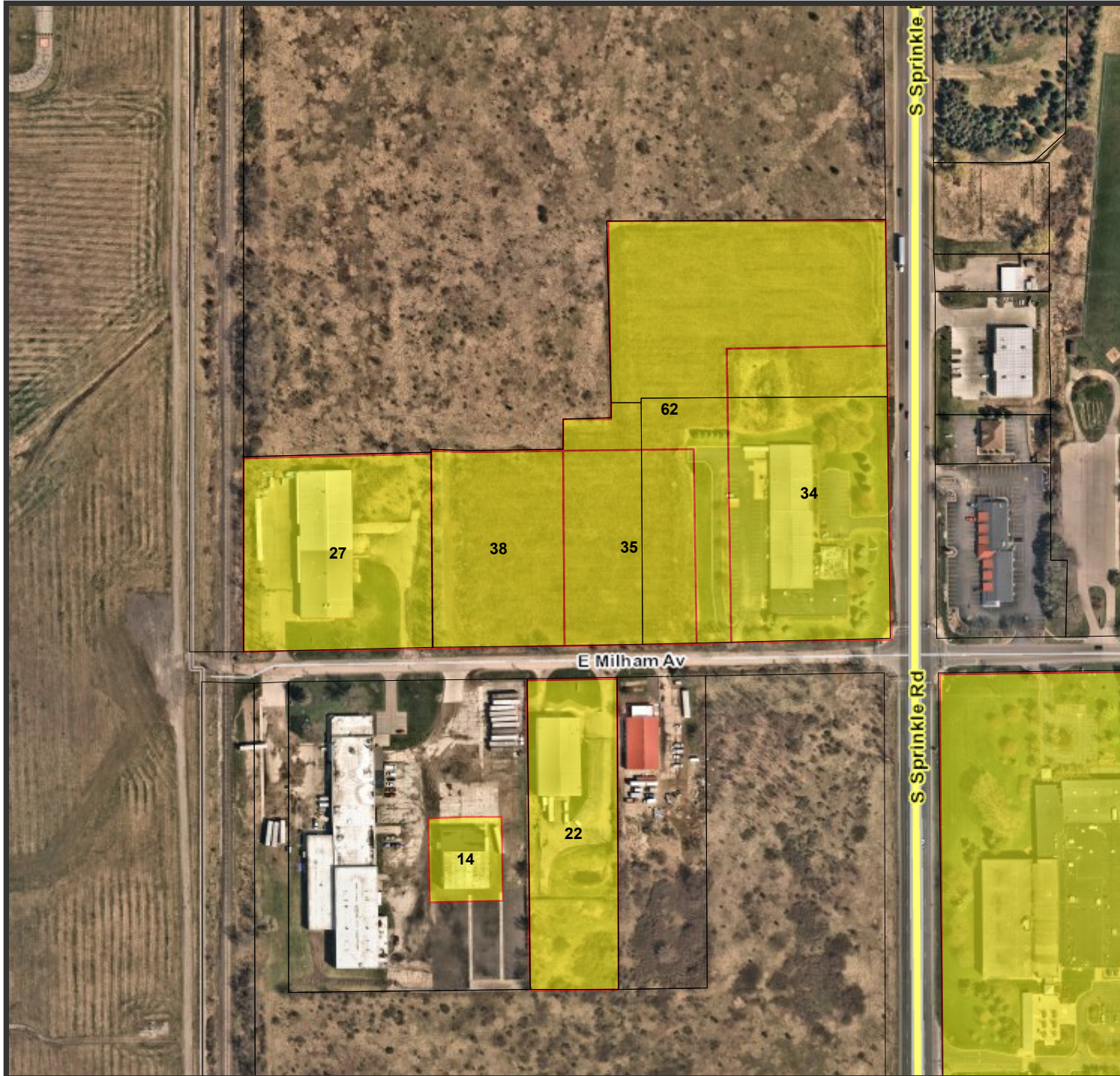
Estimated Real Property Abated Tax Liability						
	Year 1 2024	Year 2 2025	Year 3 2026	Year 4 2027	Year 5 2028	
Initial Cost						
Year 1 - assuming 50% complete						
Year 2 - fully complete	\$310,024	\$626,247				
Estimated TV	155,012	313,124	319,386	325,774	332,289	
Estimated Abated Tax Rate	0.0346	0.0346	0.0346	0.0346	0.0346	
Taxes Abated	\$5,358	\$10,822	\$11,039	\$11,259	\$11,485	
	Year 6 2029	Year 7 2030	Year 8 2031	Year 9 2032	Year 10 2033	Totals Over 10 - Year Abatement Period
Estimated TV	338,935	345,714	352,628	359,681	366,874	
Estimated Abated Tax Rate	0.0346	0.0346	0.0346	0.0346	0.0346	
Taxes Abated	\$11,714	\$11,949	\$12,188	\$12,431	\$12,680	\$110,925

Estimated Real Property Abated Tax Breakdown			
Taxing Jurisdiction Name Tax Levy Description	PA-198 Est. Tax Rate	10-Year Combined TV	Total 10-Year Abated Tax
CITY OF PORTAGE	5.32000	3,209,417	\$17,074
SCHOOL OPERATING	8.78475	3,209,417	\$28,194
SCHOOL BUILDING/DEBT	3.42500	3,209,417	\$10,992
SCHOOL SITE SF	0.24940	3,209,417	\$800
STATE EDUCATION <i>not abated</i>	6.00000	3,209,417	\$19,257
KVCC	1.39010	3,209,417	\$4,461
KRESA	3.49675	3,209,417	\$11,223
KALAMAZOO COUNTY	2.31590	3,209,417	\$7,433
KCTA TRANSPORTATION	0.15550	3,209,417	\$499
CCTA TRANSPORTATION	0.44675	3,209,417	\$1,434
PORTAGE DIST LIBRARY	0.74795	3,209,417	\$2,400
LIBRARY EXTRA	0.24930	3,209,417	\$800
CNTY JUVENILE	0.08065	3,209,417	\$259
CNTY HOUSING FND	0.37265	3,209,417	\$1,196
CNTY SENIOR	0.17310	3,209,417	\$556
CNTY PUBLIC SAFETY	0.71900	3,209,417	\$2,308
CNTY 911	0.32295	3,209,417	\$1,036
City of Portage 1% Tax Administration Fee	0.31250	3,209,417	\$1,003
Total - All Taxing Entities	34.56225		\$110,925

Report Created by City Assessor's Office 09-28-2023

Estimated annual growth in taxable value 2%

Note: Estimates are based on the reported costs at the time of application. Market conditions will determine the SEV and taxable value for each year of the abatement.



