

7:30 p.m. Call to Order.

Invocation: Dr. Pradip Sagdeo of the Indo American Cultural Center and Temple.

Pledge of Allegiance: Michigan Youth Challenge Academy.

Roll Call.

Proclamations:

A. Approval of City Council Meeting Minutes.

1. Regular Meeting Minutes of November 15, 2016.
2. City Council Pre-Meeting Minutes of December 5, 2016.

* B. Approval of Consent Agenda Motions.

* C. Accounts Payable Register:

- * 1. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of December 6, 2016 as presented.

D. Public Hearings:

1. Communication from the City Manager recommending that City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Sanitary Sewer Project #418-S, directing the preparation of the special assessment roll.
2. Communication from the City Manager recommending that City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Water Main Project #316-W, directing the preparation of the special assessment roll.
3. Communication from the City Manager recommending that City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Angling Road Sanitary Sewer Project #417-S, directing the preparation of the special assessment roll.
4. Communication from the City Manager recommending that City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Chopin Avenue and Mozart Street Water Main Project #317-W, directing the preparation of the special assessment roll.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council adopt:
 1. proposed 2017 Freedom of Information Act Fees;
 2. proposed 2017 Recreation and Park Facility Fees; and
 3. resolutions for 2017 Community Development Fees, Building Permits, Electrical Permits, Mechanical Permits and Plumbing Permits.
- * 2. Communication from the City Manager that City Council approve the Final Preliminary Condominium Subdivision (detailed engineering plans) for Copperleaf (Phase II) at 3800 Milham Avenue and 5710 Angling Road.
- * 3. Communication from the City Manager recommending that City Council adopt the resolution to sell the westerly portion of city-owned property addressed as 5800 and 5710 Lovers Lane.

- * 4. Communication from the City Manager recommending that City Council:
 - 1. approve one-year contracts with Blue Cross Blue Shield of Michigan and Blue Care Network for employee health insurance;
 - 2. maintain current employer/employee cost-sharing practices by taking action to exempt the city from requirements of P.A. 152 for the 2017 medical benefits plan year,and authorize the City Manager to execute all documents related to the contract renewals on behalf of the city.
- * 5. Communication from the City Manager recommending that City Council approve a contract in the amount of \$25,000 with Southwest Michigan First to support economic development activities in the City of Portage and authorize the City Manager to execute the contract on behalf of the city.
- * 6. Communication from the City Manager recommending that City Council resolve to support the Village of Vicksburg regarding the Non-motorized Trail Connection Project.
- * 7. Communication from the City Manager recommending that City Council resolve to recognize the Portage Soccer Club as a nonprofit organization in the City of Portage.
- * 8. Communication from the City Manager recommending that City Council set the date of the annual City Council Goal Setting Session as Monday, January 23, 2017, from 9 a.m. to 5 p.m. at the Fetzer Institute.
- * 9. Communication from the City Manager recommending that City Council set a Special Meeting on Tuesday, January 10, 2017, beginning at 5:30 p.m., to interview Board and Commission applicants.

G. Communications:

- 1. Communication from Harry S. Haasch, Executive Director, PMN.
- 2. Communication from Elizabeth Hart VanDenBerg regarding the "Overtaking and Passing Bicycles" ordinance.
- 3. Annual update from the Environmental Board.
- 4. Communication from Ruth Caputo, 10970 Poplar Bluff Court.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

- 1. Human Services Board of November 3, 2016.
- 2. Portage Public Schools Policy Governance Retreat and Committee of the Whole Work Session of November 14, 2016.
- 3. Planning Commission of November 17, 2016.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

M. Other City Matters:

- 1. Statements of Citizens.
- 2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Wednesday, December 7, 8:15 a.m., Historic District Commission, City Hall Room No 2.
 - b. Wednesday, December 7, 6:30 p.m., Park Board, City Hall Room No 1.
 - c. Monday, December 12, 6:30 p.m., Youth Advisory Committee, City Hall Room No. 1.

- d. Monday, December 12, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
- e. Tuesday, December 13, 9:30 a.m., Board of Review, City Hall Room No. 1.
- f. Wednesday, December 14, 7:00 p.m., Environmental Board, City Hall Room No. 1.
- g. Thursday, December 15, 7:00 p.m., Portage District Library Board, Portage District Library.
- h. Thursday, December 15, 7:00 p.m., Planning Commission, Council Chambers.

* N. Materials Transmitted.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 15, 2016

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

At the request of Mayor Pro Tem Ansari, Pastor Joan Herbon of the Lord of Life Lutheran Church, gave an invocation and Boy Scout Troop 244 led the City Council and the audience in the recitation of the Pledge of Allegiance.

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

PROCLAMATIONS: After Public Safety Director Richard White recounted the events of an accident on Sprinkle Road and Meredith Street, Mayor Strazdas issued Certificates of Recognition for Heroic Efforts to Justin Andrew Gillis-Bugg, Nathan Daniel Hizer and Jon Michael-Patrick Walsh for immediately responding to the aid of a driver whose seatbelt was still fastened while his vehicle was upside down and filling with water because it had left the roadway and overturned into Davis Creek.

APPROVAL OF MINUTES: Councilmember Randall referred to Item G.1, Closed Session, Page 6, Paragraph 6, asked for what amounted to a correction of facts, and indicated that former City Manager Maurice Evans always had a 16.5% contribution to his retirement, not just for the last year or two with the City, and that it was never 10%. Discussion followed. Motion by Ansari, seconded by Ford, to approve the Regular Meeting Minutes of November 1, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Randall, seconded by Reid, to approve the Pre-Council Meeting Minutes of November 14, 2016, as presented. Upon a voice vote, motion carried 4 to 3 with Councilmembers Ford, Pearson and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Pearson to read the Consent Agenda. Motion by Ford, seconded by Randall, to approve the Consent Agenda Motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 15, 2016:** Motion by Ford, seconded by Randall, to approve the Accounts Payable Register of November 15, 2016, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

AMENDMENT TO CHAPTER 78, "TRAFFIC AND VEHICLES": Mayor Strazdas introduced the item, explained the protocol for public hearings, including an update from the City Manager, a dialogue among City Council and City staff, and an opportunity for the public to speak once he opens the public hearing to the audience with a limit of four minutes. He explained that he has some latitude with that Rule if someone wishes to be a spokesperson where he allows that individual to speak longer, but asked that there be little or no repetition. He deferred to Mr. Shaffer, who mentioned that he had a visit two months ago from a group of bicycle enthusiasts who expressed their concern for the safety of bicyclists on local roadways. Given the context of bike safety and some of the recent tragedies associated with bicycling in our area, he said it was agreed that this is the proper time to have a discussion about how our municipality might enhance the safety environment for our citizens and the users of our public roadway. He indicated one of the options discussed was the requirement for a five foot safe passing range between bicyclists and motorists. With that, he said he challenged them to go to

the City of Kalamazoo and, if successful, it would then be appropriate for the City of Portage Council to consider such an ordinance, not only for bicyclists and their safety, but also for continuity between the two communities. He deferred to Public Safety Director Richard White for any questions, and mentioned that although Chief White had reservations in the area of effective enforcement of this ordinance, he agreed that the ordinance provides a significant amount of educational value to both motorists and bicyclists because maintaining a safe distance between bicyclists and motorists enhances the overall safety of our entire community. He also recognized this as an opportunity for education through the community dialogue that is a necessary part of the ordinance process. He asked Chief White to come forward to answer any questions Council might have at this juncture.

Chief White indicated that it was important to understand his reservations with the ordinance as he contended that this should not be the end process. He mentioned engineering solutions have been successfully implemented in other communities, and we should not think this ordinance will solve all of the problems associated with mixing vehicular with pedal cyclists on the roadways. Mayor Strazdas concurred, and did not think passing an ordinance was going to necessarily change behavior. He cited the State law against the use of smart phones while driving, pointed out that the use has only gotten worse and expressed his opinion that the answer is more than enforcement which means it should include education. He asked Chief White whether he thought the ordinance was going to change attitudes and whether there needs to be more education or more enforcement. Chief White responded that there needs to be a mix of both, and pointed out that once the Council passes the ordinance, the City will have already started a process of education for the community. In fact, he said he has become more cognizant of bicyclists on the roadway, moves way over to allow for an extra level of safety and comfort for the bicyclist, and admitted he did not know if he would be doing that had he not become aware of all of the issues associated with this ordinance. He indicated that the ordinance gives Public Safety a tool that does not exist currently since absence a collision, there is little a public safety officer can do from the aspect of a motorist infringing upon the bicycle lane or getting so close to the bicyclist that it is dangerous. He recognized the obvious subjectivity with the matter as it will be based on the interpretation of the public safety officer, and that is why there is the option of issuing a warning or a citation. Mayor Strazdas concurred and discussion followed regarding the enforcement and education process that would be necessary. Mayor Strazdas expressed his preference for the education element as that is what will change behavior. Mayor Pro Tem Ansari concurred.

Councilmember Reid referred to Section (A) 1 (c) that states a vehicle driver may pass to the left of center, including when a no passing zone is marked, and said a no passing zone is marked because it means it is not safe to pass in that area. She asked Chief White how it can be safe to pass a bicycle when it is not safe to pass a car in a no passing zone. Chief White indicated this is a one-time exception to driving in the no passing lane because the only time a motorist can do that is when it is necessary to safely maneuver around a bicycle and meet this five foot distance requirement. He deferred to City Attorney Brown, who concurred and distinguished a car from a bicycle in terms of size. Councilmember restated her concern that allowing the motorist to enter into a no passing lane sets up an unsafe situation, and Mr. Brown indicated that the clear and safe distance standard still applies. Councilmember Reid asked what if you cannot see if you can do it safely, and Mr. Brown said, "Then you do not do it." Discussion followed.

Mayor Strazdas shared two questions from one of the Troop 244 Boy Scouts earlier of whether it is legal to ride a bicycle on the sidewalk, and would a public safety officer cite a bicyclist for breaking the law. Chief White responded that the public safety officer would absolutely cite the bicyclist for breaking the law and reviewed a couple of ordinance provisions that apply only to bicyclists, for example, and he mentioned that the purpose of the "Ride of Silence" is to impart bike safety information to the participants. In answer to Mayor Strazdas, City Attorney Brown indicated that it is legal to ride a bicycle on the sidewalk, but the bicyclist would be subjected to the same laws as the pedestrians. Chief White indicated that other communities that have dedicated bike paths and other engineering things to protect that bike path have reduced the traffic on sidewalks significantly as a result. Mayor Strazdas opened the public hearing to the audience.

The following people spoke in favor of the ordinance: Terry Butcher, 333 Cameo Avenue; Brian Smith, 5390 Saddle Club Drive, Texas Township; Valerie Litznerski, 4483 Clayborne Drive, Kalamazoo; Julie Bradfield, 901 Egleston Avenue, Kalamazoo; Martin Knof, 2971 Lost Pine Way; David Jones, 1422 Winter Drive, Kalamazoo; Paul Selden, 10630 Portage Road; Mark Rose, 8918 Marsh Creek Circle, Galesburg; Samantha Kohn, 710 Locust Street, Kalamazoo; and Douglas Kirk, 2615 Mockingbird Drive, Kalamazoo. Discussion followed.

Mayor Strazdas asked if there was anyone else who wished to make a comment. There being no more comment, motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Urban, seconded by Ford, to approve the Ordinance to amend the Code of Ordinances of the City of Portage, Michigan, by adding Section 78-3, Overtaking and Passing Bicycles, of Article 1, in general, of Chapter 78, Traffic and Vehicles, to provide that motorists maintain a minimum distance when overtaking and passing a bicyclist.

Mayor Strazdas spoke in favor owing to the need for behavior changes and based on information, the results of pushback, education, common sense, and not just passing an ordinance as a “knee jerk” reaction. Councilmember Randall spoke in favor as an avid bicyclist and on the basis of safety and responsibility. She also cited the Bills passed by the State Senate and the fact that other Michigan communities have this ordinance. Councilmember Reid cited the need for the use of judgment as a motorist, especially young motorists, when passing bicyclists because of the dangers this can cause, so education becomes an important part of this. She reaffirmed her support for the Complete Streets Concept which she has supported for a long time. She pointed out that the fact that the State law is coming through is comforting since having “pockets” where the law has been passed and others where it has not makes it difficult for people coming into an area to know what the rule is. She challenged City Council to look not just at bikes, but at pedestrians because pedestrians are a part of the Complete Streets Concept, also. Since Portage has many roads without sidewalks, she expressed a concern for winter conditions which make sidewalks impassable and cited Sprinkle Road in winter as an example.

In answer to Mayor Strazdas, City Attorney Randy Brown indicated that the State law regarding this matter would be a part of the Motor Vehicle Code, which is adopted by the City of Portage, but reserved judgment of the effect on the proposed Portage Ordinance until after the law does pass and when he could then review it. Discussion followed.

Councilmember Ford stressed the importance of the ordinance, mentioned that previous Councils have regarded Portage as a bike friendly community, and cited bike trails, charging special assessments for bike lanes on streets and the inclusion of bike lanes on the roadways by this City Council as examples. He noted that the Public Safety Officers use bicycles on patrols, mentioned the Mayor’s Ride with the Mayor of Kalamazoo, and cited the City slogan, “A Natural Place to Move.” For these reasons, he indicated it makes sense from a policy standpoint to pass this ordinance and explained. Mayor Strazdas called the question and upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Arthur O’Leary, 9504 Oakview Drive, indicated that he was having a dispute with his next door neighbor about barking dogs, five of them. He discovered that Portage does not have an ordinance on the number of dogs allowable in a household, and noted that the City of Kalamazoo has a Dog Ordinance with a limit of three, and conjectured that Kalamazoo Township and Parchment also have a Dog Ordinance. He regarded it as another tool like the bike ordinance and noted that Portage limits the number of chickens (so why not dogs). Mayor advised him to meet with the City Manager to work out the details, noted that this may not be the last time there will be a violation of the noise ordinance, and every Portage citizen deserves quality of life and a good night’s sleep, with the possible exception of the Fourth of July, and discussed the options. Discussion followed.

In response to Mayor Pro Tem Ansari, Mr. O’Leary indicated he had discussed this with the Kalamazoo County Animal Services Department and they said they do not have an ordinance that covers the number of dogs in a household, nor do they have a noise ordinance.

Councilmember Urban cited the Portage Code of Ordinances, Section 10-36 - Noisy animals....“No person shall own, harbor or keep a dog which, by loud, frequent or habitual barking, yelping, or howling, causes annoyance to the people in the neighborhood.” He advised Mr. O’Leary to meet with City Manager Shaffer to see if his situation falls under this ordinance which may require that City Attorney Brown get involved. Mr. Brown indicated that Portage has a pretty detailed noise ordinance which should cover his situation. He suggested that when there is communication and police officers get involved, mediation and discussion usually takes care of the problem. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

BICYCLE SAFETY RESOLUTION: Mayor Strazdas deferred to Mr. Shaffer, who pointed out that throughout the interaction with bicyclists and their advocates which led up to the bicycle ordinance, there was a lot of discussion about education and opportunities for participation to enhance safety and the bicycle environment, not only in Portage, but in the Region. He mentioned that this is an opportunity for Council to make a positive statement regarding how they feel about the Portage bicycle environment. He felt it was important to remind the City Council that through the extensive application process, Portage has been designated a “Bronze” Bicycle Friendly Community from the American League of Bicyclist since 2007. He explained that there are Silver, Gold and Platinum levels above the Bronze, recommended setting laying out a course of action and conditions necessary that would allow reaching the Gold standard, and offered the Resolution for Council consideration.

Councilmember Reid cited Page 2 of the Resolution, “Be it further resolved, the City of Portage commits to support and encourage implementation of the bike route network in the KATS (Kalamazoo Area Transit Study) Map 7...” and asked for a clarification. She asked if adopting the Resolution requires that the Portage Representatives to KATS vote in favor of this because it can depend upon how it is presented or the kinds of things that may be involved. Mr. Shaffer responded that he does not believe that this Resolution ties and Portage Representative to support Map 7, and there is no effort here to allow this Resolution to act as a surrogate in terms of the legitimate representation Portage City Councilmembers have on KATS; it just stands as general support of the KATS Map 7. Mayor Strazdas discussed the fact that a single Councilmember cannot commit funds without City Council approval, and expressed his support for the Resolution, and explained it is another aspect of the element of education with regard to bicycle safety.

Councilmember Randall concurred and asked what distinguishes the Gold level from the Platinum Level. Mr. Shaffer explained that he reviewed the League of American Bicyclists criteria and could not find any municipal participants, but did find a number of Gold municipal participants. He expressed an interest in making sure the goal here was realistic and, knowing that there are very few Platinum designees, he want to know that the goal was achievable. Discussion followed. Mayor Strazdas indicated Platinum Level usually means ultimate commitment with ultimate resources and concurred that it is important to have a goal that is achievable. Discussion followed.

Motion by Pearson, seconded by Ford, to adopt the Resolution to Support Bicycle Safety. Discussion followed. Paul Selden favorably discussed the process and thanked Council for their support of what he termed an aspirational Resolution. He described Map 7 that is attached to the Resolution and explained that it creates a bike route network for the greater community. Discussion followed.

At the request of Mayor Strazdas, Councilmember Urban explained what KATS is, how it operates and what it does for the community. He pointed out that there are actually five communities that have reached the Platinum Level, not that Portage should be one: Madison, Wisconsin, Boulder, Colorado, Ft. Collins, Colorado, Davis, California, and Portland, Oregon. He conjectured that knowing those communities and the regulations they have had to develop may be beyond what Portage can attain. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

- * **ANNUAL BS&A INTEGRATED MUNICIPAL SOFTWARE LICENSING AND MAINTENANCE FEES:** Motion by Ford, seconded by Randall, to approve payment of the annual licensing and software maintenance services fees with BS&A, Incorporated, at a total cost of \$49,721 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

- * **GODWIN DRI-PRIME CD150M UTILITY PUMP:** Motion by Ford, seconded by Randall, to authorize the purchase of one Godwin Dri-Prime CD150M Utility Pump from Xylem Dewatering Solutions, Inc., of Painesville, Ohio, through the Houston-Galveston Area Council purchasing program (H-GAC), at a total cost of \$42,297.17 and authorize the City Manager to execute all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

- * **ACTIVENET SOFTWARE PURCHASE REQUEST:** Motion by Ford, seconded by Randall, to approve the purchase, installation and training services of a three-year software contract in the amount of \$30,890 with ActiveNet for the Parks and Recreation Division of the Parks, Recreation and Senior Services Department and authorize the City Manager to sign all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

- * **CLIFFWOOD AVENUE AND ARCHWOOD DRIVE SANITARY SEWER PROJECT #418-S:** Motion by Ford, seconded by Randall, to adopt Resolution No. 2 for the Cliffwood Avenue and Archwood Drive Sanitary Sewer Project #418-S, setting a public hearing of necessity on December 6, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0.

- * **CLIFFWOOD AVENUE AND ARCHWOOD DRIVE WATER MAIN PROJECT #316-W:** Motion by Ford, seconded by Randall, to adopt Resolution No. 2 for the Cliffwood Avenue and Archwood Drive Water Main Project #316-W and set a public hearing of necessity on December 6, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0.

- * **ANGLING ROAD SANITARY SEWER PROJECT #417-S:** Motion by Ford, seconded by Randall, to adopt Resolution No. 2 for the Angling Road Sanitary Sewer Project #417-S, setting a public hearing of necessity on December 6, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0.

- * **CHOPIN AVENUE AND MOZART STREET WATER MAIN PROJECT #317-W:** Motion by Ford, seconded by Randall, to adopt Resolution No. 2 for the Chopin Avenue and Mozart Street Water Main Project #317-W, setting a public hearing of necessity on December 6, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0.

- * **DIRECTOR OF HUMAN RESOURCES:** Motion by Ford, seconded by Randall, to confirm the appointment of Shannon Hertz as the Director of Human Resources effective November 16, 2016. Upon a roll call vote, motion carried 7 to 0.

- * **OCTOBER 2016 ENVIRONMENTAL SUMMARY REPORT:** Motion by Ford, seconded by Randall, to receive the communication from the City Manager regarding the October 2016 Environmental Summary Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

Portage Human Services Board of October 6, 2016.
 Portage Zoning Board of Appeals of October 10, 2016.

COUNCIL COMMITTEE REPORTS:

DISCOVER KALAMAZOO STRATEGIC MAP: 2017-2019: Councilmember Randall indicated she attended a meeting with Discover Kalamazoo, Monday, November 14, 2016, and explained the purpose of Discover Kalamazoo. She indicated that the hotel tax contributes to Discover Kalamazoo and stressed that Portage is a major contributor owing to the newly built hotels. She mentioned that Greg Ayers of Portage, is the President of Discover Kalamazoo, and that her group spent in excess of fifteen hours reviewing the strategic planning and the whole map of how Discover Kalamazoo is going to go forward in 2017-2019. She indicated that the Strategic Map: 2017-2019 is very detailed and explained. She announced that Mr. Ayers will be coming to the Cities of Portage and Kalamazoo to review the Strategic Map: 2017-2019 in more detail. Motion by Reid, seconded by Ford, to receive the Discover Kalamazoo Strategic Map: 2017-2019, and the Discover Kalamazoo Committee Report from Councilmember Randall. Upon a voice vote, motion carried 7 to 0.

KALAMAZOO COUNTY PUBLIC ARTS COMMISSION: Councilmember Randall attended a workshop where the Kalamazoo Public Arts Commission was attempting to give direction to a committee from the 70's that is attempting to reassert itself and fit into the community at large. Motion by Reid, seconded by Ford, to receive the Kalamazoo Public Arts Commission Report from Councilmember Randall. Upon a voice vote, motion carried 7 to 0.

KALAMAZOO COUNTY CONSOLIDATED DISPATCH AUTHORITY: Mayor Strazdas thanked Councilmembers Reid and Pearson for their hard work on this Authority and noted that he attended the meeting where the recommendation for the ballot wording was determined to be forwarded to the Kalamazoo County Commission for consideration at their meeting tonight. In answer to Mayor Strazdas, Councilmember Reid indicated that she attended the Kalamazoo County Commission Workshop Session earlier today where the proposed ballot wording was presented, but noted they will not be voting on the ballot issue until December 6, 2016. At the request of Mayor Strazdas, she read the proposed ballot wording as recommended by the Kalamazoo County Consolidated Dispatch Authority, "Shall the County of Kalamazoo, Michigan, be authorized to assess a surcharge on all devices capable of accessing the 911 system located in Kalamazoo County of up to \$2.30 per month for a period of five years, July 1, 2017, through June 30, 2022, both inclusive, to be used exclusively for the funding of 911 emergency telephone call answering and dispatch services within Kalamazoo County, including facilities, equipment, maintenance and operating costs." Discussion followed.

Mayor Strazdas indicated that the other significant item from the Kalamazoo County Consolidated Dispatch Authority meeting was the discussion and selection of the location of the facility for a Central Dispatch in Kalamazoo County. He also mentioned a sidebar discussion related to the tax consequences if it gets on the ballot, and that there is a significant amount of public education and information necessary on the matter. As a result, he shared that each jurisdiction was encouraged to have a meeting after the ballot wording was approved to provide that information and education on the tax consequences on the matter. Councilmembers Reid indicated that at the Kalamazoo County Commission Workshop Session earlier today, there was a considerable amount of discussion regarding the aspect of making sure each of the local Public Safety Answering Points (PCAP's) identify how they are going to utilize the funds that previously had been used for the five PCAP Dispatch Services in order to get the 911 funding proposal understood and passed by the voters. She encouraged Portage City Council to schedule a time fairly soon to discuss the matter. Mayor Strazdas concurred and explained.

Motion by Ansari, seconded by Reid, to receive the report on the Kalamazoo County Consolidated Dispatch Authority Board from Councilmember Reid. Upon a voice vote, motion carried 7 to 0.

BID TABULATION:

* **CONTRACT FOR REPLACEMENT OF WORN POLICE UNIFORMS:** Motion by Ford, seconded by Randall, to approve a two-year contract with Nye Uniform Company of Grand Rapids, Michigan, for replacement of police uniforms in the amount of \$34,623.56, with the option for three one-year renewals, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS FROM CITY MANAGER AND DEPUTY CITY MANAGER: City Manager Larry Shaffer and Deputy City Manager Rob Boulis took this opportunity to introduce and congratulate newly appointed Human Resources Director Shannon Hertz, who provided her background experiences at the request of Mayor Strazdas.

STATEMENTS CITIZENS: Paul Selden returned to thank Mayor Strazdas and City Council for passing the Bicycle Ordinance and Resolution and asked them to come back once the City has achieved Silver Level to resolve to reach the Platinum Level because it should be fun. He commented on the intergovernmental cooperation as it relates to the KATS Map 7 and its implementation. He mentioned that since each Councilmember travels in different circles that overlap and the KATS Map 7 will need cooperation among all of the municipalities, this means that this is an opportunity for leadership for Portage City Council. He indicated once it is completed, KATS Map 7 will be the most extensive network in the state. He expressed his optimism and discussion followed.

STATEMENTS FROM CITY COUNCIL: Referring to Councilmember Urban and his reference to Platinum Level cities, Councilmember Pearson indicated he lived in Davis, California, for about three years and it was so bike friendly, he did not need a car. He concurred with Mr. Shaffer and the Gold Level designation as a goal for Portage because Platinum Level is very expensive and you need to be dealing with a community where the people want to “ditch” their cars and do everything by bicycles.

Councilmember Urban referred to the 17 year old bicyclist who was not following the rules of the road and died a couple of weeks ago when he hit the side of a Metro Transit Bus as he was coming down a hill very fast, through a stop sign and could not stop in time. He stressed that bicyclists have laws and rules that they have to follow, too. He restated his disappointment that there was no place for him to interject this subject earlier when the Boy Scouts were still present to point out that bicyclists have laws and rules that they have to follow, too. He heard about it early owing to his position on the Central County Transportation Authority and acknowledged it is a tragic time for the family of the young man as well as a very difficult time for the bus driver.

Councilmember Reid congratulated the undefeated Western Michigan Bronco Football Team for being 14th in the Nation and indicated that ESPN has set Saturday as “Game Day” at Waldo Stadium. She encouraged everyone to think about Thanksgiving, to reflect on what is good about our family, our friends, and our country; and, with the election last week, half of the people were going to be upset, so coming together is what is important right now.

Councilmember Randall thanked all of the bicyclists who attended the meeting for two hours and to Paul Selden for his passionate leadership. She expressed her appreciation to City Council for supporting the Bike Ordinance, extended congratulations for the local officials who were elected last week and issued a request that they come back and provide reports from their respective County and State offices. She put in a “pitch” for Claire Durette and Bray McKenzie for sponsoring a Play It Forward Program set up to collect used tennis bags and rackets and deliver them either to the YMCA in Portage or in Kalamazoo. She indicated she recognized one of the Heroes who received the Certificate of Recognition at the beginning of the meeting, Nathan Hizer, who lived next door to her as a little boy when she first moved to Portage and indicated she was not surprised to hear of his heroic feat.

Mayor Pro Tem Ansari offered his thoughts for America's Veterans who risked or gave their lives for our freedom, and expressed a need for everyone to come together after this past election to celebrate our hard fought democracy. He indicated that we must not just tolerate the exchange of ideas, differences or opinions, but we must embrace them, as stated by Governor Snyder.

Mayor Strazdas announced the writing completion among the youth in the community under the topic, "What Do You Love About Portage?" He asked for help from Council to read the essays, and Councilmembers Reid and Urban volunteered. He noted that Mayor Pro Tem Ansari would do the honors of the Tree-lighting Ceremony as he would be in Washington, D.C. He said he participated in the Kalamazoo Literacy Council and informed everyone that 25,000 people in Kalamazoo County cannot read, and mentioned multiple sites where this is being addressed with the latest in Portage being the Prince of Peace Church with over 100 participants. He stressed the importance of reaching out and trying to help these adults over 18 years of age. He reflected on Thanksgiving and asked Portage citizens to pause and reflect on what they are thankful for in the City of Portage.

MATERIALS TRANSMITTED:

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Ford, seconded by Randall, to receive the Departmental Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:40 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES FROM THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF DECEMBER 5, 2016**

Mayor Strazdas called the meeting to order at 9:01 a.m. The following Councilmembers were present: Mayor Pro Tem Ansari and Mayor Peter Strazdas. Councilmember Jim Pearson was present via the conference phone line. Councilmember Patricia Randall arrived at 9:02 a.m. which provided a quorum. Councilmember Claudette Reid arrived via the conference phone line at 9:03 a.m. Councilmembers Richard Ford and Terry Urban were absent with notice and excuse. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and City Clerk James Hudson.

With regard to Item D.1, Cliffwood Avenue and Archwood Drive Sanitary Sewer Project #418-S, and Item D.2, Cliffwood Avenue and Archwood Drive Water Main Project #316-W, Councilmember Pearson asked what happens now since the City has a petition signed by eleven out of the twelve property owners against the projects. City Manager Larry Shaffer noted that this was a snafu on the part of the Administration since it was presumed that a majority of the property owners would want it; furthermore, the Administration has taken it upon itself to do a better job of surveying and knowing what citizens want. When Councilmember Reid arrived, Mr. Shaffer restated Councilmember Pearson's question and his explanation.

Councilmember Reid asked if the Administration is recommending that we back off and not pursue these projects, and Mr. Shaffer answered in the affirmative. When Councilmember Randall reflected that she thought these projects were really well-received a couple of years ago. Mr. Shaffer agreed but indicated that a "no response" in the survey was taken to mean favorable to the project, so the Administration plans to do a lot better with future surveys. Mayor Strazdas indicated that everyone wants water and sewer, especially if it is free, but when they find out the details and the need for a several thousand dollar check and have to open the wallet, that is when they make or change their decision.

Councilmember Randall asked about the sale of the lot on Archwood Drive because Council was trying to not have to make the buyer install a septic system or a well since water and sewer were supposed to be there for hook-up. Mayor Strazdas pointed out that the City conceivably forced water and sewer installation and hook-up on the major thoroughfares; however, in the neighborhoods, if the majority of the homeowners are ready to make the investment in a water and sewer project, then they get together, and even though they may feel for the person who has a new septic system or a new well, they may vote in favor of the project anyway. He reflected that if the majority of the homeowners have a new septic system or a new well, then they do not see the need to hook-up. Mayor Strazdas recognized that Mr. Shaffer acknowledged the need for the survey to have some real costs in the survey questions. Mr. Shaffer also acknowledged the need for the Administration to attend more neighborhood meetings, get face to face and show the actual project costs before wasting everyone's time. Councilmember Randall concurred.

Mayor Pro Tem Ansari asked how this "fell through the cracks" and Mr. Shaffer indicated it was the result of the card survey used by the City and as the practice has always been, if the property owner does not respond, the assumption is "yes." He also noted that this is the second time the Administration has made this assumption, but there

is a need to change this and the Administration will change this to limit the chances that this happens in the future.

Councilmember Reid asked why 217 Cliffwood Avenue was highlighted in the December 2, 2016 Materials Transmitted and was it because it was for sale. She pointed out that regardless of whether the property is for sale, the vote of the current owner should count, so she wondered why it was highlighted. Mr. Shaffer said he would research why it was highlighted for her. Councilmember Reid said all she could think of was that the person who buys the property may have a different view, but one cannot anticipate the preference of the buyer, and she just found that it was unusual. Councilmember Randall conjectured it could affect the sale, and City Clerk James Hudson issued the caveat that if at the time a water and/or sewer project is legally advertised, the buyer buys the property, the buyer becomes liable for the costs (if the seller cannot be found).

Regarding the Community Development permit fees in Item F.1, 2017 Fee Schedules, Councilmember Reid indicated that Ms. Georgeau said that the fees had not been increased for several years and is recommending a 6% increase across the board with a couple increases different from 6% owing to a different issue. So, she asked for the last increases in these items if possible in order to discern the differences, as she is reluctant to increase everything with one big jump instead of incremental increases as discussed by Council. She then conjectured maybe the increases should be 3% this year and 3% next year, for example. Mr. Shaffer said he would be happy to project that for her, plus he already has them on a spreadsheet. Mayor Strazdas asked for a comparison of the permit fees charged by "our neighbors" to ensure Portage is not charging more than everyone else and are reasonable. Since Portage did not go along with the townships when they merged together as a collaboration group, Portage was singled out, so he wanted to know that Portage is not the highest priced operation around.

Mayor Pro Tem Ansari asked, "How do we define what is reasonable?" Mayor Strazdas responded that Portage needs to be below the median. Councilmember Reid shared that Ms. Georgeau indicated Portage is in the middle when compared with Grand Rapids, Sterling Heights and Kalamazoo and admitted this is not a real broad look and conjectured maybe these are the only places Ms. Georgeau could get information on the fees. Mayor Strazdas asserted his interest is for a focus on local builders since they don't build in Grand Rapids or Sterling Heights; rather, they build in Texas Township, Oshtemo, Vicksburg, etc., and Mr. Shaffer said he would look at those for Council. Mayor Pro Tem Ansari asked generally what is the necessity for the increase in the first place. He expressed his appreciation that the park rates did not increase, that the new ones were not too high, and he asked if an increase in the fees for development is necessary. Councilmember Randall conjectured that technology should make us more efficient than doing some of these things that may be more labor intensive with paper. She agreed with Mayor Strazdas that perhaps no one else but a builder will know, and small business owners are definitely going to know.

Mr. Shaffer referred to a fairly simple chart that he provided that outlines City personnel costs that have gone up versus City income that remains relatively stable. He said the effort is to try to meet our expenses associated with our service through these rates.

Councilmember Pearson interjected an information request he has been getting from small business owners who complain about the fee amount for a temporary sign, and asked for a comparison of what the City charges versus surrounding communities.

Councilmember Reid made the comment that across the board there has not been a reduction in any fees this year and, with the added use of technology and the idea that

there is less labor involved, there are still no commensurate fee reductions. City Manager Shaffer indicated that there will be paybacks realized in the General Fund and the millage rate. He noted that at the Council Retreat on January 23, 2017, staff will provide a comprehensive representation of where those benefits are and the direction of the millage rate, which is downward.

Regarding Item F.2, Final Preliminary Condominium Subdivision for Copperleaf (Phase II) – 3800 West Milham Avenue and 5710 Angling Road, Councilmember Randall asked if this project is going faster than was planned since they are now up to 23 homes. Mr. Shaffer indicated that “Copperleaf is on fire” and “Whispering Rock is on fire” and Joe Gesmundo said they have never had presales like this ever. Mayor Strazdas said the Kalamazoo Builders Association talked about this as a problem and about another problem, i.e. labor. He attributed this situation to the demand in the condominium market and the step up by older retirement group who are looking at a lot of new housing which is great because it is improving undeveloped land in Portage and increasing the tax base. He discussed the need to accommodate these developers, so he asked do we make it easier or more difficult for them to expand. Mayor Pro Tem indicated that Joe Gesmundo is building banks on West Main in Oshtemo and asked if there was a way to attract banks to Portage, and Mr. Shaffer reminded him that there are banks being built in Portage, too, and cited a new one on West Centre Avenue, for example.

Regarding Item F.4, Health Insurance Contract Renewals, Councilmember Reid cited the Blue Cross Blue Shield of Michigan (BCBSM) Community Blue increase of 17.87% versus the Blue Care network (BCN) Classic Large decrease of 6.08%, and asked for confirmation that BCBSM is experience based on the City of Portage. Deputy City Manager Rob Boulis responded that BCBSM has been experience rated from day one, and we were told that this past year BCN is also experience rated. He indicated although we have not seen any numbers on it, we were told last year that they would both be experience rated. Councilmember Reid asked if they are both being experience rated, why there is over a 20% difference between the changes from last year to this year between the BCN Classic Large and the BCBSM Community Blue, and Mr. Boulis expressed his frustration of not knowing the exact answer for her. He reiterated that we were told BCN Classic Large was experience rated, but we have not seen any numbers on it; however whether the BCN is experience rated as a community or with our internal group still begs the question for the disparity. He pointed out that BCN is a more controlled approach owing to the requirement of a referral from the primary care physician which results in a little better job of controlling costs.

Mr. Shaffer cited the rule of adverse selection in health insurance where enrollees self-select, so the healthy take the option that is the cheapest and the not so healthy, or those with medical issues, choose the more expensive, and this drives experience, so the healthy side shows a decrease because they are not using it as much and the other shows an increase because they need to go into a particular plan and their experience goes up. He reminded Council that this is one of the issues that drove the HMO's versus the indemnity plans all along because the healthy people went into the HMO's because it was the cheapest, thus driving the experience further down which left the most infirmed in the indemnity plans which drove their experience up. With that, he admitted he did not know for sure if this is what is happening in Portage, but suspected adverse selection is playing a role in this situation.

Councilmember Reid asked for a percentage or the numbers as to how many people are in the plans, and noted that if 85% are in the classic plan, she has no concern that the other 15% had an increase; but, if it is the opposite of that, she would have a

concern about that. She expressed her concern for the need to do a better job of looking at other options, and pointed out that other companies were not interested in placing a bid because the City does not guarantee full participation of all employees owing to union contracts, for example. For information only, Mr. Boulis indicated each employee has only one option, and explained that nonunion employees have BCBSM and no BCN option, the IAFF has a different plan from BCBSM and no BCN option, and PPCOA, PPOA AND UAW have BCN. He noted that the City is looking at different plans for the IAFF and for the nonunion group to give them choices.

Mayor Strazdas asked if any of these plans are related to retirees, and Mr. Boulis affirmed that they all have retiree aspects. Mayor Strazdas explained that he raised this question because the State House and State Senate are aggressively pursuing a reduction in benefits for retirees of what was promised which he gleaned from a conversation with one of the Michigan State Representatives, who said he has been contacted by many retired employees, including from the City of Portage, suggesting that this is an "ill will bill" of taking back promises. He indicated that it probably will not get much traction; nevertheless, if it passes and the City is mandated to reduce benefits, this will affect the Council budgeting process. Councilmember Randall stressed that the private sector has done this for decades and is not anything new when they find that they cannot support "those Cadillac programs" as promised because people are living longer and there are more retirees. Mayor Strazdas admitted it was "beyond our control" yet germane to this conversation.

Councilmember Pearson recalled this item from a year ago when the question was asked what do we get for \$25,000 and Mr. Shaffer said, "Let's do it" and decide what we get. He referred to the four bullet points contained in the Agenda packet as being fairly generic and asked, again, what the City got for \$25,000 from Southwest Michigan First (SMF) last year. Mr. Shaffer responded that SMF worked very hard on the Stryker project that resulted in the sale of the Pfizer property of 288 acres to Stryker Corporation for \$8.5 million. He revealed that the City discovered that Stryker had other options in Grand Rapids and out of state, but decided to do it here. He could not determine the role played by SMF in this effort, but he did indicate that it was significant. He said that the City was in touch with Jill Bland from SMF at least three times per week, and SMF will continue to work on projects with Stryker. Councilmember Randall asked prior to the agreement, how often did the City hear from SMF, and Mr. Shaffer could not answer that question before he became City Manager, but he stressed that this year the City has been in constant contact with SMF, and he praised them for the great job they have done with innovative, creative solutions and expressed satisfaction with their performance.

Councilmember Reid echoed the concerns of Councilmember Pearson and that it was her understanding that Council would be taking a look at the SMF performance in the form of a six month report and a one year report. Mr. Shaffer indicated that there have been two reports which he thought were sent to Council and that he would make sure those reports are sent to Council. Councilmember Randall reflected on a perceived increase in contact with SMF by citing the program on Branding by Heather Baker and the fact that Ron Kitchens spoke at the last Council Retreat.

With regard to F.6, Resolution to Support the Vicksburg Non-Motorized Trail Connection Project, Councilmember Pearson indicated he is fully in support of this item, but asked what is the cost of the right-of-way and what other costs are associated with this aspect of the trail. Mr. Shaffer indicated that he called for an appraisal for the Ron O'Brien property and is talking to him, and Peg Giem is talking about deeding the right-of-way across her property at no cost. He pointed out that the principle purpose of

this is to leverage Kalamazoo Area Transit Study (KATS) money to actually build the trail, and this action by Council shows that the City of Portage and the Village of Vicksburg are working together which helps to leverage that money. Councilmember Pearson reflected on his work with corporations, like Stryker and Pfizer, and the liability issues on their property, insurance costs and such. He asked if that cost would be provided to Council within a year, and Mr. Shaffer answered in the affirmative.

Councilmember Randall pointed out that there is no timeframe on this and asked whether this is a part of Map 7, the non-motorized and motorized trail proposal, and Mr. Shaffer answered in the affirmative and stated that the goal is to bring more money into the process to get more grants to build the trails. Councilmember Randall noted that Vicksburg voted to go forward with this at their last meeting and Mr. Shaffer confirmed this. She pointed out that it will not cost Vicksburg any new dollars since the County picks up where their trail ends, and Councilmember Reid responded that the County portion is from E T U Avenue to T Avenue.

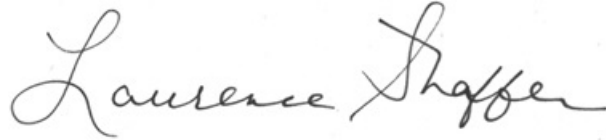
In reference to G.4, Communication from Ruth Caputo, 10970 Poplar Bluff Court, Councilmember Randall expressed her recollection that Ms. Caputo had resigned from an active role with the Environmental Board. Mr. Shaffer confirmed that and pointed out that Ms. Caputo was originally referred to as the Former Chair of the Environmental Board on the Agenda Outline, but this is not coming with an Environmental Board endorsement. He said it is really a petition from an individual and the recommendation would be to refer this matter to the Environmental Board; this would allow the Board to consider it as far as developing a full Land Management Plan as a part of an Environmental Action Plan going forward instead of Ms. Caputo being in the position to dictate an agenda for the City and the Environmental Board. As information for Council, Mr. Shaffer also reflected that there may have been some conflict that resulted in Ruth Caputo leaving the Environmental Board. Mayor Strazdas concurred with sending it to the Administration and/or the Environmental Board at the Regular Meeting on December 6, 2016.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:35 a.m.

James Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of December 6, 2016 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period November 6, 2016 through November 20, 2016 and notes \$1,035,649.61 in automated clearing house payments, \$587,062.10 in paper checks and \$77,786.05 in auto-pay payments for a grand total of \$1,700,497.76.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/6/2016 To: 11/20/2016

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Check Date	Check	Vendor Name	Amount
11/18/16	5939(A)	A-1 SIGNS	336.00
11/18/16	5940(A)	ACCESS EMPLOYER STAFFING SERVICES	21,385.20
11/18/16	5941(A)	ALL CITY MANAGEMENT SERVICES, INC.	3,115.80
11/18/16	5942(A)	ALL-PHASE ELECTRIC SUPPLY CO.	617.52
11/18/16	5943(A)	ALL-TRONICS, INC.	117.00
11/18/16	5944(A)	ALRO STEEL CORPORATION	863.45
11/18/16	5945(A)	AMERICAN SAFETY & FIRST AID	110.74
11/18/16	5946(A)	ANIMAL REMOVAL SERVICE, LLC	975.00
11/18/16	5947(A)	BATTERIES PLUS	123.89
11/18/16	5948(A)	BLUE CARE NETWORK-GREAT LAKES	73,388.30
11/18/16	5949(A)	C D W GOVERNMENT, INC.	65.97
11/18/16	5950(A)	C M P DISTRIBUTORS, INC.	419.50
11/18/16	5951(A)	CAPITAL ADVANTAGE LEASING	17,699.70
11/18/16	5952(A)	CARDINAL BUS, INC.	2,872.75
11/18/16	5953(A)	CARRIER & GABLE	8,335.00
11/18/16	5954(A)	CONTINENTAL LINEN SERVICES	3.22
11/18/16	5955(A)	DELTA DENTAL PLAN OF MICHIGAN	18,219.63
11/18/16	5956(A)	DOUGLASS SAFETY SYSTEMS LLC	9,734.96
11/18/16	5957(A)	ETNA SUPPLY, INC.	19.20
11/18/16	5958(A)	EXTREME POWER EQUIPMENT, INC.	465.28
11/18/16	5959(A)	FIRE SERVICE MANAGEMENT	955.81
11/18/16	5960(A)	FISHBECK THOMPSON CARR & HUBER, INC	697.00
11/18/16	5961(A)	FURRY, WILLIAM	147.00
11/18/16	5962(A)	GRIFFIN PEST SOLUTIONS, INC.	339.00
11/18/16	5963(A)	INDUSCO SUPPLY CO., INC.	634.11
11/18/16	5964(A)	JAROTH, INC	303.00
11/18/16	5965(A)	KENDALL ELECTRIC, INC.	1,715.68
11/18/16	5966(A)	KUSHNER & COMPANY, INC.	295.99
11/18/16	5967(A)	LACOSTA FACILITY SUPPORT SERVICES	3,465.79
11/18/16	5968(A)	LAWSON PRODUCTS, INC	1,511.24
11/18/16	5969(A)	LOWE'S HOME CENTER	219.90
11/18/16	5970(A)	MARTIN SPRING & DRIVE, INC.	120.00
11/18/16	5971(A)	MATERIALS RESOURCES	258.30
11/18/16	5972(A)	MEJEUR ELECTRIC LLC	116.00
11/18/16	5973(A)	MICHIGAN PAVING & MATERIALS CO.	303,431.81
11/18/16	5974(A)	NEW FRESH CLEANING SERVICE	187.00
11/18/16	5975(A)	O'BOYLE-COLWELL-BLALOCK & AS.	10,927.50
11/18/16	5976(A)	QUADRANT II MARKETING, LLC	2,083.40
11/18/16	5977(A)	R P M MACHINERY, LLC	219.94
11/18/16	5978(A)	RIDGE AUTO NAPA	2,048.74
11/18/16	5981(A)	RIETH-RILEY CONSTRUCTION CO., INC	324,842.67
11/18/16	5982(A)	S B F ENTERPRISES, INC.	643.30
11/18/16	5983(A)	SAFETY SERVICES, INC.	852.54
11/18/16	5984(A)	SECANT TECHNOLOGIES	28,317.00

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Check Date	Check	Vendor Name	Amount
11/18/16	5985(A)	SIMMONS FORD	240.60
11/18/16	5986(A)	SNELL, DEBRA	144.00
11/18/16	5987(A)	SUEZ WATER ENVIRONMENTAL SERVICES	167,775.40
11/18/16	5988(A)	TERMINAL SUPPLY CO.	3,132.61
11/18/16	5989(A)	THE IRRIGATOR	202.50
11/18/16	5990(A)	THOMPSON, HELENE	372.00
11/18/16	5991(A)	TOO CLEAN JANITORIAL	5,505.00
11/18/16	5992(A)	VANCE OUTDOORS, INC.	3,155.00
11/18/16	5993(A)	VISION SERVICE PLAN (OH)	2,181.09
11/18/16	5994(A)	W W GRAINGER INC	200.70
11/18/16	5995(A)	WINDER POLICE EQUIPMENT, INC.	7,832.74
11/18/16	5996(A)	WOLVERINE POWER SYSTEMS	286.20
11/18/16	5997(A)	XEROX CORPORATION	1,420.94
	SUBTOTAL:	57 CHECKS	1,035,649.61
11/08/16	300524	PETERMAN CONCRETE CO.	878.85
11/08/16	300525	SEAMLESSDOCS	14,000.00
11/18/16	10042	PETTY CASH - LAURIE SHELBURNE	178.00
11/18/16	10043	PETTY CASH-ALYSSA MILBECK	628.15
11/18/16	10044	PETTY CASH-DEREK HENSON	192.74
11/18/16	10045	PETTY CASH-ERICA EKLOV	428.87
11/18/16	300526	10TH DISTRICT COURT	240.00
11/18/16	300527	56-B DISTRICT COURT	198.00
11/18/16	300528	A T & T	4,510.05
11/18/16	300529	ACCESS EMPLOYER STAFFING SERVICES	594.09
11/18/16	300530	ACTIVE911, INC.	562.50
11/18/16	300531	ADP, INC.	832.91
11/18/16	300532	ALLEGRA PRINT & IMAGING	426.53
11/18/16	300533	ANALYTICAL TESTING & CONSULTIN	350.00
11/18/16	300534	AUTOBODY USA - SOUTHSIDE	485.80
11/18/16	300535	AUTOMATIC MICROFILM CO.	1,732.60
11/18/16	300536	BAILEY CONTRACTORS INC., ROBERT	4,525.00
11/18/16	300537	BAINBRIDGE, BRANDON	116.60
11/18/16	300538	BEL-AIRE HEATING & AIR CONDITI	245.00
11/18/16	300539	BESCO WATER TREATMENT, INC.	26.25
11/18/16	300540	BEST WAY DISPOSAL, INC.	100.00
11/18/16	300541	BLUE CROSS/BLUE SHIELD OF MICH	127,377.78
11/18/16	300542	BRINK'S, INC	294.13
11/18/16	300543	BRONNER'S CHRISTMAS DECORATION	1,245.34
11/18/16	300544	BRONSON WELLNESS SERVICES	7,440.00
11/18/16	300545	BUD'S TOWING & AUTOMOTIVE	200.00
11/18/16	300546	CARTRIDGE WORLD	1,349.96
11/18/16	300547	CHARTER COMMUNICATIONS	629.33
11/18/16	300548	CITY OF KALAMAZOO TREASURER	1,794.22

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11/18/16	300549	CLARK HILL	24,204.36
11/18/16	300550	CLASSIC CARRIAGE LLC	550.00
11/18/16	300551	CLASSIC GLASS, INC.	355.62
11/18/16	300552	CLEAN GETAWAY	251.00
11/18/16	300553	CLEANIT CORP	36.00
11/18/16	300554	COMMAND CONCEPTS	834.80
11/18/16	300555	CONSUMERS ENERGY	35,549.10
11/18/16	300556	CORNERSTONE OFFICE SYSTEMS	1,769.90
11/18/16	300557	COSTAR REALTY INFORMATION, INC.	307.95
11/18/16	300558	CROOKSTON AUDIO	450.00
11/18/16	300559	DAANE'S CATERING	657.50
11/18/16	300560	DAVE'S CONCRETE PRODUCTS, INC.	3,439.00
11/18/16	300561	DAVIS, CHRISTOPHER	150.00
11/18/16	300562	DEVON TITLE AGENCY	47.48
11/18/16	300563	DMOCH, ADAM	32.08
11/18/16	300564	DOSTER, KYLE	686.26
11/18/16	300565	DUVALL, VICKY & BRUCE	325.40
11/18/16	300566	ED & TED'S EXCELLENT ADVENTURES	3,448.00
11/18/16	300567	EG WORKFORCE SOLUTIONS	1,508.30
11/18/16	300568	EMERGENCY VEHICLE PRODUCTS	962.00
11/18/16	300569	FADER EQUIPMENT, INC.	2,510.00
11/18/16	300570	FLAGS UNLIMITED, INC.	175.07
11/18/16	300571	FLETCHER ENTERPRISES	380.00
11/18/16	300572	GOGGIN RENTALS	242.87
11/18/16	300573	GORDON FOOD SERVICE	60.00
11/18/16	300574	GORDON WATER SYSTEMS	22.25
11/18/16	300575	GORNO FORD	153,063.00
11/18/16	300576	HALT FIRE, INC.	1,015.02
11/18/16	300577	HEINEMAN, MARK	100.00
11/18/16	300578	HIATT, JAMES	250.00
11/18/16	300579	HOME DEPOT	1,164.00
11/18/16	300580	HOUSER, DANIEL	34.94
11/18/16	300581	I C M A MEMBERSHIP RENEWALS	1,082.02
11/18/16	300582	INSTITUTE OF TRANSPORTATION	265.50
11/18/16	300583	INT'L FOUNDATION EMP BENEFIT PLANS	245.00
11/18/16	300584	INTERNATIONAL RIGHT OF WAY	240.00
11/18/16	300585	J & B PROFESSIONAL TREE SERVIC	225.00
11/18/16	300586	JOHNS, STEVE	133.55
11/18/16	300587	JOHNSON, SHIRLEY	63.00
11/18/16	300588	KALAMAZOO COUNTY HAZMAT	1,400.00
11/18/16	300589	KALAMAZOO COUNTY TREASURER	515.00
11/18/16	300590	KALAMAZOO COUNTY TREASURER	18,129.44
11/18/16	300591	KALAMAZOO LANDSCAPE SUPPLIES	951.00
11/18/16	300592	KAR LABORATORIES	20.00

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11/18/16	300593	KENT COUNTY DPW	90.00
11/18/16	300594	KNOX CO.	108.00
11/18/16	300595	LAMACIA, RUTH	250.00
11/18/16	300596	LAND MATTERS LLC	1,310.70
11/18/16	300597	LEWIS PAPER PLACE, INC.	1,162.50
11/18/16	300598	LISA GRACE	100.00
11/18/16	300599	MACKINDER, DEVIN	35.64
11/18/16	300600	MAILFINANCE	744.27
11/18/16	300601	MANN, DORA	44.00
11/18/16	300602	MARSH CONSTRUCTION	16.75
11/18/16	300603	MCNALLY ELEVATOR CO.	126.15
11/18/16	300604	MED EXPRESS URGENT CARE, PC MICH	190.00
11/18/16	300605	MI ASSOC. OF CHIEFS OF POLICE	255.00
11/18/16	300606	MICH MUNICIPAL POLICE & FIRE REPAIR	1,496.06
11/18/16	300607	MICHIGAN MUNICIPAL LEAGUE	230.90
11/18/16	300608	MICHIGAN STATE TAX COMMISSION	225.00
11/18/16	300609	MICHIGAN STATE TAX COMMISSION	100.00
11/18/16	300610	MLIVE MEDIA GROUP	497.54
11/18/16	300611	MOORLAG, TODD	150.00
11/18/16	300612	MORRISON INDUSTRIAL EQUIPMENT	288.94
11/18/16	300613	NESBITT, FRED	117.13
11/18/16	300614	NEUMAN, LESLIE	120.00
11/18/16	300615	NOMAD TECHNOLOGIES, INC.	1,526.87
11/18/16	300616	NYE UNIFORMS	763.93
11/18/16	300617	O'REILLY AUTO PARTS	189.26
11/18/16	300618	OFFICE DEPOT, INC.	504.40
11/18/16	300620	ON THE WINGS	2,915.21
11/18/16	300621	OWEN, JERRY	133.55
11/18/16	300622	PARIS CLEANERS	1,624.75
11/18/16	300623	PETERMAN CONCRETE CO.	3,101.51
11/18/16	300624	PETERSON, EDWARD	207.58
11/18/16	300625	PICKLEBALLCENTRAL, LLC	2,159.92
11/18/16	300626	POLDERMAN'S FLOWER SHOP	46.95
11/18/16	300627	PORTAGE CENTRAL CHOIRS	100.00
11/18/16	300628	PROCLAMATION BRASS	100.00
11/18/16	300629	PROFESSIONAL LAKE MANAGEMENT	12,500.00
11/18/16	300630	RANDALL L BROWN & ASSOC. PLC	175.00
11/18/16	300631	RATHCO SAFETY SUPPLY, INC.	3,414.00
11/18/16	300632	RENEWED EARTH, INC.	7,916.66
11/18/16	300633	SCHAEFFER MANUFACTURING COMPANY	1,184.86
11/18/16	300634	SINCLAIR RECREATION, LLC	59,366.25
11/18/16	300635	STABER, MICHELLE	696.81
11/18/16	300636	STATE OF MICHIGAN	60.00
11/18/16	300637	STATE OF MICHIGAN (LARA)	200.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/6/2016 To: 11/20/2016

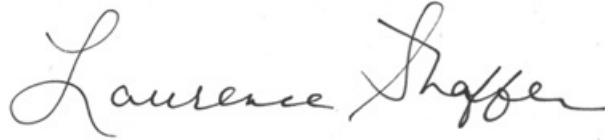
Page 5 of 5

Check Date	Check	Vendor Name	Amount
11/18/16	300638	STATE OF MICHIGAN (MDEQ)	10,390.03
11/18/16	300639	STATE SYSTEMS RADIO, INC	1,935.50
11/18/16	300640	STEGMAN, LOIS	329.00
11/18/16	300641	STEVE ROSSIO	100.00
11/18/16	300642	TELVENT DTN, INC.	822.00
11/18/16	300643	THOMAS HAMANN	1,320.00
11/18/16	300644	TRACTOR SUPPLY CORP.	40.59
11/18/16	300645	TYLER HOME IMPROVEMENTS	7,960.00
11/18/16	300646	U S POSTAL SERVICE	3,500.00
11/18/16	300647	UNDERGROUND PIPE & VALVE, INC.	4,102.69
11/18/16	300648	UNITED PARCEL SERVICE	15.52
11/18/16	300649	VANDAM, COREY	150.00
11/18/16	300650	VARIDESK LLC	1,540.00
11/18/16	300651	VERIZON WIRELESS SERVICES, LLC	2,136.15
11/18/16	300652	WHITE, RICHARD	222.11
11/18/16	300653	WISSOTA SKATE SHARPENERS	172.21
11/18/16	300654	WRAPS N SIGNS	53.00
11/18/16	300655	WYMAN, HANNAH	150.00
11/18/16	300656	WYMAN, THOMAS	143.10
11/18/16	300657	YEO & YEO	16,000.00
	SUBTOTAL:	137 CHECKS	587,062.10
11/07/16	4000	SR. CENTER CREDIT CARD	6,337.06
11/07/16	4014	CONSUMERS AUTO-PAY	4,189.27
11/08/16	4026	CONSUMERS AUTO-PAY	9,819.08
11/09/16	4034	CONSUMERS AUTO-PAY	3,128.42
11/10/16	4038	CONSUMERS AUTO-PAY	11,426.75
11/15/16	4063	CONSUMERS AUTO-PAY	14,524.87
11/15/16	4065	CITY ATTORNEY RETAINER	18,410.00
11/17/16	4080	CONSUMERS AUTO-PAY	9,950.60
	SUBTOTAL:	8 CHECKS	77,786.05
	GRAND TOTAL:	202 CHECKS	1,700,497.76

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Cliffwood Avenue and Archwood Drive Sanitary Sewer Project #418-S

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

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Sanitary Sewer Project #418-S, directing the preparation of the special assessment roll.

Attached is Special Assessment Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Project #418-S. Previous City Council action relating to this project includes:

- On November 1, 2016, City Council adopted Resolution No. 1 for this project, accepted the City Manager reports dated November 1, 2016, and requested preparation of Resolution No. 2.
- On November 15, 2016, City Council adopted Resolution No. 2 for this project, setting a public hearing of necessity on December 6, 2016.

On November 30, 2016, two property owner petitions were received by the Office of the City Clerk. The petitions are in opposition to both the Cliffwood Avenue and Archwood Drive Water Main (316-W) and Sanitary Sewer (418-S) projects. The petitions indicate over 50% of the property owners within the districts are now opposed to the projects. The Office of the City Assessor reviewed the names of those who signed to verify property ownership. It was noted that one property, 217 Cliffwood, is currently for sale. Given that a majority of property owners indicated opposition to the projects, an affirmative vote of five (5) or more members of the Council is necessary to proceed.

It is recommended that City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Sanitary Sewer Project #418-S, directing the preparation of the special assessment roll.

FUNDING: The improvements are funded in the Fiscal Year 2016-2017 Capital Improvement Program by the utilization of special assessment bonds, city-share bonds and municipal street fund, as appropriate.

Attachments:

1. Resolution No. 3
2. Petition Regarding Sanitary Sewer Project #418-S

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 3
CLIFFWOOD AVENUE AND ARCHWOOD DRIVE SANITARY SEWER, DISTRICT #418-S**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, a public hearing on the necessity of the proposed improvement hereinafter described was held in accordance with the provisions of the City's Charter and Special Assessment Ordinance; and,

WHEREAS, the City Council of the City of Portage has determined to proceed with the public improvements in the City of Portage more particularly hereinafter described in this resolution; and,

WHEREAS, the City Manager has secured construction cost estimates for such improvements and the City Council has reviewed said figures;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council hereby determines the necessity for and determines further to proceed with the improvements hereinbefore in these proceedings described as the CLIFFWOOD AVENUE AND ARCHWOOD DRIVE SANITARY SEWER PROJECT, DISTRICT #418-S, more fully described as follows, to wit:

Install approximately 675 feet of 8 inch diameter sanitary sewer main and appurtenances in Cliffwood Avenue from South Westnedge Avenue to 675 east and 250 feet of 8 inch diameter sanitary sewer main and appurtenances in Archwood Drive from Cliffwood Avenue to 250 feet south to serve existing properties on these sections of Cliffwood Avenue and Archwood Drive. Sewer services will be installed to abutting properties and are included in the assessment.

2. The cost of said public improvement, based on the aforesaid cost figures, is estimated to be as follows:

<u>TOTAL COST</u>	<u>SHARE OF DISTRICT</u>	<u>CAPITAL IMPROVEMENT BONDS</u>	<u>MUNICIPAL STREET FUNDS</u>
\$390,000.00	\$46,535.00	\$285,949.00	\$57,516.00

It is hereby determined that the Special Assessment District's share is in proportion to the benefits to be derived from the improvements. The Special Assessment District's share shall be spread over the Special Assessment District as hereinafter described and the balance of \$343,465.00 shall be paid by the City-at-Large.

3. Said Special Assessment District shall consist of all of the following described lots and parcels of land;

Unplatted Land: All unplatted land lying adjacent to or abutting the following described portion of right-of-way for Cliffwood Avenue between South Westnedge Avenue and Archwood Drive, and Archwood Drive south of Cliffwood Avenue, located within the northwest quarter of Section 34, City of Portage, Michigan and more particularly described as follows:

Situated in northwest quarter of Section 34, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the southwest corner of Lot 1 of the recorded plat of Oak Forest Park and Place of Beginning; thence north 131 feet, thence west 99 feet; thence south 131 feet; thence east 99 feet more or less to the Place of Beginning and ending of the above described.

Platted Land: Lots No. 1 through 11 inclusive as originally recorded in the Oak Forest Park Plat. Lot 34 as originally recorded in the Johnathon Woods No. 2 Plat.

A report concerning said improvement has been prepared and is on file with the City Clerk for public examination.

4. The City Assessor shall prepare a Special Assessment Roll spreading that portion of the cost of the aforesaid public improvement to be borne by the Special Assessment District against said district according to the benefits received, in conformity with the provision of the Special Assessment Ordinance of the City. As soon as said roll is prepared, the City Assessor shall file the same with the City Clerk for presentation to the City Council.

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

ADOPTED: YEAS: Councilmember: _____
NAYS: Councilmember: _____
ABSENT: Councilmember: _____

JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

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

IN WITNESS WHEREOF, I have hereto affixed my official signature this _____ day of _____, 2016.

JAMES R. HUDSON, City Clerk

Prepared by:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

Approved as to Form:
Date: 11/22/16
By: [Signature]
City Attorney

To whom it may concern,

This letter is drawn up in accordance with the legal notice dated November 17, 2016, concerning the City of Portage public hearing necessity of a special assessment improvement for the Cliffwood Avenue and Archwood Drive Sanitary Sewer Project #418-S.

In accordance with the letter it is stipulated that "prior to the adoption of the resolution to proceed with the improvement, written objections have been filed by either 1) a majority of owners of property in the district, or 2) owners in the district who will be required to pay more than fifty percent (50%) of the cost of the public improvement, the affirmative vote of five (5) or more members of the Council is needed to proceed with the improvement."

As stated below, a survey of the affected property owners was conducted to affirm whether they are in favor of the improvement, or not in favor of the improvement.

			<u>Initials</u>
Argo, Brian & Tracy	☐ In favor of improvement	☒ Not in favor of improvement	BDA
Sackley, Edward & Jan	☐ In favor of improvement	☒ Not in favor of improvement	JS
Rock, Jon & Maren	☐ In favor of improvement	☒ Not in favor of improvement	JS
Garrett, Jerry & Sherry	☐ In favor of improvement	☒ Not in favor of improvement	JS
Vanderploeg, Dan Trust	☐ In favor of improvement	☐ Not in favor of improvement	
Kowalski, Phil & J	☐ In favor of improvement	☒ Not in favor of improvement	PK
Pyzik, C J & Tina M	☒ In favor of improvement	☐ Not in favor of improvement	CTP
Living Ways Foundation	☐ In favor of improvement	☐ Not in favor of improvement	
Warner, Ron & Karen	☐ In favor of improvement	☒ Not in favor of improvement	WR
Prihoda, Pete & Pam	☐ In favor of improvement	☒ Not in favor of improvement	PLP
Meyle, David & Jill	☐ In favor of improvement	☒ Not in favor of improvement	DM
Brown, Colleen	☐ In favor of improvement	☒ Not in favor of improvement	CBP
Imus, Jon & Teresa	☐ In favor of improvement	☒ Not in favor of improvement	CI



Cliffwood & Archwood Sanitary Sewer Project - District No. 418-S

Tentative Assessment Roll

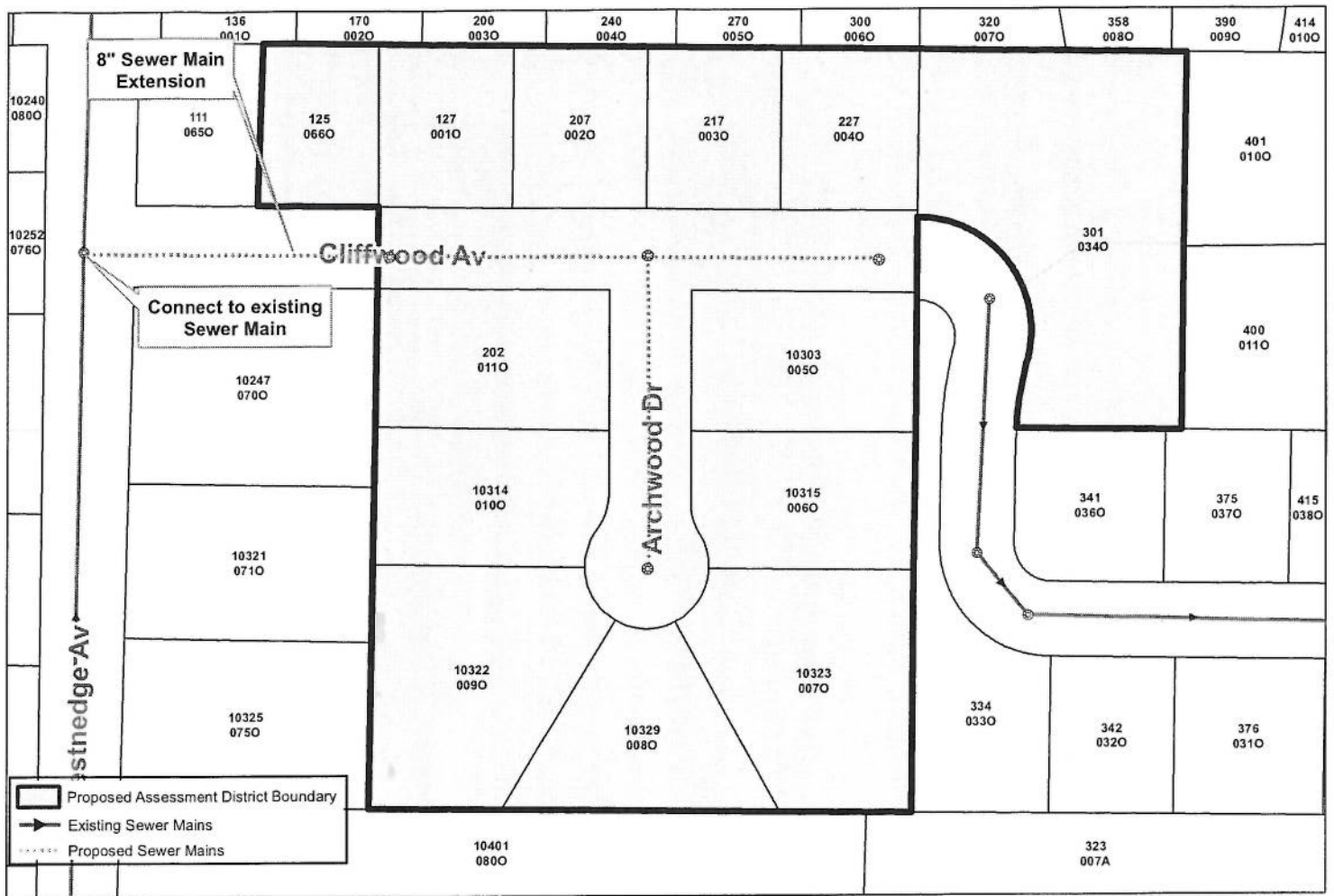
Residential Rate of \$43.77 per Front Foot plus \$1536.67 per lead

Owner	Street Address	Parcel No.	Class	Zoning	Actual Frontage	Benefitting Frontage	Rate	Frontage Assessment	Lead Charge	Total Assessment
ARGO, BRIAN D & TRACY L	10303 ARCHWOOD DR	05820-005-O	401	R-1C	110.02	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
SACKLEY, EDWARD J & J J	10314 ARCHWOOD DR	05820-010-O	401	R-1C	112.78	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
ROCK, JONATHAN E & MAREN M	10315 ARCHWOOD DR	05820-006-O	401	R-1C	112.49	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
GARRETT, JERRY D & SHERRY L	10322 ARCHWOOD DR	05820-009-O	401	R-1C	52.36	52.36	\$43.77	\$2,291.80	1,536.67	\$3,828.47
VANDERPLOEG, DAN TRUST	10323 ARCHWOOD DR	05820-007-O	402	R-1C	52.36	52.36	\$43.77	\$2,291.80	1,536.67	\$3,828.47
KOWALSKI, PHILLIP B & J A	10329 ARCHWOOD DR	05820-008-O	401	R-1C	52.36	52.36	\$43.77	\$2,291.80	1,536.67	\$3,828.47
PYZIK, CHRISTOPHER J & TINA M	125 CLIFFWOOD AVE	00034-066-O	401	R-1C	99.00	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
LIVING WAYS FOUNDATION INC.	127 CLIFFWOOD AVE	05820-001-O	701	R-1C	108.00	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
WARNER, RONALD L & KAREN E	202 CLIFFWOOD AVE	05820-011-O	401	R-1C	187.67	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
PRIHODA, PETER & PAMELA STAFFORD	207 CLIFFWOOD AVE	05820-002-O	401	R-1C	108.00	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
MEYLE, DAVID & JILL	217 CLIFFWOOD AVE	05820-003-O	401	R-1C	108.00	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
BROWN, COLLEEN	227 CLIFFWOOD AVE	05820-004-O	401	R-1C	109.69	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
IMUS, JON M & TERESA	301 CLIFFWOOD AVE	03861-034-O	401	R-1C	222.19	80.00	\$43.77	\$3,501.60	1,536.67	\$5,038.27
13 Properties					1,434.92	957.08				56,829.83

Updated 10-03-16 JRB

ASSESSOR\Special Assessments\2016\418-S Cliffwood & Archwood

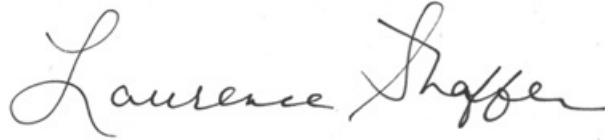




RECEIVED
NOV 30 2016
PORTAGE
CITY CLERK

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Cliffwood Avenue and Archwood Drive Water Main Project #316-W

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

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Water Main Project #316-W, directing the preparation of the special assessment roll.

Attached is Special Assessment Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Water Main Project #316-W. Previous City Council action relating to this project includes:

- On November 1, 2016, City Council adopted Resolution No. 1 for this project, accepted the City Manager reports dated November 1, 2016, and requested preparation of Resolution No. 2.
- On November 15, 2016, City Council adopted Resolution No. 2 for this project, setting a public hearing of necessity on December 6, 2016.

On November 30, 2016, two petitions were received by the Office of the City Clerk. The petitions are in opposition to both the Cliffwood Avenue and Archwood Drive Water Main (316-W) and Sanitary Sewer (418-S) projects. The petitions indicate over 50% of the property owners within the districts are opposed to the projects. The Office of the City Assessor reviewed the names of those who signed to verify property ownership. Of note one property, 217 Cliffwood, is currently for sale. Given that a majority of property owners indicated opposition to the projects, an affirmative vote of five (5) or more members of the Council is necessary to proceed.

It is recommended that City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Water Main Project #316-W, directing the preparation of the special assessment roll.

FUNDING: The improvements are funded in the Fiscal Year 2016-2017 Capital Improvement Program by the utilization of special assessment bonds and city-share bonds as appropriate.

Attachments:

1. Resolution No. 3
2. Petition Regarding Water Main Project #316-W

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 3
CLIFFWOOD AVENUE AND ARCHWOOD DRIVE WATER, DISTRICT #316-W**

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

PRESENT:

ABSENT:

The following resolution was offered by:

Councilmember: _____ and seconded by:

Councilmember: _____.

WHEREAS, a public hearing on the necessity of the proposed improvement hereinafter described was held in accordance with the provisions of the City's Charter and Special Assessment Ordinance; and,

WHEREAS, the City Council of the City of Portage has determined to proceed with the public improvements in the City of Portage more particularly hereinafter described in this resolution; and,

WHEREAS, the City Manager has secured construction cost estimates for such improvements and the City Council has reviewed said figures;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council hereby determines the necessity for and determines further to proceed with the improvements hereinbefore in these proceedings described as the CLIFFWOOD AVENUE AND ARCHWOOD DRIVE WATER PROJECT, DISTRICT #316-W, more fully described as follows, to wit:

Install approximately 675 feet of 8 inch diameter sanitary sewer main and appurtenances in Cliffwood Avenue from South Westnedge Avenue to 675 east and 250 feet of 8 inch diameter sanitary sewer main and appurtenances in Archwood Drive from Cliffwood Avenue to 250 feet south to serve existing properties on these sections of Cliffwood Avenue and Archwood Drive. Sewer services will be installed to abutting properties and are included in the assessment.

2. The cost of said public improvement, based on the aforesaid cost figures, is estimated to be as follows:

<u>TOTAL COST</u>	<u>SHARE OF DISTRICT</u>	<u>CAPITAL IMPROVEMENT BONDS</u>	<u>MUNICIPAL STREET FUNDS</u>
\$390,000.00	\$46,535.00	\$285,949.00	\$57,516.00

It is hereby determined that the Special Assessment District's share is in proportion to the benefits to be derived from the improvements. The Special Assessment District's share shall be spread over the Special Assessment District as hereinafter described and the balance of \$343,465.00 shall be paid by the City-at-Large.

3. Said Special Assessment District shall consist of all of the following described lots and parcels of land;

Unplatted Land: All unplatted land lying adjacent to or abutting the following described portion of right-of-way for Cliffwood Avenue between South Westnedge Avenue and Archwood Drive, located within the northwest quarter of Section 34, City of Portage, Michigan and more particularly described as follows:

Situated in northwest quarter of Section 34, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the southwest corner of Lot 1 of the recorded plat of Oak Forest Park and Place of Beginning; thence north 131 feet, thence west 99 feet; thence south 131 feet; thence east 99 feet more or less to the Place of Beginning and ending of the above described.