Former North American Color

IDD Districts (varied)

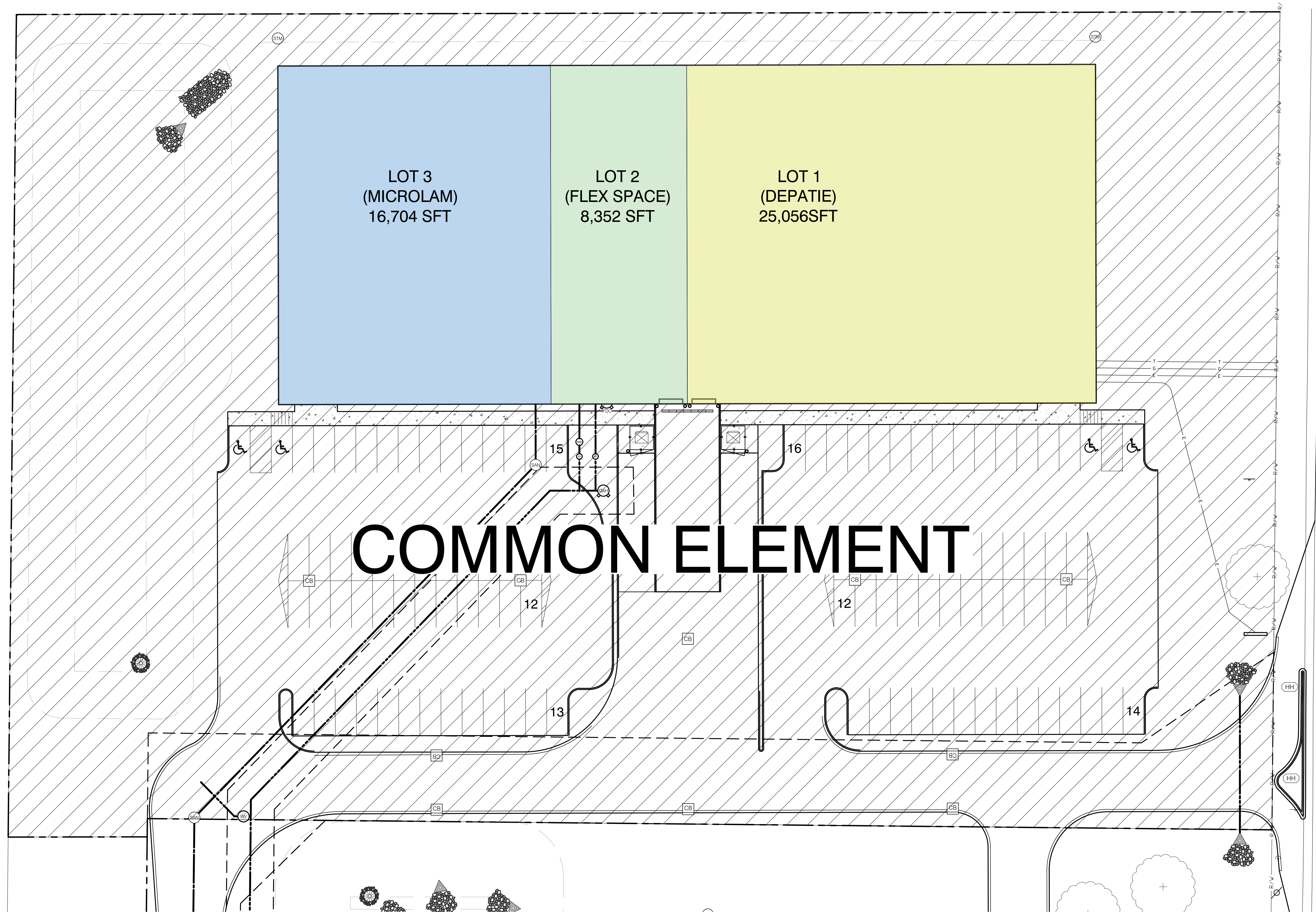


Map Publication:
04/11/2023 12:16 PM



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TAX ABATEMENT AGREEMENT

This Agreement is made between THE CITY OF PORTAGE, a Michigan Municipal Corporation, of 7900 South Westnedge Avenue, Portage, Michigan 49002, hereinafter referred to as "CITY", and DEPATIE FLUID POWER COMPANY, a Michigan limited liability company, of 6256 American Avenue, Portage, Michigan 49002, hereinafter referred to as "APPLICANT."

THE PARTIES AGREE AS FOLLOWS:

1. The CITY has established Industrial Development Districts #34 and #62 in which the APPLICANT proposes to locate a facility in the City of Portage, County of Kalamazoo, State of Michigan and which is described as follows:

See attached.

2. The APPLICANT has filed an application (which is incorporated herein by reference) with the CITY requesting an industrial facilities exemption certificate ("certificate") for real property and building improvements ("facility") located at 5870 S. Sprinkle Road, Portage, Michigan, within Industrial Development Districts #34 and #62.

3. The APPLICANT has represented that the application relates to a new or replacement facility within the meaning of Public Act 198 of 1974, MCLA 207.551, et seq.

4. The term of the certificate granted by the CITY shall be nine (9) years after completion of the facility (building). This agreement shall remain in force as to each certificate granted for the term of said certificate.

5. The APPLICANT has represented to the CITY that granting of the certificate will enable the facility to be completed, which will have the reasonable likelihood to create employment, retain employment, and prevent a loss of employment within the CITY.

6. The APPLICANT agrees to maintain at least 86 existing employees. Failure to maintain these positions shall be considered a material breach of this Agreement unless APPLICANT can show by clear and convincing evidence that the breach was caused by unfavorable economic business conditions, loss of business, or some other reason beyond the control of APPLICANT.

7. The APPLICANT agrees to maintain the facility for the entire period of the Certificate within the CITY and not to move or relocate the facility, business, or any material portion of either outside the CITY without replacing the relocated portion with real property improvements of equal or greater value, and without first obtaining the permission of the CITY. If the APPLICANT relocates the facility, business, or any material portion of either without this replacement and without the CITY's consent outside of the CITY during the period in which the industrial facilities exemption certificate is in effect, the APPLICANT is liable to the CITY for an amount equal to the difference between the industrial facilities tax to be paid by the owner or lessee of that relocated facility for the tax years remaining under the industrial facilities exemption certificate that is in effect and the general ad valorem property tax that the Applicant would have paid if the Applicant did not have an industrial facilities exemption certificate in effect for those years. The CITY will not impose this liability without first giving the APPLICANT an opportunity to meet with CITY representatives. The payment provided in this section shall be distributed in the same manner as the industrial facilities tax is distributed.