Platted Land: Lots No. 1 through 11 inclusive as originally recorded in the Oak Forest Park Plat.

A report concerning said improvement has been prepared and is on file with the City Clerk for public examination.

4. The City Assessor shall prepare a Special Assessment Roll spreading that portion of the cost of the aforesaid public improvement to be borne by the Special Assessment District against said district according to the benefits received, in conformity with the provision of the Special Assessment Ordinance of the City. As soon as said roll is prepared, the City Assessor shall file the same with the City Clerk for presentation to the City Council.

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF KALAMAZOO)

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

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____ 2016.

JAMES R. HUDSON, City Clerk

Prepared by:
Randall L. Brown
Portage City Attorney
1662 East Centre
Avenue Portage,
Michigan 49002

Approved as to Form:

Date: 11/22/16

By: [Signature]
City Attorney

To whom it may concern,

This letter is drawn up in accordance with the legal notice dated November 17, 2016, concerning the City of Portage public hearing necessity of a special assessment improvement for the Cliffwood Avenue and Archwood Drive Water Main Project #316-W.

In accordance with the letter it is stipulated that "prior to the adoption of the resolution to proceed with the improvement, written objections have been filed by either 1) a majority of owners of property in the district, or 2) owners in the district who will be required to pay more than fifty percent (50%) of the cost of the public improvement, the affirmative vote of five (5) or more members of the Council is needed to proceed with the improvement."

As stated below, a survey of the affected property owners was conducted to affirm whether they are in favor of the improvement, or not in favor of the improvement.

			<u>Initials</u>
Argo, Brian & Tracy	☐ In favor of improvement	☒ Not in favor of improvement	BMT
Sackley, Edward & Jan	☐ In favor of improvement	☒ Not in favor of improvement	JS
Rock, Jon & Maren	☐ In favor of improvement	☒ Not in favor of improvement	RK
Garrett, Jerry & Sherry	☐ In favor of improvement	☒ Not in favor of improvement	JV
Vanderploeg, Dan Trust	☐ In favor of improvement	☐ Not in favor of improvement	
Kowalski, Phil & J	☐ In favor of improvement	☒ Not in favor of improvement	PK
Pyzik, C J & Tina M	☒ In favor of improvement	☐ Not in favor of improvement	CJP
Living Ways Foundation	☐ In favor of improvement	☐ Not in favor of improvement	
Warner, Ron & Karen	☐ In favor of improvement	☒ Not in favor of improvement	WR
Prihoda, Pete & Pam	☐ In favor of improvement	☒ Not in favor of improvement	RP
Meyle, David & Jill	☐ In favor of improvement	☒ Not in favor of improvement	SM
Brown, Colleen	☐ In favor of improvement	☒ Not in favor of improvement	CKB
Imus, Jon & Teresa	☐ In favor of improvement	☒ Not in favor of improvement	



Cliffwood & Archwood Water Main Project - District No. 316-W

Tentative Assessment Roll

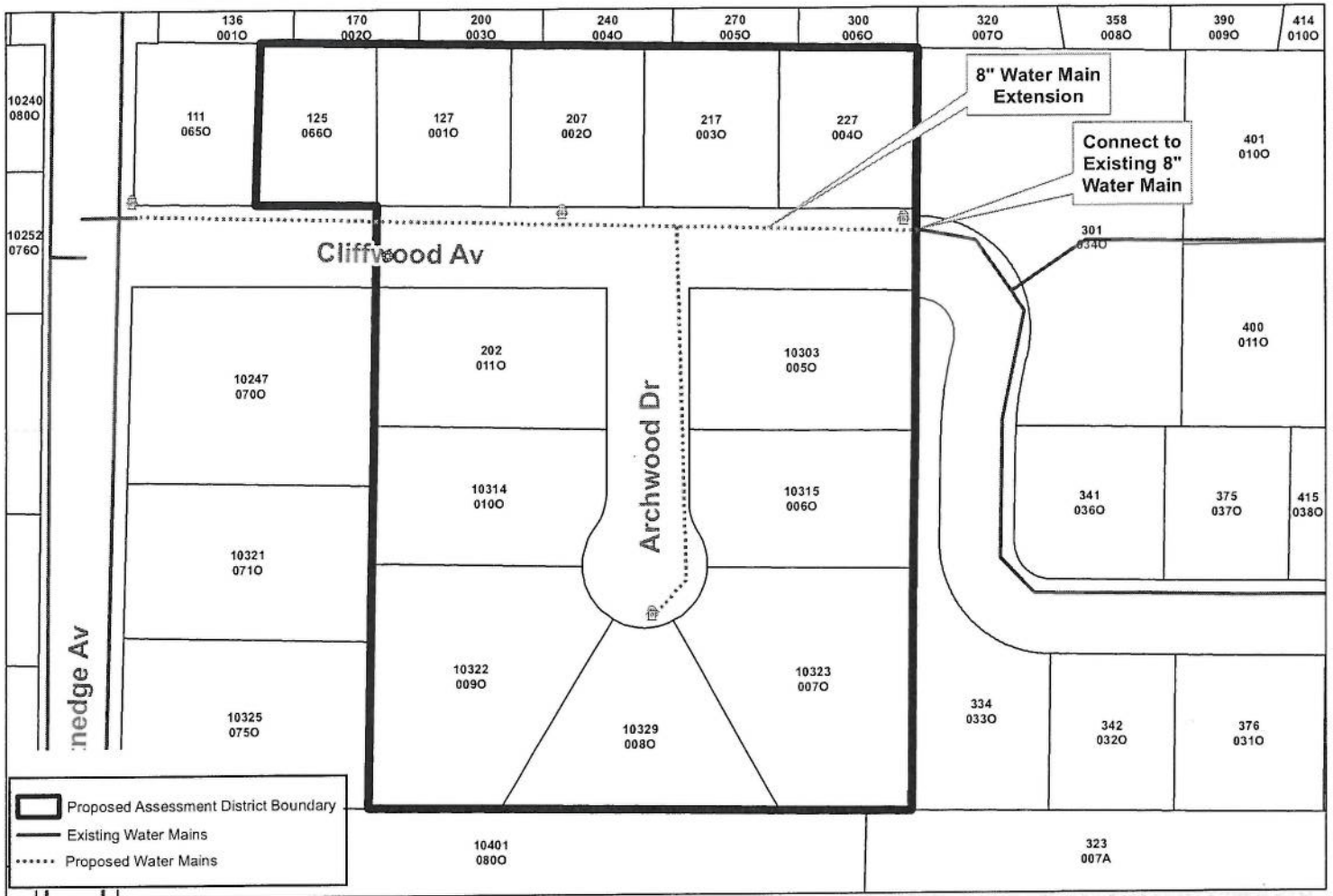
Residential Rate of \$38.77 per Front Foot plus \$1235.00 per lead

Owner	Street Address	Parcel No.	Class	Zoning	Actual Frontage	Benefitting Frontage	Rate	Frontage Assessment	Lead Charge	Total Assessment
ARGO, BRIAN D & TRACY L	10303 ARCHWOOD DR	05820-005-O	401	R-1C	110.02	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
SACKLEY, EDWARD J & J J	10314 ARCHWOOD DR	05820-010-O	401	R-1C	112.78	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
ROCK, JONATHAN E & MAREN M	10315 ARCHWOOD DR	05820-006-O	401	R-1C	112.49	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
GARRETT, JERRY D & SHERRY L	10322 ARCHWOOD DR	05820-009-O	401	R-1C	52.36	52.36	\$38.77	\$2,030.00	1,235.00	\$3,265.00
VANDERPLOEG, DAN TRUST	10323 ARCHWOOD DR	05820-007-O	402	R-1C	52.36	52.36	\$38.77	\$2,030.00	1,235.00	\$3,265.00
KOWALSKI, PHILLIP B & J A	10329 ARCHWOOD DR	05820-008-O	401	R-1C	52.36	52.36	\$38.77	\$2,030.00	1,235.00	\$3,265.00
PYZIK, CHRISTOPHER J & TINA M	125 CLIFFWOOD AVE	00034-066-O	401	R-1C	99.00	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
LIVING WAYS FOUNDATION INC.	127 CLIFFWOOD AVE	05820-001-O	701	R-1C	108.00	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
WARNER, RONALD L & KAREN E	202 CLIFFWOOD AVE	05820-011-O	401	R-1C	187.67	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
PRIHODA, PETER & PAMELA STAFFORD	207 CLIFFWOOD AVE	05820-002-O	401	R-1C	108.00	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
MEYLE, DAVID & JILL	217 CLIFFWOOD AVE	05820-003-O	401	R-1C	108.00	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
BROWN, COLLEEN	227 CLIFFWOOD AVE	05820-004-O	401	R-1C	109.69	80.00	\$38.77	\$3,101.60	1,235.00	\$4,336.60
12 Properties					1,212.73	877.08				48,824.39

Updated 10-03-16 JRB

ASSESSOR\Special Assessments\2016\316-W Cliffwood & Archwood

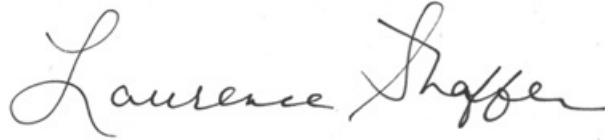




RECEIVED
NOV 30 2016
PORTAGE
CITY CLERK

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Angling Road Sanitary Sewer Project #417-S

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

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Angling Road Sanitary Sewer Project #417-S, directing the preparation of the special assessment roll.

Attached is Special Assessment Resolution No. 3 for the Angling Road Sanitary Sewer Project #417-S. Previous City Council action relating to this project includes:

- On November 1, 2016, City Council adopted Resolution No. 1 for this project, accepted the City Manager reports dated November 1, 2016, and requested preparation of Resolution No. 2.
- On November 15, 2016, City Council adopted Resolution No. 2 for this project, setting a public hearing of necessity on December 6, 2016.

Therefore, it is recommended that City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Angling Road Sanitary Sewer Project #417-S, directing the preparation of the special assessment roll.

FUNDING: The improvements are funded in the Fiscal Year 2016-2017 Capital Improvement Program by the utilization of special assessment bonds, city-share bonds, municipal street fund and Federal Highway Grant funds, as appropriate.

Attachments: 1. Resolution No. 3

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 3
ANGLING ROAD SANITARY SEWER, DISTRICT #417-S**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, a public hearing on the necessity of the proposed improvement hereinafter described was held in accordance with the provisions of the City's Charter and Special Assessment Ordinance; and,

WHEREAS, the City Council of the City of Portage has determined to proceed with the public improvements in the City of Portage more particularly hereinafter described in this resolution; and,

WHEREAS, the City Manager has secured construction cost estimates for such improvements and the City Council has reviewed said figures;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council hereby determines the necessity for and determines further to proceed with the improvements hereinbefore in these proceedings described as the ANGLING ROAD SANITARY SEWER, DISTRICT #417-S, more fully described as follows, to wit:

Install approximately 3700 feet of 8 inch diameter sanitary sewer main and appurtenances in Angling Road from Squire Heath Lane to Romence Road to serve existing properties on Angling Road. Sewer services will be installed to abutting properties and are included in the assessment.

2. The cost of said public improvement, based on the aforesaid cost figures, is estimated to be as follows:

<u>TOTAL COST</u>	<u>SHARE OF DISTRICT</u>	<u>CAPITAL IMPROVEMENT BONDS</u>	<u>MUNICIPAL STREET FUNDS</u>
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\$1,320,000.00	\$165,000.00	\$990,000.00	\$65,000.00
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It is hereby determined that the Special Assessment District's share is in proportion to the benefits to be derived from the improvements. The Special Assessment District's share shall be spread over the Special Assessment District as hereinafter described and the balance of \$1,155,000.00 shall be paid by the City-at-Large.

3. Said Special Assessment District shall consist of all of the following described lots and parcels of land:

Unplatted Land: All unplatted land lying adjacent to or abutting the of right-of-way for Angling Road lying between Squire Heath and Romence Road from a point 2,184.51 feet west of Angling Road, located within the northeast, northwest and southwest quarters of Section 18, City of Portage, Michigan and more particularly described as follows:

SEC 18-3-11 COM AT W1/4 POST SEC 18 TH N 89 DEG 54 MIN 20 SEC E ALG E&W1/4 LI SD SEC 1861.08 FT TO CTR LI ANGLING RD TH N 26 DEG 34 MIN 40 SEC E ALG CTR LI ANGLING RD 228.25 FT FOR PL BEG TH CONT N 26 DEG 34 MIN 40 SEC E ALG CTR LI ANGLING RD 118.0 FT TH N 63 DEG 25 MIN 20 SEC W 214.5 FT TH S 26 DEG 34 MIN 40 SEC W PAR TO CTR LI ANGLING RD 118.0 FT TH S 63 DEG 25 MIN 20 SEC E 214.5 FT TO PL OF BEG 0.58 A

ANGLING ACRES LOT 3 ALSO A PART OF LOT 1 DESC AS FOLLOWS: BEG AT SE COR SD LOT 3, TH N ELY 360 FT ALG WLY LI LOT 1 TO NW COR SD LOT, TH ELY 320.45 FT ALG N LI SD LOT TO NE COR SD LOT, TH SLY 220 FT ALG E LI SD LOT 1, TH SWLY TO PL OF BEG. 2.8A

SEC 18-3-11 COM AT W1/4 POST SEC 18 TH N 89 DEG 54 MIN 20 SEC E ALG E&W1/4 LI SD SEC 1861.08 FT TO CTR LI ANGLING RD TH N 26 DEG 34 MIN 40 SEC E ALG CTR LI ANGLING RD 110.25 FT FOR PL OF BEG TH CONT N 26 DEG 34 MIN 40 SEC E ALG CTR LI ANGLING RD 118.0 FT TH N 63 DEG 25 MIN 20 SEC W 214.5 FT TH S 26 DEG 34 MIN 40 SEC W PAR TO CTR LI ANGLING RD 118.0 FT TH S 63 DEG 25 MIN 20 SEC E 214.5 FT TO PL OF BEG 0.58 A

SEC 18-3-11 COM AT W1/4 POST SEC 18 TH N 89 DEG 54 MIN 20 SEC E ALG E&W1/4 LI SD SEC 1861.08 FT TO CTR LI ANGLING RD & PL BEG TH N 26 DEG 34 MIN 40 SEC E ALG CTR LI ANGLING RD 110.25 FT TH N 63 DEG 25 MIN 20 SEC W 214.5 FT TH S 26 DEG 34 MIN 40 SEC W PAR TO CTR LI ANGLING RD 217.0 FT TO E&W1/4 LI SD SEC TH N 89 DEG 54 MIN 20 SEC E ALG E&W1/4 LI 240.01 FT TO PL OF BEG 0.81 A

SEC 18, T3S, R11W; LOT 2 ANGLING ACRES PLAT ALSO COM AT NE COR LOT 1 OF SAID PLAT TH S'LY ALG E LINE 220' TO POB TH CONT S'LY ALG E LINE TO E & W 1/4 LINE TH W'LY TO A PT 2249.48' E OF W 1/4 COR TH N'LY 24' TH W'LY 264.43' TH NW'LY 65.56' PERP TO E'LY LINE OF ANGLING RD TO SD E'LY LINE TH NE'LY ALG SD E'LY LINE TO SW COR OF SD PLAT TH E'LY 224.27' ALG S LINE OF SAID LOT 2 TO SE COR OF SD LOT TH NE'LY TO POB ALSO BEG AT CTR 1/4 POST OF SEC 18 TH S 27 DEG 10 MIN 30 SEC W 112.30 FT, TH W 373.67 FT, TH N 27 DEG 10 MIN 30 SEC E 112.30 FT, TH E TO POB ALSO COM AT W 1/4 COR TH E 2249.48' TO POB TH CONT E 419.70' TH S 33' TH W 598.22' TH N 26 DEG 54'30" E 36.97' TH W 188.03' TO E'LY LINE OF ANGLING RD TH N 26 DEG 54'30" E 60' TH S 63 DEG 05'30" E 65.56' TH E 264.43' TH S 24' TO POB

SECTION 18-3-11 BEG AT NW COR E 1/2 SW 1/4 SEC 18, TH S 27.60 FT, TH S 62 DEG E 469.02 FT, TH N 27 DEG E 247.13 FT TO E & W 1/4 LI SEC 18, TH W ALG SD LI TO POB.

SEC 18-3-11 COM INT N LI SW1/4 SEC 18 & CL ANGLING RD TH E ON E&W1/4 LI 225 FT TH SWLY PAR TO CL SD RD 292 FT TH NWLY AT RT ANG TO CL ANGLING RD 190 FT TH ALG SD CL NELY 195 FT TO POB

SEC 18, T3S, R11W; COM AT W 1/4 COR TH E'LY TO C/L OF ANGLING RD TH SW'LY ALG SD C/L 195' TO POB. TH SE'LY 200' TH SW'LY 75' TH NW'LY 200' TH NE'LY 75' TO POB. (.34 AC).

SECTION 18-3-11 BEG 27.60 FT S OF NW COR E 1/2 SW 1/4 SEC 18, TH CONT S 272.40 FT, TH S 85 DEG E 372.26 FT, TH N 27 DEG E 100 FT, TH N 62 DEG W 469.02 FT TO POB, RESV SLY 33 FT FOR RD ROW.

SEC.18 T3S R11W PART SW1/4 COM S89DEG 53'42"E 1862.38 FT & S26DEG 55'5"W 80.96 FT & S27DEG 19'50"W 189.04 FT FROM W1/4 COR S27DEG 19'50"W 101.97 FT S62DEG 50'50"E 386.20 FT N26DEG 58'03"E 101.77 FT NW'LY 375 FT TO BEG.

SEC 18-3-11 COM AT NW COR E1/2 SW1/4 SEC 18 TH S ALG NS 1/8 LI 300 FT FOR PL OF BEG TH S 85 DEG 08 MIN E 351.9 FT TO CTR LI ANGLING RD TH SWLY ALG CTR LI SD RD 123.46 FT TH N 85 DEG 28 MIN 20 SEC W 294.65 FT TO PT ON NS 1/8 LI SD SEC TH N ALG NS 1/8 LI TO PL OF BEG

COMMENCING AT THE W 1/4 POST OF SEC 18, T3S, R11W; TH S 89 DEG-52'-42" E, ALONG THE E AND W 1/4 LINE OF SAID SEC, 1862.38 FT TO THE CENTER LINE OF ANGLING RD; TH S 26 DEG-55'-52" W, ALONG SAID CENTER LINE, 80.96 FT; TH S 27 DEG-19'-50" W, ALONG SAID CENTER LINE, 290.11 FT TO THE POB; TH S 62 DEG-50'-50" E, 385.95 FT TO THE NWLY BOUNDARY OF THE PLAT OF "THE MOORS OF PORTAGE NO. 1"; TH S 26 DEG-58'-03" W ALONG SAID BOUNDARY, 39.23 FT; TH S 27 DEG-09'-50" W ALONG SAID BOUNDARY, 44.50 FT; TH N 78 DEG-13'-23" W 245.86 FT; TH N 60 DEG-26'-20" W 149.52 FT TO THE CENTER LINE OF ANGLING RD; TH N 27 DEG-19'-50" E 142.71 FT ALONG SAID CENTER LINE TO THE POB, RESERVING THE NWLY 33 FT FOR ROADWAY PURPOSES OF ANGLING RD.

SEC 18-3-11 BEG 177.43 FT S OF NW COR E1/2 SW1/4 SEC 18, TH S 240.57 FT, TH S 85 DEG 28 MIN 20 SEC E 294.65 FT TO PT ON CTR LI ANGLING RD, TH S 27 DEG 21 MIN 05 SEC W 123.46 FT, TH N 86 DEG 29 MIN 16 SEC W 238.18 FT, TH S 118.34 FT, TH W 81.84 FT TO E LI OF HWY US 131 TH NE TO P.O.B. COMMENCING AT THE W 1/4 CORNER OF SEC 18, T3S, R11W; TH S 89 DEG-53'-17" E 1862.51 FT ALONG THE E AND W 1/4 LINE OF SAID SEC TO THE CENTERLINE OF ANGLING RD; TH S 26 DEG-54'-30" W 81.11 FT ALONG SAID CENTERLINE; TH S 27 DEG-19'-50" W 432.82 FT ALONG SAID CENTERLINE TO THE POB; TH S 60 DEG-26'-20" E 149.52 FT; TH S 78 DEG-13'-23" E 245.86 FT; TH S 27 DEG-09'-50" W 89.24 FT; TH N 89 DEG-53'-17" W 434.65 FT TO THE CENTERLINE OF ANGLING RD; TH N 27 DEG-19'-50" E 227.94 FT ALONG SAID CENTERLINE TO THE POB, CONTAINING 1.488 ACRES.

SEC 18-3-11 COM AT NW COR E1/2 SW1/4 SEC 18 TH S 0 DEG 21 MIN W 536.66 FT ALG W LI E1/2 SW1/4 SEC 18 TO POB TH S 86 DEG 29 MIN 16 SEC E 238.18 FT TO PT ON CTR LI ANGLING RD TH S 27 DEG 21 MIN 05 SEC W 123.46 FT ALG SD CTR LI TH N 88 DEG 08 MIN W 181.83 FT TO PT ON SD W LI TH N 0 DEG 21 MIN E 118.34 FT ALG SD W LI TO PL OF BEG RES ELY 33 FT FOR ROW

SEC 18-3-11 ALL THAT PART SW1/4 SEC 18 LYING E OF HWY US 131 AND W OF CENTER LI ANGLING RD, EXC N 660 FT.

Platted Land: Lots 1 through 16 as originally recorded in the Plat of Angling Acres.

A report concerning said improvement has been prepared and is on file with the City Clerk for public examination.

4. The City Assessor shall prepare a Special Assessment Roll spreading that portion of the cost of the aforesaid public improvement to be borne by the Special Assessment District against said district according to the benefits received, in conformity with the provision of the Special Assessment Ordinance of the City. As soon as said roll is prepared, the City Assessor shall file the same with the City Clerk for presentation to the City Council.

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

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

IN WITNESS WHEREOF, I have hereto affixed my official signature this _____ day of _____, 2016.

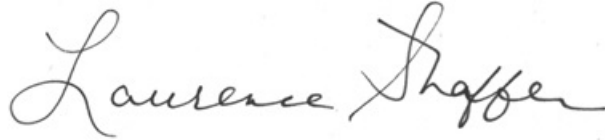
JAMES R. HUDSON, City Clerk

Prepared by:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

Approved as to Form:
Date: 11/22/14
By: [Signature]
City Attorney

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Chopin Avenue and Mozart Street Water Main Project #317-W

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

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Chopin Avenue and Mozart Street Water Main Project #317-W, directing the preparation of the special assessment roll.

Attached is Special Assessment Resolution No. 3 for the Chopin Avenue and Mozart Street Water Main Project #317-W. Previous City Council action relating to this project includes:

- On November 1, 2016, City Council adopted Resolution No. 1 for this project, accepted the City Manager reports dated November 1, 2016, and requested preparation of Resolution No. 2.
- On November 15, 2016, City Council adopted Resolution No. 2 for this project, setting a public hearing of necessity on December 6, 2016.

Therefore it is recommended that City Council, subsequent to the public hearing, adopt Resolution No. 3 for the Chopin Avenue and Mozart Street Water Main Project #317-W, directing the preparation of the special assessment roll.

FUNDING: The improvements are funded in the Fiscal Year 2016-2017 Capital Improvement Program by the utilization of special assessment bonds and city-share bonds as appropriate.

Attachments:

1. Resolution No. 3
2. Letter of Support

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 3
CHOPIN AVENUE AND MOZART STREET WATER, DISTRICT #317-W**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, a public hearing on the necessity of the proposed improvement hereinafter described was held in accordance with the provisions of the City's Charter and Special Assessment Ordinance; and,

WHEREAS, the City Council of the City of Portage has determined to proceed with the public improvements in the City of Portage more particularly hereinafter described in this resolution; and,

WHEREAS, the City Manager has secured construction cost estimates for such improvements and the City Council has reviewed said figures;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council hereby determines the necessity for and determines further to proceed with the improvements hereinbefore in these proceedings described as the CHOPIN AVENUE AND MOZART STREET WATER PROJECT, DISTRICT #317-W, more fully described as follows, to wit:

Install approximately 825 feet of 8 inch diameter water main and appurtenances in Chopin Avenue from Mozart Street to 825 west and 425 feet of 8 inch diameter water main and appurtenances in Mozart Street from Beethoven Avenue to 425 feet north to serve existing properties on these sections of Chopin Avenue and Mozart Street. Water services will be installed to abutting properties and are included in the assessment.

2. The cost of said public improvement, based on the aforesaid cost figures, is estimated to be as follows:

<u>TOTAL COST</u>	<u>SHARE OF DISTRICT</u>	<u>CAPITAL IMPROVEMENT BONDS</u>	<u>MUNICIPAL STREET FUNDS</u>
\$1,320,000.00	\$165,000.00	\$990,000.00	\$65,000.00

It is hereby determined that the Special Assessment District's share is in proportion to the benefits to be derived from the improvements. The Special Assessment District's share shall be spread over the Special Assessment District as hereinafter described and the balance of \$1,155,000.00 shall be paid by the City-at-Large.

3. Said Special Assessment District shall consist of all of the following described lots and parcels of land;

Unplatted Land: All unplatted land lying adjacent to or abutting the following described portion of right-of-way for Chopin Avenue west of Mozart Street ending at a cul-de-sac and Mozart Street, north of Beethoven Avenue ending at a cul-de-sac, located within the northwest and northeast quarters of Section 32 and the southeast quarter of Section 29, City of Portage, Michigan and more particularly described as follows:

Situated in northwest and northeast quarters of Section 32; Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the northwest corner of Lot 49 of the recorded plat of Maestro Acres No.1 and Place of Beginning; thence west 337.68 feet; thence south 329.63 feet; thence east 315 feet; thence north 68 feet; thence west 100 feet; thence north 100 feet; thence east 124.61 feet; thence north 132 feet more or less to the Place of Beginning and ending of the above described.

Also;

Situated in northwest and northeast quarters of Section 32 and southeast quarter of Section 29; Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the northeast corner of Lot 28 of the recorded plat of Maestro Acres No.1 and Place of Beginning; thence N89°50'38"W 227 feet; thence N00°13'33"E 119.04 feet; thence N70°45'15"E 51.05 feet; thence S89°50'38"E 178.87 feet; thence N00°13'33"E north 29.26 feet; thence S89°50'38"E east 136.54 feet; thence S00°13'33"W south 165 feet; thence N89°50'38"W west 37.17 feet; thence N00°13'33"E north 33 feet; thence N89°50'38"W west 100 feet; thence S00°13'33"W south 33 feet more or less to the Place of Beginning and ending of the above described.

Platted Land: Lots No. 25 through 29 inclusive as originally recorded in the Maestro Acres No. 1 Plat.

A report concerning said improvement has been prepared and is on file with the City Clerk for public examination.

4. The City Assessor shall prepare a Special Assessment Roll spreading that portion of the cost of the aforesaid public improvement to be borne by the Special Assessment District against said district according to the benefits received, in conformity with the provision of the Special Assessment Ordinance of the City. As soon as said roll is prepared, the City Assessor shall file the same with the City Clerk for presentation to the City Council.

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

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

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2016.

Prepared by:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

JAMES R. HUDSON, City Clerk
Approved as to Form:
Date: 11/22/16
By: [Signature]
City Attorney

11-22-16

JAMES HUDSON,
PORTAGE CITY CLERK



Dear Sir,

We want to voice our support
for the special assessment improvement
for the Chopin Ave. and Mozart St.
Water Main Project # 317-W. We
will not be able to attend the
meeting Dec. 6th, but hope the
project will proceed smoothly.

Thank you,

Karen Wyatt-Schug
Joseph L. Schug

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: 2017 Fee Schedules

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities
Vicki Georgeau, Director of Community Development
James Hudson, City Clerk
Kendall Klingelsmith, Director of Parks, Recreation and Senior Citizen Services
Rod Russell, Director of Public Services
Richard White, Director of Public Safety - Police / Fire Chief

ACTION RECOMMENDED: That City Council adopt:

1. proposed 2017 Freedom of Information Act Fees;
2. proposed 2017 Recreation and Park Facility Fees; and
3. resolutions for 2017 Community Development Fees, Building Permits, Electrical Permits, Mechanical Permits and Plumbing Permits.

Service, permit and activity fees have historically been updated and implemented on a calendar year basis, following an annual administrative review of fees for various city services and activities, as well as special assessment rates. Proposed fee modifications for the 2017 calendar year are recommended to facilitate continued service provision and to comply with the Council adopted goal to “*Maintain the financial health of the city.*” Recommended fee modifications for 2017 are based on a thorough review of service cost considerations. A condensed table of each recommended new fee or fee modification is shown below. Complete details for each departmental fee category follow the table and are shown in the attachments.

Recreation and Parks Facility Fees		
Activity	Current Fee (2016)	Proposed Fee (2017)
Sports Sampler		
Resident Fee per Person	New	\$25
Non-Resident Fee per Person	New	\$37
Adult Sand Volleyball League		
Resident Fee per Person	New	\$30
Non-Resident Fee per Person	New	\$45
Adult Kickball League		
Resident Fee per Person	New	\$30
Non-Resident Fee per Person	New	\$45
Community Development Fees		
Service	Current Fee (2016)	Proposed Fee (2017)
Access Management Appeal	\$330	\$350
Accessory Buildings	\$275	\$290
Accessory Use – Keeping of Chickens	\$50	\$55
Brownfield Redevelopment Plan/Amendment	\$1,100	\$1,165
Brownfield Redevelopment Plan (Kalamazoo County Plan)	\$500	\$530
Building Height Modification	\$330 (Planning Commission) \$550 (City Council)	\$350 (Planning Commission) \$585 (City Council)
Business Special Event	\$110	\$115
Collection Box Application - Annual Renewal Fee	\$100 \$50	\$105 \$55
Comprehensive Plan Amendment	\$825	\$875
Home Occupation Permit - Active	\$150	\$160
Land Division	\$150 plus \$10 for each “child” parcel over two parcels	\$160 plus \$11 for each “child” parcel over two parcels
Mural Permit	\$110	\$115
PA 198 Industrial Tax Abatement	2% of the total property taxes abated or \$1,800, whichever is less	2% of the total property taxes abated or \$1,910 , whichever is less

Nuisance Abatement	Documented cost of abatement plus an admin fee of \$350 and \$50/hour or fraction thereof of staff to complete the abatement	Retain current administrative fee of \$350 but increase hourly rate to \$63
Parking modification	New	\$350
Parking Plans	\$165 base fee and \$5 per 500 square feet of parking area	\$175 base fee and \$5 per 500 square feet of parking area
PILOT (Payment in lieu of taxes)	\$750	\$795
Planned Development Tentative Plan	\$550 plus rezoning fee	\$585 plus rezoning fee
Commercial Planned Development Concept Plan	\$825 \$550, if processed concurrent with rezoning application \$220, if combined with a specific plan and less than 10 acres	\$875 \$585 , if processed concurrent with rezoning application \$235 , if combined with a specific plan and less than 10 acres
Planning and Zoning re-inspection fee	\$56 per hour (1 hour minimum fee)	\$63 /hour (to correspond with staff hourly rate)
Public Utility Plan	\$250 for one utility \$350 for more than one utility \$50 per easement document (review/record fee)	\$265 for one utility \$370 for more than one utility \$55 per easement document (review/record fee)
Sign Permits	\$110 per freestanding sign \$110 per wall sign \$55 per temporary/directional sign \$55 per freestanding/wall sign panel change where no structural modifications are proposed	\$115 per freestanding sign \$115 per wall sign \$60 per temporary/directional sign \$60 per freestanding/wall sign panel change where no structural modifications are proposed
Single-family Condominium - Preliminary approval	\$440 plus \$22 per lot	\$465 plus \$23 per lot
Single-family Condominium - Final preliminary approval	\$660 plus \$22 per lot	\$700 plus \$23 per lot
Single-family Condominium - Final approval	\$660 plus \$38 per lot	\$700 plus \$40 per lot
Small On-site Wind Energy Systems	\$130	\$140
Special Land Use Permit	\$220 for group child care	\$235 for group child care

	home \$330 for all others	home \$350 for all others
Special meeting of Planning Commission or Zoning Board of Appeals	\$220	\$235
Street Vacation or Land Sale	\$825	\$875
Zoning Amendment	\$1,100 for the first acre; then \$75 for each additional acre or fraction thereof – Map Amendment \$825 – Text Amendment	\$1,165 for the first acre; then \$80 for each additional acre or fraction thereof – Map Amendment \$875 – Text Amendment
Zoning Board of Appeals	\$135 for one-family residential uses \$330 for all others	\$145 for one-family residential uses \$350 for all others
Zoning Compliance Review	\$50 for general zoning review/day care license \$100 lot line adjustment \$150 state license zoning reviews/ annual renewals	\$55 for general zoning review/day care license \$105 lot line adjustment \$160 for state license zoning reviews/ annual renewals
Multiple Family (R-1T; RM-1; RM-2)	\$385 + \$11/dwelling unit	\$410 + \$12/dwelling unit
Planned Development (PD)	\$385 + \$11/dwelling unit \$357 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$440 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space	\$410 + \$12/dwelling unit \$380 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$465 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space
Mobile Home Community (MHC)	\$385 + \$11/Mobile Home Unit	\$410 + \$12/Mobile Home Unit
Commercial (OS-1; OTR; B-1; B-2; B-3; CPD; CCA; CCMU)	\$357 + \$6/100 sq. ft. gross floor area exclusive of basement space	\$380 + \$6/100 sq. ft. gross floor area exclusive of basement space
Institutional (R-1A through R-1E; R-1T; RM-1; RM-2; PD)	\$385 + \$6/100 sq. ft. of gross floor area, exclusive of basement space	\$410 + \$6/100 sq. ft. of gross floor area, exclusive of basement space
Industrial (I-1; I-2; OTR)	\$440 + \$6/500 sq. ft. of gross floor area, exclusive of basement space	\$465 + \$6/500 sq. ft. of gross floor area, exclusive of basement space
Recreational (R-1A through R-1E; PD)	\$412 + \$12/acre over 3 acres	\$435 + \$13/acre over 3 acres

Base fee for residential building permit, and all electrical, plumbing and mechanical permits	\$45	\$50
Base fee for commercial building permit	\$60	\$65
Base fee for trade permits (electrical, plumbing & mechanical)	\$45	\$50
Driveway/curb cut permit (residential)	\$20	\$25
Driveway/curb cut permit (commercial)	\$35	\$40
Irrigation in right-of-way	\$20	\$25
Swimming pool	\$50	\$55
Certificate of Occupancy Inspection (for changes in occupancy classification per Building Code when no plan review is required)	\$150	\$160
Construction Board of Appeals	\$100	\$110
Construction plan review for commercial projects with a project valuation of \$10,000 or greater.	\$.02/per square foot or \$200 whichever is greater	\$.02/per square foot or \$210 whichever is greater
Hourly cost of inspection	\$56	\$63

Freedom of Information Act Fees

Under the Freedom of Information Act 442 of 1976, municipalities are allowed to recover costs incurred in providing certain documents for public purchase. Fees for Freedom of Information Act requests are periodically revised to reflect actual costs for providing materials. A review of all FOIA fees has recently been completed. **No changes to the existing Freedom of Information Act fees are recommended at this time for 2017, as shown on the attachment titled *Proposed 2017 Freedom of Information Act Fees*.**

Recreation and Park Facility Fee Schedule

Fee schedules for recreation programs and park facilities are reviewed yearly to ensure that programs offered are able to meet public demand in a cost-effective manner and continue to promote the quality of life within the community. A scholarship program, in cooperation with the Portage Community Center, is in place to provide subsidies for qualified residents to ensure program access for most activities. A limited number of fees were last modified in 2016. **No changes to the existing recreation and park facility fees are recommended for 2017. However, new program fees are proposed for three additional recreation offerings as noted below and as shown on the attachment titled *Proposed 2017 Recreation and Park Facility Fees*.**

- *Sports Sampler*: A new program for youth ages 3-5 where participants will “sample” a variety of sports throughout the session is proposed. The program will be held in Portage parks and

will focus on youth development, social interaction, basic understanding of sports (examples could include basketball, soccer, kickball, hockey, volleyball, pickleball, etc.) and fun. Sports Sampler will entail six one-hour weekly sessions. The proposed fee of \$25/resident (\$37/non-resident) will cover staff, equipment, t-shirts and administrative costs.

- *Adult Sand Volleyball League:* Portage is fortunate to have several quality sand volleyball courts at Westfield, Oakland, Lakeview and Harbors West parks. The proposed Adult Sand Volleyball League will be held at different parks, allowing participants to experience areas they may not be familiar with and also have the opportunity to compete with other teams in volleyball. The league is meant to be fun and social but also competitive. League play will be scheduled over eight games throughout the summer for teams of six players. The proposed fee of \$30/resident (\$45/non-resident) will cover all direct overhead costs for equipment, staff, t-shirts, trophies, supplies and league administration.
- *Adult Kickball League:* Several parks have softball fields that largely remain unused (Oakland, Lexington Green, Westfield, Lakeview) and this program is an opportunity to bring some activity in the park. This league will have a traveling schedule and is designed for adults looking to get out and have some fun. Kickball has been a popular activity among adults and the city has the facilities and capabilities to manage a great experience to players. Fees will cover all direct overhead costs for equipment, staff, t-shirts, trophies supplies and league administration.

Senior Center Class and Facility Fee Schedule

Fee schedules for Senior Center programs and services are reviewed on an annual basis and several revisions were implemented in 2014. The current fee system for classes identifies member and non-member rates, providing an incentive for older adults to join and become members of the Senior Center. A scholarship program through the Friends of the Portage Senior Center is in place to provide assistance to seniors of low income and to ensure program access to all older adults in the community. The Senior Center also has published rental rates, consistent with City of Portage park facilities. **No changes to the existing Senior Center class and facility fees are recommended at this time for 2017.**

Cemetery Fees and Charges

City cemetery fees are reviewed annually to ensure that the General Fund subsidy for this operation remains at or below \$50,000. Fees were last modified in 2015. **No changes to the existing cemetery fees are recommended for 2017.**

Community Development Fees for Service

The annual review for Community Development service fees (Planning, Development and Neighborhood Services, and Building and Housing Services) has been accomplished. The actual cost to process development and construction project applications is determined by analyzing staff resources needed to complete plan reviews, prepare written communications, conduct required public meetings and hearings, provide legal notices, complete various field inspections, as well as direct mailings, copy and record retention expenses.

Based on a recent analysis of hourly personnel and public notice costs, a modest increase in Community Development fees is recommended for 2017. The last comprehensive increase in Community Development fees occurred in 2006 and the last increase in Construction Fees occurred in 2010. In addition to the analysis of City of Portage costs to process development and project applications, Community Development staff surveyed over 20 comparable communities to determine if changes were made to their fee schedule. Three communities made fee modifications in 2016: the

City of Kalamazoo increased fees approximately three percent for site plan reviews, rezonings, special land uses, plats, sign permits and Zoning Board of Appeals (ZBA) variance applications; the City of Grand Rapids also implemented a similar two percent increase across the board; and the City of Sterling Heights increased fees approximately six percent. The City of Sterling Heights last increased fees in 2013, therefore, the six percent increase in 2016 represents an approximate two percent annual increase between 2013 and 2016. While no other communities increased their fees in 2016, it is noted that fees vary widely and compared to other communities, the City of Portage fee schedule generally falls within the mid-range.

During the review of 2016 fees, City Council indicated a preference for smaller incremental fee increases on a more frequent basis, compared to larger, less frequent increases in fees. In light of the discussion in December 2015, **an approximate six percent increase is proposed for most Community Development fees. With regard to construction fees, only a small \$5 increase to the residential and commercial base permit fees is recommended.** The percentage increase is based on an annual Consumer Price Index (inflation rate) of one percent over the past six years since the last comprehensive fee increase in 2010. The table below reflects the actual and projected revenue from fees and permits as compared to personnel costs for the Department of Community Development.

	2014-15 (Actual)¹	2015-16 (Actual)	2016-17 (Projected)²
Fees and Permits Revenue	\$1,089,529.00	\$792,201.00	\$710,000.00
Percent Decrease		-27%	-10%
Community Development Personnel Services	\$716,460.00	\$813,895.00	\$859,360.00
Percent Increase		14%	6%

¹2014-15 actual revenue includes Kenco development.

²2016-17 projected revenue includes Pfizer warehouse, 650 Trade Centre Way, Chick-Fil-A. Actual revenue YTD is \$481,050, which is 30% above original projection of \$545,000.

The attached table titled *Proposed 2017 Community Development Fees* provides the current 2016 fees and proposed 2017 fees that incorporate an approximate six percent increase. Some services that are new or have had a recent fee increase are not subject to the increase and are noted in the table.

Finally, one new application fee is proposed to be added in 2017, as follows:

- *Parking Modification:* The City Council recently adopted Zoning Code amendments involving Off-Street Parking and Loading requirements. Included in these amendments is an option for an applicant to petition the Planning Commission for a reduction in the number of required off-street parking spaces. Processing this type of application is similar to a special land use permit such that it requires an estimated seven hours of staff time in addition to public notice requirements. It is therefore recommended that a fee of \$350 be established for a parking modification request.

Resolutions for Community Development fees, that provide all current fees and the recommended fees for 2017, are attached for City Council consideration.

Public Safety Department Fees

Fire Division:

- A review of Fire Division fees, including fees for false fire alarms, campfire permits, fireworks

permits and follow-up business inspection fees, has been accomplished. Fees were last updated in December 2008, with two new fees implemented in 2015, including a radio amplification system testing fee and a compliance check fire inspection fee. **No changes to the existing Fire Division fees are recommended at this time for 2017.**

Police Division:

- Article 2, Section 78-66 of the Portage Code of Ordinances allows the city to impose emergency response fees upon individuals who have been adjudicated guilty of any state law pertaining to the act of impaired driving. The fees are based on the cost of the response of public safety personnel to these incidents and were last modified in December 2008. **No changes to the existing emergency response fees are recommended at this time for 2017.**
- Michigan Compiled Laws (MCL) 765.12a gives the Department of Public Safety authority to collect a fee from persons arrested pursuant to a warrant issued by a court. The Arrest Warrant Processing Fee may be collected to defray the expense of receiving, depositing and delivering bail or bond money to the court, which Portage police officers accomplish on a daily basis. **No changes to the existing fees associated with Michigan Compiled Laws are recommended at this time for 2017.**

Right-of-Way and Excavation Permits

Chapter 66 – Streets, Sidewalks and Other Public Places of the Code of Ordinances, sets the requirements and procedures for performing excavations and other work in the public rights-of-way of the city. Persons proposing to perform any such work shall first obtain a permit from the Transportation & Utilities Department. The fee, insurance and bonding requirements are to be set by resolution of the City Council and were last modified in 2013. A review of the costs associated with permit processing, plan review and site inspection was recently completed. **No changes to right-of-way and excavation permit existing fees are recommended at this time for 2017.**

Soil Erosion and Sediment Control Permits

Part 91, Soil Erosion and Sediment Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451 is the State of Michigan law regulating construction activities, including earth changes to ensure that any earth change is accomplished in a manner that will effectively reduce accelerated soil erosion and resulting sedimentation. The City of Portage acts as the local municipal enforcement agency for projects involving earth changes within the city limits. Persons proposing to perform any such work shall first obtain a permit from the Transportation & Utilities Department, the fees for which were last modified in 2013. A review of the costs associated with permit processing, plan review and site inspection was recently completed. **No changes to soil erosion and sediment control permit existing fees are recommended at this time for 2017.**

Special Assessment Rates

On May 21, 1991, City Council adopted a Special Assessment Policy Resolution which established funding ratios for utility and street construction projects. The policy also provided for periodic review and amendment of special assessment rates by resolution of the Council. Through the practice of special assessment, a share of project costs is charged to property owners receiving the primary benefit of the improvement. The practice of special assessment is a critical component of Portage city financing and has been a primary factor in the continued excellent financial health of the city.

On November 7, 2006, Portage voters approved a street millage proposal which eliminated street

special assessments on projects initiated by City Council. Street assessments will still be levied on street projects petitioned by affected and benefiting property owners. Approval of the street millage proposal also eliminated the street reconstruction portion of the special assessment rate for installation of new sanitary sewers. Any street improvements project or sanitary sewer project approved prior to November 7, 2006, whether it was a special assessment district or an extension district, was not affected by approval of the street millage proposal.

Special assessment rates are updated using a variety of factors: actual construction cost for comparable city projects; national construction cost indexes and applicable construction cost data from the Kalamazoo Builders Exchange, a local clearing house for public and private construction cost information. A review of construction project costs received in 2016 indicates that local prices are consistent with prior year construction costs. **No changes to special assessment rates are recommended at this time for 2017.**

It is recommended that City Council set 2017 Freedom of Information Act fees, 2017 Recreation and Park Facility Fees and adopt resolutions for 2017 Community Development Fees, Building Permits, Electrical Permits, Mechanical Permits and Plumbing Permits.

FUNDING: N/A

- Attachments:**
1. Proposed 2017 Freedom of Information Act Fees
 2. Proposed 2017 Recreation and Park Facility Fees
 3. Proposed 2017 Community Development Fees
 4. Resolutions for 2017 Community Development Fees, Building Permits, Electrical Permits, Mechanical Permits and Plumbing Permits.

CITY OF PORTAGE
2017 FREEDOM OF INFORMATION ACT FEES

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CHARGES PER COPY		ONLINE AVAILABILITY
		FORMER	NEW CHARGES	
City Manager	Advisory Board Minutes	No Charge	No Charge	Last Twelve Months Online for: Minutes and Agendas for Construction Board of Appeals, Human Services Board, Zoning Board of Appeals, Planning Commission, DDA and EDC/TIFA, L.D.F.A., Historic District Commission, Senior Citizens Advisory Board, Park Board and Environmental Board.
	Advisory Board Agendas	No Charge	No Charge	See Above
	Advisory Board Agenda Packets	\$.10/pg + *	\$.10/pg + *	Available Online
	City Maps	No Charge	No Charge	GIS Mapping Service Available Online
Finance	Budget (Paper copy)*	\$.10/pg + *	\$.10/pg + *	Available Online
		Plus Mailing	Plus Mailing	
	Budget CD ROM*	\$0.38	\$0.38	Available Online
		Plus Mailing	Plus Mailing	
	Comprehensive Audit (Paper Copy)	\$.10/pg + *	\$.10/pg + *	Available Online
		Plus Mailing	Plus Mailing	
	Comprehensive Audit CD ROM*	\$0.38	\$0.38	Available Online
	*Upon Availability	Plus Mailing	Plus Mailing	
	Full Copy of Electronic Property Tax File	\$0.38	\$0.38	Not Available Online
	Tax Payment Receipts (duplicates requested other than time of payment)	No Charge	No Charge	Available Online
	Individual Parcel Look-up Online	No Charge	No Charge	Available Online
	Special Assessment/Tax History on computer (since 2004)	No Charge	No Charge	Available Online
Assessor	Special Assessment/Tax History not on computer (prior to 2004)	No Charge	No Charge	Not Available Online
	Utility Bill History Information	No Charge	No Charge	Not Available Online
	* Upon Availability			
	Property Appraisal Card/Owner of Record	No Charge	No Charge	Not Available Online
	Property Appraisal Card/Non-Property Owner	\$.10/pg + *	\$.10/pg + *	Not Available Online
	Additional Cards	\$.10/pg + *	\$.10/pg + *	Not Available Online
	Data Sales Report	\$.10/pg + *	\$.10/pg + *	Not Available Online
	Annual Database download for Realtors Association	*	*	Not Available Online

**CITY OF PORTAGE
2017 FREEDOM OF INFORMATION ACT FEES**

CHARGES FOR DOCUMENTS CONT.

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CHARGES PER COPY		ONLINE AVAILABILITY
		FORMER	CURRENT	
Purchasing	Bid Specifications (First copy)	No Charge	No Charge	Available Online
	Contract Conditions & Specifications	No Charge	No Charge	Available Online
	Additional Copy	\$.10/pg + *	\$.10/pg + *	
City Clerk	City Charter	\$2.40	\$2.40	Available Online
	Precinct Maps (Color)	\$6.00	\$6.00	GIS Mapping Service Available Online
	Council Minutes and Agendas	No charge	No charge	Prior Year Available Online
	Council Agenda Packets	\$.10/pg + *	\$.10/pg + *	Prior Year Available Online
		Plus Mailing		
	Qualified Voter Information (plus postage)	*	*	Not Available Online
	Qualified Voter Information-Electronic Copy	0.38/CD	0.38/CD	Not Available Online
	Tax Abatement Application	2% of taxes abated during the term of the tax abatement not to exceed \$1,800.00	2% of taxes abated during the term of the tax abatement not to exceed \$1,800.00	Available Online
Employee Development	Employee Records - If Available to employee or designee			Not Available Online
	1st Copy	No Charge	No Charge	
	2nd copy	\$.10/pg + *	\$.10/pg + *	
	To non-employee	\$.10/pg + *	\$.10/pg + *	
Benefit Services	Employee Records - If Available to employee or designee			Not Available Online
	1st Copy	No Charge	No Charge	
	2nd copy	\$.10/pg + *	\$.10/pg + *	
	To non-employee	\$.10/pg + *	\$.10/pg + *	
Fire	EMS Reports	\$.10/pg + *	\$.10/pg + *	Not Available Online
	Environmental Impact Statements	\$.10/pg + *	\$.10/pg + *	Not Available Online
	NFIRS Reports	\$.10/pg + *	\$.10/pg + *	Not Available Online
	Research	*	*	Not Available Online
	Digital Photos to Disc	*	*	Not Available Online

**CITY OF PORTAGE
2017 FREEDOM OF INFORMATION ACT FEES**

CHARGES FOR DOCUMENTS CONT.

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CHARGES PER COPY		ONLINE AVAILABILITY
		FORMER	CURRENT	
Police	POLICE REPORTS:			Not Available Online
	Minor Incident Report	\$.10/pg + *	\$.10/pg + *	
	Up to 20 pages	\$.10/pg + *	\$.10/pg + *	
	From 21-40 pages	\$.10/pg + *	\$.10/pg + *	
	From 41-60 pages	\$.10/pg + *	\$.10/pg + *	
	Accident Reports:			Not Available Online
	UD-10 Form	\$.10/pg + *	\$.10/pg + *	Not Available Online
	w/supplemental Info up to 20 pages	\$.10/pg + *	\$.10/pg + *	
	From 21-40 pages	\$.10/pg + *	\$.10/pg + *	
	From 41-60 pages	\$.10/pg + *	\$.10/pg + *	
	Over 60 pages	\$.10/pg + *	\$.10/pg + *	
	Police Reports Facsimile Charge	No Charge	No Charge	Not Applicable
	Photographs			Not Available Online
	Booking Photo	\$.38 + *	\$.38 + *	Not Available Online
	Booking Room Videos, Lobby Videos,	\$.38 + *	\$.38 + *	Not Available Online
	Interview Videos, Evidence Videos and	\$.38 + *	\$.38 + *	
	Mobile Video Digital Recordings	\$.38 + *	\$.38 + *	
	*Digital Photos to Disc	\$.38 + *	\$.38 + *	Not Available Online
	Visa Clearance	\$11.00	\$11.00	Not Available Online
	Audio Tapes	\$.38 + *	\$.38 + *	Not Available Online
	Non-criminal Fingerprints			Not Available Online
	Resident or Portage Business	\$8.00/card	\$8.00/card	
	Non-resident	\$15.00/card	\$15.00/card	
	Application to Set Aside Conviction Permit	Through the Court	Through the Court	Not Available Online
	Bond Fee	\$10.00	\$10.00	

**CITY OF PORTAGE
2017 FREEDOM OF INFORMATION ACT FEES**

CHARGES FOR DOCUMENTS CONT.

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CHARGES PER COPY		ONLINE AVAILABILITY
		FORMER	CURRENT	
	PAPER FORMAT - IN COLOR:			Available as part of GIS Mapping Service
Community Development (Maps, plans, tracings, plats, etc.)	8 x 11 ("A" size) without Aerial	\$1.00	\$1.00	Available as part of GIS Mapping Service
	11 x 17 ("B" size) without Aerial	\$2.00	\$2.00	Available as part of GIS Mapping Service
	18 x 24 ("C" size) without Aerial	\$3.00	\$3.00	Available as part of GIS Mapping Service
	24 x 36 ("D" size) without Aerial	\$5.00	\$5.00	Available as part of GIS Mapping Service
	30 x 30 ("E" size) without Aerial	\$10.00	\$10.00	Available as part of GIS Mapping Service
	8 x 11 ("A" size) with Aerial	\$2.00	\$2.00	Available as part of GIS Mapping Service
	11 x 17 ("B" size) with Aerial	\$5.00	\$5.00	Available as part of GIS Mapping Service
	18 x 24 ("C" size) with Aerial	\$10.00	\$10.00	Available as part of GIS Mapping Service
	24 x 36 ("D" size) with Aerial	\$20.00	\$20.00	Available as part of GIS Mapping Service
	30 x 30 ("E" size) with Aerial	\$25.00	\$25.00	Available as part of GIS Mapping Service
	Building Plan/Site Plan (24x36) (copyright restrictions may apply)	\$5.00/sheet	\$5.00/sheet	Not Available Online
	Planning and Zoning Code with Land Development Regulations	\$.10/pg + *	\$.10/pg + *	Available Online
	Zoning Map, Future Land Use Map (11x17)	\$5.00	\$5.00	Available as part of GIS Mapping Service
	Zoning Map, Future Land Use Map (24x36)	\$10.00	\$10.00	Available as part of GIS Mapping Service
	Subdivision and Land Division Regulations	\$.10/pg + *	\$.10/pg + *	Available Online
	Comprehensive Master Plan	\$.10/pg + *	\$.10/pg + *	Available Online
	Comprehensive Master Plan - CD ROM	\$.38 + *	\$.38 + *	Available Online
	Major Thoroughfare Plan Status update	\$.10/pg + *	\$.10/pg + *	Available Online
	Capital Improvement Program (CIP)	\$.10/pg + *	\$.10/pg + *	Available Online
	Capital Improvement Program (CIP) - CD ROM	\$.38 + *	\$.38 + *	Available Online
	Property Notification Address List	\$.10/pg.	\$.10/pg.	Not Applicable
	CDBG Consolidated Plan	\$.10/pg + *	\$.10/pg + *	Available Online
	CDBG Annual Action Plan	\$.10/pg + *	\$.10/pg + *	Available Online
	Analysis of Impediments to Fair Housing Study	\$.10/pg + *	\$.10/pg + *	Available Online
	DIGITAL FORMAT:			
	Digital Aerial Photo of City (one foot pixel resolution)	\$40/section	\$40/section	Available as part of GIS Mapping Service
	Digital Aerial Photo of Entire City - All Sections	\$750.00	\$750.00	Available as part of GIS Mapping Service

**CITY OF PORTAGE
2017 FREEDOM OF INFORMATION ACT FEES**

CHARGES FOR DOCUMENTS CONT.

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CHARGES PER COPY		ONLINE AVAILABILITY
		FORMER	CURRENT	
Community	Digital Topographic Maps	\$25/quarter section	\$25/quarter section	Available as part of GIS Mapping Service
Development (Continued) (Maps, plans, tracings, plats, etc.) Continued	All 36 Sections	\$1,500.00	\$1,500.00	Available as part of GIS Mapping Service
	Digital (GIS) Map Layers (streets, hydrology, zoning, etc.)	\$100/layer	\$100/layer	Available as part of GIS Mapping Service
	Digital (GIS) Parcel Map Layer	0.10/parcel \$25 minimum \$750 maximum	\$.10/parcel \$25 minimum \$750 maximum	Available as part of GIS Mapping Service
	Custom Mapping	*	*	Available as part of GIS Mapping Service
	Building/Site Plan e-mailed (copyright restrictions may apply)	*	*	Not Available Online
Information Technology	Compact Disk	\$.38 + *	\$.38 + *	Not Applicable
	DVD Productions (copy of)	\$.38 + *	\$.38 + *	Not Applicable
	Computer Research	*	*	Not Applicable

* NOTE: Charge per document is \$.10/page, labor costs and up to 50% of the hourly wage for benefit costs of lowest paid individual capable of performing the work, plus mailing costs.
For requests involving in excess of 15 minutes of staff time, the charge will be based on the nearest quarter-hour increment after the first quarter hour rounded down.

Proposed 2017 Recreation and Park Facility Fees

RECREATION ACTIVITIES

Activity	Current Fee (2016)	Proposed Fee (2017)
Adult Softball Leagues (13 Games)	\$540	Same
Non-Resident Fee per Person	\$20	Same
Non-Resident Team Fee - 2 weeks prior to deadline	\$680	Same
Late Registration Fee	\$40	Same
Over 50 Teams	\$660	Same
Doubleheader Teams	\$1050	Same
Team Conduct Violation	\$20	Same
Late Summer Softball Leagues (7 Games)	\$400	Same
Ice Skating Lessons		
Per Person	\$21	Same
Youth Cross Country Ski Lessons		
Per Person	\$15	Same
Adult Cross Country Ski Lessons		
Per Person	\$20	Same
Downhill Skiing Fee		
Per Person	\$5	Same
Family	\$10	Same
Ramona Park Vehicle Permits		
Resident Daily Pass	\$5	Same
Non-Resident Daily Pass	\$10	Same
Resident Annual Pass	\$25	Same
Non-Resident Annual Pass	\$45	Same
Daily Bus Pass	\$50	Same
The Ice Rink at Millennium Park		
Skate Fee per Person	\$4	Same
Skate Rental	\$3	Same
Skate Sharpening	\$3	Same
10 Skate Discount Card	\$25	Same
Group Rental - 1-½ Hours	\$110	Same
Sports Sampler		
Resident Fee per Person	New	\$25
Non-Resident Fee per Person	New	\$37
Adult Sand Volleyball League		
Resident Fee per Person	New	\$30
Non-Resident Fee per Person	New	\$45
Adult Kickball League		
Resident Fee per Person	New	\$30
Non-Resident Fee per Person	New	\$45

Proposed 2017 Recreation and Park Facility Fees

PARK FACILITY FEES

Football And Soccer Field Rental	Current Fee (2016)	Proposed Fee (2017)
League Play		
Weeknights (2-3 Hours)		
Field/Season Non-Profit	\$260	Same
Field/Season Profit	\$430	Same
Weekends (4-6 Hours)		
Field/Season Non-Profit	\$405	Same
Field/Season Profit	\$640	Same
Weekend Tournaments		
Field/Day Non-Profit	\$210	Same
Field/Day Profit	\$325	Same
Camps And Clinics		
Field per 4 Hours Non-Profit	\$80	Same
Additional Hourly Fee Non-Profit	\$10	Same
Field per 4 Hours Profit	\$130	Same
Additional Hourly Fee Profit	\$20	Same
Team Practice Reservation Fee		
Non-Profit 1-½ Hour Fee	\$15	Same
Profit 1-½ Hour Fee	\$30	Same
Softball Field Rental	Current Fee (2016)	Proposed Fee (2017)
Youth League Tournaments		
Field/Day Non-Profit	\$60	Same
Field/Day Profit	\$75	Same
Deposit	\$100	Same
Adult Softball Tournaments		
Field/Day Non-Profit	\$60	Same
Field/Day Profit	\$75	Same
Deposit	\$100	Same
Practice Field Reservation per 1-½ Hour	\$10	Same
Softball Tournament Field Preparation		
Fee per day, per field	\$60	Same
Independent Leagues (No Prep)		
Field per Season	\$380	Same

Proposed 2017 Recreation and Park Facility Fees

Schrier Park Rental	Current Fee (2016)	Proposed Fee (2017)
Weekends/Holidays - First 3 Hours	\$190	Same
Additional Hourly Fee	\$50	Same
Daily Maximum Fee	\$400	Same
Weekdays (Mon-Fri) - First 3 Hours	\$140	Same
Additional Hourly Fee	\$35	Same
Daily Maximum Fee	\$290	Same
Non-Profit Meetings per Hour	\$25	Same
Damage Deposit	\$100	Same
Open Pavilion Rental	Current Fee (2016)	Proposed Fee (2017)
Weekends/Holidays	\$110	Same
Weekdays (Mon - Fri)	\$70	Same
Central Park, Lakeview Park #1 & #2, Ramona Park #1 & #2, Westfield Park		
Special Event Service	Current Fee (2016)	Proposed Fee (2017)
Daily Fee	\$250-\$375	Same
Damage Deposit	\$100	Same
South Westnedge Skatepark	Current Fee (2016)	Proposed Fee (2017)
Special Event Rental - 4 Hours	\$150	Same
Celery Flats Rental	Current Fee (2016)	Proposed Fee (2017)
Schoolhouse Classroom Daily Fee	\$50	Same
Damage Deposit	\$50	Same
Gazebo Rental - First 3 Hours	\$65/3 hours	Same
Additional Hourly Fee	\$15	Same
Damage Deposit	\$50	Same
Grain Elevator Group Rental - First 3 Hours	\$125	Same
Additional Hourly Fee	\$30	Same
Damage Deposit	\$100	Same
*Hayloft Theatre		
Group Rental - First 5 Hours	\$400	Same
Additional Hourly Fee	\$60	Same
Daily Maximum	\$770	Same
Wedding Fee	\$770	Same
Friday Rehearsal Option	\$100	Same
Outside Performance - Evening	\$300	Same
Rental Fee - Chairs	\$60	Same
Cleaning Fee - Interior Restroom	\$0	Same
Damage Deposit	\$150	Same
*Stuart Manor Group Rental - First 3 Hours	\$140	Same
Additional Hourly Fee	\$30	Same
Damage Deposit	\$150	Same
*Amphitheatre Group Rental - First 3 Hours	\$180	Same
Additional Hourly Fee	\$30	Same
Damage Deposit	\$100	Same

Proposed 2017 Recreation and Park Facility Fees

Overlander Bandshell	Current Fee (2016)	Proposed Fee (2017)
Non-Profit Group - First 3 Hours	\$140	Same
Additional Hourly Fee	\$40	Same
*Profit-Making Group - First 3 Hours	\$115	Same
Additional Hourly Fee	\$40	Same
15% Of Gross Receipts		
Past Sunset - Additional Hourly Fee	\$30	Same
Damage Deposit	\$100	Same
<i>*Extra Fees: 15% of gross receipts plus applicable fees for additional staff, special equipment, rehearsals.</i>		
Walk-Run Fundraising Events	Current Fee (2016)	Proposed Fee (2017)
Base Fee	\$450	Same
Over 200 Participants Additional Fee per Participant	\$0.75	Same
Early Set-Up	\$100	Same
Additional Staff Charges per Hour	\$25	Same
Damage/Deposit Reservation	\$100	Same

Proposed 2017 Community Development Fees

Service	Current Fee (2016)	6% increase	Proposed Fee (2017)
Access Management Appeal	\$330	\$349.80	\$350
Accessory Buildings	\$275	\$291.50	\$290
Accessory Use – Keeping of Chickens	\$50	\$53	\$55
Brownfield Redevelopment Plan/Amendment	\$1,100	\$1,166	\$1,165
Brownfield Redevelopment Plan (Kalamazoo County Plan)	\$500	\$530	\$530
Building Height Modification	\$330 (Planning Commission) \$550 (City Council)	\$349.80 \$583	\$350 (Planning Commission) \$585 (City Council)
Business Special Event	\$110	\$116.60	\$115
Collection Box Application - Annual Renewal Fee	\$100 \$50	\$106 \$53	\$105 \$55
Comprehensive Plan Amendment	\$825	\$874.50	\$875
Development Plan Scanning	\$30 for first 20 sheets plus \$1/sheet	\$31.80 for first 20 sheets plus \$1/sheet	No change
Home Occupation Permit - Active	\$150	\$159	\$160
Land Division	\$150 plus \$10 for each “child” parcel over two parcels	\$159 and \$10.60	\$160 plus \$11 for each “child” parcel over two parcels
Mural Permit	\$110	\$116.60	\$115
PA 198 Industrial Tax Abatement	2% of the total property taxes abated or \$1,800, whichever is less	\$1,908	2% of the total property taxes abated or \$1,910, whichever is less
Noxious Weed abatement	Documented cost of the abatement plus an admin fee of \$200 per zoning lot	\$212	No change
Nuisance Abatement	Documented cost of abatement plus an admin fee of \$350 and \$50/hour or fraction thereof of staff to complete the abatement	\$371 and \$53	Retain current administrative fee of \$350 but increase hourly rate to \$63
Parking modification	\$350 (new fee)	N/A	\$350
Parking Plans	\$165 base fee and \$5 per 500 square feet of parking area	\$174.90	\$175 base fee and \$5 per 500 square feet of parking area
PILOT (Payment in lieu of taxes)	\$750	\$795	\$795
Planned Development Tentative Plan	\$550 plus rezoning fee	\$583	\$585 plus rezoning fee
Commercial Planned Development Concept Plan	\$825 \$550, if processed concurrent with rezoning application \$220, if combined with a specific plan and less than 10 acres	\$874.50 \$583 \$233.20	\$875 \$585 , if processed concurrent with rezoning application \$235 , if combined with a specific plan and less than 10 acres

Proposed 2017 Community Development Fees

Service	Current Fee (2016)	6% increase	Proposed Fee (2017)
Planning and Zoning re-inspection fee	\$56 per hour (1 hour minimum fee)	\$59.36	\$63 /hour (to correspond with staff hourly rate)
Public Utility Plan	\$250 for one utility \$350 for more than one utility \$50 per easement document (review/record fee)	\$265 \$371 \$53	\$265 for one utility \$370 for more than one utility \$55 per easement document (review/record fee)
Sign Permits	\$110 per freestanding sign \$110 per wall sign \$55 per temporary/directional sign \$55 per freestanding/wall sign panel change where no structural modifications are proposed	\$116.60 \$116.60 \$58.30 \$58.30	\$115 per freestanding sign \$115 per wall sign \$60 per temporary/directional sign \$60 per freestanding/wall sign panel change where no structural modifications are proposed
Single-family Condominium - Preliminary approval	\$440 plus \$22 per lot	\$466.40 and \$23.32	\$465 plus \$23 per lot
Single-family Condominium - Final preliminary approval	\$660 plus \$22 per lot	\$699.60 and \$23.32	\$700 plus \$23 per lot
Single-family Condominium - Final approval	\$660 plus \$38 per lot	\$699.60 and \$40.28	\$700 plus \$40 per lot
Small On-site Wind Energy Systems	\$130	\$137.80	\$140
Special Land Use Permit	\$220 for group child care home \$330 for all others	\$233.20 \$349.80	\$235 for group child care home \$350 for all others
Special meeting of Planning Commission or Zoning Board of Appeals	\$220	\$233.20	\$235
Street Vacation or Land Sale	\$825	\$874.50	\$875
Zoning Amendment	\$1,100 for the first acre; then \$75 for each additional acre or fraction thereof – Map Amendment \$825 – Text Amendment	\$1,166 and \$79.50 \$874.50	\$1,165 for the first acre; then \$80 for each additional acre or fraction thereof – Map Amendment \$875 – Text Amendment
Zoning Board of Appeals	\$135 for one-family residential uses \$330 for all others	\$143.10 \$349.80	\$145 for one-family residential uses \$350 for all others
Zoning Compliance Review	\$50 for general zoning review/day care license \$100 lot line adjustment \$150 state license zoning reviews/ annual renewals	\$53 \$106 \$159	\$55 for general zoning review/day care license \$105 for lot line adjustment \$160 for state license zoning reviews/ annual renewals
Site Plan Review			
Multiple Family (R-1T; RM-1; RM-2)	\$385 + \$11/dwelling unit	\$408.10 + \$11.66	\$410 + \$12 /dwelling unit
Planned Development (PD)	\$385 + \$11/dwelling unit \$357 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$440 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space	\$408.10 + \$11.66 \$378.42 + \$6.36 \$466.64 + \$6.36	\$410 + \$12 /dwelling unit \$380 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$465 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space

Proposed 2017 Community Development Fees

Service	Current Fee (2016)	6% increase	Proposed Fee (2017)
Mobile Home Community (MHC)	\$385 + \$11/Mobile Home Unit	\$408.10 and \$11.66	\$410 + \$12/Mobile Home Unit
Commercial (OS-1; OTR; B-1; B-2; B-3; CPD; CCA; CCMU)	\$357 + \$6/100 sq. ft. gross floor area exclusive of basement space	\$378.42 and \$6.36	\$380 + \$6/100 sq. ft. gross floor area exclusive of basement space
Institutional (R-1A through R-1E; R-1T; RM-1; RM-2; PD)	\$385 + \$6/100 sq. ft. of gross floor area, exclusive of basement space	\$408.10 and \$6.36	\$410 + \$6/100 sq. ft. of gross floor area, exclusive of basement space
Industrial (I-1; I-2; OTR)	\$440 + \$6/500 sq. ft. of gross floor area, exclusive of basement space	\$466.40 and \$6.36	\$465 + \$6/500 sq. ft. of gross floor area, exclusive of basement space
Recreational (R-1A through R-1E; PD)	\$412 + \$12/acre over 3 acres	\$436.72 and \$12.72	\$435 + \$13/acre over 3 acres
Construction Fees			
Base fee for residential building permit, and all electrical, plumbing and mechanical permits	\$45.00	\$47.70	\$50.00
Base fee for commercial building permit	\$60.00	\$63.60	\$65.00
Base fee for trade permits (electrical, plumbing & mechanical)	\$45.00	\$47.70	\$50.00
Driveway/curb cut permit (residential)	\$20.00	\$21.20	\$25.00
Driveway/curb cut permit (commercial)	\$35.00	\$37.10	\$40.00
Irrigation in right-of-way	\$20.00	21.20	\$25.00
Swimming pool	\$50.00	\$53	\$55.00
Certificate of Occupancy Inspection (for changes in occupancy classification per Building Code when no plan review is required)	\$150.00	\$159	\$160.00
Construction Board of Appeals	\$100.00	\$106	\$110.00
Construction plan review for commercial projects with a project valuation of \$10,000 or greater.	\$.02/per square foot or \$200.00 whichever is greater	\$212	\$.02/per square foot or \$210.00 whichever is greater
Hourly cost of inspection	\$56.00	\$59.36	\$63.00

**CITY OF PORTAGE
RESOLUTION FOR COMMUNITY DEVELOPMENT FEES**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, under the Community Development Fees for the City of Portage, it is necessary for the Council to establish by resolution rates for permits, planning and zoning services, and administrative fees;

NOW, THEREFORE, BE IT RESOLVED: That the following rates are hereby established for community development fees in the City of Portage:

<u>SERVICE</u>	<u>FEE</u>
1. Access Management Appeal	\$350 per appeal
2. Accessory Buildings	\$290 per application
3. Accessory Use – Keeping of chickens	\$55 per application
4. Brownfield Redevelopment Plan or Amendment	\$1,165 per application
5. Brownfield Redevelopment Plan (Kalamazoo County Plan)	\$530 per application
6. Building Height Modification	\$350 per request involving action only by the Planning Commission \$585 per request involving action by the Planning Commission and City Council
7. Business Special Event	\$115 per application

8.	Collection Box Application	\$105 per application
	• Annual Renewal Fee	\$55 annually
9.	Comprehensive Plan Amendment	\$875 per amendment
10.	Development plan scanning	\$30 for first 20 sheets plus \$1/sheet thereafter
11.	Home Occupation Permit - Active	\$160 per permit
12.	Industrial Tax Abatement	2 percent of the total property taxes abated or \$1,910, whichever is less
13.	Land Division	\$160 plus \$11 for each "child" parcel over two
14.	Mural Permit	\$115 per mural application
15.	Noxious Weed abatement	Documented cost of the abatement plus an administrative fee of \$200 per zoning lot
16.	Nuisance Abatement	Documented cost of the abatement, plus an administrative fee of \$350, plus \$63/hour or fraction thereof of staff to complete the abatement
17.	Parking Modification	\$350 per application
18.	Parking Plans	\$175 base fee and \$5 per 500 square feet of parking area
19.	PILOT (Payment in lieu of taxes)	\$795 per application
20.	Planned Development Tentative Plan	\$585 per tentative plan plus the rezoning fee
21.	Commercial Planned Development Concept Plan	\$875 per conceptual plan • \$585 per conceptual plan if processed concurrent with rezoning application • \$235 per conceptual plan if combined with a specific plan and less than 10 acres
22.	Planning and Zoning re-inspection fee	\$63 per hour (1 hour minimum fee)
23.	Public Utility Plan	\$265 for one utility \$370 for more than one utility \$55 per easement document (review/record fee)

24.	Sign Permits	\$115 per permanent freestanding sign application \$115 per permanent wall sign application \$60 per temporary or directional sign application \$60 per permanent freestanding or wall sign application for sign panel change to existing sign, where no structural sign modifications are proposed
25.	Single-family Condominium - Preliminary approval	\$465 plus \$23 per lot
26.	Single-family Condominium - Final preliminary approval	\$700 plus \$23 per lot
27.	Single-family Condominium - Final approval	\$700 plus \$40 per lot
28.	Small On-site Wind Energy Systems	\$140 per application
29.	Special Land Use Permit	\$235 per group child care home application \$350 for all others
30.	Special meeting of the Planning Commission or Zoning Board of Appeals	\$235
31.	Street Vacation or Land Sale	\$875 per application
32.	Zoning Amendment	Map - \$1,165 for the first acre; then \$80 for each additional acre or fraction thereof Text - \$875 per amendment
33.	Zoning Board of Appeals	\$145 for all one-family residential uses \$350 for all others
34.	Zoning Compliance Review	\$55 per general zoning review/day care license \$105 per lot line adjustment \$160 for state license zoning review/annual renewals

35. Site Plan Review

Variable base fee plus unit/square footage charges as follows:

<u>Use</u> ¹	<u>Zoning Classification</u>	<u>Fee</u> ^{2, 3}
Multiple Family	R-1T; RM-1; RM-2	\$410 + \$12/dwelling unit
Planned Development	PD	\$410 + \$12/dwelling unit \$380 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$465 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space
Mobile Home Community	MHC	\$410 + \$12/Mobile Home Unit
Commercial	OS-1; OTR; B-1; B-2; B-3; CPD; CCA; CCMU	\$380 + \$6/100 sq. ft. of gross floor area, exclusive of basement space.
Institutional	R-1A through R-1E; R-1T RM-1; RM-2; PD	\$410 + \$6/100 sq. ft. of gross floor area, exclusive of basement space.
Industrial	I-1; I-2; OTR;	\$465 + \$6/500 sq. ft. of gross floor area, exclusive of basement space.
Recreational (golf courses and other open space type recreational uses)	R-1A through R-1E; PD	\$435 + \$13/acre over 3 acres.

¹ Use is defined as the principal purpose for which land or building is arranged, designed or intended, or for which land or a building is or may be occupied.

² Additions to existing structures up to 50% of the existing floor area within previously approved site plans or site plans involving phased developments (after initial phase) are to be charged at a rate one-half that of the applicable site plan review fee. Dwelling unit, square footage and/or acreage charges will remain unchanged.