8. The APPLICANT agrees that during the term of the certificate, all CITY taxes shall be timely paid. Further, APPLICANT agrees that by accepting the benefits of the tax abatement, it waives appeal of personal and/or real property tax assessments concerning property which is the subject of the certificate. Appeal of the personal and/or real property taxes which is the subject of the certificate during the term of the certificate shall result in revocation of the certificate and/or termination of the district and APPLICANT

shall repay to the CITY and all taxing authorities the amount of taxes that were abated by reason of the certificate. This waiver does not apply to the first annual assessment after completion of construction.

9. The APPLICANT further agrees that during the term of the certificate, the APPLICANT shall be in full compliance with all applicable CITY codes.

10. The APPLICANT further agrees that during the term of the certificate, the APPLICANT shall not discriminate against any person on the basis of race, creed, color, sex, religious orientation, or other criteria not reasonably related to the job.

11. The APPLICANT further agrees to submit an annual project performance report to the CITY, addressed to the City Council, provided under oath, setting forth the progress in attaining and maintaining the requirements of this Agreement and the provisions of the certificate application. Such reports shall be furnished in duplicate on or before July 1 of each year and shall contain if applicable, at minimum, the following:

- (a) The number of new jobs promised in the certificate and the actual number of new jobs created.
- (b) The number of employees at the time of the application and the current number of employees.
- (c) If projection for creation or retention of jobs was not reached, give explanation.
- (d) The estimated project cost given in the application and the actual project cost.
- (e) If actual project costs differ substantially from projected cost, give explanation.

12. The APPLICANT agrees that if employment has not been retained or reached as represented, the construction and/or expansion project has not been completed or expenditures made as described in the Application, or if APPLICANT fails to fulfill any other provision of this Agreement as well as the provisions of Act 198 of 1974, the CITY shall have the right (after giving APPLICANT an opportunity to meet with CITY representatives) to reduce the term or revoke the certificate and APPLICANT shall repay to the CITY and all taxing authorities the amount of taxes that were abated by reason of the certificate plus all accrued interest, penalties and administrative fees applicable to said tax exemptions in the amount as would be collected if the same were considered delinquent. Any payments due under this paragraph may be collected by either court proceedings or by adding to the next taxes due against the APPLICANT'S property on the next tax roll of the CITY. This section does not apply to the extent that the APPLICANT demonstrates to the CITY by clear and convincing evidence that the failure was caused by unfavorable economic business conditions, loss of business, or some other reason beyond the control of APPLICANT.

13. After the certificate is issued, the CITY agrees to maintain the same in full force and effect during the term of the certificate, subject to any regulations and requirements of state law, and subject to any breach of the provisions of this agreement by APPLICANT.

14. The parties agree that the CITY, in approving the tax abatement, has relied on the actions, representations and promises (including the Application) of the APPLICANT. Default of any of the provisions of this Agreement may be enforced in law or equity. The parties agree that exclusive jurisdiction to resolve any disputes on this contract shall be Kalamazoo County, Michigan.

15. If the various sections and provisions of this Agreement shall be deemed to be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the Agreement as a whole or any section or provision hereof other than the section or provision so declared to be unconstitutional or invalid.

16. The benefits herein shall accrue to and the obligations hereof shall bind the successors, assignees, and transferees of the APPLICANT.

17. The APPLICANT further agrees that should ownership of the business and/or facility for which the Public Act 198 exemption certificate is issued be changed in the future, thereby requiring a hearing in front of the City of Portage Council under state law, that the transferee or new owner shall abide by all the terms and conditions of this Agreement, and that APPLICANT will communicate all terms and conditions of this Agreement to the transferee or new owner and assist the CITY in obtaining the signature of the authorized agent of the transferee or new owner on this Agreement or an identically worded Agreement.

By signatures of representatives of both the APPLICANT and the CITY below, it is understood that both the APPLICANT's investment in the project and the CITY's investment through the granting of a certificate is to encourage economic growth. It is also acknowledged that certain economic conditions can, at times, prohibit the maintenance of the APPLICANT's targeted status. It is understood that if such conditions exist at the time of the designated APPLICANT reports, the governing body of the CITY will carefully evaluate the APPLICANT's situation, and will inform the APPLICANT if any action is considered in order to give the APPLICANT an opportunity for correction.

Dated: _____, 2023

DEPATIE FLUID POWER COMPANY

By: _____

Its

WITNESSED:

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

On this ____ day of _____, 2023 before me personally came the above named _____ on behalf of Depatie Fluid Power Company who acknowledges that he has read the foregoing Tax Abatement Agreement by him subscribed and knows the contents thereof, and that he has the authority of said corporation to execute this Agreement, and acknowledges that he executed the same as his free act and deed.

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

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

CITY OF PORTAGE, a Michigan Municipal Corporation

By: _____
Patricia M. Randall
Its: Mayor

By: _____

Erica Eklov

Its: Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

On this _____ day of _____, 2023 before me personally came the above named Patricia M. Randall and Erica Eklov, to me personally known, who being duly sworn, did and each for themselves say that they are respectively the Mayor and Clerk of the municipal corporation named in and who executed the within instrument and that said instrument was signed on behalf of said corporation by authority of its City Council; and said Patricia M. Randall and Erica Eklov acknowledge said instrument to be the free act and deed of said municipal corporation.

_____, Notary Public
Kalamazoo County, Michigan
My Commission Expires: _____

Prepared by:
Catherine P. Kaufman (P65412)
Portage City Attorney
470 W. Centre Ave, Suite A
Portage, Michigan 49024

Approved as to Form:
Date: 10-11-2023
By: Catherine Kaufman
City Attorney

AFFIDAVIT WITH REGARD TO FEES
PA 198 of 1974
APPLICATION FOR DEPATIE FLUID POWER COMPANY (general & flex space)

STATE OF MICHIGAN)
)ss.
COUNTY OF KALAMAZOO)

NOW COME Affiants, Erica Eklov and _____, and state as follows:

1. Erica Eklov is the City Clerk and an official for the City of Portage.
2. Ryan Thomas is the General Manager of the applicant, Depatie Fluid Power Company,
who is an applicant for an industrial facilities exemption certificate.