³ Re-approval of a site plan shall be charged at one-half the applicable site plan review fee if application is made within 18 months of the previous City Council, Planning Commission or City Administration approval.

YES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

CERTIFICATION

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

James R. Hudson, City Clerk

Approved as to form:

Date 11/22/2016

City Attorney

**CITY OF PORTAGE
RESOLUTION ESTABLISHING FEES FOR BUILDING PERMITS**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, under the Building Code for the City of Portage, it is necessary for the Council to establish by resolution fees for permits;

NOW, THEREFORE, BE IT RESOLVED: That the following fees are hereby established for building permits in the City of Portage:

PERMIT FEES:

(Residential)¹

Total Valuation:	Fee:
Up to \$2,000	Minimum fee of \$50.00
\$2,001 to \$25,000	Minimum fee of \$50.00 or \$31.41 for the first \$2,000 plus \$5.45 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$156.76 for the first \$25,000 plus \$4.02 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$257.26 for the first \$50,000 plus \$2.80 for each additional \$1,000 or fraction thereof, to and including \$100,000

\$100,001 to \$500,000	\$397.26 for the first \$100,000 plus \$2.24 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$1,293.26 for the first \$500,000 plus \$1.89 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,000 and up	\$2,238.26 for the first \$1,000,000 plus \$1.47 for each additional \$1,000 or fraction thereof

(Commercial)¹

Up to \$2,000	Minimum fee of \$65.00 or \$26.82 for the first \$500 plus \$3.49 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$79.17 for the first \$2,000 plus \$16.02 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$447.63 for the first \$25,000 plus \$11.55 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$736.38 for the first \$50,000 plus \$8.01 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,136.88 for the first \$100,000 plus \$6.41 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,700.88 for the first \$500,000 plus \$ 5.44 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$6,420.88 for the first \$1,000,000 plus 4.18 for each additional \$1,000 or fraction thereof

¹The building permit fee is based upon the Building Valuation Data from the International Code Council.

(Other Construction Related Permits)

Residential Driveway, Curb Cut, and Sidewalk Permits	\$25.00
Commercial Driveway, Curb Cut, and Sidewalk Permits	\$40.00
Irrigation in right-of-way	\$25.00
Swimming Pools	\$55.00
Use of outside consultants for plan checking, inspections, etc.	Actual cost
Application to Construction Board of Appeals (Building, Mechanical, Electrical, Plumbing)	\$110.00
Inspections for which no fee is specifically indicated (1 hour minimum)	\$63.00/hr.
Certificate of Occupancy Fee (for changes in occupancy classification per Building Code when no plan review is required)	\$160.00
Building Plan Review (for commercial projects with a valuation over \$10,000.00)	\$210.00 or .02 per sq. ft., whichever is greater
Reinspection fees assessed (assessed when inspection requested and work not completed - 1 hour minimum).	\$63.00/hr
Inspection outside normal business hours	\$75.00/hr. (1-hr. minimum)

Investigation fee

Whenever work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. The investigation fee shall be in addition to the permit fee and shall be based upon the staff investigation time required to ensure code compliance, charged at the hourly inspection rate. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

EFFECTIVE DATE: _____, 20__.

James R. Hudson City Clerk

CERTIFICATION

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

James R. Hudson, City Clerk

T:\COMMDEV\2014-2015 Department Files\2014 Forms\Building Forms\Building Permit Fees Resolution 2015 (Proposed).doc

APPROVED AS TO FORM
DATE 11/22/2016
RS
CITY ATTORNEY

**CITY OF PORTAGE
RESOLUTION ESTABLISHING FEES FOR ELECTRICAL PERMITS**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, under the Electrical Code for the City of Portage, it is necessary for
the Council to establish by resolution fees for permits;

NOW, THEREFORE, BE IT RESOLVED: That the following fees are hereby
established for electrical permits in the City of Portage:

PERMIT FEES:

Base Fee	\$50.00
Temporary Service	\$10.00
Services up to 200 Amps	\$10.00
Services 201 - 600 Amps	\$15.00
Services 601 - 800 Amps	\$20.00
Services 801 - 1200 Amps	\$25.00
Service over 1201 Amps	\$50.00
Service Alterations (including generators)	\$10.00
Each Circuit	\$ 5.00
Adds to wire-no new circuits	\$ 6.00
Buss ducts, Feeders, Etc. per 50 feet - 1 circuit	\$ 6.00
Fixtures-per units of 25	\$ 6.00
Motors - all sizes	\$ 6.00
Range Circuit	\$ 7.00
Oven Circuit	\$ 7.00

Dishwasher Circuit	\$ 7.00
Air Conditioner Circuit	\$ 7.00
Disposal Circuit	\$ 7.00
Clothes Dryer Circuit	\$ 7.00
Water Heater Circuit	\$ 7.00
Sign Circuit/installation	\$10.00
Gasoline dispenser/pump	\$ 6.00
Electric Space Heater Circuit	\$ 4 00
Light and power transformer	\$10.00
Heating - Forced Air & Water	\$ 5.00
Smoke detectors/Fire Alarms (per residential dwelling/unit)	\$ 6.00
Fire Alarm (Commercial):	
up to 10 devices	\$50.00
11 to 20 devices	\$100.00
over 20 devices (per device)	\$ 5.00
Swimming Pools/Hot Tub/Sauna	\$15.00
Radio Amplification Systems	\$100.00
Special Event, etc.	\$45.00

Other Fees:

Inspection outside normal working hours	\$75.00/hr or fraction thereof.
Additional inspection	\$63.00/hr or fraction thereof.

Investigation fee

Whenever work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. The investigation fee shall be in addition to the permit fee and shall be based upon the staff investigation time required to ensure code compliance, charged at the hourly inspection rate. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

EFFECTIVE DATE: _____

James R. Hudson City Clerk

CERTIFICATION

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

James R. Hudson City Clerk

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APPROVED AS TO FORM

DATE 11/22/2016

CITY ATTORNEY

**CITY OF PORTAGE
RESOLUTION TO ESTABLISH FEES FOR MECHANICAL PERMITS**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, under the Mechanical Code for the City of Portage, it is necessary for the Council to establish by resolution fees for permits;

NOW, THEREFORE, BE IT RESOLVED: That the following fees are hereby established for mechanical permits in the City of Portage:

PERMIT FEES:

Base Fee	\$50.00
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HEATING EQUIPMENT

Residential (Alt/Add/Ductwork)	\$25.00
Commercial (Alt/Add/Ductwork)	\$25.00
Forced Air Furnaces w/WO ductwork & vents:	
up to and including 100,000 BTUs	\$50.00 (includes ductwork)
over 100,000 BTUs	\$50.00 (includes ductwork)
Forced Air Replacement:	
up to and including 100,000 BTUs	\$30.00
over 100,000 BTUs	\$30.00
Suspended Units w/WO ductwork	\$15.00
Conversion - Res. & Comm.	\$30.00
Commercial & Residential Water Heater	\$5.00
Air/Water Heat Pump	\$20.00

Gas Piping & Testing	\$5.00 (per opening)
Residential Hot Water/Steam Boiler, Piping	\$30.00
Ventilation/Product ducts	\$5.00
Solar (active)	\$20.00
Wood Burner	\$30.00
Gas, Wood Fireplaces	\$30.00

AIR CONDITIONING

Air Conditioning	\$30.00
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SPECIAL EQUIPMENT

Commercial Exhaust Hoods/Fans	\$15.00
Commercial Dryers	\$ 7.25
Humidifier - Nonportable	\$10.00
Prepackage Heat/Cool Unit (under 10,000 CFM)	\$20.00
(10,000 CFM & over)	\$60.00
Process Piping	\$25.00
Cooling towers w/without piping	\$30.00
VAV Boxes	\$10.00
Heat recovery units	\$10.00
Evaporator coils	\$30.00
Fire Suppression/protection	\$20.00
Compressors	\$30.00
Flow Vent/damper	\$5.00
Chiller	\$30.00
Tanks above ground	\$20.00
Tanks under ground	\$25.00

REFRIGERATION

Systems (not sealed)	\$30.00
Sealed Systems - No Permit	

Other Fees

Inspection fee for a non-listed item	\$10.00
Inspection outside normal working hours	\$75.00/hr or fraction thereof
Additional Inspections	\$63.00/hr. or fraction thereof
Investigation fee	Whenever work for which a permit is required by this code has been commenced

without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. The investigation fee shall be in addition to the permit fee and shall be based upon the staff investigation time required to ensure code compliance, charged at the hourly inspection rate. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

All resolutions or parts of resolutions are. to the extent of any conflict with this resolution, rescinded.

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM

DATE 11/22/2016

[Signature]
CITY ATTORNEY

James R. Hudson City Clerk

CERTIFICATION

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

James R. Hudson City Clerk

**CITY OF PORTAGE
RESOLUTION ESTABLISHING FEES FOR PLUMBING PERMITS**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, under the Plumbing Code for the City of Portage, it is necessary for the Council to establish by resolution fees for permits;

NOW, THEREFORE, BE IT RESOLVED: That the following fees are hereby established for plumbing permits in the City of Portage:

PERMIT FEES:

Base Fee	\$50.00
Water closets	\$5.00
Bathtub	\$5.00
Shower	\$5.00
Lavatory	\$5.00
Sink (any type)	\$5.00
Laundry tray	\$5.00
Dishwasher	\$5.00
Garbage disposal	\$5.00
Floor drain	\$5.00
Drinking fountain	\$5.00
Automatic washer	\$5.00
Water heater	\$5.00
Urinal	\$5.00
Stack (soil, waste, vent)	\$3.00
Backflow preventer	\$20.00

Other fixtures (specify)	\$5.00
Dental chair	\$5.00
Building drain	\$5.00
Septic tank sewer	\$5.00
Catch basin/sump	\$5.00
Roof sump/inside	\$5.00
Conductor pipe	\$5.00
Storm sewer	\$5.00
Oil separator	\$5.00
Water softener	\$5.00
Grease trap	\$5.00
Sanitary sewer 4"	\$5.00
Sanitary sewer 6+ inches	\$25.00
Manhole	\$5.00
Residential water distribution line	\$10.00
Commercial water distribution line	\$25.00
Water service 3/4" to 2" line	\$5.00
Water service 4" or larger	\$10.00

Other Fees:

Inspection outside normal working hours \$75.00/hr or fraction thereof.

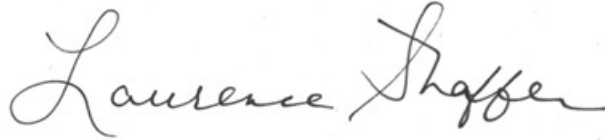
Additional inspection \$63.00/hr or fraction thereof.

Investigation fee

Whenever work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. The investigation fee shall be in addition to the permit fee and shall be based upon the staff investigation time required to ensure code compliance, charged at the hourly inspection rate. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Final Preliminary Condominium Subdivision for Copperleaf (Phase II) -3800 West Milham and 5710 Angli

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the Final Preliminary Condominium Subdivision (detailed engineering plans) for Copperleaf (Phase II) at 3800 Milham Avenue and 5710 Angling Road.

In November 2013, City Council approved the Planned Development (PD) rezoning and tentative plan/narrative for the Copperleaf PD (previously called Harbors West), which includes 204 single family residential homes on 74 acres with over 14 acres of open space. In January 2015, City Council approved the first of six phases of the Copperleaf Subdivision, which included 39 single family residential lots. Phase II of the Copperleaf Subdivision, which includes 32 single family residential lots on approximately ten acres was approved by City Council on August 9, 2016.

The developer, Westview Capital, LLC, is now requesting that City Council approve engineering design and construction plans that include the following public improvements within Phase II:

- Construction of two new interior public streets: Tauton Trail, which will connect to Bay Meadow Trail, and Ryan Circle. Tauton Trail will include a landscaped island within the public right-of-way at the intersection with Copperleaf Trail. Ryan Circle will also include a landscaped island at the intersection with Tauton Trail, as well as within the center of the cul-de-sac. These landscaped islands will be maintained by the condominium association.
- A four-foot-wide concrete sidewalk on both sides of Tauton Trail and the west side of Ryan Circle, which will connect to the existing paved trail.
- The sanitary sewer system will consist of 8-inch diameter sewer mains and individual laterals constructed to service each lot in accordance with City of Portage requirements.
- The water system will consist of 8-inch diameter ductile iron mains and 1¼-inch services to each individual lot. The proposed system will connect to the existing water main located in Bay Meadow Trail.
- Storm water will be collected and conveyed to an existing infiltration basin located in the middle portion of the overall property and constructed with Phase I. Storm water piping and structures located within the public streets will be owned and maintained by the city, while the infiltration basin will be owned and maintained by the condominium association.

Before final condominium approval is granted, the required condominium association documents, easements and maintenance/indemnification agreement will be provided to the city for review and

approval. The departments of Community Development, Transportation and Utilities and the Fire Division have reviewed the construction drawings and determined the plans are in conformance with city requirements. Based on the administrative review, it is recommended that final preliminary condominium approval be granted. This action will allow the developer to proceed with the construction of the infrastructure improvements. When construction is complete, the developer will request final approval from City Council and acceptance of the water and sanitary sewer mains as public facilities.

FUNDING: Not Applicable

Attachments: 1. Final Preliminary Condominium Plans

CONSTRUCTION PLANS for PHASE TWO of 'COPPERLEAF'

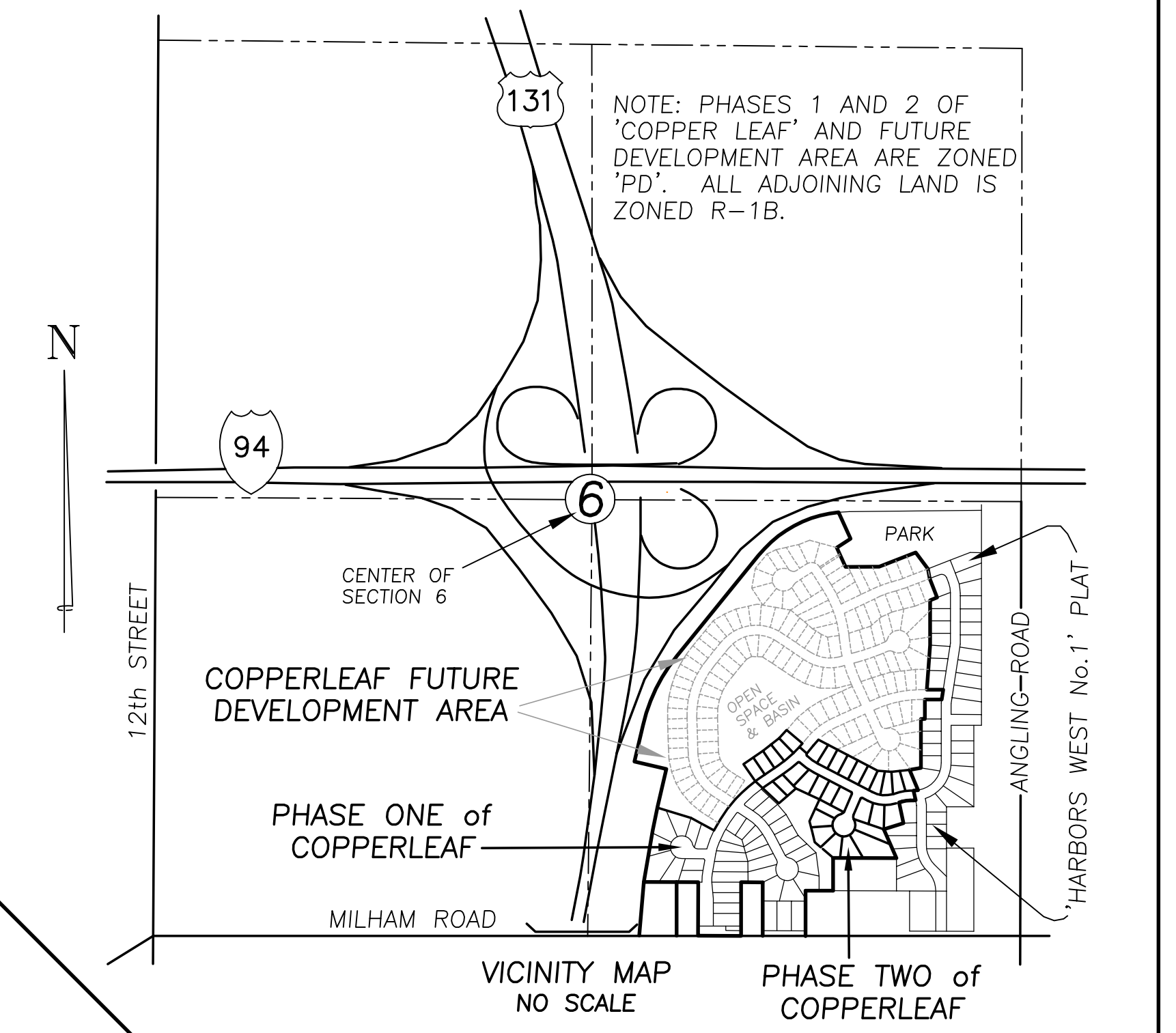
NOTE: 'COPPERLEAF' IS A SITE CONDOMINIUM AND PLANNED
DEVELOPMENT WITH CITY OF PORTAGE PUBLIC STREETS

SITE DATA:

-ZONING OF PROPERTY = "PD"
-PHASE TWO AREA = 9.97 ACRES
-# OF UNITS IN PHASE TWO = 32
-DENSITY WITHIN PHASE TWO = 3.2 UNITS/ACRE
-DENSITY WITHIN PHASES ONE & TWO =
2.76 UNITS/ACRE ← 71 UNITS / 25.70 ACRES

FIRE DEPT. NOTES

- 1) COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT COMMENCE UNTIL FIRE HYDRANTS ARE OPERABLE AND AN ALL WEATHER ROAD SURFACE IS IN PLACE.
- 2) THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE HYDRANT WITHIN 400' OF ALL PORTIONS OF THE BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF TYPE V-B CONSTRUCTION. SHOULD A BUILDING EXCEED 3600 SQUARE FEET, THE MINIMUM FIRE FLOW WILL BE BASED ON THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING.
- 3) FIRE APPARATUS ACCESS: ROADS LESS THAN 26.0' WIDE SHALL BE POSTED ON BOTH SIDES AS A FIRE LANE.
- 4) "NO PARKING" SIGNS SHALL BE INSTALLED AS REQUIRED BY THE CITY.
- 5) TEMPORARY STREET SIGNS SHALL BE PROVIDED AS REQUIRED BY THE FIRE DEPARTMENT.
- 6) WIDTH OF IMPROVED STREETS SHALL BE A MINIMUM OF 26.0 FEET (BETWEEN BACK OF CURBS).
- 7) AN ELECTRONIC COPY OF THE APPROVED SITE PLAN SHALL BE PROVIDED TO THE FIRE DEPARTMENT (JPEG FORMAT).
- 8) "FIRE LANE" SIGNS SHALL BE INSTALLED AS REQUIRED BY THE CITY.



GENERAL NOTES

- 1) PROPERTY IS CURRENTLY ZONED "PD".
- 2) PUBLIC WATER MAIN SHALL BE AN 8 INCH DUCTILE IRON MAIN WITHIN A PUBLIC ROAD OR WITHIN AN EASEMENT TO THE CITY OF PORTAGE. WATER SERVICES SHALL BE 1.25 INCH COPPER AND SHALL EXTEND FROM WATER MAIN TO CURB BOX.
- 3) PUBLIC SANITARY SEWER SHALL BE 8" PVC SEWER WITHIN A PUBLIC ROAD OR WITHIN AN EASEMENT TO THE CITY OF PORTAGE. SEWER LEADS SHALL BE 6 INCH PVC AND SHALL EXTEND FROM MAIN TO SEWER RISER.
- 4) STORM WATER DISPOSAL SHALL BE THROUGH SOLID WALL STORM SEWER PIPE WITH POSITIVE OUTLET TO THE DISPOSAL AREA. SYSTEM SHALL COMPLY WITH CITY SPEC'S AND CITY OF PORTAGE STORMWATER DESIGN CRITERIA MANUAL. PIPE JOINTS SHALL BE WATERTIGHT AND CONNECTIONS AT MANHOLES SHALL BE WITH A RUBBER BOOT. STORMWATER RUN-OFF SHALL DRAIN TO THE EXISTING STORM WATER BASIN AREA LOCATED WEST OF PHASE TWO. STORM SEWER WITHIN PUBLIC ROADS SHALL BE PUBLIC. STORM SEWER OUTSIDE OF PUBLIC ROADS & STORM BASIN SHALL BE PRIVATE.
- 5) ALL CONDOMINIUM STREETS SHALL BE PUBLIC, PAVED, AND HAVE A MINIMUM WIDTH OF 32 FEET FROM EDGE OF PAVEMENT TO EDGE OF PAVEMENT (36' BETWEEN BACKS OF CURB).
- 6) STREET LIGHTS, STREET SIGNS, AND HYDRANT SIGNS SHALL BE INSTALLED.
- 7) SITE IS PRIMARILY COVERED WITH TREES AND BRUSH.
- 8) ELEVATION DATUM IS U.S.C.S. DATUM AS FORMULATED WITHIN THE CITY OF PORTAGE.
- 9) PRIVATE DRIVEWAYS HAVE NOT BEEN SHOWN ON THIS PLAN.
- 10) A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED FROM THE CITY OF PORTAGE PRIOR TO ANY ON SITE GRADING ACTIVITIES.
- 11) SHOWN BASE MAP ON THIS SHEET BASED ON TOPOGRAPHIC MAP BY OTHERS.
- 12) PROPERTY DOES NOT CONTAIN ANY DESIGNATED WETLANDS OR FLOODPLAINS.
- 13) SHOWN STREET NAMES ARE SUBJECT TO CITY APPROVAL AND COUNTY APPROVAL.
- 14) MINIMUM HOUSING SIZES WITHIN THIS SITE CONDOMINIUM ARE 1400 SQUARE FEET FOR A RANCH HOME AND 1800 SQUARE FEET FOR A TWO-STORY HOME.
- 15) A MAINTENANCE AND INDEMNIFICATION AGREEMENT SHALL BE CREATED FOR THE LANDSCAPED ISLANDS WITHIN THE PUBLIC ROAD RIGHT-OF-WAYS AND ALSO FOR THE STORM WATER RETENTION AREA. THIS AGREEMENT SHALL BE INCLUDED IN THE MASTER DEED CONDOMINIUM DOCUMENTS.

SHEET INDEX:

- 1) COVER SHEET
- 2) PLAN & PROFILE (COPPERLEAF TR. & TAUNTON DR.)
- 3) PLAN & PROFILE (TAUNTON DR. & RYAN COURT)
- 4) GRADING PLAN
- 5) CONSTRUCTION DETAILS & NOTES
- 6) CONSTRUCTION DETAILS

NOTE: ALSO SEE APPROVED TENTATIVE
PLAN (BY PATHFINDER ENGINEERING)
FOR THIS PROJECT (FORMERLY NAMED
'HARBORS WEST' PLANNED DEVELOPMENT).

OWNER & APPLICANT:
WESTVIEW CAPITAL, LLC
2186 EAST CENTRE STREET
PORTAGE, MI 49002
(269) 321-2610

ZONING & SETBACK INFORMATION:
-ZONING OF PROPERTY = "PD"
-MINIMUM WIDTH @ FRONT SETBACK = 60'
-REQUIRED FRONT SETBACK = 25'
-REQUIRED REAR SETBACK = 25'
-REQUIRED SIDE SETBACK = 5'
(MINIMUM 15' BETWEEN DWELLINGS)
-MAXIMUM UNIT COVERAGE = 30%

* NOTE: FRONT SETBACK IS ONLY 15' ON LONG SIDE
OF CORNER UNITS.



COVER SHEET		REVISED: 11/14/2016
Phase Two of COPPERLEAF		REVISED: 10/26/2016
PART OF SE 1/4 OF SEC. 6, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN		DATE: 8/31/2016
Ingersoll, Watson & McMachen, Inc.		SHEET: 1
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		JOB No.: 36273-2
1133 East Milham Road • Portage, Michigan 49002 • Phone 269 344-6165 • Fax 269 344-0555		

SCALES:
PLAN VIEW: 1" = 40'
PROFILE: 1" = 40' HORIZ.
1" = 4' VERTICAL

LEGEND

- PROPOSED FIRE HYDRANT ASSEMBLY (8" x 6" TEE, 6" GATE VALVE, & HYD.)
- PROPOSED STOP SIGN/STREET SIGN, PEDESTRIAN CROSSING SIGN, OR STREET SIGN
- SUGGESTED LOCATION OF PROPOSED STREET LIGHT
- PROPOSED 4.0' WIDE CONCRETE SIDEWALK
- PROPOSED CROSSWALK WITH PEDESTRIAN CROSSING SIGNS

STREET CUT PERMIT SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS NECESSARY. PAVEMENT SHALL BE REPAIRED IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.

NOTE: VEHICLE DRIVER'S SIGHT DISTANCE REQUIREMENTS SHALL BE MAINTAINED AT ALL INTERSECTIONS (400' SIGHT DISTANCE FOR MILHAM AVENUE, 300' SIGHT DISTANCE FOR ALL OTHER STREETS)

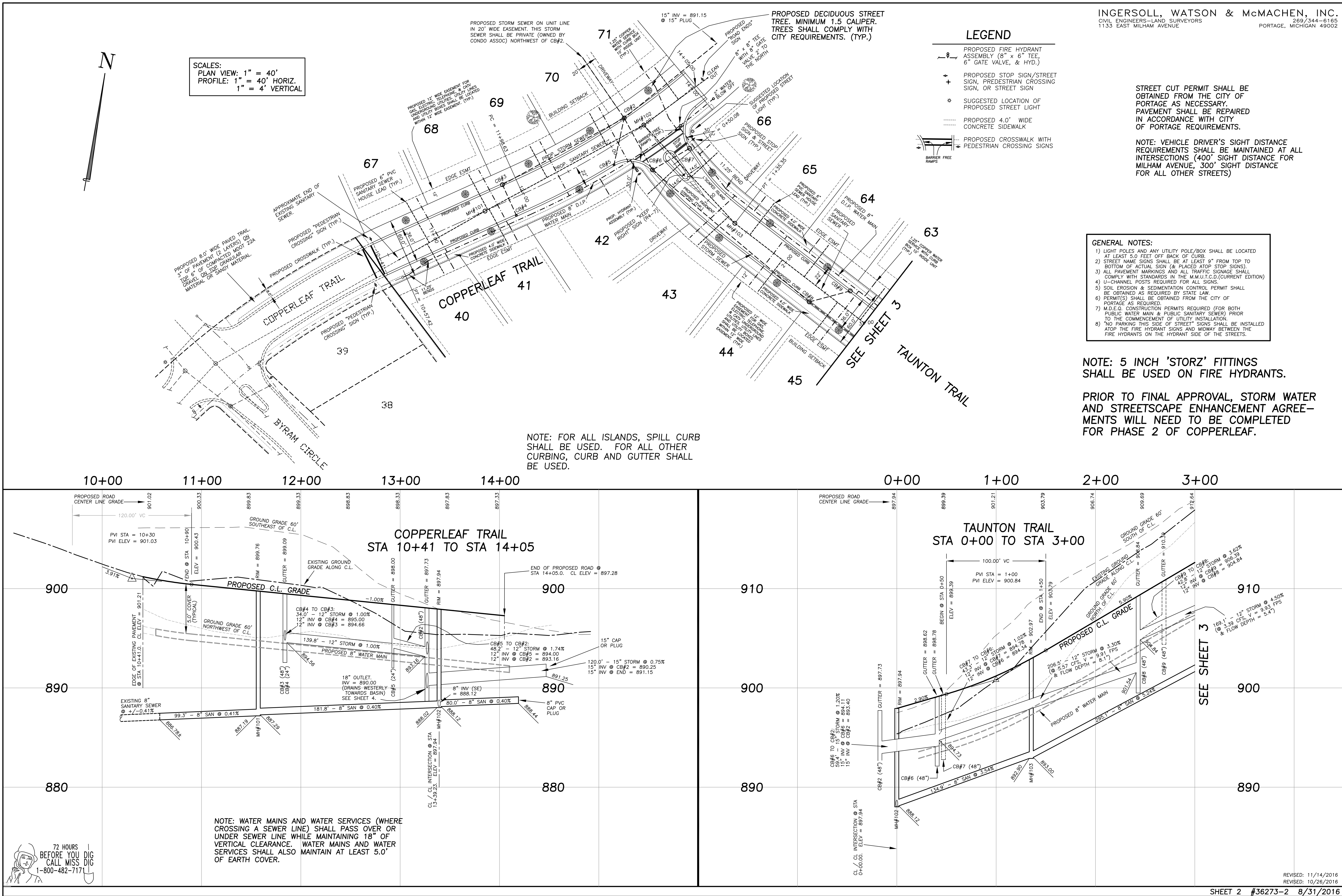
GENERAL NOTES:

- LIGHT POLES AND ANY UTILITY POLE/BOX SHALL BE LOCATED AT LEAST 5.0 FEET OFF BACK OF CURB.
- STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED ATOP STOP SIGNS).
- ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.M.U.T.C.D.(CURRENT EDITION)
- U-CHANNEL POSTS REQUIRED FOR ALL SIGNS.
- SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
- PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
- M.D.E.Q. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.
- "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.

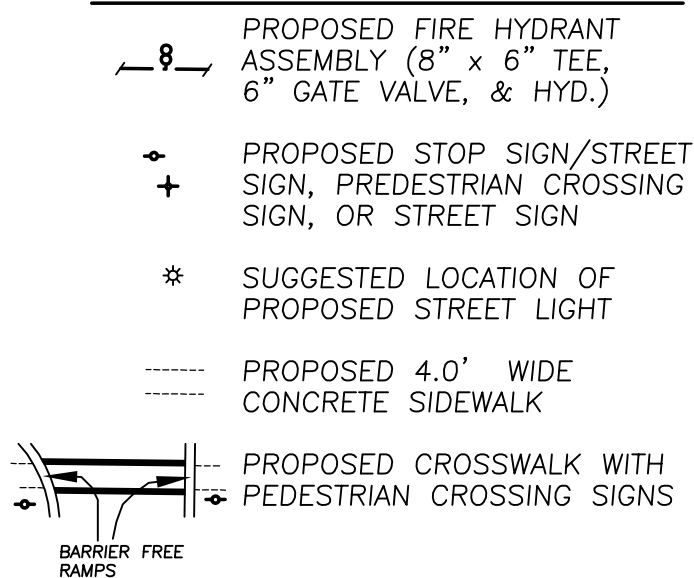
NOTE: 5 INCH 'STORZ' FITTINGS SHALL BE USED ON FIRE HYDRANTS.

PRIOR TO FINAL APPROVAL, STORM WATER AND STREETScape ENHANCEMENT AGREE-MENTS WILL NEED TO BE COMPLETED FOR PHASE 2 OF COPPERLEAF.

NOTE: FOR ALL ISLANDS, SPILL CURB SHALL BE USED. FOR ALL OTHER CURBING, CURB AND GUTTER SHALL BE USED.



LEGEND



STREET CUT PERMIT SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS NECESSARY. PAVEMENT SHALL BE REPAIRED IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.

NOTE: VEHICLE DRIVER'S SIGHT DISTANCE REQUIREMENTS SHALL BE MAINTAINED AT ALL INTERSECTIONS (400' SIGHT DISTANCE FOR MILHAM AVENUE, 300' SIGHT DISTANCE FOR ALL OTHER STREETS)

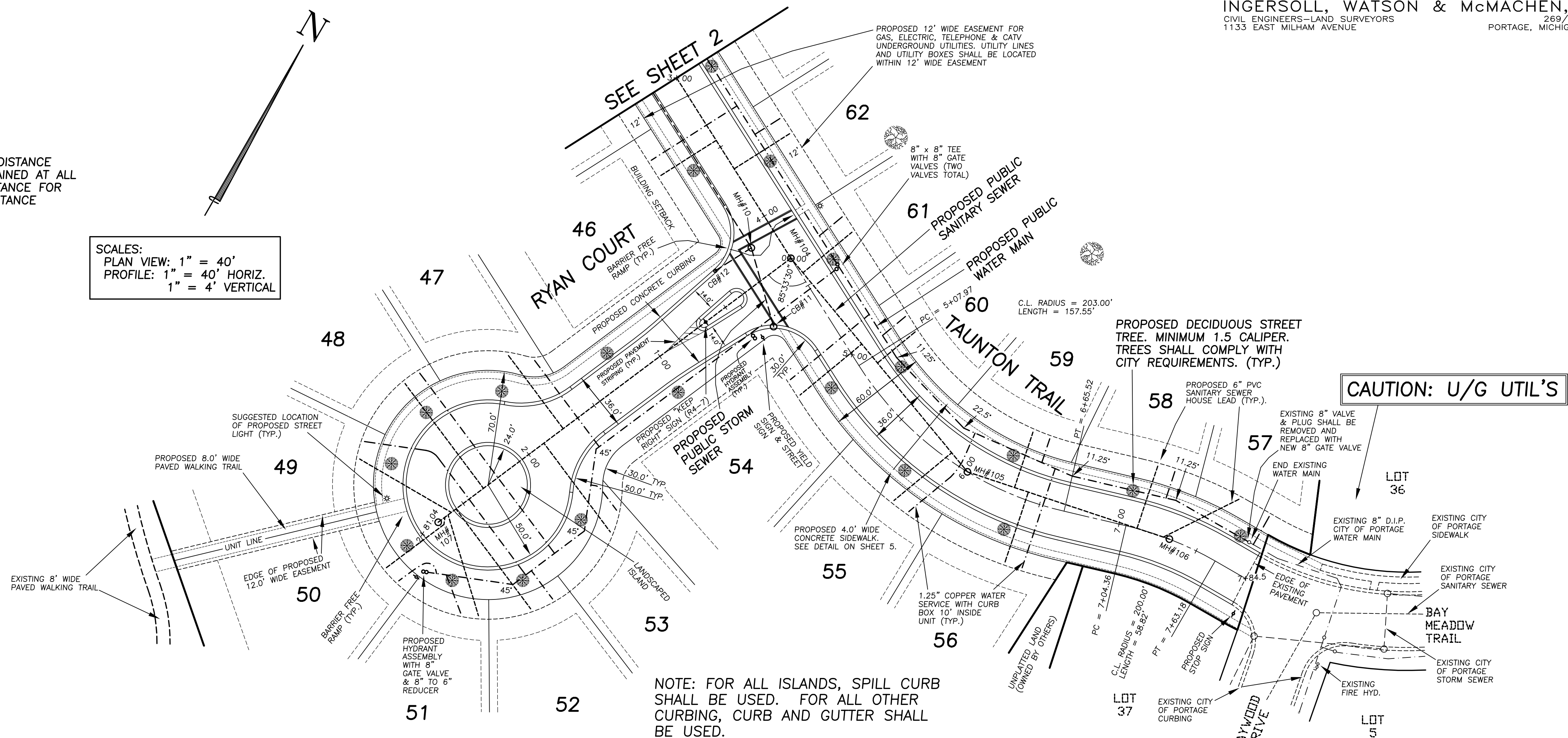
SCALES:
PLAN VIEW: 1" = 40'
PROFILE: 1" = 40' HORIZ.
1" = 4' VERTICAL

GENERAL NOTES:

- 1) LIGHT POLES AND ANY UTILITY POLE/BOX SHALL BE LOCATED AT LEAST 5.0 FEET OFF BACK OF CURB.
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- 5) SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
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- 7) M.D.E.Q. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.
- 8) "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.

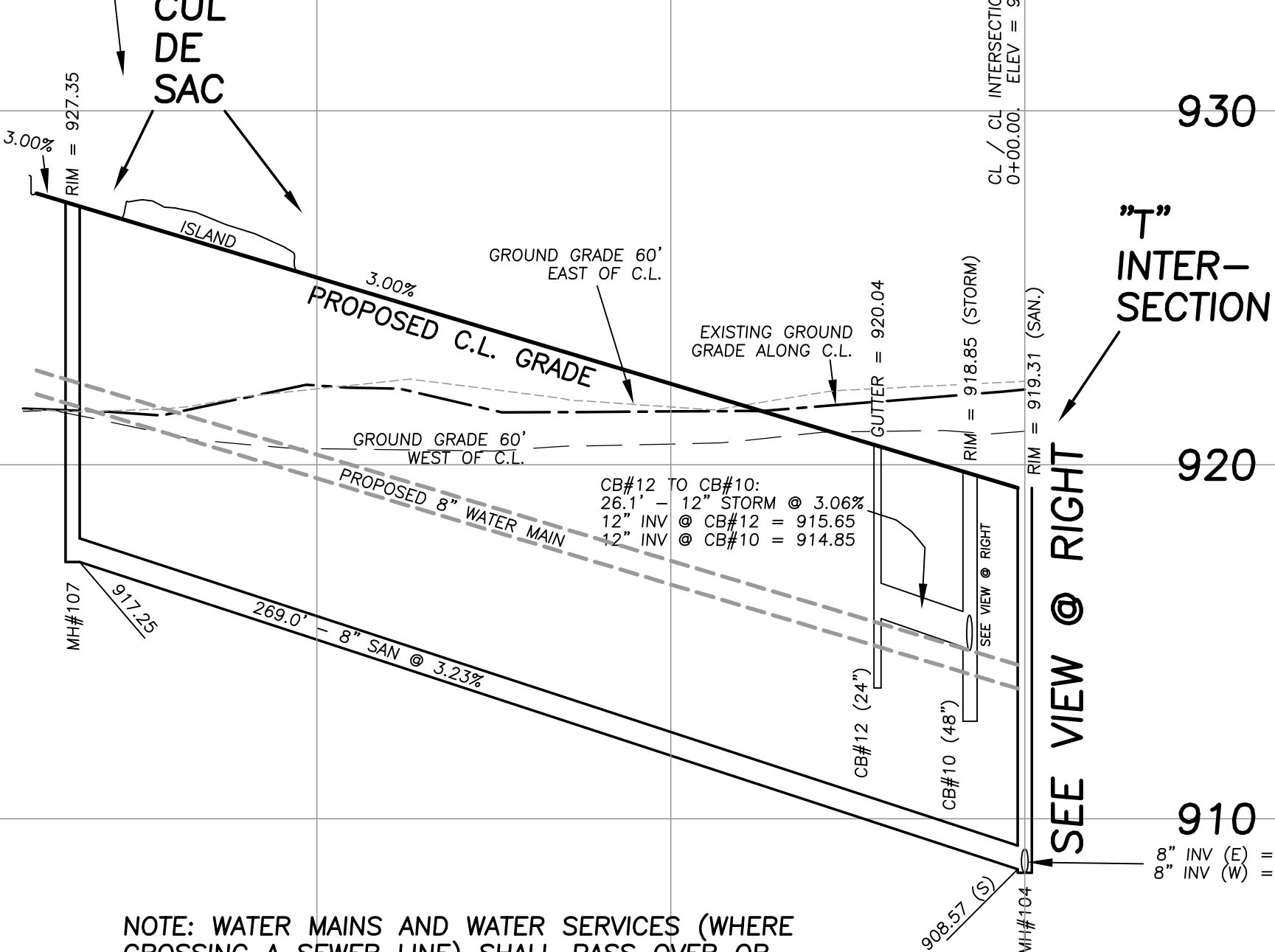
NOTE: 5 INCH 'STORZ' FITTINGS SHALL BE USED ON FIRE HYDRANTS.

PRIOR TO FINAL APPROVAL, STORM WATER AND STREETScape ENHANCEMENT AGREEMENTS WILL NEED TO BE COMPLETED FOR PHASE 2 OF COPPERLEAF.

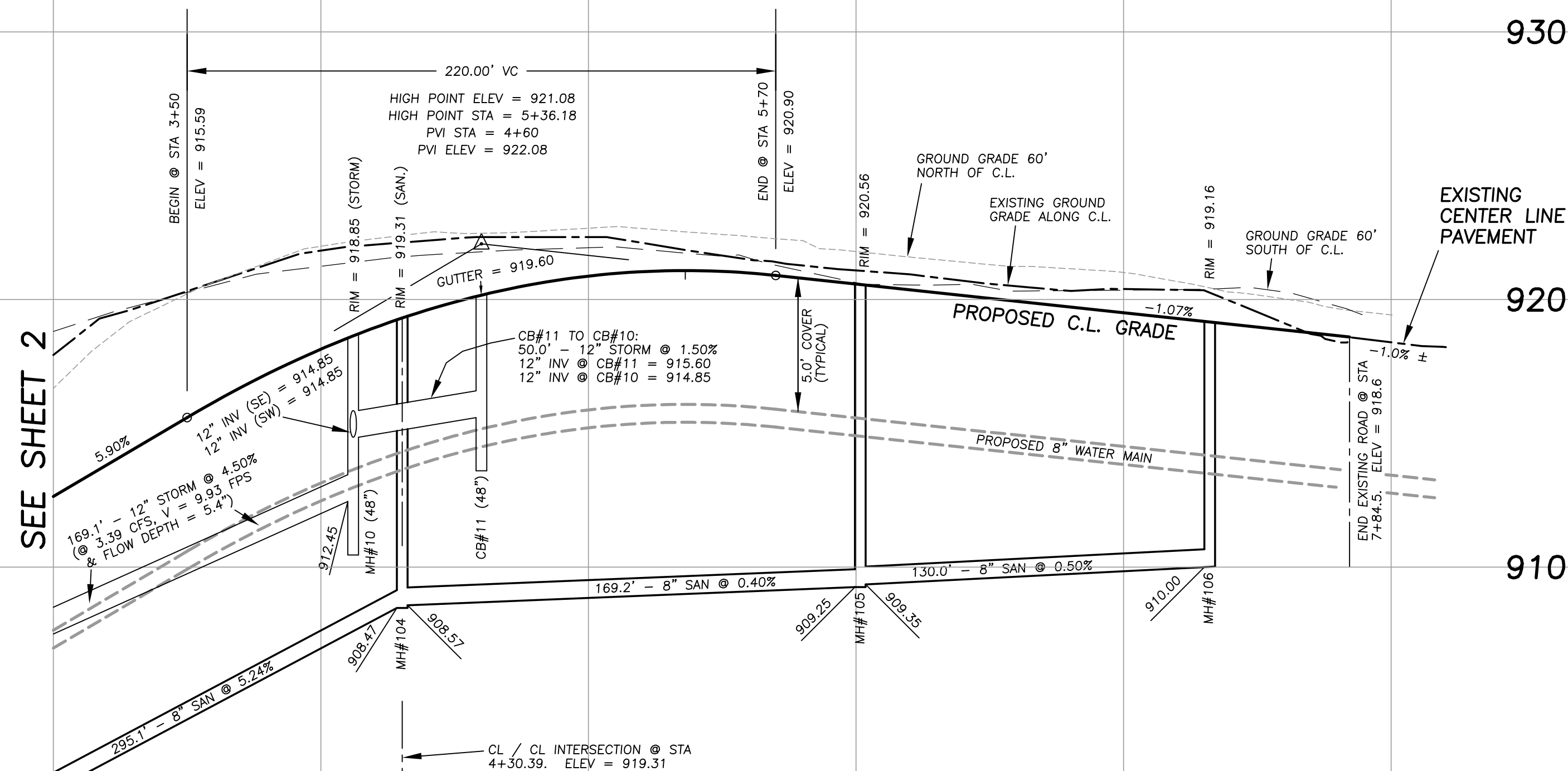


3+00 2+00 1+00 0+00 3+00 4+00 5+00 6+00 7+00 8+00

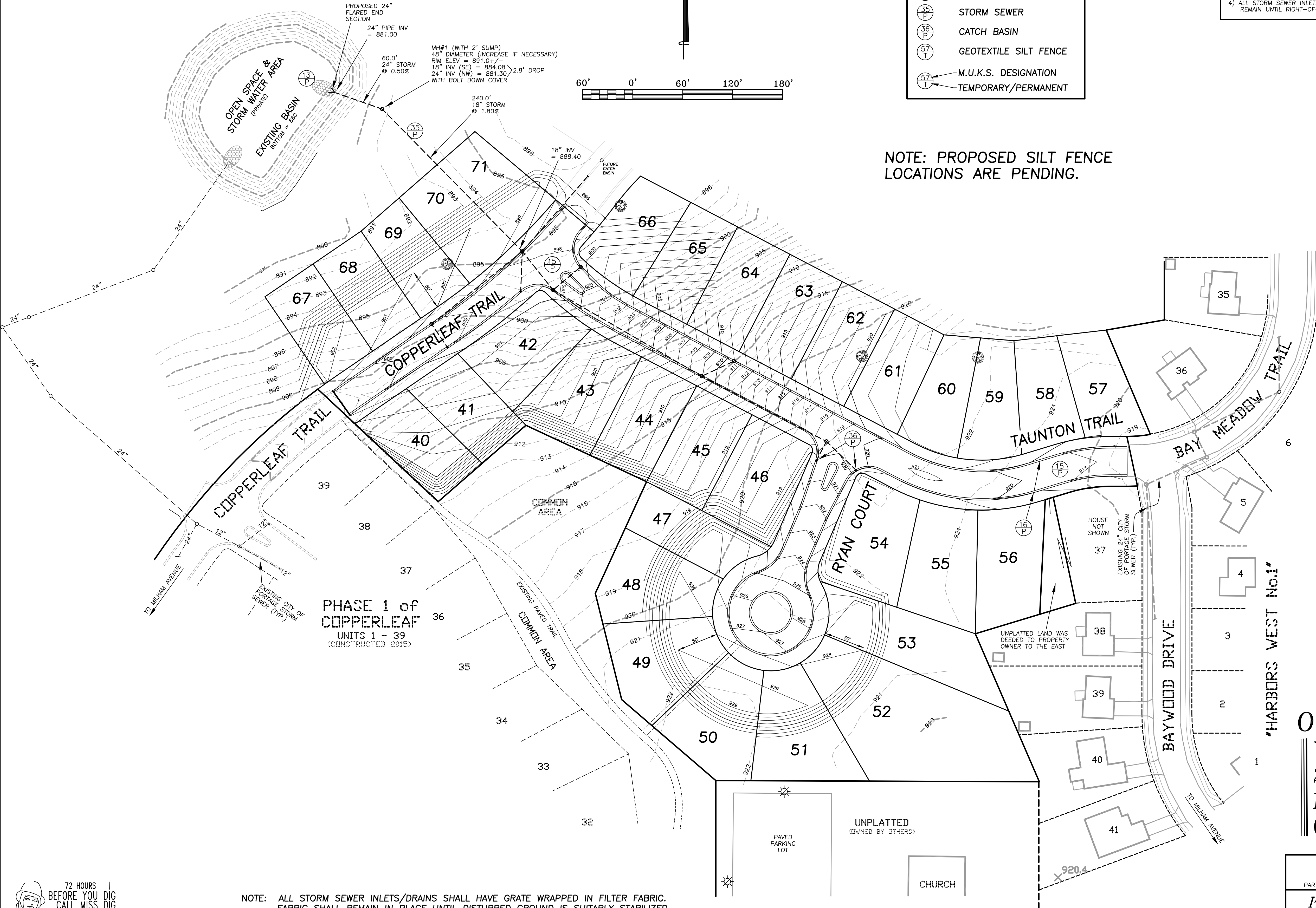
SEE GRADING PLAN (SHEET 4)
RYAN COURT
STA 0+00 TO STA 2+81



TAUNTON TRAIL
STA 3+00 TO STA 7+84



NOTE: ALL EASEMENTS & AGREEMENTS FOR STORM SEWER PIPE AND BASIN SHALL BE GRANTED TO THE CITY OF PORTAGE BY THE DEVELOPER.



MICHIGAN UNIFIED KEYING SYSTEM

5	SEEDING (ALL DISTURBED AREAS)
13	RIP RAP
15	PAVING
16	CURB & GUTTER
35	STORM SEWER
36	CATCH BASIN
57	GEOTEXTILE SILT FENCE
57	M.U.K.S. DESIGNATION
57	TEMPORARY/PERMANENT

EROSION CONTROL NOTES:

- 1) ALL CONSTRUCTION SHALL COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (P.A. 451 OF 1994, AS AMENDED) AS ADMINISTERED BY THE CITY OF PORTAGE.
- 2) EARTHWORK CONTRACTORS SHALL BE RESPONSIBLE FOR THE FOLLOWING:
 - A) BERMING OR FILTERING OF RUNOFF AT PROPERTY LINES WHERE EROSION COULD OCCUR.
 - B) PROTECTION OF ALL EXISTING AND NEWLY CONSTRUCTED STORM SEWER STRUCTURES, WHETHER ADJACENT TO THE SITE OR ON THE SITE.
 - C) MINIMIZATION OF TRACKING OF MATERIAL OFF-SITE.
 - D) SWEEPING AND CLEANING OF ADJACENT STREETS AS NECESSARY.
- 3) OWNER SHALL OBTAIN 'SOIL EROSION CONTROL PERMIT' FROM THE CITY OF PORTAGE.
- 4) ALL STORM SEWER INLETS/DRAINS SHALL HAVE GRATE WRAPPED IN FILTER FABRIC. FABRIC SHALL REMAIN UNTIL RIGHT-OF-WAY IS SUITABLY STABILIZED.

NOTE: GRADING AND EARTH MOVING IN AREAS OUTSIDE OF PROPOSED ROADWAY AREAS SHALL BE DONE IN STAGES SO THAT AN AREA CAN BE STRIPPED, SHAPED, TOPSOILED, AND SEEDING IN A MINIMAL AMOUNT OF TIME. THE AMOUNT OF DISTURBED GROUND SHALL BE KEPT TO A MINIMUM DURING THE CONSTRUCTION PROJECT. DISTURBED AREAS SHALL BE RESTORED BY THE CONTRACTOR AS SOON AS CONVENIENTLY POSSIBLE.

NOTE: PROPOSED SILT FENCE LOCATIONS ARE PENDING.

ESTIMATED CONSTRUCTION SCHEDULE:

	APRIL '17	MAY '17	JUNE '17	JULY '17
CLEARING				
EARTHMOVING				
SANITARY SEWER				
STORM SEWER				
WATER MAIN				
CURBING & PAVING				
PRIVATE UTILITIES				
RESTORATION				

NOTE: CONSTRUCTION SCHEDULE SUBJECT TO CHANGE BASED ON MARKET CONDITIONS, WEATHER, AND OTHER FACTORS.

LEGEND

---	EXISTING ELEVATION CONTOUR
---	PROPOSED ELEVATION CONTOUR

OWNER & APPLICANT:
WESTVIEW CAPITAL, LLC
2186 EAST CENTRE STREET
PORTAGE, MI 49002
(269) 321-2610

REVISED: 11/14/2016
REVISED: 11/02/2016
REVISED: 10/26/2016
REVISED: 10/16/2016

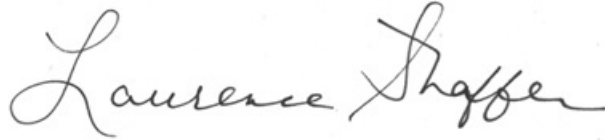
GRADING & EROSION CONTROL PLAN Phase Two of COPPERLEAF PART OF SE 1/4 OF SEC. 6, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN	DATE: 8/31/2016
Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS	SHEET: 4
1133 East Milham Road • Portage, Michigan 49002 • Phone 269 344-6165 • Fax 269 344-0555	JOB No.: 36273-2

NOTE: ALL STORM SEWER INLETS/DRAINS SHALL HAVE GRATE WRAPPED IN FILTER FABRIC. FABRIC SHALL REMAIN IN PLACE UNTIL DISTURBED GROUND IS SUITABLY STABILIZED.



TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Sale of City Property – westerly portion of 5800 and 5710 Lovers Lane

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council adopt the resolution to sell the westerly portion of city-owned property addressed as 5800 and 5710 Lovers Lane.

Over the past year, the City Administration has been in discussion with American Village Builders (Milham TIC) regarding the sale of the westerly portion of city-owned property addressed as 5800 and 5710 Lovers Lane. These properties were initially acquired by the City of Portage to facilitate the expansion of Lovers Lane and extend the Portage Creek Bicentennial Park Trail. Due to the timing of the purchase of these properties and the construction of the trail extension in 2000, American Village Builders (D&J Real Estate, LLC) granted the city an easement in 1999 to construct the trail extension along the eastern perimeter of their property at 5930 Tech Park Way. The easement stipulated that the city would relocate the trail near Portage Creek at a future date acceptable to both parties, if the city was able to acquire adjoining land. While the properties at 5800 and 5710 Lovers Lane were purchased in 2003 and 2004 respectively, both parties agreed to allow the trail to remain until land area at 5930 Tech Park Way was needed for future industrial development.

In late 2014, American Village Builders (AVB) began discussions with two development prospects and approached the city regarding the need to relocate the trail at 5930 Tech Park Way. In addition to moving the Portage Creek Bicentennial Park Trail, AVB requested to purchase the land west of Portage Creek to provide a larger area for the new industrial development projects. Upon further review, the City Administration determined there was no public use for the land-locked property west of Portage Creek and the proposed relocated trail location.

Based on a May 2015 appraisal prepared for the city by Kal-Creek Appraisal, the approximate 4.8-acre area has an estimated market value of \$86,000. Subsequent to receipt of this report, AVB offered to purchase the westerly portion of the city-owned property for \$86,000. Due to the condition of Tech Park Way, which has a current PASER rating of 4 (on a 10-point scale, with one being poor and 10 being excellent), AVB has requested as part of the purchase agreement that the city resurface the roadway within 12 months after completion of an industrial development project or 36 months, whichever occurs first. With regard to future development along Tech Park Way, the north 12.5 acres of 5930 Tech Park Way were purchased in June 2016 by Pro Services. In July 2016, a site plan was approved for a 38,000-square-foot development to house Pro Services University, a vocational school that will provide workforce training for industrial Facility Maintenance Technicians. In September 2016, the city completed relocation of the Portage Creek Bicentennial Park Trail necessary for both the Pro Services project and other development in the vicinity. In addition to the Pro Services

development project, AVB continues its efforts to facilitate additional development along the southern portion of Tech Park Way, which would include the city-owned properties it is requesting to purchase.

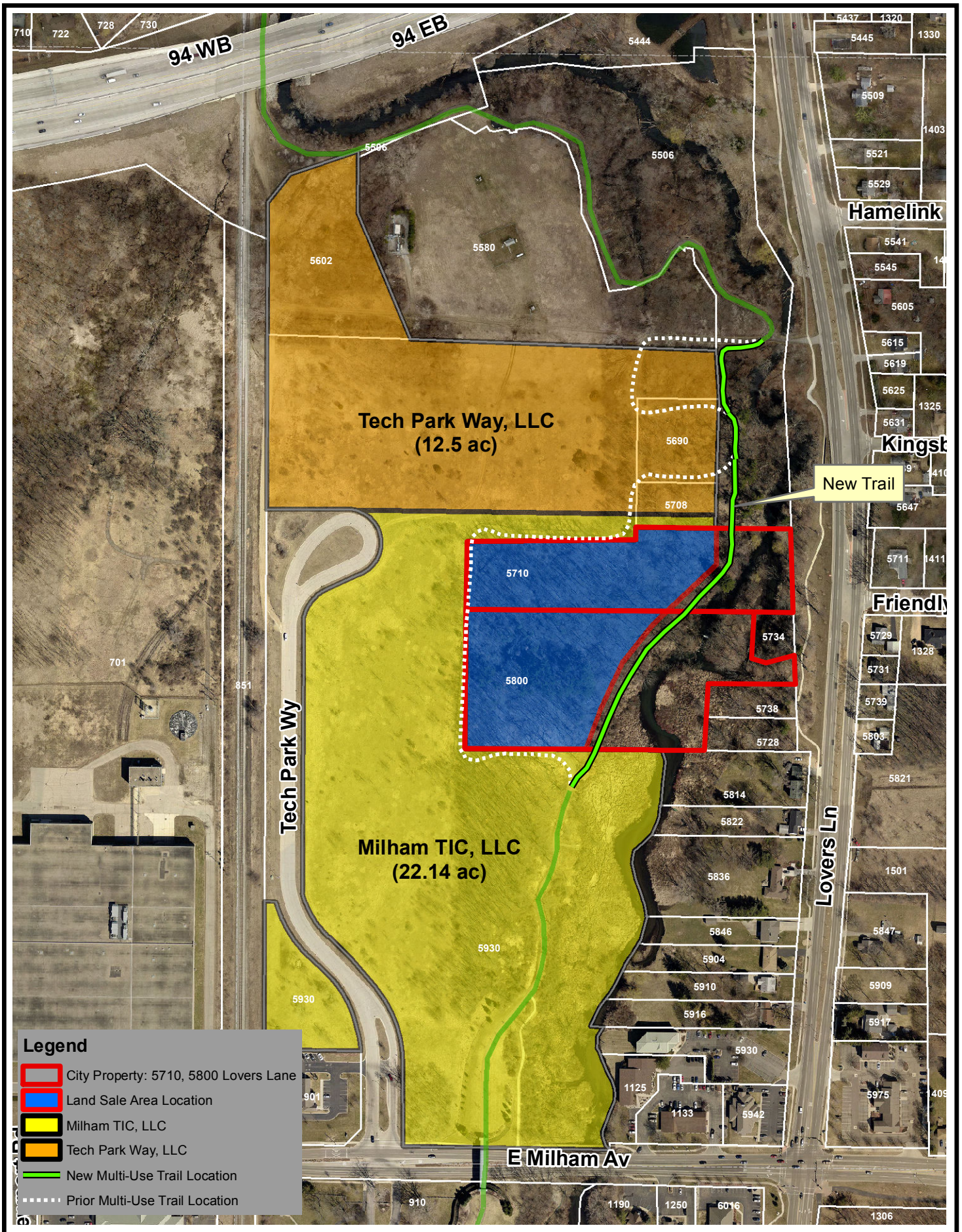
The City Administration has reviewed the offer, as well as conditions requested by AVB and recommends approval of the Real Estate Purchase Agreement. The attached Real Estate Purchase Agreement has been prepared by the City Attorney and signed by AVB (Milham TIC) as noted above.

The Real Estate Purchase Agreement was first introduced to City Council on November 1, 2016 and was placed on file in the Office of City Clerk for 28 days for public comment. Subsequently, no public input or comment has been received in regard to this matter. It is therefore recommended that Council adopt the attached resolution to sell the westerly portion of city property located at 5800 and 5710 Lovers Lane.

FUNDING: Not Applicable

Attachments:

1. Vicinity Map
2. Real Estate Purchase Agreement
3. Resolution for 5800 and 5710 Lovers Lane



Vicinity Map Exhibit A

REAL ESTATE PURCHASE AGREEMENT

This Real Estate Purchase Agreement (the "Agreement") is made and entered into on this ____ day of _____, 2016 (the "Execution Date"), by and between The City of Portage, a municipal corporation, of 7900 South Westnedge Avenue, Portage, Michigan 49002, ("Seller"), and DMilham, LLC, a Michigan limited liability company, whose address is 4200 West Centre Avenue, Portage, Michigan 49024, as an undivided one-half interest, and JMilham, LLC, a Michigan limited liability company, whose address is 4200 West Centre Avenue, Portage, MI 49024, as an undivided one-half interest, as tenants in common (collectively referred to as "Milham TIC" herein) ("Purchaser").

RECITALS

A. Seller owns vacant unimproved real estate approximately 4.8 acres (the "Property") located in City of Portage, Kalamazoo County, Michigan, which is legally described and shown in Exhibit A.

B. The Property is partially located at 5800 and 5710 Lovers lane, Portage, Michigan;

C. Seller desires to sell to Purchaser, and Purchaser desires to acquire from Seller, the Property, together with all easements, rights, appurtenances and hereditaments thereunto;

D. Seller no longer desires to own and maintain the Property.

E. The inclusion of The Properties into the existing land holdings of Milham TIC will create a 38.5 acre development parcel as shown in Exhibit B. The existing 33.7 acres have been sitting ready for development but undeveloped since they were purchased by Milham TIC in 1998. Recently the market has become more active for good industrial parcels and this Agreement should help facilitate expedited development. The larger parcel will allow the existing Milham TIC to be developed both more expeditiously and in a more appealing fashion for the community at large.

F. That the City will make certain improvements to Tech Park Way, as part of the consideration for this Agreement. Tech Park Way is shown in Exhibit C.

NOW, THEREFORE, the parties, in consideration of the mutual covenants herein, agree as follows:

ARTICLE ONE **PURCHASE PRICE**

1.1 The Purchase Price for the Property ("Purchase Price") shall be the sum of Eighty Six Thousand (\$86,000.00) Dollars. The Purchase Price, less the Earnest Money Deposit defined below, and adjusted by other charges and credits set forth herein, shall be delivered at Closing and immediately available subject to the terms and conditions of this Agreement.

1.2 Upon payment of the balance owed to Seller under this Agreement and contingent upon Purchaser's compliance with all terms and conditions of this Agreement, Seller shall execute and deliver to Purchaser a good and sufficient Warranty Deed in recordable form, conveying marketable title to the Property to the Purchaser.

ARTICLE TWO

PERSONAL PROPERTY AND IMPROVEMENTS

All personal property that Seller desires to retain shall be removed from the Property before Closing.

ARTICLE THREE

MAINTENANCE OF PROPERTY

Seller shall not commit or allow any waste or nuisance on the Property.

ARTICLE FOUR

EARNEST MONEY DEPOSIT

As evidence of good faith, Purchaser has deposited Five Thousand (\$5,000.00) Dollars on account of the Purchase Price. Subject to the rights of Purchaser to terminate and receive a refund of the Earnest Money Deposit ("Deposit") as provided herein, the Deposit shall be non-refundable. The Deposit shall be credited against the Purchase Price at Closing and held by Chicago Title Company.

ARTICLE FIVE

REAL ESTATE COMMISSION

Each party shall be liable for their own brokerage/agent fees, if any. Each party agrees to indemnify the other party against, and to hold the other party harmless from any and all liabilities and agrees to pay any final judgment obtained by any person claiming broker's commissions or finder's fees or rights to similar compensation on account of services purportedly rendered on behalf of that party in connection with this Agreement. Some members of the Purchasers are licensed real estate brokers in the State of Michigan.

ARTICLE SIX

CLOSING

6.1 Purchaser acknowledges that this Agreement shall be contingent upon final approval of the Portage City Council (the "Council"). The date of such approval shall be deemed the "Effective Date" of this Agreement. Seller shall provide Purchaser with written notice of such approval or any other disposition of this Agreement by the Council. Purchaser also understands and acknowledges that this Agreement must be on file with the Portage City Clerk for twenty-eight (28) days before final approval can be granted by Seller through its Council. Purchaser agrees that Seller has made no representations or warranties with regard to Council's final decision. If the Council decides not to approve the Agreement, this Agreement shall automatically terminate and Purchaser may have return of the Deposit and each party shall assume the responsibility for all costs expended with regard to this Agreement without further liability to each other and neither party will have any obligation or liability under this Agreement.

6.2 The date of Closing (the "Closing Date") shall take place within ten (10) days following expiration of the Inspection Period or within ten (10) days following Purchaser's written notification to Seller that Purchaser has waived its contingencies and all of the requirements set forth in this Agreement have been fulfilled to the full satisfaction of Purchaser and Seller, whichever is later.

6.3 If the Closing of the sale is delayed by (i) reasons of delay not the fault of Seller in obtaining a Title Insurance Commitment; or (ii) title defects that can be corrected, an extension period of thirty (30) days shall be allowed for Closing by written notice from Seller to Purchaser prior to the originally scheduled date for Closing. Possession of the Property shall be given at Closing, subject only to Permitted Encumbrances (as defined herein).

6.4 Purchaser and Seller shall each pay all of their own costs incurred incident to the preparation, execution and delivery of this Agreement and the performance of their obligations hereunder including, without limitation, the fees of counsel, accountants and consultants, real estate agents, brokers and finders, whether or not the transactions contemplated by this Agreement shall be consummated.

6.5 The parties shall equally divide the fees charged by the closing agent and any escrow fee charged by the title company.

6.6 At Closing:

- a. Seller shall execute and deliver to Purchaser a good and sufficient Warranty Deed in recordable form, conveying marketable fee simple title to the Property to Purchaser, subject only to any Permitted Encumbrances (as defined herein).
- b. Seller shall provide whatever documentation which may be reasonably required by the title insurer to warrant that there are no unpaid claims which have created or could lead to the creation of liens on the Property, including evidence that all contractors, subcontractors, and supplies have been paid in full and released all liens.
- c. Each party shall execute a closing statement to evidence the transaction.
- d. The parties shall furnish to each other such other documents as are necessary and appropriate for the consummation of this transaction, and shall indicate that the parties executing the documents have the authority to enter into this Agreement, consummate the sale contemplated hereby, and execute and perform all documents hereunder. If necessary, the parties shall obtain resolution of board of directors of appropriate entities authorizing the transaction and naming the party having authority to execute the documents.

ARTICLE SEVEN

CONDITIONS PRECEDENT

Purchaser shall have the time so stated in this Article Seven to satisfy or waive the conditions precedent contained therein. Notwithstanding any provision to the contrary herein, funds expended by Purchaser with regard to paragraphs A and C herein shall be paid by Purchaser.

A. INSPECTIONS

7.1 Purchaser, its employees, agents or representatives, at its sole expense, shall have the right to enter the Property and have the Property and improvements located thereon inspected, surveyed, evaluated, analyzed, tested, appraised or assessed for any purpose desired by Purchaser. The inspection period (the "Inspection Period") shall begin on the Effective Date, and shall end sixty (60) days thereafter. Seller shall reasonably cooperate with Purchaser in the course of Purchaser's investigations to provide such documents relating to the Property as reasonably requested by Purchaser. Seller specifically acknowledges that pursuant to this paragraph, Purchaser shall have the right to enter the Property to have a Phase I and/or a Phase II Environmental Study and a Baseline Environmental Assessment (BEA) performed.

7.2 During such periods of time as Purchaser is allowed to enter the Property pursuant to the terms of this Agreement, Purchaser shall make commercially reasonable efforts to protect the Property from damage, and Purchaser shall promptly restore or cause to be restored that portion of the Property so damaged to the condition existing prior to such damage. Purchaser shall not permit a construction, mechanic's materialmen's or other lien to be filed against any of the Property as the result of any work, labor, service or materials performed or furnished by, for or to Purchaser, its employees, agents and/or contractors. If any such lien shall at any time be filed against the Property, Purchaser shall, without expense to Seller, cause the same to be discharged of record by payment bonds, order of a court of competent jurisdiction or otherwise, within thirty (30) days of the filing thereof.

7.3 Seller has delivered to Purchaser, or will make available, if requested by Purchaser and if in Seller's possession, within ten (10) days of the Effective Date: (i) all existing surveys, drawings, site plans, topography plans and any other drawings or plans related to the Property; (ii) copies of all engineering reports, soil studies, drainage studies, environmental assessments or reports, and wetland and floodplain studies; (iii) copies of all service agreements currently in place with regard to the Property, if any; (iv) copies of all leases and agreements related to the Property, if any, including without limitation any documents, instruments and agreements between the Seller and the Michigan Department of Environmental Quality, and (v) copies of all development, site plan and zoning approvals. The foregoing (i) through (v) are collectively referred to as the "Property Reports". Seller agrees to cooperate with Purchaser to have the Property Reports updated, renewed or certified to Purchaser, at Purchaser's cost, if so desired by Purchaser. Seller hereby represents and warrants that the Property Reports delivered pursuant to this Section 7.3 are the only Property Reports in Seller's possession, to Seller's knowledge.

7.4 If at any time prior to the expiration of the Inspection Period, Purchaser deems the Property or any aspect or condition thereof unsuitable to Purchaser, including without limitation any matter disclosed by the Property Reports, Purchaser may terminate this Agreement by delivering written notice to Seller of such termination. In the event that such notice shall be given, the Deposit shall be returned to Purchaser and this Agreement shall be

deemed void. If Purchaser shall fail to provide such written notice to Seller prior to the expiration of the Inspection Period, Purchaser shall be deemed to be satisfied with the condition of the Property and shall be obligated to proceed with the transaction in accordance with the other terms and conditions of this Agreement.

B. TITLE

7.5 Seller agrees, at Seller's sole cost and expense, to furnish Purchaser with a commitment from Chicago Title of Michigan to issue to Purchaser, at or as soon as possible after Closing, its ALTA Form B Owner's title insurance policy, in the amount of the purchase price, insuring title to the Property to be in good and marketable condition, free and clear of any liens and encumbrances except those liens and encumbrances specifically waived by Purchaser pursuant to the following Section or deemed waived by Purchaser's failure to give notice pursuant to the following Section. Seller shall furnish Purchaser with the aforesaid title commitment together with copies of all items shown therein as soon as possible, but no later than ten (10) days following the Effective Date.

7.6 If the Title Insurance Commitment shall disclose any matter unacceptable to the Purchaser, the Purchaser shall notify the Seller in writing, of such matter, within ten (10) days after receipt of the Title Insurance Commitment, and copies of all items shown therein. In the event that the Seller is unable to have such matter removed from the Title Insurance Commitment, or otherwise cure such matter within twenty (20) days after receipt of such notice, the Purchaser shall have five (5) days thereafter to (i) waive such matter and proceed with the closing; or (ii) elect not to proceed with the purchase of the Property and provide written notice of such decision within the five (5) day period, whereupon all liability hereunder shall terminate and the Deposit shall be returned to Purchaser.

C. SURVEY

7.7 Purchaser may, within five (5) days of the Effective Date, and at its expense, order an updated ALTA survey of the Property showing the location of all structures, existing easements, restrictions and encumbrances thereon. If the survey shall reveal any state of facts unacceptable to Purchaser, then Purchaser shall have ten (10) days after receipt of the survey either (i) waive such defect(s) or state of facts and proceed with the closing; or (ii) elect not to proceed with the purchase of the Property and provide written notice of its decision within the ten (10) day period, whereupon all liability hereunder shall terminate and the Deposit shall be returned to Purchaser.

ARTICLE EIGHT TAXES

8.1 The parties acknowledge that the Property is not subject to ad valorem taxes during the period Seller, as a municipality, owned the Property. Otherwise, all taxes and assessments which have become a lien on the Property at the time of Closing shall be paid by the Seller. Current real estate taxes except special assessments shall be pro-rated and adjusted as of the date of Closing and shall be deemed to cover the calendar year in which they become due and payable. Taxes shall be deemed due and payable as follows:

- a. Winter taxes - December 1st; and
- b. Summer taxes - July 1st or August 1st.

8.2 The balance amount owing on the lien of any special assessment, as well as all unpaid installments of any assessments levied prior to the date of Closing shall be paid by Seller.

8.3 Any charges for electricity, water/sewer or gas shall be paid by the Seller to the Closing Date.

8.4 The parties acknowledge that the Seller is not subject to transfer taxes as a municipal grantor. However, transfer taxes, if owed, shall be paid by Seller.

8.5 All other items customarily pro-rated or required by any other provision of this Agreement shall be pro-rated or adjusted on the basis that Purchaser is the owner as of the date of Closing.

ARTICLE NINE

REPRESENTATIONS AND WARRANTIES

9.1 Except as otherwise provided or acknowledged in this Agreement, Seller represents, covenants and warrants as follows:

- a. Seller has the right, power and authority to enter into this Agreement and to sell the Property in accordance with the terms hereof.
- b. Seller has no knowledge of any other persons or entities claiming a right to possession of the Seller.
- c. Seller has good and marketable fee simple title to the Property, free and clear of all liens and other encumbrances other than any Permitted Encumbrances (as defined herein) and subject to the matters contained in the title commitment.
- d. There are no leases, tenancies, rights of first refusal, rights of first offer, options or other instruments or agreements with respect to the Property.

9.2 "AS IS". Purchaser agrees that it has inspected and will continue to inspect and assess the Property and that Purchaser will rely solely upon such inspection and assessment in electing whether or not to purchase the Property. **IT IS UNDERSTOOD AND AGREED BY SELLER AND PURCHASER THAT PURCHASER IS PURCHASING THE PROPERTY "AS IS" AND "WHERE IS", AND WITH ALL FAULTS AND DEFECTS, LATENT OR OTHERWISE, AND, EXCEPT AS EXPRESSLY SET FORTH IN THIS AGREEMENT AND IN THE DOCUMENTS TO BE DELIVERED AT CLOSING, SELLER IS MAKING NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, BY OPERATION OF LAW OR OTHERWISE, WITH RESPECT TO THE QUALITY, PHYSICAL CONDITION OR VALUE OF THE PROPERTY, THE PRESENCE OR ABSENCE OF HAZARDOUS MATERIALS IN, ON, UNDER OR ABOUT THE PROPERTY, THE ZONING CLASSIFICATION OF THE PROPERTY OR THE COMPLIANCE OF THE PROPERTY WITH APPLICABLE LAW. IN ADDITION TO AND NOT IN LIMITATION OF THE FOREGOING, IT IS UNDERSTOOD AND AGREED BY SELLER AND PURCHASER THAT SELLER MAKES NO WARRANTY OF HABITABILITY, SUITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR FITNESS FOR ANY PURPOSE WITH REGARD TO THE PROPERTY.**

Purchaser agrees that the provisions of this paragraph are a material inducement to Seller in connection with the execution of this Agreement and the consummation of the transaction contemplated hereby and that, but for the provisions of this paragraph, Seller would not have executed this Agreement or agreed to sell the Property on the terms and conditions contained herein.

9.3 Seller shall not, without Purchaser's written consent: (i) grant, convey or enter into any easement, lease, license or other legal or beneficial interest in or to the Property; or (ii) enter into any contract, service contract or option agreement to transfer, convey or encumber the Property or any portion thereof. Seller shall notify Purchaser upon receipt of any knowledge or notice of any threatened or pending: (i) condemnation; (ii) action in lieu of condemnation; (iii) zoning change; (iv) assessment; (v) lien; (vi) claim; (vii) encumbrance; or (viii) a similar matter that may affect the Property, its operation or development.

9.4 Except as otherwise provided or acknowledged in this Agreement, Purchaser represents, covenants and warrants as follows:

- a. The performance of the obligations of Purchaser under this Agreement will not violate any contract, indenture, statute, ordinance, judicial or administrative order or judgment applicable to Purchaser.
- b. There is no litigation or proceeding pending, or to Purchaser's knowledge threatened, against or involving Purchaser, and Purchaser does not know or have reason to know of any ground for any such litigation or proceeding, which could have an adverse impact on Purchaser's ability to perform, or Seller's interests, under this Agreement.
- c. In entering into this Agreement, Purchaser has not relied upon any written or verbal representation made by Seller or any representative of Seller, including any real estate salesperson, regarding the Premises or any aspect of this transaction, which are not expressly set forth in this Agreement.

9.5 Purchaser may seek approvals, permits or licenses for Purchaser's intended use of the Property. Seller makes no representation as to whether any approval, permit or license will be granted by the City or any other governmental agency and obtaining any approval, permit or license is not a condition of this Agreement. A denial (or approval with conditions) of any required or necessary approval, permit or license shall not constitute a breach of this Agreement by the Seller or give rise to any independent action for damages against Seller by Purchaser.