3. Affiants are aware of the following provision, being Section 5(3) of Act No. 198 of the Public Acts of 1974, as amended:

The local government unit may charge the applicant an application fee to process an application for an industrial facilities exemption certificate. The application fee shall not exceed the actual cost incurred by the local government or unit in processing the application or 2% of the total property taxes stated under this Act for the term that the industrial facilities exemption certificate is in effect, whichever is less. A local government unit shall not charge an applicant any other fee under this Act.

4. Affiants state that no payment of any kind in excess of the fee allowed by the above provision of Act 198 as amended has been made or promised in exchange for favorable consideration of an exemption certificate application.

5. Affiants realize that any fee, payment in lieu of taxes, donations, or any other such payments as a condition precedent to approving industrial facilities exemption certificates would be contrary to the legislative intent of Act 198.

6. Each affiant has the authority to make this affidavit on behalf of the entity he or she represents.

CITY OF PORTAGE, a Michigan Municipal
Corporation

Date: _____, 2023

By: _____
ERICA EKLOV
Its: City Clerk

Subscribed and sworn to before me this _____ day of _____, 2023.

Notary Public

County, Michigan
My commission expires: _____
Acting in Kalamazoo County, Michigan

DEPATIE FLUID POWER COMPANY
A _____ Corporation

Date: _____, 2023

By: _____
Its:

Subscribed and sworn to before me this _____ day of _____, 2023.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo County, Michigan

APPROVED AS TO FORM:

DATE 10 - 11 - 2023

Catherine P. Kaufman
CITY ATTORNEY

Prepared by:
Catherine P. Kaufman (P654120)
Bauckham Sparks
470 W. Centre Ave., Suite A
Portage, MI 49024

**CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. 4 ____**

**APPROVING THE APPLICATION OF
DEPATIE FLUID POWER COMPANY
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR THE FACILITY IN PORTAGE INDUSTRIAL DEVELOPMENT
DISTRICTS NO. 34 and 62**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on the 17th day of October, 2023 at 7:00 p.m., local time at the City Hall in the City of Portage.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____, and supported by
Councilmember _____.

WHEREAS, pursuant to 1974 PA 198, MCL Sec. 207.551 et seq., after a duly noticed public hearing, the City Council, by resolution, established Portage Industrial Development Districts No. 34 and 62; and;

WHEREAS, by resolution adopted September 19, 2023 the City Council accepted the application of Depatie Fluid Power Company. for an Industrial Facilities Exception Certificate for a new facility in Portage Industrial Development Districts No. 34 and 62, and directed the City Clerk to notify the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes on the property located within Industrial Development Districts No. 34 and 62, that the application for the Facilities Exemption Certificates would be considered at a meeting of the City Council on October 17, 2023, and that an opportunity to be heard would be provided to the Assessor and to a representative of each of the bodies so notified; and

WHEREAS, during a regular meeting of the City Council held October 17, 2023 the applicant, the Assessor and representative of the affected taxing units were afforded an opportunity to be heard:

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That this City Council finds:

- (a) That the construction of the facility had not begun earlier than six (6) months before October 17, 2023, the date of acceptance of the application for the Industrial Facilities Exemption Certificate;
- (b) That the application relates to a program which when completed will constitute a new facility within the meaning of 1974 PA 198 and will be situated in Portage Industrial Development Districts No. 34 and 62 established in Portage on 11/9/1982 and 5/15/1990 by resolution of the City Council;
- (c) That completion of facility is calculated to, and will at the time of issuance of the certificates, have the reasonable likelihood to create employment, retain employment, or prevent a loss of employment in the City of Portage;
- (d) That the application applies to a new facility;
- (e) That the aggregate SEV of real and personal property exempt from ad valorem taxes under 1974 PA 198, as amended, within the City of Portage, including the requested exemption, exceeds 5% of the sum of the SEV of the City; however, the City Council specifically finds that the granting of the exemption applied for will not substantially impede the operation of, or impair the financial soundness of any unit of local government or affected taxing unit.

That the application of Depatie Fluid Power Company for the Industrial Facilities Exemption Certificate with regard to the construction of a new facility located in Portage Industrial Development Districts No. 34 and 62 (Depatie Fluid Power Company) be and is hereby approved for a period of 9 years plus one for construction for the building (real property) with an ending date of December 31, 2033, and is conditioned upon execution of an agreement between Depatie Fluid Power Company and the City. Depatie Fluid Power Company may, within the final year in which the certificate is effective, apply for another certificate. If the City disapproves of said application, there is no right of appeal of that decision.

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

ADOPTED: AYES: COUNCILMEMBER _____

NAYS: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

Erica Eklov, City Clerk

Certificate

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the _____ day of _____, 2023, the original of which is in the official proceedings of the City Council.

Erica Eklov, City Clerk

Prepared by:
Catherine P. Kaufman (P65412)
Portage City Attorney
Bauckham, Thall
470 W. Centre Ave., Ste. A
Portage, MI 49024

**CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. 4 ____**

**APPROVING THE APPLICATION OF
DEPATIE FLUID POWER COMPANY (FLEX SPACE)
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR THE FACILITY IN PORTAGE INDUSTRIAL DEVELOPMENT
DISTRICTS NO. 34 and 62**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on the 17th day of October, 2023 at 7:00 p.m., local time at the City Hall in the City of Portage.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____, and supported by
Councilmember _____.

WHEREAS, pursuant to 1974 PA 198, MCL Sec. 207.551 et seq., after a duly noticed public hearing, the City Council, by resolution, established Portage Industrial Development Districts No. 34 and 62; and;

WHEREAS, by resolution adopted September 19, 2023 the City Council accepted the application of Depatie Fluid Power Company (Flex Space) for an Industrial Facilities Exception Certificate for a new facility in Portage Industrial Development Districts No. 34 and 62, and directed the City Clerk to notify the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes on the property located within Industrial Development Districts No. 34 and 62, that the application for the Facilities Exemption Certificate would be considered at a meeting of the City Council on October 17, 2023, and that an opportunity to be heard would be provided to the Assessor and to a representative of each of the bodies so notified; and

WHEREAS, during a regular meeting of the City Council held October 17, 2023 the applicant, the Assessor and representative of the affected taxing units were afforded an opportunity to be heard:

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That this City Council finds:

- (a) That the construction of the facility had not begun earlier than six (6) months before October 17, 2023, the date of acceptance of the application for the Industrial Facilities Exemption Certificate;
- (b) That the application relates to a program which when completed will constitute a new facility within the meaning of 1974 PA 198 and will be situated in Portage Industrial Development Districts No. 34 and 62 established in Portage on 11/9/1982 and 5/15/1990 by resolution of the City Council;
- (c) That completion of facility is calculated to, and will at the time of issuance of the certificates, have the reasonable likelihood to create employment, retain employment, or prevent a loss of employment in the City of Portage;
- (d) That the application applies to a new facility;
- (e) That the aggregate SEV of real and personal property exempt from ad valorem taxes under 1974 PA 198, as amended, within the City of Portage, including the requested exemption, exceeds 5% of the sum of the SEV of the City; however, the City Council specifically finds that the granting of the exemption applied for will not substantially impede the operation of, or impair the financial soundness of any unit of local government or affected taxing unit.

That the application of Depatie Fluid Power Company (Flex Space) for the Industrial Facilities Exemption Certificate with regard to the construction of a new facility located in Portage Industrial Development Districts No. 34 and 62 (Depatie Fluid Power Company Flex Space) be and is hereby approved for a period of 9 years plus one for construction for the building (real property) with an ending date of December 31, 2033, and is conditioned upon execution of an agreement between Depatie Fluid Power Company (Flex Space) and the City. Depatie Fluid Power Company (Flex Space) may, within the final year in which the certificate is effective, apply for another certificate. If the City disapproves of said application, there is no right of appeal of that decision.

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

ADOPTED: AYES: COUNCILMEMBER _____

NAYS: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

Erica Eklov, City Clerk

Certificate

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the _____ day of _____, 2023, the original of which is in the official proceedings of the City Council.

Erica Eklov, City Clerk

Prepared by:
Catherine P. Kaufman (P65412)
Portage City Attorney
Bauckham, Thall
470 W. Centre Ave., Ste. A
Portage, MI 49024

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Amend Section 78-2, altering the annual parking restrictions to begin December 1 and expire March 15

SUPPORTING PERSONNEL: Rodney Russell, Director of Public Works

ACTION RECOMMENDED: Adopt the proposed amendments to the City of Portage Code of Ordinances, Chapter 78, Section 78-2, "Parking."

The City of Portage Code of Ordinances, Chapter 78, Section 78-2, "Parking," prohibits overnight parking on any public street between the hours of 2 to 6 AM from November 1 through April 15. The ordinance is meant to aid in the swift and complete removal of snow from city streets during the overnight hours. The original ordinance established in 1970 prohibited overnight on-street parking from October 15 to April 15. In 2014, the City Council approved a revision to the ordinance, prohibiting overnight on-street parking from November 1 to April 15, shortening the prohibition period.

The City Administration recently reviewed the ordinance to determine if the enforcement dates accurately reflect the annual weather conditions. As a result, it is recommended that the ordinance be amended to prohibit overnight on-street parking from December 1 to March 15. The proposed dates are more in line with the amount of snowfall that has occurred during the applicable dates over the past several years.

It is recommended that City Council adopt the proposed amendments to the City of Portage Code of Ordinances, Chapter 78, Section 78-2, "Parking."

FUNDING: N/A

Attachments: 1. Adoption of Ordinance Winter Parking 10.2023

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 78-2, PARKING, OF CHAPTER 78
TRAFFIC AND VEHICLES

THE CITY OF PORTAGE ORDAINS:

That Chapter 78, Traffic and Vehicles, Article 1, In General, Section 78-2, Parking, shall be amended as follows:

ARTICLE 1. IN GENERAL.

Sec. 78-2. Parking.

(a) It shall be unlawful for any person to park, allow to be parked or allow to remain standing, any motor vehicle on or within five feet from the main traveled portion of the street between the hours of 2:00 a.m. and 6:00 a.m., local time, from ~~November~~ December 1 to ~~April~~ March 15 of each year.

Dated: _____, 2023

Patricia Randall, Mayor

FIRST READING: _____

SECOND READING: _____

ORDINANCE#: _____

EFFECTIVE DATE: _____

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of October, 2023.

PREPARED BY:
Adam Herringa
Chief Operating Officer
7900 South Westnedge Ave.
City of Portage, MI 49002

Erica Eklov, City Clerk

Ordinance Previously Approved as to Form

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Chapter 78, Traffic and Vehicles, of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2023, and will become effective _____, 2023.

NOTICE IS FURTHER GIVEN that Chapter 78, Traffic and Vehicles, of the Codified Ordinances of Portage, Michigan, have been amended as follows:

THE CITY OF PORTAGE ORDAINS:

That Chapter 78 shall be amended as follows:

ARTICLE 1. IN GENERAL.

Sec. 78-2. Parking.

(a) It shall be unlawful for any person to park, allow to be parked or allow to remain standing, any motor vehicle on or within five feet from the main traveled portion of the street between the hours of 2:00 a.m. and 6:00 a.m., local time, from December 1 to March 15 of each year.

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice during normal operating hours.

Dated: _____

Erica Eklov, City Clerk

PREPARED BY:
Adam Herringa
Chief Operating Officer
7900 South Westnedge Avenue
Portage, MI 49002

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Amendment to Code of Ordinances – Registration of Collectors

SUPPORTING PERSONNEL: Kylar Chandler, Assistant to the City Manager

ACTION RECOMMENDED: Adopt the proposed amendments to the City of Portage Code of Ordinances, Chapter 58, Section 58-33, "Residential collection schedule; registration of collectors."

An ordinance to require collectors to share information about rates and pricing once per year (and the ability to amend those rates with 30 day advance notice) and to require certain performance standards (pick up litter they spill, track complaints, refund customers for missed pickups) was introduced on October 3, 2023. this Ordinance is on the October 17, 2023 agenda for final action. Should this legislation pass, the Clerk will publish it on Thursday, October 19 and it will then be effective on November 3, 2023.

Two non-substantive changes were made to the draft since the introduction.

1. Section (d)(5) was amended by deleting the requirement to have the Clerk approve proposed mid-year changes, and
2. The words "or delayed" were removed from the automatic bill credit section under section (f) Performance Requirements. Refunds will be required if pickups are missed.

There have been three objections to this ordinance from our two current haulers and the Michigan Waste and Recycling Association. They cite a legal basis for their objections and the City Attorney has considered those objections. The Michigan Home Rule City Act requires cities to have provisions to protect public health, permits Charter provisions to provide for the enforcement of sanitary ordinances and your City Charter specifically allows for laws to provide for the enforcement of ordinances regarding the collection and disposal of garbage and rubbish. You are also required to provide for the maintenance and use of a street system, and the garbage collection uses public streets to collect garbage. Garbage collection is very different from other businesses that you do not regulate.

It is therefore recommended that City Council adopt the proposed amendments to the City of Portage Code of Ordinances, Chapter 58, Section 58-33, "Residential collection schedule; registration of collectors."