9.6 In the event that this Agreement is finalized and the sale of Property is closed according to this Agreement, the City will:

- a. Improve Tech Park Way by roto-milling at least the top two inches of asphalt and applying a bituminous asphalt surface, of at least the same thickness as was removed, according to City of Portage specifications for all-season roadways.
- b. Design, bid, construct, inspect and be responsible for all aspects of the roadway improvement project.

- c. Strive to complete the roadway improvement project not later than 12 months after an industrial development project is completed, but in no event later than 36 months after Closing.

ARTICLE TEN

UNPLATTED LANDS

Seller makes no representation as to whether the transfer is a land division under the Land Division Act. Seller is transferring to Purchaser all available divisions, if any, under Section 108 of the Land Division Act but makes no representations or warranties as to the number. Purchaser has not relied on any information or opinions of the Seller on this matter.

ARTICLE ELEVEN

DEFAULT AND REMEDIES

11.1 The parties hereto shall be in default under this Agreement if either shall (a) breach any warranty or representation under this Agreement, or (b) fail to perform any act required under this Agreement without curing such failure within ten (10) days' after receiving written notice from the non-defaulting party.

11.2 In the event any party hereto shall be in default under this Agreement, the non-defaulting party may (a) elect to terminate this Agreement (and demand return of Deposit if non-defaulting party is Purchaser) or to consummate the transactions contemplated hereby if such default occurs prior to the Closing Date; (b) institute an action against the defaulting party to compel rectification and correction (including specific performance of this Agreement if non-defaulting party is Seller), or to recover damages for such default; and (c) pursue any civil remedy which the non-defaulting party may have against the defaulting party.

ARTICLE TWELVE

EMINENT DOMAIN

Seller shall notify Purchaser within ten (10) days if the Property, or any portion thereof, shall be taken or threatened to be taken through the exercise of the power of eminent domain. Upon receiving such notice, Purchaser shall have the right to terminate this Agreement and have returned to them the Deposit made hereunder. If Purchaser should elect to terminate this Agreement, all of the proceeds of the taking shall become the property of Seller. If Purchaser, after receipt of such notice, nevertheless agrees to consummate the purchase and sale contemplated hereunder, the proceeds of taking shall belong to Purchaser.

ARTICLE THIRTEEN

TIME OF THE ESSENCE

Time is expressly declared to be of the essence of this Agreement. If extensions are not otherwise provided for, the parties may, in writing, agree to further extensions.

ARTICLE FOURTEEN

SURVIVAL

All agreements, representations, warranties and indemnities contained herein shall survive Closing. Failure of either party to complain of any action or omission on the part of the other party with respect to the matters contained herein, no matter how long the same may

continue, shall not be deemed to be a waiver by such party to subsequently insist on such performance. A waiver by either party at any time, expressed or implied, of any breach of the other party's agreements, covenants, promises, representations or warranties contained herein shall not be deemed a waiver of any other provision of this Agreement, or a consent to any subsequent breach of the same or any other provision.

ARTICLE FIFTEEN MISCELLANEOUS

15.1 Pronouns. Whenever words herein are used in the masculine, they shall be read in the feminine or neuter whenever they would so apply and vice versa, and words in this Agreement that are singular shall be read as plural whenever the latter would so apply and vice versa.

15.2 Entire Agreement; Amendment. This Agreement represents the entire agreement between the parties. It may not be amended, altered or modified unless done so in writing by the persons against whom enforcement of any waiver, change or modification or discharge is sought.

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

If to Seller:
City of Portage, City Manager's Office
7900 S. Westnedge Avenue
Portage, MI 49002

If to Purchaser:
Milham TIC
Attn: Gregory A. Dobson
4200 West Centre Avenue
Portage, MI 49024

15.4 Headings. The headings contained herein are for the convenience of the parties and are not to be used in construing this Agreement.

15.5 Choice of Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan that are applicable to Agreements made and to be performed in that State.

15.6 Severability. In the event any of the provisions of this Agreement are deemed to be invalid or unenforceable, those provisions shall be deemed severable from the remainder of this Agreement and shall not cause the invalidity or unenforceability of the remainder of this Agreement. If any provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

15.7 Waiver, Modification or Cancellation. Any waiver, alteration or modification of any of the provisions of this Agreement, or cancellation or replacement of this Agreement, shall not be valid unless in writing and executed by the parties with the same formality as this Agreement. The failure of any party to insist in any one or more instances upon the strict

performance of any of the terms or provisions of this Agreement by another party shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect.

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

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

15.10 Cumulative Remedies. All rights, remedies and resources available within this Agreement are separate and cumulative and may be pursued separately, successively or concurrently, and are nonexclusive, and the exercise of any one of them shall in no way limit the exercise of any other which any party may be entitled under the express terms of this Agreement.

15.11 Further Assurances. Each of the parties shall execute and deliver to the other parties any documents as may be necessary or desirable for the purpose of giving full force and effect to the provisions of this Agreement, and shall do all other things necessary to this end, all without charge therefor. If any party shall fail to comply with the provisions of this section, this Agreement shall constitute an actual grant, assignment and conveyance of property and rights in such manner, and with such force and effect, as shall be necessary to effectuate the terms of this Agreement.

15.12 Assignment. This Agreement is personal to the parties and may not be assigned, sold or otherwise conveyed by any party. No party shall have any right to commute, encumber or dispose of the right to receive payments or performance under this Agreement. Payments and performance under this Agreement and the right thereto are expressly declared to be non-assignable and non-transferable, whether by voluntary or involuntary alienation, assignment or transfer.

15.13 Duplicate Originals, Counterparts. This Agreement and any originals of exhibits referred to herein may be executed in any number of duplicate originals or counterparts, each of which (when the original signatures are affixed) shall be an original but all of which shall constitute one and the same instrument.

15.14 Disclosure. This Agreement is subject to the Michigan Freedom of Information Act.

15.15 Authorization. Each party to this Agreement which is a corporation, limited partnership, general partnership, LLC, PLC, trust or other entity warrants and represents that it is properly authorized by its board of directors, stockholders, partners and/or holders of beneficial interests to enter into this Agreement.

15.16 Fax. The parties agree that the offer, any counteroffer and/or acceptance of any offer or counteroffer may be delivered by use of a fax and the signatures, initials and modifications shall be deemed to be valid and binding upon the parties as if the original signatures, initials and modifications were present on the documents in the handwriting of each

party. Neither party shall assert the Statute of Frauds or non-enforceability or invalidity of the Agreement because of fax copies being used, and both parties specifically waive and relinquish any such defense. Each party agrees to provide an original signed document to the other upon request.

15.17 Binding Agreement. This Agreement shall inure to the benefit of and bind the parties hereto and their respective heirs, legal representatives and successors and shall run with the land.

15.18 Holidays. If any date of performance hereunder falls on a Saturday or Sunday or legal holiday, such date of performance shall be deferred to the next which is not a Saturday, Sunday or legal holiday.

ARTICLE SIXTEEN DUE ON SALE

SELLER UNDERSTANDS THAT THE CONSUMMATION OF THE SALE OR TRANSFER OF THE PROPERTY DESCRIBED IN THIS AGREEMENT SHALL NOT RELIEVE THE SELLER OF ANY LIABILITY THAT SELLER MAY HAVE UNDER THE MORTGAGE(S) AND/OR DEED IN ESCROW TO WHICH THE PROPERTY MAY BE SUBJECT UNLESS OTHERWISE AGREED TO BY THE LENDER, OR REQUIRED BY LAW OR LEGISLATION.

ARTICLE SEVENTEEN EFFECTIVE DATE

This Agreement shall not be effective unless Purchaser executes the Agreement and final approval is given by the Portage City Council.

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

PURCHASER:

SELLER:

MILHAM TIC

CITY OF PORTAGE

By: 

By: _____

Gregory A. Dobson

Laurence Shaffer

Its: Authorized Agent

Its: City Manager

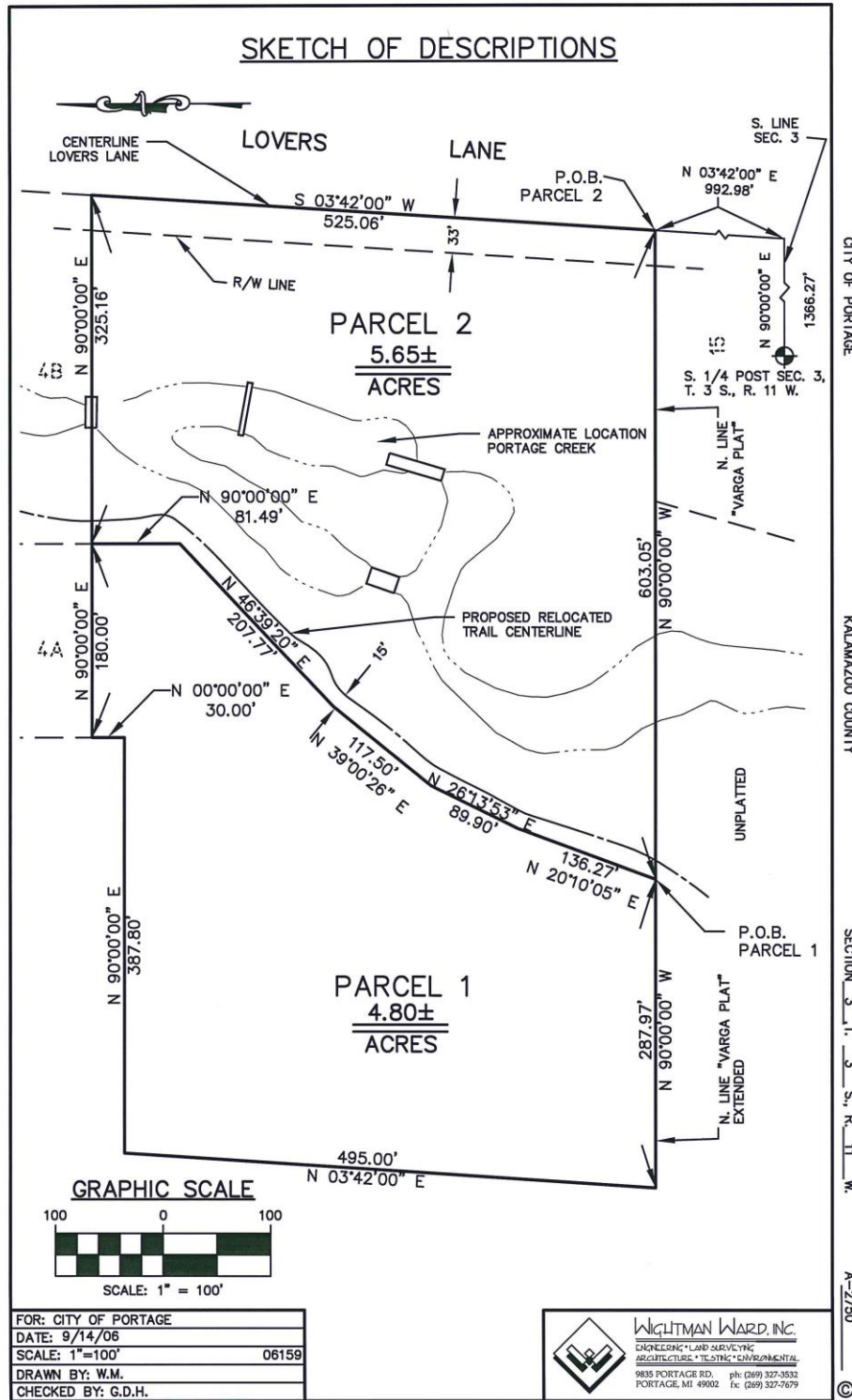
EFFECTIVE DATE
(Portage City Council)
(Approval)

Prepared by:
RANDALL L. BROWN
City Attorney
1662 East Centre Avenue
Portage, Michigan 49002
Phone: (269) 323-8812

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EXHIBIT A

SHEET 1 OF 2



LEGAL DESCRIPTIONS

PARCEL 1:

PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER POST OF SAID SECTION 3; THENCE EAST ON THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 1366.27 FEET TO THE CENTERLINE OF LOVERS LANE; THENCE NORTH 03 DEGREES 42'00" EAST ON SAID CENTERLINE 992.98 FEET; THENCE NORTH 90 DEGREES 00'00" WEST PARALLEL WITH SAID SOUTH SECTION LINE AND ON THE NORTH LINE OF "VARGA PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 17 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS 603.05 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING NORTH 90 DEGREES 00'00" WEST 287.97 FEET; THENCE NORTH 03 DEGREES 42'00" EAST 495.00 FEET; THENCE NORTH 90 DEGREES 00'00" EAST 387.80 FEET; THENCE NORTH 00 DEGREES 00'00" EAST 30.00 FEET; THENCE NORTH 90 DEGREES 00'00" EAST 180.00 FEET; THENCE SOUTH 00 DEGREES 00'00" WEST 81.49 FEET; THENCE SOUTH 46 DEGREES 39'20" WEST 207.77 FEET; THENCE SOUTH 39 DEGREES 00'26" WEST 117.50 FEET; THENCE SOUTH 26 DEGREES 13'53" WEST 89.90 FEET; THENCE SOUTH 20 DEGREES 10'05" WEST 136.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.80 ACRES MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

PARCEL 2:

PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER POST OF SAID SECTION 3; THENCE EAST ON THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 1366.27 FEET TO THE CENTERLINE OF LOVERS LANE; THENCE NORTH 03 DEGREES 42'00" EAST ON SAID CENTERLINE 992.98 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE NORTH 90 DEGREES 00'00" WEST PARALLEL WITH SAID SOUTH SECTION LINE AND ON THE NORTH LINE OF "VARGA PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 17 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS 603.05 FEET; THENCE NORTH 20 DEGREES 10'05" EAST 136.27 FEET; THENCE NORTH 26 DEGREES 13'53" EAST 89.90 FEET; THENCE NORTH 39 DEGREES 00'26" EAST 117.50 FEET; THENCE NORTH 46 DEGREES 39'20" EAST 207.77 FEET; THENCE NORTH 00 DEGREES 00'00" EAST 81.49 FEET; THENCE NORTH 90 DEGREES 00'00" EAST 325.16 FEET TO SAID CENTERLINE OF LOVERS LANE; THENCE SOUTH 03 DEGREES 42'00" WEST ON SAID CENTERLINE 525.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.65 ACRES MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED OR DEEDED FOR STREET, ROAD OR HIGHWAY PURPOSES.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

FOR: CITY OF PORTAGE	
DATE: 9/14/06	
SCALE: NONE	06159
DRAWN BY: W.M.	
CHECKED BY: G.D.H.	



WIGHTMAN WARD, INC.
ENGINEERING • LAND SURVEYING
ARCHITECTURE • TESTING • ENVIRONMENTAL
9835 PORTAGE RD. ph: (269) 327-3532
PORTAGE, MI 49002 fx: (269) 327-7679

CITY OF PORTAGE

KALAMAZOO COUNTY

SECTION 3, T. 3 S., R. 11 W.

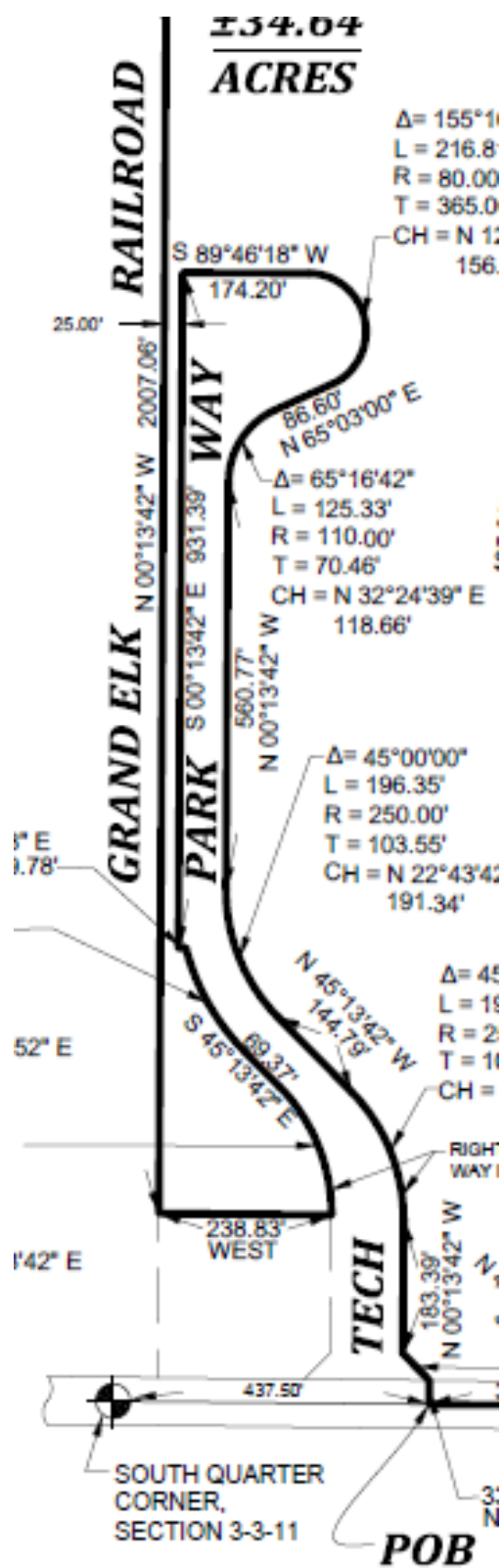
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EXHIBIT B



EXHIBIT C



**CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. 2 TO SELL REAL ESTATE**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____.

WHEREAS, the City Council adopted a Resolution stating its interest to sell certain real estate located in the City of Portage;

WHEREAS, notice of the City's intent to sell such real estate was published in a newspaper of general circulation in the City for the period of time required by City Charter;

NOW, THEREFORE, BE IT RESOLVED that the City of Portage sell the following described property to DMilham, LLC, a Michigan limited liability company, and JMilham, LLC, a Michigan limited liability company for the sum of \$86,000.00:

All that certain parcel of real estate situated in the City of Portage, County of Kalamazoo and State of Michigan, to-wit:

See Exhibit A

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

James R. Hudson, City Clerk

CERTIFICATION

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

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

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ____ day of _____, 2016.

JAMES R. HUDSON, City Clerk

Approved as to Form

Date: 11/22/2016

City Attorney

Z:\JODY\PORTAGE\REAL ESTATE\RESOLUTION #2 TO SELL REAL ESTATE - MILHAM TECH PARK.102116.DOCX

SHEET 2 OF 2

LEGAL DESCRIPTIONS

PARCEL 1:
PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER POST OF SAID SECTION 3; THENCE EAST ON THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 1366.27 FEET TO THE CENTERLINE OF LOVERS LANE; THENCE NORTH 03 DEGREES 42'00" EAST ON SAID CENTERLINE 992.98 FEET; THENCE NORTH 90 DEGREES 00'00" WEST PARALLEL WITH SAID SOUTH SECTION LINE AND ON THE NORTH LINE OF "VARGA PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 17 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS 603.05 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING NORTH 90 DEGREES 00'00" WEST 287.97 FEET; THENCE NORTH 03 DEGREES 42'00" EAST 495.00 FEET; THENCE NORTH 90 DEGREES 00'00" EAST 387.80 FEET; THENCE NORTH 00 DEGREES 00'00" EAST 30.00 FEET; THENCE NORTH 90 DEGREES 00'00" EAST 180.00 FEET; THENCE SOUTH 00 DEGREES 00'00" WEST 81.49 FEET; THENCE SOUTH 46 DEGREES 39'20" WEST 207.77 FEET; THENCE SOUTH 39 DEGREES 00'26" WEST 117.50 FEET; THENCE SOUTH 26 DEGREES 13'53" WEST 89.90 FEET; THENCE SOUTH 20 DEGREES 10'05" WEST 136.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.80 ACRES MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

PARCEL 2:
PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER POST OF SAID SECTION 3; THENCE EAST ON THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 1366.27 FEET TO THE CENTERLINE OF LOVERS LANE; THENCE NORTH 03 DEGREES 42'00" EAST ON SAID CENTERLINE 992.98 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE NORTH 90 DEGREES 00'00" WEST PARALLEL WITH SAID SOUTH SECTION LINE AND ON THE NORTH LINE OF "VARGA PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 17 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS 603.05 FEET; THENCE NORTH 20 DEGREES 10'05" EAST 136.27 FEET; THENCE NORTH 26 DEGREES 13'53" EAST 89.90 FEET; THENCE NORTH 39 DEGREES 00'26" EAST 117.50 FEET; THENCE NORTH 46 DEGREES 39'20" EAST 207.77 FEET; THENCE NORTH 00 DEGREES 00'00" EAST 81.49 FEET; THENCE NORTH 90 DEGREES 00'00" EAST 325.16 FEET TO SAID CENTERLINE OF LOVERS LANE; THENCE SOUTH 03 DEGREES 42'00" WEST ON SAID CENTERLINE 525.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.85 ACRES MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED OR DECEDED FOR STREET, ROAD OR HIGHWAY PURPOSES.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

FOR: CITY OF PORTAGE

DATE: 9/14/08

SCALE: NONE 06159

DRAWN BY: W.M.

CHECKED BY: G.D.H.



WIGHTMAN WARD, INC.

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9935 PORTAGE RD. PH: (269) 537-3532
PORTAGE, MI 49002 FAX: (269) 537-7479

CITY OF PORTAGE

KALAMAZOO COUNTY

SECTION 3 T. 3 S. R. 11 W.

A-2750

©

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Health Insurance Contract Renewals

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council:

1. approve one-year contracts with Blue Cross Blue Shield of Michigan and Blue Care Network for employee health insurance;
2. maintain current employer/employee cost-sharing practices by taking action to exempt the city from requirements of P.A. 152 for the 2017 medical benefits plan year, and

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

Health insurance is provided by the city to all full-time non-union and union personnel as part of an overall comprehensive benefit package, which is key to attracting and retaining quality employees.

City employees currently have the opportunity to enroll in one of two city health insurance plans specific to employee groups, Blue Cross Blue Shield of Michigan (BCBSM) "Community Blue" or Blue Care Network (BCN) "Classic Large".

Current health insurance contracts with BCBSM and BCN expire on January 31, 2017. As part of the health insurance contract renewal process for the 2017 plan year, the city was advised of increases in premiums for all BCBSM plans and decreases in premiums for the BCN plan. (BCBSM plans are experience-rated; increases realized are due to the actual experience of the plans.)

Changes to premiums (excluding taxes and fees) for employee groups are as follows:

BCBSM Community Blue	IAFF	+17.87% (increase)
BCBSM Community Blue	Department Head & Non-Union	+17.68% (increase)
BCN Classic Large	PPCOA, PPOA & UAW	- 6.08% (decrease)

The state health insurance premium caps for 2017 increased by 3.3 percent, while taxes and fees decreased due to the reinsurance fee ending, as well as a one-year suspension of the Federal Insurance Premium tax. In 2017, taxes and fees will be approximately \$41,858, an approximate 59 percent

decrease from 2016.

State Insurance Premium Caps	2016	Increase	2017
Single Coverage	\$ 6,142.11	3.3%	\$ 6,344.80
2-Person Coverage	\$12,845.04	3.3%	\$13,268.93
Family Coverage	\$16,751.23	3.3%	\$17,304.02

In 2013, the state legislature amended Public Act 152 to expand the definition of “medical benefit plan cost” to include the amounts public employers pay directly or indirectly for taxes and fees associated with health insurance. Based upon this action, the costs for taxes and fees would have had to be passed directly to employees. P.A. 152 also provides that an exemption to the requirements of the act can be exercised for the next succeeding year by a two-thirds vote of the City Council. As such, the Council has taken action each year, since December 2013, to exempt the city from P.A. 152 for the following plan year, permitting the city to continue to pay up to the caps for health insurance premiums and pay the costs associated with taxes and fees.

As a result of the increased BCBSM premiums received during the renewal process, the city took action to solicit two additional carriers, United Healthcare and Priority Health. Neither provider was willing to supply pricing for coverage unless their plan would be the only plan offered to all city employees. At this time the city is continuing to work with BCBSM and BCN on possible adjustments to the existing benefit structure in an effort to lower premiums for city employees. Adjustments to the benefit structure, if any, will have little to no impact to the city premium share.

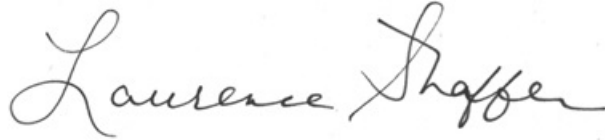
Therefore, it is recommended that City Council approve one-year contracts with BCBSM and BCN for employee health insurance, and that City Council again take action to exempt the city from P.A. 152 for the upcoming plan year to allow the city to pay up to the state caps plus the associated taxes and fees. If approved, this action will simply enable a continuation of current practice in conformance with P.A. 152.

FUNDING: Funds are budgeted and available in fiscal year 2016-2017 to support the cost of employee health insurance coverage for the balance of the current fiscal year. Funds will be budgeted for fiscal year 2017-2018.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Southwest Michigan First - Economic Development Contract

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve a contract in the amount of \$25,000 with Southwest Michigan First to support economic development activities in the City of Portage and authorize the City Manager to execute the contract on behalf of the city.

As part of the February 10, 2015 Committee of the Whole Meeting, the City Council indicated its desire to engage in a stimulated and more active effort to promote economic development in the city. With that in mind, the city entered into a year-long contract with Southwest Michigan First (SMF) in June 2015 for activities that SMF would undertake on behalf of the City of Portage to improve the economic profile of the city and stimulate further growth.

The City Administration is looking to renew this contract for 2016-17 in the same amount as the 2015 contract. As part of the contract, SMF:

- Provides ongoing and annual consultations between the City Manager and the CEO of SMF;
- Initiates a review of current processes, best practices and effectiveness of local incentive packages and how the City of Portage and SMF can work together to attract entities to the City of Portage;
- Assist with job creation and tax-based development with the specific goal to ensure that SMF and the City of Portage utilize resources in a coordinated fashion to effectuate positive growth in the city; and
- Facilitate monthly updates between the City Manager and a SMF Jobs Team representative to discuss current projects and strategies in order to encourage development in the city.

The goal of these initiatives is to continue to forge a closer bond with SMF and offer Portage the best opportunity to compete for new projects in the region, resulting in an enhanced tax base and new jobs.

In consideration of these activities, it is recommended that City Council approve a contract in the amount of \$25,000 with Southwest Michigan First to support economic development activities in the City of Portage and authorize the City Manager to execute the contract on behalf of the city.

FUNDING: Funding for the contract amount is budgeted and available in the 2016-2017 budget.

Attachments: 1. 2016 Agreement

AGREEMENT BETWEEN THE CITY OF PORTAGE AND SOUTHWEST MICHIGAN FIRST

This Agreement made by and between the City of Portage, 7900 South Westnedge Avenue, Portage, Michigan, commonly referred to herein as the "City" and Southwest Michigan First, herein referred to as "SMF", of Kalamazoo County, State of Michigan.

WITNESSETH: That SMF and the City, in consideration of the mutual agreements, undertaking and conditions hereinafter contained, HEREBY AGREE AS FOLLOWS:

I. Term of Agreement: The term of this Agreement shall commence on **July 1, 2016** and shall terminate on **June 30, 2017** as to funds to be provided. All services to be provided by SMF and payments made by the City are to be made in accordance with the provisions hereof.

II. Services to be Provided: SMF agrees to provide the following services with regard to job creation in the City:

- Conduct existing industry visits with primary employers located in the City and business attraction activities designed to bring new companies and organizations to the City;
- Serve as the primary point of coordination between the state, local, community and company for the preparation of incentive or assistance packages for expansion and new location projects;
- Coordinate business partnerships and K-12, higher education and workforce development efforts to fulfill company hiring needs;
- Serve in an advisory role in partnership with City staff on enhancements to local incentive tools (Tax abatements, Brownfield Projects, Tax Increment Finance Districts, etc.);
- Provide an annual consultation with City Manager, Mayor and Chief Executive Officer Ron Kitchens or Executive Vice President Jill Bland to review current processes, best practices, effectiveness of local incentive packages and how best to work together to move business development forward; and
- Participate in monthly update meetings with City Manager and a Jobs Team representative to discuss current projects and business friendly strategies. Update will be provided by Southwest Michigan First representatives Jill Bland or Joe Agostinelli.

III. Records: SMF shall maintain its records in a manner which enables the City to identify the services and persons or entities served by each activity funded under the "services to be provided" section of this Agreement.

IV. Report: SMF agrees to provide the City with Reports as follows:

- a. Time period of Report and services delivered pursuant to the "services to be provided" section of the Agreement.
- b. A listing of any new opportunities or services undertaken which have not been identified in the "services to be provided" section of this Agreement.

c. The Reports are to be provided during the month of January, 2017 and during the month of June 2017.

V. Payments by the City: City shall pay SMF Twenty-Five Thousand (\$25,000.00) Dollars in two payments as follows: a) Twelve Thousand, Five Hundred (\$12,500.00) Dollars to be paid within thirty (30) days after City receives the January 2017 Report required by Paragraph IV above; and, b) the remaining Twelve Thousand, Five Hundred (\$12,500.00) Dollars to be paid within thirty (30) days after City receives the June 2017 Report. Payments shall be made directly to SMF. If the City determines, after reviewing documentation provided for by this Agreement or any other reliable evidence or combination thereof, that SMF has not provided the services required under this Agreement or is not following the terms of the Agreement or is otherwise in breach of this Agreement, then City is not obligated to make the second payment and may terminate this Agreement.

VI. City not Liable: SMF, its officers, agents, and employees and all subcontractors that are officers, agents or employees at all times shall be considered independent contractors and not as City employees. SMF shall exercise all supervisory control and general control over all workers' duties, payment of all wages to employees, and the right to hire, fire, and discipline all its employees. As an independent contractor, payment to SMF under this Agreement shall not be subject to any withholding tax, social security or other purpose, nor shall SMF, its officers, agents, or employees or any subcontractors or its officers, agents or employees, be entitled to sick leave, pension benefits, vacation, medical benefits, life insurance, unemployment compensation or the like from the City.

VI. Indemnification: SMF agrees to defend, indemnify and hold harmless City and its elected officials, officers, directors, employees, volunteers and agents (collectively referred to as "Indemnified Parties") from any and all claims, suits and liabilities reasonable attorneys' fees and costs of suit resulting from SMF's performance under this Agreement. Provided, however, if such injury or damage is caused in whole or in part by the act or omission of Indemnified Parties, then SMF's indemnification obligation shall be reduced in proportion to the Indemnified Parties' percentage of responsibility for such injury or damage. SMF shall not be required to provide indemnification under this Agreement for injury, death, loss or damage caused by the sole negligence, gross negligence or intentional misconduct of any Indemnified Party.

VII. Insurance: SMF shall furnish, within ten (10) days, a Certificate of Insurance indicating insurance coverage as listed below. In each case, the City, its employees and its appointed and elected officials, shall be named as an insured party and a certificate of insurance shall be on file in the Personnel/Purchasing Department.

1. Employer's liability and Workers Compensation insurance covering all persons engaged in work under this contract to the full statutory limits stipulated in the Michigan Workers Compensation Act.
2. Comprehensive General Liability Insurance: \$1,000,000 per occurrence, combined single limit, for bodily injury, personal injury and property damage.
3. Motor Vehicle Insurance: \$1,000,000 per occurrence, combined single limit, for bodily injury and property damage. Coverage must comply with all Michigan No-Fault laws.

VIII Successors and Assigns: The obligations of the parties shall bind all their successors and assigns. SMF shall not assign its right to receive any sums herein provided. While SMF shall not delegate its responsibility to provide the services listed in Paragraph II above, SMF may provide those services to clients directly, or may host other human service agencies to provide those services. The decision to provide those services directly or by means of hosting other agencies shall be SMF's alone and nothing in the Agreement shall prohibit or restrict SMF in making that decision.

IX. Non-Discrimination: SMF agrees to comply with the Federal Civil Rights Act of 1964 as amended; the Federal Civil Rights Act of 1991 as amended; the Americans With Disabilities Act of 1990 as amended; the Elliott-Larsen Civil Rights Act, Article 2, Act no. 453, Public Act of 1976 as amended; the Michigan Handicapper's Civil Rights Act, Article 2, Act. No. 220; Public Act of 1976, as amended and all other applicable Federal, State and Local laws and regulations. Specifically, contractors and subcontractors are required not to discriminate against any employee or applicant for employment with respect to such person's hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of such person's height, weight, race, color, religion, national origin, ancestry, age, marital status, sex or disability, as defined by law. Breach of this covenant may be regarded as a material breach of the contract.

X. Other Terms:

1. Funds provided by the City shall not be used for the purchase of capital assets.
2. Funds provided by the City shall not be used to repay outstanding debts incurred for the purchase of capital assets.
3. Funds provided by the City shall not be used for political purposes.

SIGNED BY:

SOUTHWEST MICHIGAN FIRST

BY: _____

Ronald Kitchens, Executive Director

CEO

DATE: 11/24/16

CITY OF PORTAGE

7900 South Westnedge Avenue, Portage, MI 49002

BY: _____

Laurence Shaffer, City Manager

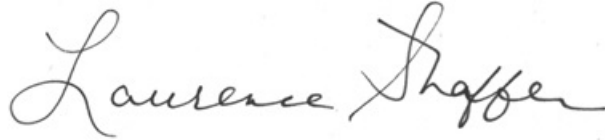
DATE: _____

APPROVED AS TO FORM

DATE: 10/19/2016

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Resolution to Support the Vicksburg Non-Motorized Trail Connection Project

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities
Kendall Klingelsmith, Director of Parks, Recreation and Senior
Citizen Services

ACTION RECOMMENDED: That City Council resolve to support the Village of Vicksburg
regarding the Non-motorized Trail Connection Project.

The City of Portage and the Village of Vicksburg have been discussing the various opportunities possible to link the non-motorized trails that exist in Portage to the non-motorized trails in Vicksburg. That effort would require the creation of a new non-motorized trail beginning roughly at East Centre Avenue in Portage and extending south, adjacent to Austin Lake, connecting with Village of Vicksburg at East TU Avenue.

Further, meetings have been conducted between the City of Portage and the Village of Vicksburg, particularly Village Council President Bill Adams, Village Manager Jim Mallery, and Vicksburg Vision Campaign Co-Chair Ted Vlieg, Sr. The concept is that a trail connecting non-motorized resources in Portage and Vicksburg would be of benefit to both communities and, as such, would achieve an attractive proposal for the various funding agencies, to include the Kalamazoo Area Transportation Study (KATS) and the Michigan Department of Transportation (MDOT). The attached resolution of support would be utilized as the basis to seek funding and support to extend and connect the trail as envisioned (see attached map).

This resolution of support represents another step in the commitment of the City of Portage to utilize regional assets and a collegial relationship to promote infrastructure improvements to the benefit of everyone in the community.

Therefore, it is recommended that City Council resolve to support the Village of Vicksburg regarding the Non-motorized Trail Connection Project.

FUNDING: N/A

Attachments: 1. Resolution
2. Map of Project Area

CITY OF PORTAGE, MICHIGAN
RESOLUTION TO SUPPORT THE VICKSBURG NON-MOTORIZED TRAIL CONNECTION
PROJECT

Minutes of a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held on _____, 20__ at 7:30 p.m. local time at City Hall in the City of Portage, Kalamazoo County, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER _____ and seconded by:

COUNCILMEMBER _____;

WHEREAS, the City of Portage's theme is a Natural Place to Move; and

WHEREAS, the City of Portage has over two hundred (200) miles of major and local streets; and

WHEREAS, the City of Portage, supports the construction of an extension to its non-motorized trail to connect the Vicksburg Nature Trail to the Portage non-motorized trail system at the City of Portage city limit (to intersect at East "T" Avenue near Austin Lake); and

WHEREAS, the City of Portage and the Village of Vicksburg recognize and acknowledge their mutual interest and support in providing alternative transportation opportunities and recreational opportunities through the linkage of their respective non-motorized trails in order to incorporate and connect the two networks to support and supplement a regional non-motorized transportation asset; and

WHEREAS, the project, if completed, will benefit the economic development growth of both the City of Portage and the Village of Vicksburg; and

WHEREAS, the project is included in the City of Portage Capital Improvement Program and the Vicksburg 2015-2019 Parks & Recreation Master Plan goal to "Develop Facilities for

Non-Motorized Transportation by developing an interconnected regional bike trail system with emphasis on Portage Trail System connections”, and

WHEREAS, the project aligns with the Vicksburg Downtown Development Authority plan to connect this trail south through the Vicksburg Downtown District as described in its 2014 Amended and Restated Development Plan and Tax Increment Financing Plan and 2014 Strategic Plan, and

WHEREAS, the Village of Vicksburg plans to begin construction of the trail in the spring of 2018;

NOW, THEREFORE, BE IT RESOLVED that the Portage City Council does hereby resolve to support the cooperative effort between the City of Portage and the Village of Vicksburg for the Vicksburg Non-Motorized Trail Connection Project.