FUNDING: N/A

Attachments:

1. Proposed Ordinance Language Sec. 58-33 Sept 13 2023 redline 10.10.2023
2. 10.06.2023 Michigan Waste & Recycling Assoc. Letter

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 2, COLLECTION AND DISPOSAL, OF CHAPTER 58,
RESIDENTIAL COLLECTION SCHEDULED AND REGISTRATION OF COLLECTORS**

THE CITY OF PORTAGE ORDAINS:

Sec. 58-33. - Residential collection schedule; registration of collectors.

(a) *Definitions.* As used in this section:

Contractor means the individual or business under contract with the city to perform collection and processing of recyclable waste under the city curbside recycling program.

Curbside recycling program means the city program to collect recyclables from households in the city on a weekly basis.

Fee Schedule shall mean a uniform schedule of charges assessed for services to all customers.

Garbage means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables, and all other putrescible wastes, excluding grass.

Garbage and refuse collector means a person in the business of providing garbage and refuse collection services.

Recyclable waste means waste matter which is approved and collected in the city curbside recycling program, as designated by the city manager or his representative.

Refuse means all nonputrescible wastes, excluding recyclable waste.

(b) *Purpose.* The purposes of this section are to promote citizen participation in the curbside recycling program by making collection as convenient as possible, to promote transparency, consistency and equity in fees charged by collectors and to beautify the city by designating one day a week for neighborhood pickup of garbage, refuse and recyclables.

(c) *Collection schedule.*

(1) The city ~~manager~~ clerk shall divide the city into five geographic collection districts for the purpose of weekly garbage, refuse and recyclable waste collection.

(2) The city ~~manager~~ clerk shall designate one day of the week for collection of garbage, refuse and recyclable waste for each collection district. All such materials shall be collected on the same day in each collection district.

(3) The city ~~manager~~ clerk shall make available to the public and all garbage, refuse and recyclable collectors, no later than ~~December 1, 2023~~ June 1, 2024 ~~June 1, 1991~~, the collection districts and collection day schedule for each collection district.

(4) All garbage and refuse collectors and the contractor shall begin collecting garbage and refuse and/or recyclable waste according to the published schedule on ~~December 1, 2023~~ July 1, 2024 ~~July 8, 1991~~.

(5) The city ~~manager~~ clerk may revise the collection districts and/or schedules once a year, by publishing those revisions no later than the first Monday in May each year. Changes so made will be effective on following July 1.

(6) Nothing in this section shall be construed to apply to the collection of garbage, refuse or recyclable materials from apartment, commercial or business establishments, or to the city leaf pickup or spring cleanup programs.

(7) Fee schedules as required under Sec. d(4)(f) below shall be published by the city clerk in July of each year. Deviations from schedule as published may only be implemented on July 1 of the following year or upon approval by 30 days following submission of price adjustments to the city clerk, unless such deviations result in a decrease in fees.

~~(78)~~ Each calendar day during which a garbage and refuse collector or the contractor violates this section shall constitute a separate and distinct violation.

(d) *Registration of collectors.* In order for the city to monitor compliance with subsection (c) of this section, all garbage and refuse collectors providing collection services in the city shall register with the city clerk once a year, as follows:

(1) Each garbage and refuse collector currently providing collection services in the city shall register with the city clerk no later than ~~November 1, 2023~~ June 30, 2024 ~~June 30, 1991~~.

(2) Any garbage and refuse collector that intends to start collection services in the city shall register with the city clerk no later than one month prior to initiating such services.

(3) Each registered garbage and refuse collector shall update its registration with the city clerk no later than ~~June 30, 2024~~ June 30, 1992, and the last calendar day of June in each subsequent year.

(4) Each garbage and refuse collector shall provide the following information to the city clerk upon registration:

- a. The company's legal name;
- b. The company's owner;
- c. The company's business telephone number;
- d. The company's business address; and
- e. The estimated number of households in the city the company serves or will serve.
- f. Rates charged for services including fees for collection of residential waste, yard waste, bulky items and any other special services, surcharges or any other fee to be charged to any residential customer in the City of Portage.

(e) Fees. To assure consumer protection and avoid discrimination in the assessment of fees for service:

(1) Registered garbage and refuse collectors shall only charge fees as reported and published as provided herein.

(2) Each instance of improper, non-reported or unpublished fees charged to customers shall constitute a separate and distinct violation of this section.

(3) Should collectors remedy violations within one week of receiving notice from the City, violations of this section shall not result in issuance of fines.

(f) Performance Requirements. Registered garbage and refuse collectors shall:

(1) Maintain a communications system that includes email and telephone access and respond to all complaints and requests for service within 24 hours of receipt.

(2) Provide written notification to customers of instances of non-collection, stating the reasons for not picking up materials on scheduled day and clear information about next scheduled pickup.

(3) Automatically credit bills for missed pickup of 25% of total monthly fee for each missed or delayed pickup, such credit to be applied to future bills or refunded to customers.

(4) Clean up any spilled or scattered rubbish, garbage, yard waste or other materials resulting from collection operations immediately.

(5) Maintain a written log of customer complaints and provide same to City Clerk each year when registering as a collector.

(6) Each instance of violations of these performance requirements shall constitute a separate and distinct violation of this section.

(Code 1983, § 1060.03; Ord. No. 091-11, 4-21-1991, - -2023)

Dated: _____, 2023

Patricia Randall, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

I, Erica Eklov, do hereby certify that I am the duly appointed City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2023.

PREPARED BY:	<u>Erica Eklov, City Clerk</u>
Catherine P. Kaufman (P65412)	Approved as to Form:
Portage City Attorney	Date
470 W. Centre Avenue, Ste. A	City Attorney
Portage, MI 49024	
(269) 382-4500	



Michigan Waste & Recycling Association

124 W. Allegan, Suite 1900 • Lansing MI 48933 • Phone 517-484-6561

October 6, 2023

Pat McGinnis
City Manager
City of Portage
7900 S Westnedge Avenue
Portage MI 49002

RE: Comments on Proposed Amendments to City of Portage Code of Ordinances, Chapter 58-33, "Residential collection schedule; registration of collectors"

Dear Mr. McGinnis:

Michigan Waste and Recycling Association ("MWRA") submits the following comments to the proposed amendments to the City of Portage's Code of Ordinances concerning the regulation of solid waste haulers. MWRA is a Michigan nonprofit corporation representing Michigan-based companies dedicated to the collection, processing, recycling and disposal of solid waste within the State of Michigan. MWRA's members include all privately-owned solid waste haulers providing curb-side services to City residents. MWRA believes that the amendments unfairly target the solid waste industry and improperly interfere with the private contracts between solid waste haulers and their customers. MWRA further objects to many of the new requirements imposed under the amendments because they would place undue burdens on a hauler's ability to conduct its business, and would be unworkable in the real world.

Among other things, the amendments would require solid waste haulers to:

- Report annually to the City Clerk the rates that they charge their many varied customers for curb-side disposal services, and then maintain those fees unchanged throughout the year unless the City Clerk approves a change (or upon 30 days' notice to the City Clerk – Subsections (c)(7) and (d)(5) are contradictory in this respect);
- Provide written notification to customers of any "instances of non-collection" and credit customers "25% of the total monthly fee for each missed or delayed pickup"; and
- Maintain and submit annually a "written log of customer complaints."

The failure to do any of the above could result in an enforcement action and the imposition of fines.

First, MWRA strongly objects to the City's attempt to control the rates charged by haulers, even if only by delaying mid-year rate increases for a 30-day period (as suggested in Subsection (c)(7)). No other industry is subject to such price control, and the City has no legitimate interest in interfering with the pricing agreed to between a hauler and its customers. Moreover, most haulers offer many different rates to meet their customers' unique circumstances, and it is simply not practicable for a hauler to provide the menu of rates that City appears to expect. For example, new customers may receive an introductory rate that is lower than the rates paid by existing customers. Existing customers may pay different rates depending on how long they've been a

customer and the services to which they subscribe (e.g., yard waste, recycling, multi-can, etc.). Some customers may ask for unique or special accommodations that are difficult to perform at a set rate. In all cases, the rates are set in private contracts between the hauler and its customers. The City, which is not a party to these contracts, has no business interfering with them.

Second, MWRA objects to the language in the amendment concerning "instances of non-collection" and "missed or delayed pickup." These terms are not defined, so it is unclear when the City would deem that such events have occurred. Missed or delayed collection may occur for many reasons that are beyond the control of the hauler (e.g., weather, traffic accidents, natural disasters, etc.). Some of these events, such as a major snow storm, could delay service for several days. It is manifestly unfair to penalize a hauler that has been delayed by circumstances beyond its control by requiring it to reimburse every person on the route one-quarter of the monthly fees for every day the delay continues. Moreover, the City has no legitimate basis to provide such a windfall to the hauler's customers. In any case, a hauler will likely be forced to pass these costs on to other customers through higher rates.

In addition, some "missed" collections are the result of the customers' own actions. For example, a customer who does not put their cans curbside on the day of pickup may "miss" collection services that week. Such a customer may have forgotten to put their cans out, they may be on vacation, or they simply may not have any waste for disposal that week. Another example is a customer whose service is suspended because of nonpayment or other breach of the hauling contract (e.g., disposing of prohibited waste). The amendments, however, do not distinguish between a "missed pickup" cause by a hauler's negligence and one caused by the customer's own actions. In each of these examples, the amendments would require the hauler to notify the customer of the "missed pickup" and credit that customer's account. This is a completely unjust and illogical result.

Third, with respect to maintaining and submitting a "written log of customer complaints," MWRA believes that this requirement would create an undue administrative burden on haulers. Haulers do not operate just within the City's borders. Rather, they provide collection services throughout Western Michigan and, in some cases, throughout the United States. Although haulers maintain customer service centers to receive comments, questions, and complaints, these communications come from the hauler's entire service area, not just from Portage residents. In order to create the "written log," a hauler would likely be required to hire a dedicated person just to sort through the universe customer communications received in order to determine which is a "complaint" (rather than a question, comment or other communication), and which complaint came from a Portage resident. The cost of such a dedicated employee will likely be passed on to customers through higher rates. MWRA also believes that the records of these communications, which would include customers' names and addresses, should remain confidential, and should not be submitted to the City where they would be subject to a FOIA request.

Fourth, MWRA believes that the City's attempted interference with the private contracts between haulers and their customers exceeds the City's regulatory powers delegated under either the Michigan Constitution or any statute. There is no legitimate municipal concern related to such interference.

Finally, MWRA believes that the amendments will not achieve the City's stated purpose of making "pricing more transparent and service standards consistent among haulers." To the contrary, MWRA believes that the amendments will almost certainly result in less competition for curb-side residential waste hauling services, fewer options for City residents, and higher prices.

Very truly yours,
Michigan Waste and Recycling Association

A handwritten signature in blue ink, appearing to read "Kevin Kendall", with a long, sweeping horizontal flourish extending to the right.

Kevin Kendall, President

Applications for City Council Vacancy

From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11720 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Wednesday, October 4, 2023 6:16:21 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Jorge
Last Name	Reyes
Address	3530 Summersong Path
City	Portage
State	MI
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Phone
Current Occupation	Investigative Analyst with Office of the Inspector General, Defense Logistics Agency and Part Time Police Officer at the Village of Vicksburg .
Education	USMC Retired 1996-2020 Associate's Degree in Applied Science of Law Enforcement, June 2021.
Volunteer Experience	Surf City Parks and Rec, Surf City, NC, Community Youth Soccer Coach, 2013-2020 Quantico Community Services, Quantico Marine Corps Base, VA, Community Youth Soccer Coach 2010.

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act

(FOIA).

Electronic Signature
Agreement

I agree.

Electronic Signature

Jorge D. Reyes

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11722 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Wednesday, October 4, 2023 9:20:22 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Joshua
Last Name	Reetz
Address	2160 Austin Shores Ave
City	Portage
State	Michigan
Zip Code	49002
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Phone
Current Occupation	Chief Operations Officer - Community Action Agency South Central Michigan
Education	Bachelors - Siena Heights University
Volunteer Experience	Homeless shelter, walk for warmth, and youth sports.

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature Agreement	I agree.
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Electronic Signature

Joshua C. Reetz

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11723 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Wednesday, October 4, 2023 11:18:02 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Aimee
Last Name	Kornowicz
Address	5306 Barrymore St
City	Portage
State	Michigan
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Email Address
Current Occupation	Vice President Municipal Banking at Southern Michigan Bank and Trust
Education	Bachelors Degree in Communications and Business from State University of New York at Buffalo
Volunteer Experience	Board member for Michigan Women in Finance, Board Member fir KVCC Charitable Foundation, Member of Michigan Municipal Treasurers Association, Member of Michigan Association of County Treasurers, Member of Michigan School Business Officials, Member of Michigan Government Finance Officials

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature
Agreement

I agree.