ADOPTED:

YEAS: _____

NAYS: _____

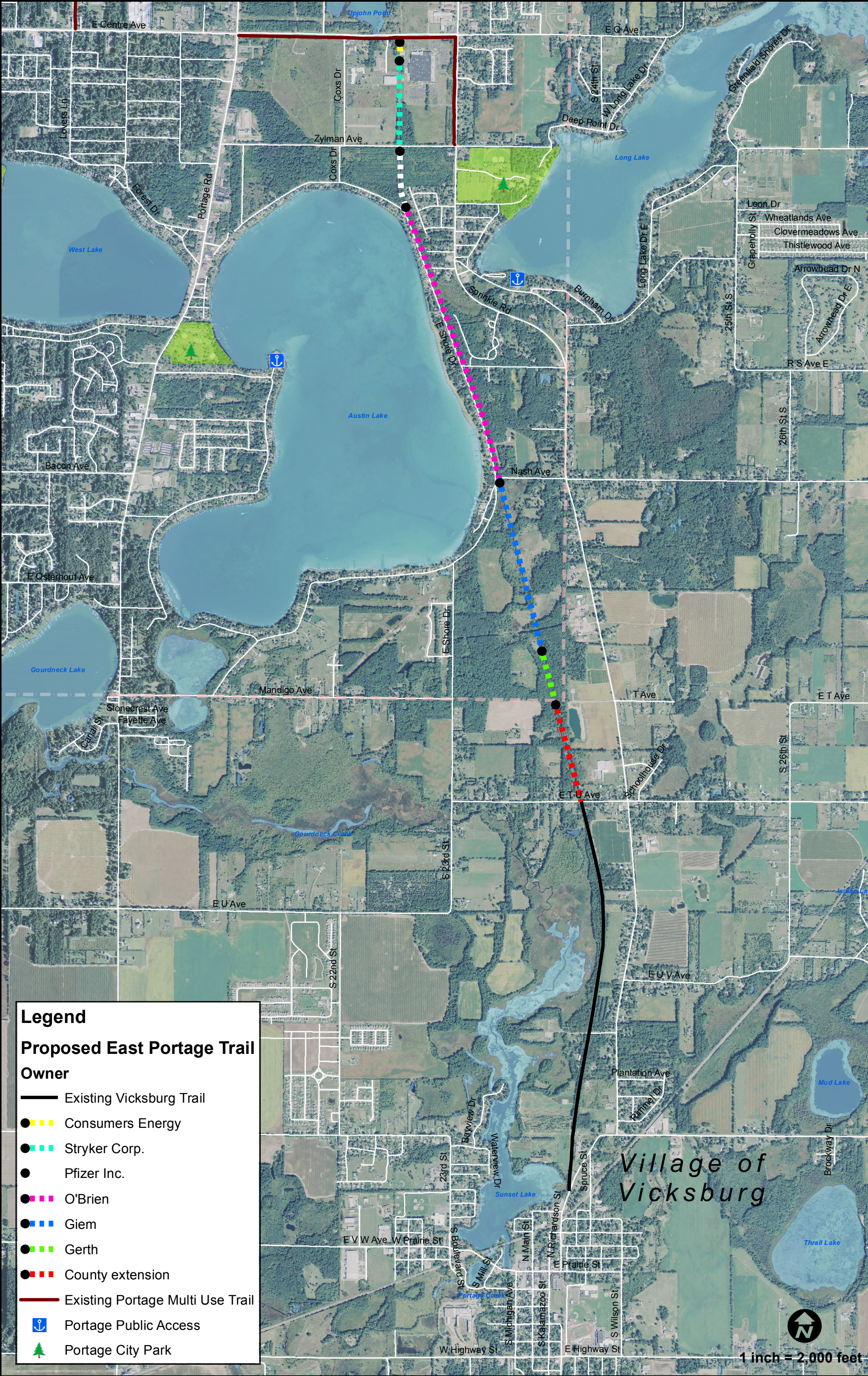
ABSENT: _____

James R. Hudson, City Clerk

Approved as to form

Date: 12/2/16
R. L. Brown
Randall L. Brown, City Attorney

z:\jody\portage\res\vicksburg nature trail project resolution.120116.docx



Legend

Proposed East Portage Trail

Owner

Existing Vicksburg Trail

Consumers Energy

Stryker Corp.

Pfizer Inc.

O'Brien

Giem

Gerth

County extension

Existing Portage Multi Use Trail

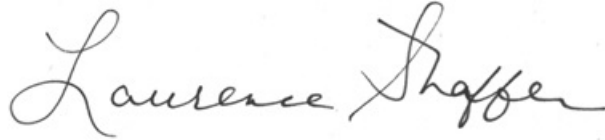
Portage Public Access

Portage City Park

(119)

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Nonprofit Organization Recognition

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: That City Council resolve to recognize the Portage Soccer Club as a nonprofit organization in the City of Portage.

Act of 1972 requires that groups wishing to obtain a gaming license from the State of Michigan must first secure a resolution from the local governing body recognizing the group as a nonprofit organization operating in the community. A gaming license permits the group to conduct raffles and otherwise raise funds in support of their organization. A request has been received from President David Rice of the Portage Soccer Club for this purpose.

By adopting the attached resolution as required by the State Charitable Gaming Division under MCL 432.103(K)(ii), the City Council will recognize the Portage Soccer Club as a nonprofit organization operating in the City of Portage. The Internal Revenue Service confirms that the Portage Soccer Club is presently registered as a 501(c)(3) nonprofit organization.

In addition, the Club has provided its Compiled Financial Statements from 2014 and 2015, as well as the Articles of Incorporation, including Corporate Bylaws, which confirm nonprofit operation.

It is recommended that Council adopt the resolution to recognize the Portage Soccer Club as a nonprofit organization in the City of Portage.

FUNDING: N/A

Attachments:

1. 2016 Portage Soccer Club Resolution
2. 2016 Portage Soccer Club Charitable Gaming License Request



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL 432.103(K)(II))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____
APPROVAL/DISAPPROVAL

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

APPROVED AS TO FORM

ADDRESS

DATE 11/22/2016

[Signature]
CITY ATTORNEY

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R6/09)



Portage Soccer Club

P.O. Box 1593
Portage, MI 49081-1593
www.portagesoccer.com

November 9, 2016



Mr. James Hudson
Clerk
City of Portage
7900 S. Westnedge Avenue
Portage, MI 49002-5160

RE: Portage Soccer Club
Charitable Gaming License

Dear Mr. Hudson:

The Portage Soccer Club (PSC) has a charitable gaming license issued by the Bureau of State Lottery. At the time the license was issued (circa 2000) the City of Portage adopted a resolution recognizing the Portage Soccer Club as a non-profit organization operating in the city. The Bureau has requested the PSC update its nonprofit information including a current resolution of support from the city.

Attached please find the following items in support of this request:

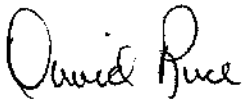
1. Portage Soccer Club
2. Original Internal Revenue Service dated August 9, 1991 granting 501(c)(3) nonprofit status
3. Reaffirmation of nonprofit status by Internal Revenue Service dated February 23, 2016
4. Portage Soccer Club financial statements as of July 31, 2015. The statements as of July 31, 2016 (fiscal year is 8/1-7/31) are not yet complete
5. Local governing body resolution for charitable gaming license

Letter to Mr. James Hudson
November 9, 2016
Page 2

The purpose of the charitable gaming license is to operate a raffle at the PSC's annual Soccer Ball. The 2017 event will be on February 18th. All proceeds from the Soccer Ball and raffle fund PSC soccer scholarships.

Would you please place the PSC's request for recognition as a nonprofit organization on an upcoming City Council agenda. I would be pleased to attend. Thank you for your assistance.

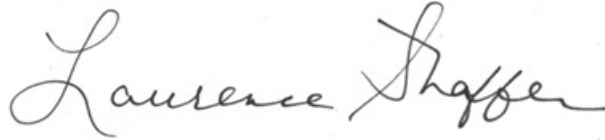
Sincerely,

A handwritten signature in cursive script that reads "David Rice".

David Rice
President

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: City Council Goal Setting Session

SUPPORTING PERSONNEL:

ACTION RECOMMENDED: That City Council set the date of the annual City Council Goal Setting Session as Monday, January 23, 2017, from 9 a.m. to 5 p.m. at the Fetzer Institute.

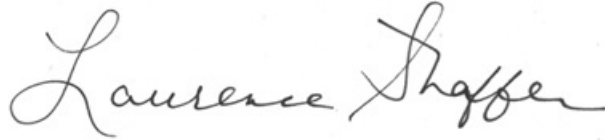
Arrangements are being made to hold the annual City Council Goal Setting Session on Monday, January 23 at the Fetzer Institute on KL Avenue in Kalamazoo. A tentative schedule of activities and meeting materials will be provided in the near future.

FUNDING: The Fetzer Institute has offered the use of the retreat center at no charge to the City of Portage.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Special Meeting for Board and Commission Applicants

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: That City Council set a Special Meeting on Tuesday, January 10, 2017, beginning at 5:30 p.m., to interview Board and Commission applicants.

Section 2 - Article 7 of the Code of Ordinances affirms that City Council recognizes and appreciates the value and importance each Board or Commission plays in advising the Council in its decision-making process. Board and Commission interviews are performed each year in October, January and May.

Per the *Policy for Appointments to Citizen Advisory Boards*, applicants for the following Boards and Commissions and any other vacancies that arise will be interviewed:

Board of Review	6 expiring terms
Zoning Board of Appeals	4 expiring terms

As reflected on the attached Board and Commission Vacancy Summary, applicants will be interviewed at this time to fill vacancies on the Board of Review and Zoning Board of Appeals. It is recommended that City Council set a Special Meeting on Tuesday, January 10, 2017, beginning at 5:30 p.m., to interview Board and Commission applicants.

FUNDING: N/A

Attachments: 1. Board/Commission Vacancy Summary

**BOARD/COMMISSION VACANCY SUMMARY
FOR JANUARY 10, 2017 SPECIAL MEETING**

INTERVIEWS	5:30 pm	6:00 pm	
APPLICANTS	BD REV 6 exp terms 1 yr terms	ZBA 4 exp terms 3 yr terms	STATUS
Chad Brady	Applicant		
Jeffrey Bright		Member	Appointed 05/08/12
Patrick J. Buckley	Member		Appointed 01/12/16
Thomas Burton	Applicant		
John C. Byrnes		Alternate	Appointed 05/12/15
Carol Eddy	Member		Appointed 01/12/16
Justin Gish	Member		Appointed 02/23/15
Brendan Guilford		Applicant	
Lori Knapp	Member		Appointed 01/07/14
Leonard Lamberson	Member		Appointed 01/12/16
Chadwick Learned		Member	Appointed 05/12/15
Kenneth Lemmer		Applicant	
Michael Quinn	Member		Appointed 01/10/12
Natalie Rowe	Applicant		
Philip D. Schaefer		Member	Appointed 01/07/14
Luke Schrader	Applicant		
Andrew Wright	Applicant		

NOTE: **Alternate** – currently serving as an Alternate Member of a Board or Commission and is seeking appointment or reappointment.
Member – currently serving as a Member of a Board or Commission and is seeking reappointment.
Applicant – new applicant seeking appointment to a Board or Commission.

11/28/16



November 14, 2016

*C: Council
CM*

James Hudson
City Clerk, City of Portage
7900 S. Westnedge Ave.
Portage, MI 49002

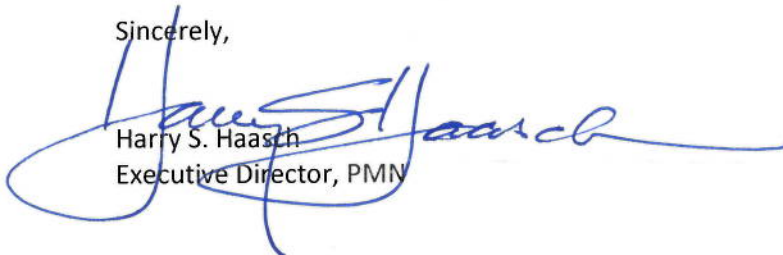
Dear Mr. Hudson:

The Public Media Network (PMN) Board of Directors has requested that we provide regular information to each of our municipal partners about the various activities and projects PMN undertakes. The enclosed report covers PMN's FY 16/17 1st Quarter (July 1, 2016 – September 30, 2016) and includes information regarding meeting attendance by your appointed representative(s).

Please include this letter and report in your next regular meeting packet. If there are questions about this report, or any of the information contained in it, please contact me at PMN (343-2211). Of course, you can also contact your representative serving on the PMN Board.

Thank you for your support and interest in Public Media Network!

Sincerely,


Harry S. Haasch
Executive Director, PMN

Public Media Network

Quarterly Report: 1st Quarter – FY 16/7

July 1, 2016 – September 30, 2016

Administrative Activity:

- PMN Executive Committee Reviewing By-Laws: The Executive Committee and PMN staff completed a proposed revision of PMN By-Laws. It is expected that the revised By-Laws and an associated amendment to the Urban Cooperation Act Agreement will be drafted and presented to each municipality for consideration and approval sometime in the second quarter of FY 16/17.
- FY 16/17 Furniture, Fixture, and Equipment Inventory Tagging Project: As part of the FY 16/17 budget process, the PMN Board authorized a “furniture, fixture, and equipment inventory tagging” project. Every FF&E item over a \$500.00 purchase price will be inventoried and tagged, and selected items under the \$500.00 cap as well. This will include the Municipal Video Production Systems installed in municipal meeting rooms. We expect to conclude this project sometime in the 3rd Q of FY 16/17.
- New Meeting Production Specialist: During the 1st Q of FY 16/17 PMN welcomed Mr. Alan Forist as our new Meeting Production Specialist. Al joins PMN after an extensive career in commercial broadcast production in the Grand Rapids area. He will coordinate and supervise all government meeting production, and will serve as the technical coach for our college interns who are assigned to various meeting productions.

Technical Developments:

- Epic Center Interactive Video Wall: PMN continues to create and program content on the Epic Center Video Wall, and will be learning how to more fully utilize the capabilities of the system software in the next months. At some point in the future we will transition this activity back to the Arts Council of Greater Kalamazoo when their staffing and knowledge of the system permit.
- New Mobile Production Van: PMN has identified a vendor to provide interior soundproofing and furniture/finishes for our new production van. Interior design is almost complete and purchase of production equipment for this van started in the 1st Q of FY 16/17. We expect to have the van interior completed and equipment installed early in the 3rd Q of FY 16/17, with the hope of having the van available for our 2017 Kalamazoo Marathon coverage.
- New Municipal Video Production System: PMN added a new MVPS for Comstock Township during the 1st Q of FY 16/17. The system is identical to the previous systems installed at the City of Kalamazoo, City of Portage, Oshtemo Township, and Kalamazoo Township.

Programming Activity:

- "CONNECT" Municipal News Program: PMN's Government Production Services Unit (GPSU) has continued to produce content related to municipal news and activities in addition to our regular meeting coverage.
- "K-12 360" Education News Program: PMN has continued production of this monthly "news magazine" program featuring interviews and news about local school districts.
- PMN Program Production: PMN production staff and interns were very active in the community, completing many media projects, highlighted by:

As we have for almost thirty (30) years, PMN provided extensive live coverage of the 2016 USTA Boys 18 & 16 National Tennis Championships hosted by this community for the 74th year. As part of our media support to the tournament, PMN provided an in-depth preview program and several promotional spots in addition to our complete package of live coverage from Stowe Stadium on the campus of Kalamazoo College. Our coverage was live on PMN channels, and streamed over the internet from both the PMN web site and the USTA Boys web site. Feedback from players, families, coaches, college coaches and junior tennis fans was overwhelmingly positive, to the point of asking how we might expand to more than the three main stadium courts!

As we have for the past several years, PMN will produce our H.S. football "Game of the Week" featuring schools in our service area. This package transitions to boys and girls basketball over the winter months.

City of Kalamazoo					8/25/16	9/29/16	10/27/16	N O V E M B E R M E E T I N G												12/15/16	1/26/17	2/23/17	3/23/17	4/27/14	5/25/17	6/22/17							
Cooney, Don					No	No	No																										
Jamison, Frank					Yes	Late	Yes																										
Sid Ellis					No	Yes	No																										
Vancy																																	
City of Parchment																																	
Dennis Durham					No	No	No																										
Comstock Township																																	
Brett Padgett					Yes	Yes	Yes																										
Kalamazoo Township																																	
Brown, Jerry					No	Yes	Yes																										
Martin, Don					Late	Yes	No																										
Pamela Brown Goodacre																																	
Oshtemo Township																																	
Dave Bushouse					Yes	Yes	Yes																										
Grant Taylor					Yes	Late	Yes																										
City of Portage																																	
Claudette Reid					No	Yes	Yes																										
Don Romlow					No	Late	Yes																										
Ed Sackley					Yes	Yes	No																										
At-Large																																	
Thinnes, Tom					Yes	No	Yes																										
Godfrey, Lisa					No	Yes	Yes																										
Haas, John					No	No	Yes																										
Ron Coleman					No	Late	Yes																										
Vacancy																																	
Ex-Officio																																	
Haasch, Harry					Yes	Yes	Yes																										
Staff																																	
Mark Monk					Yes	Yes	Yes																										
Ashely Berens					Yes	Yes	Yes																										
Nick Eppinga					No	Yes	No																										

11/20/2016



Dear Mayor Strazdas, City Council and Public Safety Director,

I am writing as a concerned citizen of Portage, to beg you all to reassess and revise this new "Car/Cyclist" law you've just voted to enact.

Firstly, I want you to know I have many dear friends (husband included) who are avid cyclists, and feel very personally, the terrible tragedy that happened to the 6 cyclists in Kalamazoo in June. However, it is my understanding in reading the newspaper and news accounts, this driver was not just careless in disallowing enough space for those cyclists to ride safely, BUT...was severely impaired. This led to him plowing right into them and essentially...mowing them down.

It was stated that the City Council did not want this new law to be regarded as a "knee jerk" reaction to, or putting a band-aid on this awful incident, but you see it has all the appearance of being and doing just that. It does nothing to address the underlying and intrinsic issue here...severe impairment while driving. Worse yet, it carelessly shifts the danger from the cyclists to the poor driver who is legally driving in the opposite lane.

I know this because even before this law, in the spring to fall months, if there was a cyclist, UPS truck, lawn maintenance vehicle, etc. on the opposite side of the road from which I was driving and a car in that lane wanted to avoid this, they would thoughtlessly and dangerously drive directly at me. No, they don't slow down and wait to safely pass their obstruction, they just keep their speed up and come right over into MY lane, as if to say "deal with it." I have been forced to react quickly and swerve, and have been grateful, so far, to avoid whatever was on my side of the road. I dread the day I cannot. This has happened to me too many times!

You see, in protecting cyclists with this 5-foot leeway ordinance, you have made all people driving legally in that opposite lane..."sitting ducks."

Did anyone take into consideration where one goes if there is a cyclist, UPS truck, walkers, etc. on that opposite side of the road as well? Do we plow into them to avoid a head-on collision? And what about the elderly driver, whose reaction time can be much slower, who has to now deal with a car "legally" coming right into their lane? This is exactly the kind of circumstance and decision you have forced onto all "opposite lane" drivers, by enacting this law. Many people will now feel totally justified in crossing over that yellow line into oncoming traffic to avoid a cyclist, because this law tells them, they should do so.

(2.)

And human nature being what it is, this “act” will not stop with avoiding only cyclists. It easily becomes just the way people deal with anything obstructing where they’re headed in their cars.

Unfortunately, there is a huge “me first” mentality on the road these days and this law only encourages and reinforces that way of thinking. And, if you believe for one minute drivers are capable of quickly and accurately assessing how much “5 feet” is...I encourage you to ask various individuals if they can give you a correct eyeball assessment. You may think this is frivolous and silly but this is exactly what you are requiring drivers to do in a sudden situation, on the road and in a 4000 lb. vehicle. And may I add, with a number of people’s lives hanging in the balance.

How about a law that encompasses these actions when a cyclist or anything is on the side of the road:

- 1.) First, slow down
- 2.) Stay in “your” lane
- 3.) Pass with Care

Please Mr. Mayor, members of the City Council and Director of Public Safety, do not force opposite lane drivers to have to just “deal with it” as a car comes directly at them, because it is now the law.

I am asking you to reconsider this troubling law, of which I have said, is rife with problems, creates confusing directives for drivers in on-coming traffic, and yes...is fraught with the potential for further tragedies that could be avoided by a sensible law requiring: slowing down, staying in your lane, and passing with care.

Then, this will be a law that protects all of us...not just some of us. I would think “protecting all of us” would be and should be your legal, governmental and humane obligation.

I thank you for your time.

Most Sincerely,

Elizabeth Hart VanDenBerg

November 30, 2016

The Honorable Mayor and City Council
City of Portage
City Hall
7900 S. Westnedge Ave.
Portage, MI 49002



Dear Mayor and Council:

The Environmental Board (EB) focused on a primary goal for the year 2016 to

- Increase planning and coordination with City Departments, specifically Parks, Recreation, and Senior Citizen Services, Transportation and Utilities, and Public Services:
 - Joint strategy sessions with members of leadership in City Administration to develop a focused, prioritized, and comprehensive strategy to mitigate environmental threats via the most effective use of all available resources
 - Management of invasive species
 - Determine how best to monitor for the presence of phragmites and Japanese knotweed in the City
 - Actively participate in the Barry/Calhoun/Kalamazoo Cooperative Invasive Species Management Area (BCK Cisma) recently funded by the Michigan Invasive Species Grant Program
 - Support for environmental aspects of the City's plans for parks (especially those associated with Bishop's Bog)
 - Maintenance of native plants on City-owned property
 - Continue to work with the city to monitor and control the invasive thistle in the wet prairie restoration at the Celery Flats Water Treatment Plant
 - Conduct three garlic mustard pulls in City parks
 - Continue the purple loosestrife bio-control program
 - Monitor existing phragmites stands on City-owned property to ensure they are being treated

Example: Two members of the EB participated in the inaugural meeting of the BCK Cisma, with one member continuing on the steering committee.

Example: Input was provided to Transportation and Utilities and Public Services regarding the bicycle pathway through Eliason Reserve.

Example: Most of the thistle was cleared from the Celery Flats Water Treatment Plant wet prairie restoration this summer by members of the EB. Three invasive plant pulls were conducted with up to 12 members of the public participating. In addition to controlling garlic mustard in Celery Flats, West Lake Preserve, and

Schrier Park, invasive honeysuckle shrubs were removed from West Lake and Schrier. The purple loosestrife biocontrol program continued with several beetle releases.

Other goals acted upon include:

- Provide a recommendation to City Council regarding deer management in Portage
 - Gather information needed to support a data-driven recommendation.
 - Continue to solicit feedback and respond to citizen comments
 - Hold one public informational meeting this year

The EB met with experts on deer management including Mark Mills (DNR) and Eric Terrian (Superintendent, Ella Sharp Park, Jackson; supervisor for Jackson's deer management program). With help from Christin DeJong, a former EB member, two on-line surveys were done to get resident input on deer problems. Subsequently, Christin help set up a collaboration with the Kalamazoo Christian HS Environmental Sciences class and the DNR to do a deer track survey in January. A public meeting was held April 14 with about 135 residents in attendance.

After the public meeting, the EB proposed criteria for making a recommendation on deer management, and then made a request for funding to collect additional data necessary to make a recommendation on a deer management program for the City.

Throughout the past several months, members of the EB have responded to queries and comments about deer-related problems, and collected related information regarding car-deer crashes, deer carcasses disposed of by the City, etc.

- Involvement in Community Events
 - Participate in Green-A-Thon
 - Participate in Fishing Fair

The EB participated in Green-A-Thon with a display on single stream recycling.

Please let us know if you have any questions, or need additional information.

Thank you for your support. We look forward to a rich dialog going forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

William Beck, Chair
Environmental Board

December 6, 2016

The Honorable Mayor and City Council
City of Portage
City Hall
7900 S. Westnedge Ave.
Portage, MI 49002

Dear Mayor and Council:

Since the Eliason Nature Reserve Master Plan was issued 3 years ago, the City has focused on development for access and recreation. In the same time, nothing has been done to address the land management recommendations which were also part of the Master Plan.

I request that the City, at a minimum, allocate \$25,000 to develop a full Land Management Plan as recommended by the Master Plan.

"The Master Plan recommends a full Land Management Plan be developed to guide a phased approach to the restoration of Bishop's Bog that would address the three major factors mentioned above [alterations to the natural hydrology, invasive species causing disturbance to natural succession, and the absence of fire in this fire dependent habitat]. Initially, a rigorous 5 year plan to remove woody species and use fire as a management tool is recommended to begin to restore the health of this unique ecosystem. In addition, a survey and analysis of the adjacent land uses should be implemented to help guide development around the Reserve and Bishop's Bog."

This should be done with the intention of following the plan. The fiscal year 2016-2017 budget allocates \$400,000 in capital funds for Eliason Nature Reserve. It would be reasonable to allocate \$25,000 of this to have the full Land Management Plan developed.

I also request that the City hire staff qualified to oversee preservation of Eliason Nature Reserve and Bishop's Bog or contract for that oversight. Such support should include expertise in requesting grant money for this type of conservation.

In keeping with the City's motto "A Natural Place to Move", we need to honor our commitment to preserve and restore Eliason Nature Preserve for our present and future residents.

This recommendation has the support of the Environmental Board.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ruth Caputo". The letters are fluid and connected, with a prominent capital 'R' and 'C'.

Ruth Caputo

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting November 3, 2016

CALL TO ORDER: 6:34 p.m.

MEMBERS PRESENT: Diane Durian (aye), Effie Kokkinos (aye), Ray LaPoint (aye) Elma (Pat) Maye (absent), Nadeem Mirza (aye), Edward Morgan (aye), Sandra Sheppard (aye), Fiorella Spalvieri (aye), Amanda Woodin (aye), Lindy Nebiolo (aye), Youth Representative. Motion made by Mirza and supported by Spalvieri to excuse Maye. Motion passed 8-0.

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist

APPROVAL OF MINUTES: Spalvieri moved and Mirza supported approval of the October 6, 2016 minutes. Motion passed 8-0.

OLD BUSINESS:

1. Human Service Grant, Small Work Group Update: Woodin provided an update on her presentation to City Council on October 18th and the recommendation of City Council on grant activities. Woodin noted that the City Council requested that the Board score applicants using the current fiscal year criteria as well as the new criteria adopted for the FY 2017-18 grant cycle. Woodin indicated that presentations, a previous topic of discussion, were not brought up. The Board would now have the opportunity to monitor how the changes affect the grant process and re-evaluate again after this year's process is complete.

NEW BUSINESS:

1. Presentation Kalamazoo County Transit Authority – Sean McBride: the Kalamazoo County Transit Authority requested that the presentation be moved to the December board meeting.
2. Kalamazoo Transit Authority LAC update - Maye: Maye was not present to provide an update but had indicated to city staff that the LAC had not met since the last board meeting and she had no updates to provide.
3. Election of Officers – Woodin: After a brief discussion of officer positions, identification of the current officers (Woodin as Chair, Durian as Vice-Chair, and Maye as Secretary), Morgan moved to retain the current officers in the same positions, Kokkinos seconded. Motion passed 8-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: Mirza moved and Kokkinos supported adjournment at 6:47. Motion passed 8-0.

Respectfully Submitted,



Elizabeth Money, Neighborhood Program Specialist

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**BOARD OF EDUCATION
POLICY GOVERNANCE RETREAT AND
COMMITTEE OF THE WHOLE WORK SESSION**

November 14, 2016

The Policy Governance Retreat meeting of the Board of Education of the Portage Public Schools held on Monday, November 14, 2016, was called to order at 4:00 p.m. by President Van Antwerp in the Superintendent's Conference Room at the Administration Building, 8107 Mustang Drive.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp and Joanne Willson

Board Members Absent: None

Administration Present: Mark Bielang

Others Present: Gary Goscenski, Perspectives Consulting

POLICY GOVERNANCE RETREAT

Mr. Goscenski facilitated a follow-up discussion from the October 24, 2016, Retreat about how to make governance more efficient and effective with most ideas and discussion relating to owner identification and improving communication. The primary focus was on the Board's role in interacting with District Operational Policies.

The Board recessed at 6:10 p.m.

COMMITTEE OF THE WHOLE WORK SESSION

The regular business meeting of the Board of Education of the Portage Public Schools held on Monday, November 14, 2016, was called to order at 6:30 p.m. by President Van Antwerp in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed an audience of 12 people and all in attendance recited the Pledge of Allegiance.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp and Joanne Willson

Board Trustees Absent: None

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mrs. Willson, seconded by Mrs. Novaria, that the Board of Education approve the agenda as printed.

Motion carried unanimously.

REPORTS

2016/7 First Focus School Report – North Middle School and Woodland Elementary School.

Mr. Larry Killips, Assistant Superintendent of Instruction and Assessment, briefed the Board on the first Focus School Reports for the 2016/17 school year noting there are only three reporting cycles for this school year. He highlighted the progress of supports implemented and areas of improvement that Woodland Elementary and North Middle School continue to work on.

2016/17 Special Education Update. Dr. Jeanine Mattson-Gearhart, Director of Special Education, presented data regarding District systems for special education services. She discussed how the data is utilized in order to make system adjustments as needed through our District Improvement Plan. Dr. Mattson-Gearhart highlighted compliance and cross-indicator analyses that are being specifically addressed this year.

Bond Update. Mr. Ron Herron, Assistant Superintendent of Operations, provided a Bond update pertaining to: building hardware, kitchen review, black box theatre and interior design. He provided highlights of a group tour to research several artificial turf fields as well as polished concrete flooring. Mr. Herron discussed continued planning for abatement, sports, budgeting and staffing review. A contractor orientation meeting will take place on November 28 to discuss District projects and our processes. Mr. Herron noted plans are still being developed for the Community High School mechanicals. He is planning a formal presentation to the Board on November 28 on interior design plans and the status of contractor orientation.

Superintendent's Report. Superintendent Bielang reported on the following District happenings: the new Administrator and Teacher evaluations that are being implemented; a new Human Resources and Business Office software package; the fall enrollment count will soon be sent to the State; and open enrollment for employees. The Superintendent discussed the results from an internal survey on central office personnel in hopes of improving employee services. This will be followed-up with an employee engagement survey to help create a good work environment. Superintendent Bielang offered thanks for all the work going on in the District.

COMMENTS OR COMMUNICATIONS

President Van Antwerp opened the comments and communications portion of the meeting and asked if there were any citizens who would like to speak to the Board.

Mrs. Judi Santek, 7537 Autumn St., a citizen, congratulated Mr. Droppers, Mrs. Novaria, Mr. Rathburn and Mr. Snyder for their re-election to the Board. She commented on the continuity of the Trustees and thanked them for their service to the students and District.

President Van Antwerp opened the floor to comments from fellow Board members.

Mr. Snyder thanked Mrs. Santek for her comments, acknowledged his pride in being part of a good team and the continuous journey on becoming a good Board Trustee.

Mr. Droppers thanked Mrs. Santek and acknowledged he was pleased to be elected to the office.

Mrs. Willson welcomed back and thanked the re-elected Trustees for their willingness to serve as well as their experience they bring to the Board.

Mr. Rathburn offered thanks to Mr. Herron for leading the efforts in conjunction with the Bond Project.

Mrs. Novaria highlighted the great things happening at both high schools in the performing arts departments and recommended attending the Northern High School musical performance of *Into the Woods*.

President Van Antwerp congratulated the incumbents on their successful re-elections. He informed the audience of the retirement celebration planned for Mr. Gary Brown who is retiring from the Kalamazoo Regional Educational Service Agency (KRESA) Board after 14 years of service. The event will be held on November 17, 2016, at 4 p.m. at KRESA. President Van Antwerp acknowledged Mrs. Michelle Karpinski, Community Relations Manager, for the updated Board web pages. He discussed minutes from the Policy Committee Meeting held on October 31, 2016. President Van Antwerp shared highlights from the Michigan Association of School Boards (MASB) Delegate Assembly he and Mrs. Willson recently attended as representatives for the District.

Mrs. Willson shared highlights from attending the MASB Delegate Assembly as well as the 21st Century Michigan Education Commission Forum held on November 3, 2016.

DISCUSSION ITEMS

Central High School International Baccalaureate Trip to Denmark. Mr. Larry Killips, Assistant Superintendent of Instruction and Assessment, introduced Central High School teacher, Mr. Chuck Schira. Mr. Schira shared plans for Central High School International Baccalaureate students to travel to Denmark from March 29, 2017 to April 10, 2017.

Northern High School Music Students Trip to Ireland. Mr. Killips introduced Northern High School Music Director, Mr. Josh Bartz. Mr. Bartz provided details on the Northern High School Music student trip to Ireland from June 20-27, 2018.

Summer Tax Resolution. Mrs. Karla Colestock, Director of Finance, briefed the Trustees on the Resolution that authorizes the Portage Public Schools to continue our summer tax collections in 2017.

Architect Furniture, Fixtures and Equipment Design Consultant Services Contract. Mr. Herron discussed the recommendation to contract with C2ae and Stantec of Kalamazoo and Berkley, Michigan, for design consulting services related to furniture, fixtures and equipment (FF&E) for the construction projects that are part of the 2016 Bond Program for a fee of 5% (five percent) of the cost of the FF&E, currently estimated to total about \$3.57 million. The resulting fee is not to exceed \$175,000 and will be funded by the 2016 Bond Fund.

Summary of Change Order Process. Mr. Herron provided background information and clarity on the Change Order Process that has been outlined for the 2016 Bond Projects. He shared information on how change orders (CO) will be approved; the levels of approval needed to assure compliance with Policies and Guidelines, how the District will manage work scope and maintain budget alignment and responded to Trustee questions.

Bylaw Review. President Van Antwerp led the discussion pertaining to Bylaw Review. He requested Trustees review the Bylaws and e-mail any comments to his attention.

Owners Linkage Discussion. Mr. Snyder shared minutes from the October 18, 2016, Owner Linkage Committee meeting. The Committee recommended that the high school principals convene an initial group for conversation regarding naming of the new facilities. The Committee would like the groups to report back to the Owner Linkage Committee before decisions are made or to see if community input would take place. Trustee conversation pertained to considering broader community input; other buildings not named for a person or street; maintaining current site/building names; and District Policies.

ACTION ITEMS

Motion offered by Mrs. Novaria, seconded by Mrs. Willson, that the Board of Education approve Monitoring Report – Policy 2.2, Treatment of Staff, as a reasonable interpretation and evidence of compliance with Policy, as presented.

Motion carried unanimously.

Motion offered by Mrs. Willson, seconded by Dr. Shelton-Harris, that the Board of Education approve Monitoring Report – Policy 2.3, Compensation and Benefits, as a reasonable interpretation and evidence of compliance with Policy, as presented.

Motion carried unanimously.

Motion offered by Mr. Droppers, seconded by Mrs. Novaria, that the Board of Education approve payment for Board member class and travel, as presented.

Motion carried unanimously.

CLOSED SESSION

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education move into closed session for the purpose of discussing attorney-client privileged information [Section 8 (h) of the Open Meetings Act].

Upon a roll call vote, all Trustees present voted in favor of the motion.

The Board moved into closed session at 8:00 p.m.

The Board returned to open session at 8:28 p.m.

There being no further business to come before the Board, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Edna Kent
Recording Secretary

PLANNING COMMISSION

November 17, 2016

The City of Portage Planning Commission meeting of November 17, 2016 was called to order by Vice-Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

PLEDGE OF ALLEGIANCE:

Vice-Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the role: Stoffer (yes); Schimmel (yes), Dargitz (yes), Richmond (yes), Shoup (yes) and Joshi (yes). A motion was offered by Commissioner Dargitz, seconded by Commissioner Joshi, to approve the role excusing Chairman Welch and Commissioners Bosch and Patterson. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Vice-Chairman Stoffer referred the Commission to the October 6, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 6-0.

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #16/17-2, 8546 Shirley Court and Tentative Plan Amendment for Greenspire Planned Development. Mr. Forth summarized the staff report dated November 11, 2016 regarding a request from Greenspire Equity V, LLC, American Village Builders and The Hinman Company that 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development. Additionally and in conjunction with the proposed rezoning, the applicants are also requesting to amend the previously approved 2010 Tentative Plan for the Greenspire Planned Development. Mr. Forth summarized the proposed changes to the previously approved tentative plan. Commissioner Joshi asked if the overall number of off-street parking spaces was adequate to meet the demand. Mr. Forth indicated the number of proposed off-street parking spaces is conceptually acceptable. The minimum number of required off-street parking spaces will be reviewed during the site plan review phase. Commissioner Dargitz asked about the future use of 8546 Shirley Court. Mr. Forth stated the existing single-family dwelling will be razed by the applicant and there are no plans to construct an apartment building on the property. The applicant is incorporating the land area into phase 5 and will increase the number of units in another area of phase 5.

The applicant, Mr. Greg Dodson of American Village Builders, was present to support the zoning change and tentative plan amendments. Mr. Dobson briefly explained the history of the Greenspire development project and efforts to date to install buffering and screening for the benefit of the existing homeowners along Shirley and Tozer Court. In response to Commissioner Joshi's comment concerning off-street parking, Mr. Dobson stated the parking shown on the tentative plan is sufficient for tentative plan purposes. The actual number of spaces will be determined on the specific land uses, which are unknown at this time. Commissioner Dargitz also asked if any of the proposed amendments will impact an existing wetland area. Mr. Dobson stated the proposed amendments to the tentative plan will not impact existing wetland areas and no new wetland delineation is necessary.

The public hearing was opened by Vice-Chairman Stoffer. No citizens spoke in regard to the proposed zoning change of 8546 Shirley Court or Greenspire tentative plan amendments. There being no further comments,

a motion was made by Commissioner Schimmel, seconded by Commissioner Dargitz, to adjourn the public hearing until the December 1, 2016 meeting. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

None

NEW BUSINESS:

None

OLD BUSINESS:

None

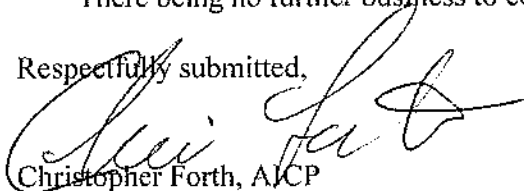
STATEMENT OF CITIZENS:

None

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,


Christopher Forth, AICP

Deputy Director of Planning, Development and Neighborhood Services,