Electronic Signature

Aimee Kornowicz

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11725 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Thursday, October 5, 2023 9:17:13 AM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Michael
Last Name	Quinn
Address	7025 Rockford St.
City	Portage
State	MI
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Phone
Current Occupation	Retired Portage Resident since 1985
Education	High School Diploma, Loy Norrix 1965 B.A. Applied Mathematics, Western Michigan University 1991 M.S. Statistics, Western Michigan University 1998
Volunteer Experience	Enlisted in U.S. Marine Corps 1966, served in Viet Nam with 1st Radio Battalion in northern I Corps Aug 1968 to Aug 1969, honorably discharged 1972 with rank of Sergeant. Peace Corps Volunteer Apr 1975 to Jul 1977 in north-eastern Nicaragua, specified VHF-FM radio communication system for an extensive reforestation project, supervised installation, and trained technicians to maintain it. Kalamazoo County Commissioner for District 10 (roughly west

half of Portage) 2009-10 and 2017-22, Chairman in 2022, with service on several committees including Veteran Affairs, Workforce Development, and Older Adult Services.

Served on the Portage Board of Review 2012-16.

Served on Portage Executive Compensation Committee 2023.

With Marine Corps League Detachment 879, preparing & serving hot breakfasts to patients & staff of Palliative Care Unit at VA Medical Center, Battle Creek.

Blood donor, twice this year so far.

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature
Agreement

I agree.

Electronic Signature

Michael D. Quinn

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11726 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Thursday, October 5, 2023 10:51:10 AM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Cobie
Last Name	Mattimore
Address	5517 Monticello Ave
City	Portage
State	Michigan
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Phone
Current Occupation	Barista
Education	College
Volunteer Experience	N/A

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature Agreement	I agree.
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Cobie J. Mattimore

Electronic Signature

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11727 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Thursday, October 5, 2023 12:42:14 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Dustin
Last Name	Thomas
Address	7625 Andrea Ln
City	Portage
State	MI
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Email Address
Current Occupation	Enterprise Architect / Business Strategist for Stryker
Education	Utica Eisenhower class of 2002, MA Business Admin from Southern New Hampshire University
Volunteer Experience	Current president / BOD member Kalamazoo Amateur Radio Club, 11 years of service for Boy Scouts of America, Eagle Scout / OA member

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature I agree.

Agreement

Electronic Signature

Dustin A Thomas

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11728 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Thursday, October 5, 2023 2:38:15 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Lisa
Last Name	Brayton
Address	9336 East Shore Drive
City	Portage
State	MI
Zip Code	49002
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Email Address
Current Occupation	CEO Dr. Daniel J. Brayton, D.D.S. Registered Dental Hygienist
Education	University of Detroit Mercy undergraduate BS University of Detroit School of Dentistry RDH
Volunteer Experience	Rotarian Women who Care Founder Haley's Hope Charity 16 years PTO past member

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature
Agreement

I agree.

Electronic Signature

Lisa C. Brayton

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11730 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Thursday, October 5, 2023 3:14:37 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Bob
Last Name	Tieche
Address	1378 Sherry Drive
City	Portage
State	MI
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Phone
Current Occupation	Semi-Retired working part time in Kalamazoo at a printing business.
Education	College: Albion College, Albion MI Graduate
Volunteer Experience	March of Dimes, Portage Central, Mattawan and Vicksburg Lacrosse.

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature Agreement	I agree.
--------------------------------	----------

Electronic Signature

Robert M. Tieche

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11731 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Thursday, October 5, 2023 6:22:07 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Thomas
Last Name	Rossiter
Address	4660 Brickleton Woods Drive
City	Portage
State	Michigan
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Email Address
Current Occupation	Detective, WMU PD
Education	MPA from WMU, Bachelor of Criminal Justice from Ferris State University
Volunteer Experience	My most recent volunteer experience was in learn to skate for my kids. Prior to this I did volunteer work for my Fraternity of LAE at Ferris State University.

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature I agree.

Agreement

Electronic Signature

Thomas M. Rossiter

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11734 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Sunday, October 8, 2023 9:10:11 AM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Mitchell
Last Name	Joffe
Address	6322 Westchester St
City	Portage
State	MI
Zip Code	49024-3277
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Phone
Current Occupation	Retired
Education	University of Arizona
Volunteer Experience	Centrica Care, Cheff Therapeutic Riding Centre, Warm Kids, West Portage Little League, AYSO , Portage Athletic Foundation

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature Agreement	I agree.
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Electronic Signature

Mitchell Joffe

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11739 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Monday, October 9, 2023 3:29:42 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Alaa
Last Name	Othman
Address	1424 Surrey st.
City	Portage
State	MI
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Phone
Current Occupation	Bookkeeper for a small business.
Education	Bachelor in Accounting Bachelor in Arabic Language and Literature
Volunteer Experience	Filled Tax return for individuals in Kalamazoo county.

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature Agreement	I agree.
--------------------------------	----------

Electronic Signature

Alaa BH Othman

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11741 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Monday, October 9, 2023 8:30:42 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Tyler
Last Name	White
Address	7635 Whispering Brook Drive, Apartment C18
City	Portage
State	MI
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	<i>Field not completed.</i>
Preferred Method of Contact	Phone
Current Occupation	Kalamazoo County Chief Deputy Treasurer
Education	Saginaw Valley State University - Bachelors Degree in Accounting University of Michigan Flint - Masters Degree in Public Administration
Volunteer Experience	Michigan Drum Corps Scholarship Fund - Cofounder & Treasurer Michigan Senate Democrats Information Services - Research Intern Comstock High School Marching Band - Visual Instruction Staff

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature
Agreement

I agree.

Electronic Signature

Tyler R White

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From: noreply@civicplus.com
To: [Erica Eklov](#)
Subject: Online Form Submission #11743 for Portage City Council Application (For Vacancy Ending November 13, 2023)
Date: Tuesday, October 10, 2023 2:51:59 PM

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Portage City Council Application (For Vacancy Ending November 13, 2023)

First Name	Mohan
Last Name	Gullapalli
Address	5127 Chasemoor Court
City	Portage
State	MI
Zip Code	49024
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address (If different)	5127 Chasemoor Court
Preferred Method of Contact	Email Address
Current Occupation	Quality Engineer
Education	Veterinarian
Volunteer Experience	Local religious organization, Indo American Cultural Center and Temple

Important Public Records Information

All information submitted in this application is public information and subject to disclosure to a public records request made pursuant to the Freedom of Information Act (FOIA).

Electronic Signature Agreement	I agree.
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